



City of Wagoner

Zoning Code

Wagoner Metropolitan

Area Planning Commission

Adopted: April 1, 2019

Amended June 1, 2020 – Ordinance #949

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Article 1

INTRODUCTORY PROVISIONS

Section 1.1 Adoption and Citations

This ordinance, in pursuance of the authority granted by the Legislature of the State of Oklahoma in Title 11, Sections 11-43-101 *et. seq.* of the Oklahoma Statutes, shall be known as the City of Wagoner Zoning Ordinance and may be cited as such and is referred to herein as “these zoning regulations,” “these regulations,” or “this Ordinance.”

Section 1.2 Purpose and Necessity

The regulations contained herein are necessary and are established for the purpose 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; preserving the character and quality of residential neighborhoods; 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

A. Nature

These regulations classify and regulate the use of land, buildings, and structures within the City of Wagoner. 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 herein 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.

B. Compliance Required

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.

C. Exemption of Uses

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

1. Telephone exchange buildings,
2. The property of any railway company or terminal company

Section 1.4 Invalidity and Repeal

A. 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.

B. 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.

C. 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 1.5 Classification of Certain Areas

A. Classification of Annexed Areas

1. All territory that is annexed to the City of Wagoner after the effective date of these regulations, if it has prior thereto been zoned by the County or other regulating jurisdiction shall thereupon be placed in the same or most nearly corresponding zoning classification under these regulations until otherwise classified by amendment of these regulations.
2. All territory that is annexed to the City of Wagoner, after the effective date of these regulations, if it has not prior thereto been zoned by the County or other regulating jurisdiction 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 (1) year of annexation.

B. 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 2

DISTRICT DESCRIPTIONS AND USE PROVISIONS

Section 2.1 Districts Established and Defined; Zoning Map

Article 2 establishes zoning districts and contains descriptions and definitions for each district. The Article also establishes and identifies the uses allowed within each district and bulk and area requirements that apply to development in the districts respectively.

A. Zoning Districts Established

The following Zoning districts are established.

Table 2.1.A: Zoning Districts Established		
<i>District Type</i>	<i>Abbreviation</i>	<i>District Name</i>
Agriculture	AG	Agriculture
Residential	RS-1	Single Family High Density
	RS-2	Single Family Medium Density
	RS-3	Single Family Low Density
	RM-1	Multi-Family High Density
	RM-2	Multi-Family Medium Density
	RM-3	Multi-Family Low Density
	RMH	Mobile Home Park
Mixed-Use	DM	Downtown Mixed-Use
	LM	Local Mixed-Use
	CM	Community Mixed-Use
Commercial and Industrial	O	Office District
	C-1	Local Commercial District
	C-2	Community Commercial District
	C-3	Regional Commercial District
	IL	Industrial Light
	IH	Industrial Heavy
Special Purpose and Overlays	FD	Floodplain
	PUD	Planned Unit Development
	HPO	Historic Preservation Overlay

B. Zoning Map

The zoning districts are shown on the City of Wagoner “Official Zoning Map”. The boundaries of the Zoning Map are adopted as part of this Ordinance. Procedures for zoning map amendments can be found in Section 8.4.D.

C. 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.

1. Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines, or highway rights-of-way lines, such center lines, street lines, or highway rights-of-way lines shall be construed to be such boundaries.
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries
3. 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.
4. 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.

D. Relationship to Special Purpose or Overlay Districts

All lands within the City shall be designated as one of the base zoning districts listed in Sections 2.1.A. In addition, some lands may be designated as one or more of the overlay districts listed in the in Section 2.1.A and Section 4.7. Where the property is designated as an overlay district as well as a base zoning district, the regulations governing development in the overlay district shall apply in addition to the regulations governing development in the underlying base district. In the event of an express conflict between the two sets of standards, the standards for the overlay district shall control.

E. Relationship to Comprehensive Plan Future Land Use Intensity Map

The appropriate land use types are shown on the Comprehensive Plan's "Future Land Use Intensity Map" (Land Use Map). The Land Use Map depicts land uses that are compatible based on a scale of intensity level of use. The table below shows zoning districts that fall into each level of intensity depicted on the Land Use Map. Where "Allowed" appears in rows for each respective district an application for Land Use Map amendments is not required. Where "Possible" appears in rows for each respective zoning district, the Director shall review the zoning change application and make a determination to:

1. Proceed with zoning change application without application for Land Use Map amendment; or
2. Require a Land Use Map amendment.

Where "-" appears zoning changes are not allowed without prior application and approval of a Land Use Map amendment. Procedures for amending the Land Use Map are in Section 8.4.D.8.

Table 2.1.E: Relationship to Land Use Map							
District Type	Abbreviation	Comprehensive Plan Intensity Level					
		Level 1	Level 2	Level 3	Level 4	Level 5	Level 6
Agriculture	AG	Allowed					
Residential	RS-1	-	Allowed	-	-	-	-
	RS-2	Possible	Allowed	-	-	-	-
	RS-3	Allowed	Allowed	-	-	-	-
	RM-1	-	Possible	Allowed	-	-	-
	RM-2	-	Allowed	Allowed	-	-	-
	RM-3	-	Allowed	Allowed	-	-	-
	RMH	-	Allowed	-	-	-	-
Mixed-Use	DM	-	-	-	Allowed	-	-
	LM	-	-	Allowed	Possible	Allowed	-
	CM	-	-	Allowed	-	Allowed	-
Commercial and Industrial	O	-	-	Allowed	Allowed	Allowed	-
	C-1	-	-	Allowed	Possible	Allowed	-
	C-2	-	-	Allowed	-	Allowed	-
	C-3	-	-	-	-	Allowed	Possible
	IL	-	-	-	-	Possible	Allowed
	IH	-	-	-	-	-	Allowed

F. Zoning District Name Changes

The zoning district names in effect prior to the effective date of this Ordinance are hereby converted as shown on the following table:

Table 2.1.F - Zoning District Name Changes			
Previous District		New District	
AGRICULTURE DISTRICT			
AG	Agriculture	AG	Agriculture
RESIDENTIAL DISTRICTS			
RS6	Single Family High Density District	RS-1	Single Family High Density
RS10	Single Family High Medium Density District	RS-2	Single Family Medium Density
RS22.5	Single Family Medium Density District	RS-3	Single Family Low Density
RS60	Sing Family Low Density	RS-3	Single Family Low Density
RM6	Multi-Family Low Density District	RM-3	Multi-Family Low Density
RM4	Multi-Family Medium Density District	RM-2	Multi-Family Medium Density
RM1.5	Multi-Family High Density District	RM-1	Multi-Family High Density
RT	Mobile Home Park District	RMH	Mobile Home Park
OBSOLETE RESIDENTIAL DISTRICT			
RMT	Multi-Family Townhouse	N/A	N/A
RST	Single Family/Mobile Home Subdivision	N/A	N/A
NONRESIDENTIAL DISTRICTS			
O	Office District	O	Office District
C1	Local Shopping District	C-1	Local Commercial District
C2	Community Shopping District	C-1	Local Commercial District
C3	Central Commercial District	DM	Downtown Mixed-Use
C4	Central Service District	C-3	Regional Commercial District
C5	Highway Commercial District	C-3	Regional Commercial District
I1	Restricted Industrial District	IL	Industrial Light
I2	Light Industrial District	IL	Industrial Light
I3	Medium Industrial District	IH	Industrial Heavy
I4	Heavy Industrial District	IH	Industrial Heavy
M	Mining District	IH	Industrial Heavy
OBSELETE NONRESIDENTIAL DISTRICT			
P	Parking District	N/A	N/A

Section 2.2 District Descriptions

A. Agriculture District

The agriculture district is intended to provide areas primarily for agriculture and related uses. The Agriculture District is intended primarily for areas which are likely to remain in agricultural use for the foreseeable future. It is a purpose of this district to protect 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.

B. Residential Districts

The Residential Districts are designed to:

1. Protect the residential character of areas so designated by excluding therefrom principal commercial and industrial activities;
2. 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;
3. Make available areas suitable for a variety of dwelling types and densities to permit a wide range of individual choice;
4. Assure the provision of adequate off-street parking space to provide for the parking needs of the permitted uses;
5. Protect residential areas against hazardous, offensive, or objectionable influences; and
6. Protect residential areas from heavy traffic and against through traffic of all kinds.

C. Nonresidential Districts

1. *Downtown Mixed-Use (DM)*

The DM district is intended to provide for and encourage development and redevelopment that preserves and enhances the unique character and vitality of the Wagoner downtown. Small-scale offices, retail, and upper-story residential uses are allowed. Design standards focus on creating a human-scaled and pedestrian-oriented downtown that invites commercial development and complementary residential opportunities. Continuous retail frontages, largely uninterrupted by driveways and parking, are encouraged.

2. *Local Mixed-Use (LM)*

The LM district is intended to provide for small, compact commercial centers within or surrounded by residential areas, compatible in scale and character with surrounding residential uses, to serve the convenience needs of the immediately surrounding neighborhood. LM centers shall be two (2) acres in size or more. Ground-floor small-scale retail is required and upper-story residential and office uses are encouraged. Continuous retail frontages, largely uninterrupted by driveways and parking, are encouraged.

3. *Community Mixed-Use (CM)*

The CM district is intended to provide for community-serving mixed-use development at a higher scale and scope of the LM district. CM centers are encouraged to be located at significant nodes of the community on sites of four (4) acres or more. The CM district provides mixed use developments that include commercial, institutional, and high-density multifamily that supports the entire community. Development should facilitate pedestrian connections between residential and nonresidential uses.

4. *Office (O)*

The O 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.

5. *Local Commercial District (C-1)*

The C-1 District is designed to provide for local shopping and include a wide range of convenience goods 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 community and regional commercial service establishment which tend to break such continuity and to limit the uses or characteristics of operation which encourage traffic from outside the immediate neighborhood.

6. *Community Commercial (C-2)*

The C-2 district is intended to provide for a full range of community-oriented retail and service commercial uses.

7. *Regional Commercial (C-3)*

The C-3 District is designed to provide for certain high intensity commercial 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. This district is intended primarily for uses that provide commercial goods and services to residents of the community in areas that are dependent on automobile access and exposed to heavy automobile traffic. These commercial uses are subject to frequent view by the public and visitors to Wagoner, and they should provide an attractive appearance with landscaping, sufficient parking, and controlled traffic movement.

8. *Industrial Light (IL)*

The IL 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. This district is also designed to permit the industrial utilization of land which has been platted into lots too small to meet the requirements in IH District.

9. *Industrial Heavy (IH)*

The IH District is designed primarily to include a range of industrial uses which may produce hazardous influences or moderately to substantially objectionable influences on other classes of uses.

Section 2.3 Table of Allowed Uses

Table 2.3 lists the principle, accessory, and temporary uses allowed within all zoning districts.

A. Explanation of Table Abbreviations

1. Permitted Uses

Where a “P” appears in the column of a district, the use offset opposite of the “P” is permitted as a use by right in that district. Permitted uses are subject to all other applicable regulations of this Ordinance, including Supplemental Regulations and Development Standards.

2. Special Exception Uses

Where an “S” appears, the use is permitted subject to the granting of a special exception by the Board of Adjustment. Permitted uses are subject to all other applicable regulations of this Ordinance, including Supplemental Regulations and Development Standards. An “S” designation does not constitute an authorization or an assurance that such use will be permitted. Rather, each specific use permit application shall be evaluated as to its probable effect on adjacent properties and surrounding areas, and may be approved, approved with conditions, or denied as the findings indicate appropriate. For procedures for special exceptions see Section 6.3.

3. Prohibited Uses

Where a “ ” appears in the column of a district, the use offset opposite the “ ” is prohibited in the respective zoning District.

B. Classification of New and Unlisted Uses

In the event a question as to the meaning of permitted uses, reference shall be made to the Use Definitions in Article 10. In the event an applicant proposes a new or unlisted use the Director shall make a determination as to which such use shall be placed. In making such determination, the Director shall consider potential impacts, including but not limited to: the general nature of the use; sales; processing; type of product; enclosed or open storage; anticipated employment; transportation needs; requirements for utilities; and amount of noise, odors, fumes, or dust generated by the use. Decisions made by the Director may be appealed to the Board of Adjustment following procedures in Section 6.5.

Article 2
DISTRICT DESCRIPTIONS AND USE PROVISIONS

Table 2.3: Table of Allowed Uses																		
USE CATEGORY	Zoning Districts																Supplemental Regulations	
Subcategory Use Type	Agri.	Residential						Nonresidential										
	AG	RS-			RM-			RMH	DM	LM	CM	O	C-			IL		IH
		1	2	3	1	2	3						1	2	3			
ACCESSORY USES																		
Accessory Buildings	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	3.2
Home Occupations	P	P	P	P	P	P	P											3.2
Accessory Dwelling	P	P	P															3.2
TEMPORARY USES																		
All	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	3.3
RESIDENTIAL USES																		
Household Units																		
Detached single family dwelling	P	P	P	P														
Two-family dwelling					P	P	P											
Multi-family dwelling					P	P	P		P	P	P							
Townhouse development					P	P	P			P	P							3.4
Dwelling group					P	P	P			P	P							3.5
Modular Home		P	P	P														3.7
Mobile home								P										3.6
Group Quarters																		
Boarding, dormitory, and rooming house					P	P	P		P	P	P							
Group Home					P	P	P			P	P							
Convalescent home, nursing home, or assisted living					P	P	P						S	P				
Mobile Home Park								P										3.6
INSTITUTIONAL/PUBLIC USES																		
Airport	S														S	S	S	
Art Gallery or Museum									P	P	P	P	P	P				
Library									P	P	P	P	P	P				
Community Services																		
Cemetery	S														S	S	S	
Crematorium	S														S	S	S	
Government administration and civic buildings	S	S	S	S	S	S	S		P	P	P	P	P	P	P	P	P	3.16
Places of assembly	S	S	S	S	S	S	S		S	S	P		P	P	P			3.16

Article 2
DISTRICT DESCRIPTIONS AND USE PROVISIONS

Table 2.3: Table of Allowed Uses																				
USE CATEGORY	Zoning Districts																Supplemental Regulations			
Subcategory Use Type	Agri.	Residential						Nonresidential												
		AG	RS-			RM-			RMH	DM	LM	CM	O	C-					IL	IH
			1	2	3	1	2	3						1	2	3				
INSTITUTIONAL/PUBLIC USES																				
Hospital		S	S	S	S	S	S				P			P	P			3.16		
Child Care Facilities																				
Day care center		S	S	S	S	S	S		S	P	P	P	P	P	P			3.16		
Home day care		S	S	S	S	S	S													
Education																				
College or university	S	S	S	S	S	S	S			P	P			P	P			3.16		
Elementary	S	P	P	P	P	P	P				P		P	P	P			3.16		
Middle school or high school	S	P	P	P	P	P	P				P		P	P	P			3.16		
Trade school											P			P	P	P	P			
Parks and Open Space	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Utilities and Public Service Facility																				
Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	3.15		
Major	S														S	P	P	3.15		
Wireless Communication Facility																				
Freestanding tower															P	P	P	3.8		
Building or tower-mounted antenna									P	P	P	P	P	P	P	P	P	3.8		
COMMERCIAL USES																				
Animal Service																				
Animal training	P														P			3.9		
Boarding or shelter	S														P	P	P	3.9		
Grooming									P	P	P	P	P	P	P	P		3.9		
Veterinary, small	P									P	P	P	P	P	P	P		3.9		
Veterinary, large	P														P	P	P	3.9		
Broadcast or Recording Studio									P	P	P	P	P	P	P					
Financial Services																				
Financial Institution, with drive-thru										P	P		P	P	P					
Financial Institution, without drive-thru									P	P	P	P	P	P	P					
Food and Beverage Services																				
Bar/nightclub									P	P	P		P	P	P					
Bakery, retail									P	P	P		P	P	P					
Brewpub									P	P	P		P	P	P					

Article 2
DISTRICT DESCRIPTIONS AND USE PROVISIONS

Table 2.3: Table of Allowed Uses																		
USE CATEGORY	Zoning Districts																Supplemental Regulations	
Subcategory	Agri.	Residential							Nonresidential									
Use Type	AG	RS-			RM-			RMH	DM	LM	CM	O	C-			IL		
		1	2	3	1	2	3						1	2	3			
COMMERCIAL USES																		
Fruit and vegetable market									P	P	P		P	P	P			
Restaurant, with drive-thru										P	P		P	P	P			
Restaurant, without drive-thru									P	P	P		P	P	P			
Lodging																		
Bed & breakfast		P	P	P	S	S	S		S									3.10
Campgrounds and RV park	S														P			3.11
Hotel or motel									P	P	P		P	P	P			
Office																		
Business or professional									P	P	P	P	P	P	P			
Medical, practitioner office, or clinic									P	P	P	P	P	P	P			
Research									P	P	P	P	P	P	P			
Recreation and Entertainment, Outdoor																		
Amphitheater	P	S	S	S	S	S	S			P	P		P	P	P			3.16
General outdoor recreation	P	S	S	S	S	S	S								P			3.16
Golf course or driving range, lighted	P														P			
Golf course or driving range, unlighted	P	P	P	P	P	P	P								P			3.16
Major entertainment facility	S														P			
Marina	P														P			
Race track (auto, dog, horse)	S															S		
Zoo																		
Recreation and Entertainment, Indoor																		
Fitness and recreational sports center		S	S	S	S	S			P	P	P		P	P	P	S		3.16
General indoor recreation		S	S	S	S	S				P	P		P	P	P	S		3.16
Major entertainment facility														S	P	S		
Movie theater														S	P			
Parking, non-accessory									P	P	P	P	P	P	P	P	P	
Personal Services																		
Dry cleaning and laundry service										P	P		P	P	P			
Funeral and mortuary service											P			P	P			
General personal services									P	P	P	P	P	P	P			

Article 2
DISTRICT DESCRIPTIONS AND USE PROVISIONS

Table 2.3: Table of Allowed Uses																			
USE CATEGORY	Zoning Districts																Supplemental Regulations		
Subcategory Use Type	Agri.	Residential						Nonresidential											
	AG	RS-			RM-			RMH	DM	LM	CM	O	C-			IL			IH
		1	2	3	1	2	3						1	2	3				
COMMERCIAL USES																			
Personal Services																			
Pharmacy or drugstore with drive-thru										P	P		P	P	P				
Pharmacy or drugstore without drive-thru									P	P	P	P	P	P	P				
Studio, artist, or instructional service									P	P	P	P	P	P	P				
Retail Sales																			
Alcoholic beverages, retail sales									P	P	P		P	P	P				
Building supplies and equipment															P				
Consumer shopping goods									P	P	P		P	P	P				
Consumer shopping goods, large															P				
Convenience store											P			P	P				
Horticulture nursery sales										P	P		P	P	P				
Medical Marijuana Dispensary									P	P	P		P	P	P				
Tobacco Outlets														P	P				
Open-air market or flea market															S				
Self-service Storage Facility															P	P		3.13	
Sexually oriented business															P			3.17	
Vehicles and Equipment																			
Boat and/or RV storage															S	P	P	3.12	
Boat, RV, trailer, mobile homes sales															P			3.12	
Car wash															P			3.12	
Fueling station															P	P	P	3.12	
Truck stops															P			3.12	
Vehicles sales and rentals															P			3.12	
Vehicle service and repair, major															S	P	P	3.12	
Vehicle service and repair, minor														P	P			3.12	
Vehicle towing services															P	P	P	3.12	
Vehicle storage, operable vehicles only															P	P		3.12	
INDUSTRIAL USES																			
Industrial Service																			
Fossil Fuel Storage																P	P		
General industrial service																P	P		

Article 2
DISTRICT DESCRIPTIONS AND USE PROVISIONS

Table 2.3: Table of Allowed Uses																				
USE CATEGORY	Zoning Districts																Supplemental Regulations			
Subcategory Use Type	Agri. AG	Residential						Nonresidential												
		RS-			RM-			RMH	DM	LM	CM	O	C-			IL				IH
		1	2	3	1	2	3						1	2	3					
INDUSTRIAL USES																				
Manufacturing and Production																				
Assembly, light																	P	P		
Manufacturing, light																	P	P		
Manufacturing, heavy																		P		
Major Medical Marijuana Processing																		P		
Minor Medical Marijuana Processing*															S		P	P		
Medical Marijuana Growing																		P		
Medical Marijuana Research																	P	P		
Mining and Processing																				
Minerals and raw materials																		S	3.18	
Oil and gas																		S	3.18	
Warehouse and Freight Movement																				
Motor freight terminal																	P	P		
Office warehouse															S		P	P		
Storage yard																	P	P		
Warehouse																	P	P		
Wholesale establishment															S		P	P		
Waste and Salvage																				
Auto salvage yard																		S	3.14	
Scrap operations																		S	3.14	
Recycling center(outdoor or indoor)															S		P	P	3.19	
Solid waste disposal	S																	S	3.19	
AGRICULTURE USES																				
Animal Husbandry	P																			
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	3.16	
Horticultural Nursery Production	P																P	P		
Agriculture, general	P																			
Livestock sales	P																P	P		
*Amended – 6/1/2020																				

Article 2
DISTRICT DESCRIPTIONS AND USE PROVISIONS

2.4 Bulk and Area Requirements

A. Purpose

This section contains tables that list the requirements for lot dimensions and building bulk, density, location, and height for all types of development. All primary and accessory structures are subject to the dimensional standards set forth in the following tables. These general standards may be further limited or modified by other applicable sections of this Ordinance. General rules for measurement and exceptions are in Section 2.4.B.

1. Bulk and Area Requirements for Agriculture Districts

Table 2.4.A.1: Bulk and Area Requirements for Agriculture Districts

Table 2.4.A.1: Bulk and Area Requirements for Agriculture Districts									
District	Lot Dimensions			Minimum Setback Requirements (ft)				Height (ft)	Additional height (ft) per increased setback
	Min. Lot. Area (sq ft)	Min. Lot Frontage (ft)	Max. Lot Coverage (%)	Front	Side		Rear		
					Interior	Exterior			
AG	5 acres	300	30	40	25	35	35	35	0.4

2. Bulk and Area Requirements for Residential Districts

Table 2.4.A.2: Bulk and Area Requirements for Residential Districts

Table 2.4.A.2: Bulk and Area Requirements for Residential Districts										
District	Lot Dimensions				Minimum Setback Requirements (ft)				Height (ft)	Additional height (ft) per increased setback
	Min. Lot. Area (sq ft)	Lot Area Per DU ³	Min. Lot Frontage (ft)	Max. Lot Coverage (%)	Front	Side		Rear		
						Interior	Exterior			
RS-1	6,000	6,000	60	30	20	5	15	30	35	
RS-2	10,000	10,000	80	25	25	8	20	30	35	
RS-3	22,500	22,500	120	20	35	10	25	25	35	
RM-1										
Two-family	6,000	3,000	60	50	10	5	15	20	35	2
Multi-family	6,000	1,000	60	50	10	5	15	20	35	2
Other uses ¹	6,000	6,000	60	50	10	5	15	20	35	2
RM-2										
Two-family	7,500	3,750	75	50	20	5	20	20	35	1
Multi-family	7,500	2,000	75	50	20	5	20	20	35	1
Other uses ¹	7,500	7,500	75	50	20	5	20	20	35	1
RM-3										
Two-family	10,000	5,000	100	50	25	5	25	20	35	0.5
Multi-family	10,000	3,000	100	50	25	5	25	20	35	0.5
Other uses ¹	10,000	10,000	100	50	25	5	25	20	35	0.5
RMH ²										

Notes: ¹ Other uses does not include townhouse development or dwelling groups

²Detailed bulk and area requirements for RMH District are in Section 3.6

³In the case of multi-family dwelling 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 not to exceed 65 feet may be counted as part of the area in determining lot area per DU.

Article 2
DISTRICT DESCRIPTIONS AND USE PROVISIONS

3. Bulk and Area Requirements for Nonresidential Districts

Table 2.4.A.3: Bulk and Area Requirements for Nonresidential Districts

District	Lot Dimensions			Minimum Setback Requirements (ft)				Height (ft)
	Min. Lot. Area (sq ft)	Min. Lot Frontage (ft)	Floor Area Ratio (FAR)	Front	Exterior	Interior & Rear Yards		
						Abutting property in a nonresidential district	Abutting property in an R or AG district	
DM	-	None: Building Shall occupy min. 70% of frontage line	10	Min: 0 Max:10	-			50
LM	2 acres	None: Building shall occupy min. 35% of frontage line	1	Min: 0 Max:10	-			50
CM	4 acres	None: Building shall occupy min. 35% of frontage line	6	Min: 0 Max: 25	-			50
O	None	50	0.3	20	20	-	20	35
C-1	None	50	0.3	20	20	-	20	35
C-2	None	50	0.5	20	20	-	20	35
C-3	None	50	6	-	-	-	35	^[1] 50
IL	15000	50	-	35	20	20	35	^[1] 50
IH	-	50	-	35	20	20	50	^[1] 50

Note: [1] No height limit unless abutting a Residential or Agriculture zoning district. If abutting Residential or Agriculture zoning district building shall be set back an additional 2 feet for every foot in height above 50 feet.

B. Measurements and Exceptions

1. Administrative Flexibility

The Director, upon applicant submittal of site plan may permit to be allowed up to ten percent (10%) variance from the Bulk & Area requirements in Section 2.4.A. The Director's assessment of the development shall include the relative impact of the proposed development.

2. Lot Coverage

No building, structure, or lot shall be developed, used, or occupied unless it meets the lot coverage requirements set forth in Section 2.4 for the zoning district in which it is located.

a. Measurement

Unless otherwise provided in this Ordinance, all structures shall be considered in determining lot coverage.

3. Setbacks

a. General

Setbacks shall be unoccupied and unobstructed by any structure; provided, however, that fences, walls, window sills, belt courses, poles, posts, furniture and other customary yard accessories may be permitted in any setback subject to height limitations and requirements limiting obstruction of visibility.

- b. Projections into Required Setbacks
Open eaves, cornices, window sills, and belt course may project into any required yard a distance not to exceed two feet (2'). Open, uncovered porches, handicapped ramps, or open fire escapes may project into a front or rear yard a distance not to exceed five feet (5'). Fences, walls, and hedges in residential development may be erected in any required yard, or along the edge of any yard, provided that no fence, wall or hedge located in the front of the front building line shall exceed three feet (3') in height.
 - c. Projections Into Easements and Right-of-Way Prohibited
Projections shall not extend or encroach into any easement(s) or right(s)-of-way except through licensed agreement.
 - d. Measurement
Setbacks shall be measured from the applicable lot line to the nearest exterior building wall or porch. Setbacks that apply to other features are measured from the lot line to the nearest point of the area or feature for which the setback is required.
 - e. Sight Triangle
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 a height of thirty inches (30") above any portion of the crown of the adjacent roadway shall be maintained in a triangle formed by measuring from the point of intersection of the front and exterior side lot lines a distance of twenty-five feet (25') 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.
4. *Height*
- a. General
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 in Section 2.4.A.
 - b. Measurement of Additional Setback
Such setbacks shall be measured from lines parallel to and inside the side lot lines and the rear lot line and distant therefrom the width of the narrowest require side yard for such building.
 - c. Height Exceptions
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.
5. *Number of dwellings on Single Family Lots*
-

DISTRICT DESCRIPTIONS AND USE PROVISIONS

Except where provided for Accessory Dwellings, no more than one (1) single family dwelling shall be allowed per lot in any single family residential zoning district.

Article 3
SUPPLEMENTAL REGULATIONS

Section 3.1 Purpose

Article 3 includes supplemental regulations that apply to some uses as indicated in Table 2.3, Table of Allowed Uses. These regulations supplement the applicable zoning district regulations. The applicability of these supplemental use regulations is indicated in the individual sections of this Article and identified in the Table of Allowed Uses of the respective zoning district.

Section 3.2 Standards for Accessory Uses and Structures

All principal uses allowed in a zoning district shall be deemed to include those accessory uses, structures, and activities typically associated with the use, unless specifically prohibited in this Ordinance. All accessory uses shall be subject to the standards in this Section, as well as any Special Exception requirements applicable to the principal uses and accessory uses and subject to the following conditions:

A. General

1. The accessory use or structure shall be conducted and/or located on the same lot(s) as the principal use.
2. 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.
3. An accessory building erected as an integral part of the principal shall be made structurally a part thereof, shall have a common wall therewith, and shall comply in all respects with the requirements of these and other regulations applicable to principle buildings.
4. Storage and other accessory buildings shall be designed with materials and/or architectural elements that are related to the principal building(s). (Amended-6/1/2020).

B. Size and Location in Residential Districts for Detached Accessory Structures

A detached accessory building shall be located:

1. On the rear two-thirds (2/3) of the lot, but this limitation shall not apply to carports, provided that the required front yard is observed;
2. At least six feet (6') from any existing dwelling or dwelling under construction;
3. At least three feet (3') from any interior and/ or rear lot line;
4. 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 twenty-five feet (25') to the street line from which vehicular access is gained; and

5. Accessory buildings shall not cover more than thirty percent (30%) of the area of the required rear yard.

C. Occupancy Limitations in Nonresidential Districts

An accessory use shall not occupy more than fifty percent (50%) of the building square footage associated with the principal use.

D. Home Occupations

A home occupation or service may be permitted as an accessory use to a principal dwelling unit in any of the residential districts, provided that:

1. *Size/Area*

Home occupations shall not occupy more than thirty percent (30%) of the gross floor area nor more than three hundred (300) square feet of the gross floor area, whichever is greater

2. *Employees and Residency*

There shall be no person employed other than a member of the immediate family residing on the premises

3. *Neighborhood Compatibility*

- a. There shall be no exterior alterations of the structure which are of a nonresidential nature.
- b. There shall be no advertising or display, except that as authorized in Section 4.1.
- c. There shall be no mechanical equipment which creates a disturbance such a noise, dust, odor, or electrical disturbance.
- d. There shall be no outdoor display or storage of goods or services that are associated with the home occupation.
- e. Wholesale or retail sale of goods shall not occur on the premises.
- f. There shall be sufficient off-street parking for patrons of the home occupation, with the number of off-street parking spaces required for the home occupation to be provided and maintained in addition to the space or spaces required for the dwelling itself pursuant to Section 4.4, Off-Street Parking and Loading.
- g. No additional parking areas other than driveways shall be located in the required front yard setback.

4. *Prohibited Home Occupations*

The following uses because of their impacts on the surrounding residential area, shall not be permitted as home occupations:

- a. Auto repair or motorized implement repair;
- b. Dance, music or other types of instruction (if more than four (4) students are being instructed at one time);
- c. Medical offices;
- d. Painting of vehicles, trailers, or boats;
- e. Motor vehicle towing operation;
- f. Barber and beauty shops having more than one (1) chair;

g. Welding shops.

E. Swimming Pools and Associated Equipment

Swimming pools may be placed in rear yards and rear building line areas upon approval and issuance of a building permit in any Agriculture or Residential District. No swimming pool, nor any part of it, inclusive of decks and equipment, shall be placed in any utility easement. No swimming pool, nor any part of it shall be closer than five feet (5') to any property line.

F. Accessory Dwellings

Where accessory dwellings are allowed, an accessory dwelling may be built in the rear yard of the lot where a principal single-family dwelling is, if there is compliance with all other provisions of these regulations. In addition, the accessory dwelling unit living area shall be not more than fifty percent (50%) of that of the principal building. The accessory dwelling shall also be provided for off-street parking requirements.

G. Temporary Accessory Uses and Structures

Temporary accessory uses and structures shall be governed by the temporary use permit procedures and standards set forth in Section 3.3.

Section 3.3 Temporary Uses and Structures

A. General Requirements

All temporary uses or structures shall meet the following minimum requirements, unless otherwise specified in this Ordinance:

1. Permit Required

All temporary uses and structures shall obtain a temporary use permit.

2. Temporary Uses Exempt

- a. Events authorized by the City through special events permitting procedures;
- b. Temporary uses that occur wholly within an enclosed permanent building;
- c. Garage sales; and
- d. Temporary dumpsters for ongoing construction, provided that all required permits remain valid.

3. Compliance with Other Regulations

All temporary uses allowed by this Ordinance shall comply with all other applicable regulations of this Ordinance, including but not limited to, signs, parking, and setbacks.

B. Temporary Uses Allowed

1. Temporary office space and equipment storage when accessory to an approved construction project. Temporary office space shall be removed from the site no more than thirty (30) days after completion of such project.
2. Sales offices on residential development sites until all lots or houses are sold or leased.

3. Expansion or replacement facilities; transportable buildings that are site ready for occupancy and readily removed and installed at other sites. Such facilities shall be approved following filed development plans for permanent alteration/expansion of facilities.
4. Seasonal retail sales of products for a maximum of one hundred and eighty (180) days, excluding mobile food vendors.

Section 3.4 Townhouse Development

A. Bulk and Area Requirements

In those districts where townhouse developments are permitted, as shown in Table 2.3, a building permit may be issued for such a development provided that the development conforms to the minimum bulk and area requirements in Table 3.4.

Table 3.4: Bulk and Area Requirements for Townhouse Developments

District	Lot Dimensions				Minimum Setback Requirements (ft) for Development					Additional height (ft) per increased setback
	Min. Lot. Area (sq ft)	Development Area Per DU	Min. Lot Frontage (ft)	Max. Lot Coverage (%)	Front	Side		Rear	Height (ft)	
						Interior	Exterior			
RM-1	6,000	2,000	20	50	10	5	15	20	30	2
RM-2	7,500	3,000	25	50	20	5	20	20	30	1
RM-3	10,000	5,000	30	50	25	5	25	20	30	1

B. Livability Open Space Required

In any townhouse development there shall be a minimum of two hundred (200) square feet of livability open space per dwelling unit. The open space required may be provided either on each townhouse lot or in common areas within the overall townhouse project.

Section 3.5 Dwelling Groups

Except where dwelling groups are permitted, or in the case of an accessory dwelling as allowed in Section 3.2.D, not more than one dwelling structure may be erected or placed on any lot. In those districts where dwelling groups are permitted a building permit may be issued for the erection of such a dwelling group, provided that the development conforms to the following minimum conditions and requirements:

A. Minimum Lot Area

The area of the lot on which the dwelling group is to be erected shall be at least twenty percent (20%) greater than the aggregate of the minimum lot area required per dwelling unit in each zoning district where dwelling groups are allowed.

B. 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.

C. Setbacks Observed

The setbacks required for each zoning district shall be observed for the entire lot for which the dwelling group is located.

D. Access and Parking

Vehicular access to parking areas serving dwelling groups within the development may come from the street, an alley, or a private drive. Every residential structure in the dwelling group shall be within sixty feet (60') of a public street, alley, or private access roadway or drive having a minimum paved width of twenty feet (20'), provided that the length of such private access road be a maximum of three hundred feet (300'), measured from the street to the end of a turnaround. Pavement design, including turnaround, shall comply with the City of Wagoner Subdivision Regulations. Required parking may be provided for each structure in the development or within commonly owned space or in combination of the two.

E. 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 including but not limited Section 4.2, 4.3, and 4.4.

F. Common Open Space

For all dwelling groups there shall be a minimum of two hundred (200) square feet of open space provided for each dwelling unit. The open space shall be developed to be a part of whole development for which each dwelling unit shall have access.

3.6 Mobile Home Parks

In the district where mobile home parks are allowed, a mobile home park may be established provided that each park complies with the following conditions:

A. Bulk and Area Requirements

1. 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
Street Frontage	300 feet

2. Individual Mobile Home Spaces: Each individual mobile home space in a mobile home park shall meet the following minimum requirements. In addition, each lot shall be clearly defined.

Area	4,000 square feet
Frontage Setback	20 feet

Separation between mobile home And boundary of mobile home space	5 feet
Rear yard	20 feet
Lot Frontage	30 feet

B. Common Open Space

There shall be at least six hundred (600) square feet of common recreation space per mobile home space; the minimum area of any common recreation area shall be 10,000 square feet, and the minimum width of any such area shall be eighty feet (80'). Each required common recreation area shall be within three hundred feet (300') 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 (25') to any property line. Each required common recreation area shall be graded and drained so as to dispose of all surface water accumulated within the recreation area and shall be surfaced with turf or other dustless surface.

C. Off-Street Parking Areas

All mobile home spaces shall have a minimum of two (2) parking spaces per mobile home. The area designated for vehicular parking shall be that of sealed surface type to minimize dust. Driveways constructed for off-street parking requirements shall not exceed twenty-four (24) feet in width.

D. Interior Streets

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

E. 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 (25) square feet for each mobile home space in the park;
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; and
3. No such structure shall be closer than fifty feet (50') to any residential or office development outside the mobile home park development.

F. Landscaping, Screening, and Fencing

The mobile home park shall be screened, according to provisions in Section 4.3. The screen shall be on the perimeter of the mobile home park, except for street frontage.

G. 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.

H. Exterior Lighting

Public streets and drives within mobile home parks shall meet the lighting requirements in Section 4.4.

Section 3.7 Modular Homes

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

- A. The modular home's manufacturer and model shall have been approved by the Inspecting Officer.
- B. 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
- C. The completed unit shall have a width (least dimension) of twenty feet (20') or more; the main body of the unit must be at least forty feet (40') in length.
- D. The exterior finish shall be of a flat variety, not creating excessive reflection.

Section 3.8 Wireless Communication Facility

A. Purpose

The wireless communication regulations of this section establish supplemental regulations governing wireless communications towers and antennas. These regulations are established to protect residential areas and land uses from potentially adverse impacts of towers and antennas; encourage co-location, provide for continued establishment of new wireless communication providers, provide expansion of existing communication services; minimize adverse visual impact of towers and antennas; and offer telecommunication services to the community quickly, effectively and efficiently.

B. General Requirements

All towers and antennas are subject to the general requirements of this subsection unless otherwise expressly stated:

- 1. Towers and antennas must be designed to blend into the surrounding environment through the use of color, galvanizing, or camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities.
- 2. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a color that closely matches or complements the color of the supporting structure, so as to make the antenna and related equipment as visually unobtrusive as possible.
- 3. Towers may not be illuminated by artificial means and may not display strobe lights unless such lighting is expressly required by federal or state authorities.

4. The use of any portion of a tower for advertising signs other than warning or equipment information signs is prohibited.
5. All utility buildings and structures accessory to a tower must comply with all applicable requirements of the underlying zoning district. Exterior ground mounted equipment, if visible from ground level, must be screened from view of abutting property used or zoned for residential purposes by a screening wall or fence in accordance with Section 4.3.
6. Towers must be setback a distance equal to at least one hundred and ten percent (110%) of the height of the tower from any adjoining residential, office, or agriculture district.
7. Towers must be enclosed by security fencing that is at least six feet (6') in height.

C. Permit Required

A permit must be obtained from the City before installation or construction of any antenna, tower, or other wireless communication device.

D. Standards for Roof or Wall Mounted Antennas

Antennas attached to the roof or wall of buildings are subject to all of the following regulations:

1. An antenna may not extend more than twenty feet (20') above the highest point of the building;
2. If mounted on the wall of a structure, the antenna shall be as flush to the building as possible and in no case shall the antenna project more than two feet (2') from the building wall;
3. The antenna must comply with all applicable FCC and FAA regulations; and
4. The antenna must comply with all applicable building codes.

E. Standards for Pole Mounted Antennas

Pole mounted wireless communication devices and antennas are subject to the following supplemental regulations:

1. The device or antenna shall be colored to match the pole to which it is attached;
2. The total area of all accessory equipment, including equipment storage shelters, shall not exceed four hundred (400) square feet per facility; and
3. The equipment storage shelter shall be screened from view by vegetation, fencing or comparable screening.

F. Abandonment of Facilities

Any antenna, tower, or other wireless communication device that is not operated for a continuous period of twelve (12) months will be considered to be abandoned, and the owner of the antenna or tower must remove it within ninety (90) days of receiving notice from the City. Failure to remove the abandoned facility within ninety (90) days constitutes grounds for the City to remove the antenna or tower at the owner's expense. Abandoned antenna, towers, or other wireless communication devices are hereby considered a nuisance.

G. Nonconformities

Any antenna, tower, or wireless communication device that lawfully existed on or before the date of approval of this ordinance is allowed to remain in use. Routine maintenance, including antenna replacement, is permitted. All new construction, other than routine maintenance, requires compliance with all applicable regulations of this Section.

Section 3.9 Animal Services

A. General Standards

1. All animal services, where permitted, that provide outdoor shelter or boarding of small household pets and similar animals that are located within five hundred feet (500') of a residential or office district shall be so constructed 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 (8') wall.
2. All animal services, where permitted, that serve large animals, including but not limited to horse training, breeding, and large animal veterinary, shall be conducted on lots no less than five (5) acres. In sheltering and boarding large animals, runs surfaced with impervious material shall not be required.

Section 3.10 Bed and Breakfast

A. General Provisions

The supplemental use regulations of this section apply to all bed and breakfast uses.

1. Bed and breakfast are limited to a maximum of six (6) guest rooms unless a lower limit is established by the board of adjustment as a condition of an approved special exception.
2. The maximum length of stay for any guest is limited to thirty (30) consecutive days.
3. The owner/operator must maintain a register of guests and on-site events for each calendar year and make the register available to city code enforcement upon request.
4. Cooking facilities are prohibited in guest rooms.
5. Signs are allowed in accordance with Section 4.1.
6. Parking shall be provided as required in Section 4.4.

Section 3.11 Campground and RV Park

In the districts where campgrounds and RV parks are allowed, a campground or RV park may be established provided that each park complies with the following conditions:

A. Bulk and Area Requirements

1. Park Tract
Each campground or RV park tract shall meet the following minimum requirements:

Area	2 acres
Area per individual space	3,000 square feet
Width at principal entrance area	50 feet
Street Frontage	300 feet

2. Individual Spaces

Each individual space in a campground or RV park shall meet the following minimum requirements. In addition, each lot shall be clearly defined and no further than two hundred feet (200') from any required service building.

Area	3,000 square feet
Lot Width	25 feet

B. Interior Streets

Interior streets shall be improved in accordance with the requirements for streets set forth in the City of Wagoner Subdivision Regulations and properly maintained.

C. Other Regulations

1. Service Building Provided

Each park accommodating travel trailers shall provide facilities that include a minimum of four (4) toilets, four (4) lavatories, and four (4) showers with individual dressing accommodations for the first fifteen (15) spaces. There shall be one (1) additional toilet, lavatory, shower, and individual dressing accommodation for each additional fifteen (15) spaces.

2. The service buildings shall be of permanent construction and adequately lighted. The structure shall be adequately heated and supply adequate hot water during peak demands.

D. Length of Stay

The maximum length of stay per individual lot shall be no more than thirty (30) days.

E. Exterior Lighting

Public streets and drives within campgrounds and RV parks shall meet the lighting requirements in Section 4.5.

Section 3.12 Vehicles and Equipment

Where vehicles and equipment uses are allowed, all areas where vehicles are stored or parked, either for sale, rental, storage, or temporarily for service, shall be constructed of sealed surface material and shall not count toward parking requirements for each use in Section 4.4.

Section 3.13 Self-Storage Facility

- A.** Other than points of access, the storage facility shall be completely enclose with a brick or masonry perimeter wall of no less than six feet (6') in height. The use of chain link or barbed wire is prohibited.

- B. Units shall be used solely for the purpose of storage of goods and possessions and shall not be used for conducting or operating a business, hobby, or any type of activity not related to the storage of personal property.
- C. No outdoor storage is permitted on the site of a Self-Storage Facility.

Section 3.14 Auto Salvage and Scrap Operations

Scrap material handling and storage, including junk yards, auto salvage and scrap metal processing, shall be in conformance with the following provisions:

A. Screening Required

If the operation is not conducted within enclosed buildings, the operation shall be completely enclosed by an eight foot (8') high solid fence and the storage of material shall not exceed the height of the fence. A gate for ingress and egress shall be permitted but shall be screened.

B. Height Reduction Exception

The height of the fence may be reduced to six feet (6') when the use is conducted at an elevation two feet (2') or more above the crown of the adjacent roadway.

C. Material Exception

A steel mesh fence may be substituted for a solid fence on the rear of the use and up to the rear three-fourths ($\frac{3}{4}$) 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.

D. Setback; Separation

The fence shall be set back at least ninety feet (90') from the center line of any abutting major street and at least ten feet (10') from the street line of such thoroughfares. A temporary or permanent building may be erected within the required setback. All uses of this type shall be located at least two hundred feet (200') from any property line of a residential or office district.

Section 3.15 Utilities

A. Screening

Utility substations, lift stations, pumping stations, regulation stations, or similar facility shall be screened in accordance with Section 4.3.

B. Lot for Certain Utility Facilities

Where a lot is proposed to be used as the site for a utility substation, pumping station, pressure regulating station, or similar facility whose nature is such that the lot area or width may appropriately be less than the minimum established herein for the district in which the lot is located, the Board of Adjustment may, on application, reduce the minimum for such individual facility and the Planning Commission may approve a plat contacting a lot so reduced.

Section 3.16 Nonresidential Uses in Residential Districts

The following requirements apply to all nonresidential uses where permitted or abutting a Residential District. Separation of structures or areas of uses listed in Table 3.16 from the nearest other property in a Residential District shall be as follows, unless more stringent requirements appear elsewhere in this ordinance.

Table 3.16: Nonresidential Uses Separation Requirements	
Type of Structure or Element of the Facility	Minimum Separation (feet)
Outdoor Facility or Use	
Eating or picnic area	100
Entrance driveway	20
Landscaped or otherwise planted area	None
Off-street parking area	As provided in Section 4.3
Outdoor activity area, NEC*	75
Outdoor spectator facilities for sports and similar events	200
Outdoor sports area without spectator facilities	100
Air conditioning tower or condenser unit, but not including a window unit	50
Indoor Facility or Use	
General recreation, public assembly, recreation center having a floor area of more than 1,200 square feet:	150
Building of a general hospital or convalescent home	50
All other indoor facilities	75
* NEC = Not Elsewhere Covered	

In case any facility or element falls within two or more of the categories set forth above, the greatest separation shall apply. All lighting facilities, shall be in conformance with Section 4.5. All outdoor activity areas shall be made dustless by turfing, paving, or other suitable means.

Section 3.17 Sexually-Oriented Business Establishments

A. Separation

Sexually oriented businesses as defined in the code shall only be allowed in those districts and under those approval procedures expressly allowed under this code. In addition, sexually oriented businesses shall not be located within one thousand (1,000) feet of any of the following uses:

1. Another sexually oriented business;
2. A school, including all contiguous property owned or leased by the school;
3. A public or private park; and
4. Any residentially zoned district.

B. Applicability

The separation distance requirements of this section apply to new sexually oriented business establishments, the relocation of sexually oriented business establishments, the enlargement of sexually oriented business establishments in scope or area or the conversion of an existing business location to any sexually oriented business establishment.

C. Measurement

The minimum separation distance must be measured in a straight line from the nearest point of the wall of the portion of the building occupied by a sexually oriented business establishment to the nearest point on a property line occupied by one of the uses or districts described in 3.17.A.

Section 3.18 Mining and Processing

As part of the special exception review and approval process for any mining or mineral processing use, the Board of Adjustment must consider potential environmental impacts, such as noise, dust, and vibration, and is authorized to establish conditions of approval, including but not limited to, setbacks, fencing and screening, traffic control, abandonment, and methods of operation, to help control and mitigate adverse land use and environmental impacts on surrounding areas.

3.19 Solid Waste Disposal

This use shall be approved in accordance with state and federal regulations and guidelines and shall be situated on land no less than one hundred and sixty (160) acres.

Article 4
DEVELOPMENT STANDARDS

Section 4.1 Signs

A. Purpose

The intent of Section 4.1 is to promote the public health, safety and welfare by establishing standards and criteria for the construction, installation, maintenance and operation of signs in the in the City of Wagoner. This section defines the types of signs that are permitted and prohibited in the various zoning districts, the manner in which sign size will be measured and to exempt certain types of signs from regulation.

B. Permit Required

Prior to the erection or installation of any permitted permanent or temporary sign, but not including exempt signs under Section 4.1.D, a sign permit shall be obtained from Development Services Department. It shall be unlawful to erect or install any sign without having first obtained the permits required by this section.

C. Prohibited Signs

1. Signs with light sources not shielded by opaque materials such that the bulbs, floodlights, or tubes are visible off the property of which the sign is located.
2. Signs that, by reason of size, location, coloring or manner of illumination or movement, obstruct the vision of drivers when traveling on a roadway, leaving a roadway or entering a roadway.
3. Any sign that obstructs free ingress to or egress from a fire escape, door, window or other required exit, or that obstructs property ventilation or lighting.
4. Abandoned signs.
5. Signs placed on public property or in the public right-of-way, except those placed by agencies of government.
6. Roof signs or any signs, which project above the building wall or parapet.
7. Signs placed on utility poles and light poles except for utility identification or similar purposes.
8. Portable signs, except as expressly permitted in 4.1.G "Vehicle Signs".
9. Permanent freestanding signs on residential lots.
10. Signs using any sound- or noise-making or -transmitting device.
11. Signs attached to trees, plant materials, or rocks.
12. Any sign that obstructs the view of a person operating a motor vehicle in any direction at the intersection of a street or within an alley or driveway.

D. Exempt Signs

The signs described in this section are exempt from requiring a permit from the Development Services Department; provided that all signs unless otherwise specified

meet the requirements for allowed location of signs. Signs below shall not contribute to the total number of signs or total area allowed.

1. Signs not exceeding three (3) square feet in area that are customarily associated with residential uses, such as property identification names and numbers, signs on mailboxes or newspaper tubes and signs posted on private property warning the public against trespassing or danger from animals;
2. Signs required or specifically authorized for a public purpose by any law, statute or ordinance, which may be of any type, number, area, height above grade, location, illumination or animation authorized by the law, statute or ordinance under which the signs are erected;
3. Official signs erected by state or local governments or their contractors or public utility companies to facilitate the construction, maintenance or operation of transportation facilities or to warn of dangerous or hazardous conditions, including signs indicating the presence of underground cables, gas lines and similar devices;
4. Memorial signs or tablets, names of buildings and dates of erection when cut into any masonry surface or inlaid so as to be part of the building;
5. Flags of any nation or government or displaying a noncommercial message, provided that such flags do not exceed forty (40) square feet and do not extend over a public right-of-way when unfurled and such flagpole is setback a distance from a property line that is at least equal to its height.;
6. Architectural features of buildings or works of art, if such features or works of art do not contain letters, trademarks, moving parts or lights and do not display a commercial message;
7. Any traffic control sign, such as "STOP" or "YIELD," located on public or private property that meets applicable governmental standards pertaining to such signs and does not display a commercial message;
8. Signs that otherwise would be considered collectibles and are erected to enhance the character of the structure or property it is located on;
9. Name plate signs of not more than two (2) square feet in area which are fastened directly to a building and do not project from the face of the building;
10. National holiday and community special event decorations that do not display a commercial message;
11. Signs on athletic fields and scoreboards intended for viewing on the property upon which the scoreboard is located;
12. Signs located inside buildings which are not placed there for the purpose of being visible to and read from the outside of the building and which are not legible from a distance of more than three (3) feet beyond the building in which such sign is located;
13. Instructional signs on City owned property erected by the City;
14. Political signs;
15. Signs carried by a person and not set on or affixed to the ground;

16. Window signs; provided they meet the requirements in Tables 4.1.H.2 and Table 4.1.I.5;
17. Legal notices required by law to be posted;
18. Garage Sale Signs; provided they meet the requirements in Tables 4.1.I.4; and
19. Typical real estate signs not exceeding three (3) square feet. If sign is greater than three (3) square feet the sign shall be as defined in Tables 4.1.I.4 and 4.1.I.5.

E. Sign Measurement

1. Sign Area Calculation

In computing the permitted display surface area for signs, the linear footage of an abutting secondary residential street shall not be combined with the linear footage of any collector street, arterial street, limited access highway or turnpike that is being used to calculate the permitted display surface area. Only one (1) side of a double-sided sign shall be included in the computation of display surface area. Double-sided signs may be separated, as long as the separation of the two (2) display surfaces shall not exceed two feet (2').

2. Sign Height Calculation

The height of any sign shall be determined by the distance between the topmost portion of the sign structure and the ground elevation at the base of the sign. The grade shall not be artificially changed solely to affect the sign height measurement. No sign shall be erected to a height greater than shown in the tables of this Section except for that of a permanent free standing sign or off-premises advertising sign located within one hundred and sixty-five feet (165') of the right-of-way line of an interstate highway or freeway of which may be erected to a height of not more than forty-five feet (45') above grade level of such thoroughfare. (Amended – 6/1/2020)

3. Sign Number Calculation

In calculating the total number of signs on any property, both permanent and temporary signs shall be considered in the total, but signs enumerated in Subsection 4.1.D of this Article, window, banner, inflatable, and promotional signs are not included. (Amended – 6/1/2020)

F. Location of Signs

1. Setbacks

a. From Public Right-of-Way

No sign shall be erected, constructed, placed, or project into or over any public right-of-way, except that in the DM zoning district where projecting signs may extend into the right-of-way provided there is a vertical clearance of eight feet (8') above the sidewalk and the sign does not extend more than two-thirds (2/3) of the width of the sidewalk.

b. From Residential Districts

No permanent freestanding signs, projecting signs, or wall signs shall be located within fifty feet (50') of any residentially zoned district. No flashing,

twinkling, or animated signs shall be located within (200') feet of a residentially zoned district.

c. Sight Triangle Clearance

Except for signs erected or constructed for specific public purpose by governmental agencies, no signs shall be maintained in a triangle formed by measuring from the point of intersection of the front and exterior side lot lines a distance of twenty-five feet (25') 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 and fifteen feet back from the edge of driveway.

d. Signage on Fencing

No sign shall be erected on the outer side of a required fence or required screening wall.

e. Separation

All freestanding signs or projecting signs shall maintain a minimum separation of thirty feet (30') from any other freestanding sign or projecting sign. (Amended - 6/1/2020)

f. Location of Sandwich Board Signs

Sandwich Board signs shall be located along the lot frontage of the business for which it is advertising. The sign shall be placed in an area along the sidewalk that does not impede or impair pedestrian traffic.

2. *Off-premises Advertising Signs*

a. Separation

Off-premises advertising signs shall be separated by at least one thousand linear feet (1,000') along the street frontage from a pre-existing off-premises advertising sign. Further, off-premises advertising signs shall not be located less than one hundred and fifty feet (150') from a Residential District.

b. Setback

An off-premises advertising sign shall be set back twenty-five feet (25') from any property line and right-of-way. (Amended - 6/1/2020)

G. Vehicle Signs

Vehicle signs on vehicles being operated in the normal course of business shall be allowed without a permit, except as required in Subsection 4.1.G.4, and without reference to the regulations set forth in this Article, subject to the following limitations:

1. The vehicle shall have any required state licenses, license plates and must be operable.
2. The vehicle shall be regularly operated, which means that the vehicle must leave the property on a regular basis for a business purpose, and shall not be parked in excess exceeding business operation hours on a public right of way. This Paragraph shall not be construed to apply to a vehicle used on a regular basis for

- a business purpose that is taken home during nonbusiness hours and parked or stored on a private residential lot during nonbusiness hours.
3. The primary purpose of such vehicle shall not be for the display of signs. In determining whether the primary purpose of such vehicles is for the display of signs, the City shall consider the following criteria:
 - a. Whether the vehicle is regularly operated as set forth in Paragraph (2) above.
 - b. The location of the vehicle when it is parked on or near the property of the business for which the sign is provided. The purpose of this Subparagraph shall be to prevent the vehicle from being displayed on or near a major street or public right-of-way, unless no other alternative parking area is available.
 - c. Whether the vehicle is parked in a location that is not on or near the property of the business for which the sign is provided in a manner so as to constitute a billboard. The purpose of this Subparagraph shall be to prevent the vehicle from being displayed on or near a major street or public right-of-way without a valid business purpose, such as deliveries or repair work.
 4. In the event it is determined that a vehicle's primary purpose is the display of signs, a temporary sign permit shall be obtained by the operator of the vehicle or operator's agent and the sign may be animated.
 5. Vehicle signs shall be magnetic, have vinyl graphics or be painted directly on the vehicle.

H. Permanent Signs

1. Residential Districts

Signs in residential districts, shall comply with the standards set forth in Table 4.1.H.1. No more than one (1) sign, except as otherwise provided, shall be erected or maintained on any residential property at any one time.

Table 4.1.H.1: Permanent Signs Allowed in Residential Districts				
Type of Sign	Number	Max. Area	Height (max.)	Setback
Instructional Sign	Minimum necessary to serve intended use	2 square feet	6 feet	N/A
Temporary Sign	See Sec. 4.1.I "Temporary Signs"			
Home Occupation Sign	1 per permitted home occupation	4 square feet	4 feet	Same as building setback
Real Estate Sign	See Sec. 4.1.I "Temporary Signs"			
Subdivision ID Sign	1 per entrance to subdivision or neighborhood	36 square feet	6 feet	0 foot setback; if outside of visibility triangle

2. Nonresidential Districts

Signs in nonresidential districts, shall comply with the standards set forth in Table 4.1.H.2. No more than five (5) signs may be erected or maintained on any nonresidential property at any time, unless the property is located on a corner lot and has public entrances on two (2) or more public ways or where a building has

both a front and rear public entrance, in which case, one (1) additional sign may be erected.

Table 4.1.H.2: Permanent Signs Allowed in Nonresidential Districts

Sign Type	Number	Max. Area	Height (max.)	Setback
Building Sign – Wall	Any number not to exceed total number allowed	25% of signable area*	Shall not exceed building roofline	Same as building setback
Building Sign - Projecting	1 per building; if building has 10 feet of street frontage	24 square feet	Max. – Shall not exceed building roofline	See “Sec. 4.1.F.1.a”
			Minimum – 8 Feet	
Freestanding -Permanent Sign	1 per lot; or 1 per building if lot has multiple buildings	1 square foot per 2 linear feet of street frontage*	DM, O, C1, C2, -20 feet LM, CM, IL, – 25 feet C3, IH – 30 feet	10', or 5' in DM District
Freestanding -Joint Sign	1 per lot	1 square foot per 2 linear feet of street frontage*	DM, O, C1, C2, -20 feet LM, CM, IL, – 25 feet C3, IH – 30 feet	10' , or 5' in DM District
Changeable Copy Sign	1 per lot	20 square feet for 1 side, or 10 square feet for 2 sides	20 feet	10 feet
Instructional Sign	Minimum necessary to serve intended use	2 square feet	6 feet	N/A
Temporary Sign	See Sec. 4.1.I "Temporary Signs"			
Banners	See Sec. 4.1.I "Temporary Signs"			
Window Sign	1 per window	25% of window area*	N/A	N/A

*Amended – 6/1/2020

I. Temporary Signs

1. Permit Required

Prior to the erection or installation of any temporary sign, as described in this section but not including exempt signs under Sec. 4.1.D, a sign permit shall be obtained pursuant to this Article.

2. Duration

Banner, inflatable, promotional signs may be displayed for a period of up to thirty (30) days, for not more than four (4) times a year, unless otherwise stated

in this article. Banner, inflatable, promotional, signs shall be intended to be used for special events or circumstances including but not limited to grand openings, grand re-openings, and holiday sales. (Amended – 6/1/2020)

3. **Materials**

Each temporary sign shall be constructed of durable material and must be affixed to the ground or structure so that it will remain in place.

4. **Temporary Signs in residential districts, shall comply with the standards set forth in Table 4.1.I.4.**

Table 4.1.I.4: Temporary Signs Allowed in Residential Districts				
Type of Sign	Number	Size	Height	Setback
Model Home Sign	1 per lot on the same lot as model home	4 square feet	3'	10'
Real Estate Sign	1 per street frontage	1 square foot per street frontage, not to exceed 32 square feet	6'	10'
Construction Sign	1 per construction project	32 square feet	6'	10'
Garage Sale Sign	1 per lot of garage sale	4 square feet	N/A	0'

5. **Temporary Signs in nonresidential districts, shall comply with the standards set forth in Table 4.1.I.5.**

Table 4.1.I.5: Temporary Signs Allowed in Nonresidential Districts				
Type of Sign	Number	Size	Height	Setback
Banner, Inflatable, Promotional Sign	1 per business	50 square feet	10'	10'
Real Estate Sign	1 per Street Frontage	1 square foot per street frontage, not to exceed 32 square feet	6'	10'
Construction Sign	1 per construction project	32 square feet	6'	10'
Sandwich Boards Sign	1 per business	9 square feet	3'	N/A
Window Sign	Any number not to exceed window area*	36 square feet*	N/A	N/A

*Amended 6/1/2020

J. Maintenance, Illumination, and Landscaping

1. *Maintenance*

Every sign, including but not limited to, those signs for which permits are required, including supports, braces, and anchors, shall be kept in a state of good repair and be constructed and maintained in compliance with all building, electrical and fire prevention codes. For the purposes of this section, state of good repair shall mean that there are no loose, broken, torn, or severely

weathered portions of the sign structure or face. Signs shall be maintained in a safe, presentable, and good mechanical condition at all times and shall include the replacement of defective parts, painting, repainting, cleaning and other acts necessary for the proper maintenance of a sign.

a. **Abandonment**

Within two (2) years after abandonment, a sign shall be removed by the sign owner, property owner, property lessee, or other party having control over such sign. The City may remove the sign according to established abatement procedures. Abandoned signs are hereby declared a nuisance.

2. ***Illumination***

No sign shall exceed an illumination of seventy foot candles (70 fc) as measured at a two-foot (2') distance from the source of the illumination. Further, electric message centers making use of incandescent light (as opposed to light emitting diodes) for purposes of illumination, must be set back an additional twenty feet (20') from the minimum setback otherwise applicable. Incandescent lamp message centers shall not be programmed to function as a strobe in an on-and-off display mode. Incandescent lamp message centers must utilize a dimming feature that will dim the lights during dark hours to no more than eighty percent (80%) of the normal watts used during daylight hours. Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into a public right-of-way or residential lot.

K. Landscaping

The area within five feet (5') feet in all directions of any part of a permanent freestanding sign or subdivision ID sign shall be landscaped in accordance with Section 4.2 of this zoning ordinance. The area within ten feet (10') in all directions of any part of a temporary freestanding sign shall be kept clear of all debris and all undergrowth more than twelve (12) inches in height.

Section 4.2 Landscaping

A. Purpose

The purpose of this section is intended to provide improvements for the purposes of complementing the natural landscape, improve the general appearance of the community and enhance the aesthetic appeal, retain and increase property values, conserve water, improve the quality of life, and provide flexible requirements that encourage creativity in landscape design.

B. Applicability

1. ***New Development***

This section shall apply to all new development, unless specifically exempted by Subsection 4.2.C.

2. ***Enlargement of Existing Development***

This section shall apply to all applications for building permits for projects that involve one or more of the following:

- a. An increase in the number of stories in an existing building or lot;
- b. An increase in the impervious lot coverage by more than two thousand (2,000) square feet;
- c. An increase of thirty percent (30%) or more in the square footage of building area or parking lot; or
- d. Where an existing parking area is altered or expanded to increase the number of spaces by a total of more than twenty (20), interior landscaping shall be provided on the new portion of the lot in accordance with Subsection 4.2.E.3.

C. Exemptions

The following development types and areas are exempt from the requirements of this Section:

1. Individual single-family and two-family dwellings on separate lots, where such residential use is the primary use on the lot;
2. New single-family detached and two-family subdivisions with four (4) or fewer lots and four (4) or fewer dwellings; and
3. Temporary uses approved pursuant to this ordinance.

D. Landscaping Plan

A landscaping plan shall be submitted with the required site plan for multifamily, commercial, and industrial developments if plat is not required. If plat is required, the proposed landscaping area shall be shown on the preliminary plat followed by the landscaping plan submitted with the final plat. Upon receipt of the landscaping plan, the Director shall:

1. Approve the landscaping plan;
2. Approve the landscaping plan with conditions;
3. Deny the landscaping plan; or
4. Waive the landscaping requirements if it is determined that a suitable location of the landscape development is not available.

The plan shall contain the following:

1. The date, scale, north arrow, project and the name of the owner and designer;
2. The location of the property lines and dimensions of the tract;
3. The center line of existing water courses, location of drainage features, existing and proposed streets and alleys, existing and proposed utility easements and fire hydrants, existing and proposed sidewalks;
4. The location, size, and type (tree, shrub, ground cover, berms, or grass) of proposed landscaping and the location and size of the proposed landscaped areas;
5. The location, size, and common name of any existing trees;
6. A description of type of irrigation system to be used; and
7. Schedule of installation of required landscaping.

E. Landscaping Requirements – Nonresidential and Multifamily Developments

1. Coverage

Where landscaping is required, there shall be a minimum of one (1) tree and five (5) shrubs for every two thousand (2,000) square feet of landscape area. The landscape area shall consist of all areas not occupied by structures, water bodies, water ways, impervious areas, easements, and stormwater facilities. All other space not occupied by structures, water bodies, water ways, impervious areas, easements, and stormwater facilities shall have a ground cover of living materials, including but not limited to grass and other ground-covering plant materials.

2. Location

Along all public and private streets, trees shall be planted at fifty foot (50') intervals within ten feet (10') of the property line. Trees may be in clusters or dispersed evenly along the property's street frontage. Landscape materials within the sight distance triangle shall have a height not to exceed thirty inches (30").

3. Parking Lot Landscaping

a. Parking Lots Abutting Right-of-Way

When required off-street parking and public right-of-way are contiguous, a landscaped buffer of three to five feet (3'-5') in width, built to the street right-of-way is required. The buffer area shall be landscaped with eight (8) shrubs or two (2) trees for every fifty (50) linear feet of public right-of-way frontage. Wheel stops or six inch (6") curbing shall also be provided to prevent vehicle overhang.

b. Parking Islands

- i. A landscape island with a planting area at least ten feet (10') in width and eighteen feet (18') feet in length shall be provided on each side of all drives that provide access from the street to the property.
- ii. Developments requiring thirty (30) or more parking spaces shall allocate a minimum area equal to ten percent (10%) of the total area covered by the parking lot for landscaped islands. The area covered by the parking lot shall including parking stalls, and vehicular circulation isles, but exclude driveways, access drives, loading areas, and similar access features.
- iii. Landscaped parking islands shall be a minimum of ten feet (10') in width and a minimum of one hundred and eighty (180) square feet.
- iv. Parking islands shall have a minimum of one (1) tree and one (1) shrub per one hundred and eighty (180) square feet.
- v. All parking islands shall be protected by a raised six inch (6") curb.

c. Distance Requirement

No parking space shall be located more than seventy-five feet (75') from a landscaped area.

d. **Properties Abutting Residential Districts**

Whenever a nonresidential use is proposed adjacent to a Residential District, the nonresidential use shall provide a landscaped buffer of at least ten feet (10') in width within the nonresidential property, planted with a minimum of one (1) medium to large evergreen tree and ten (10) shrubs for each thirty linear feet (30') or portion thereof of adjacent exposure. A berm or masonry wall may be placed within the landscaped edge in lieu of the required shrubs.

4. **Tree Protection**

For every existing mature tree that is preserved in an area where landscaping is required, the developer shall be given credit of three (3) trees.

F. Landscaping Requirements – Residential Subdivisions

1. When a plat is required for residential subdivisions, street trees shall be provided at a minimum of one (1) tree per fifty linear feet (50') of frontage along an arterial street.
2. The required trees shall be located either outside the arterial right-of-way or if in the arterial right-of-way, placed within five feet (5') of the abutting lot line. If landscape material is located five feet (5') into the arterial street right-of-way, the sidewalk may be serpentine to allow landscape material to be placed in pocket areas as long as the tree-to-pavement distance of four feet (4') is maintained.
3. For landscape material that is installed along an arterial street, a fence and landscape easement of at least five feet (5') in width shall be provided.

G. Landscaping Requirement – Signs

Freestanding permanent signs and Subdivision ID signs shall be landscaped five feet (5') in all directions. Landscaping material shall be of size and quantity proportionate to the size and height of the sign and approved by the Director.

H. General Standards

1. *Irrigation*

Required new landscaping shall be irrigated by one of the following methods

- a. Underground sprinkling system; or
- b. Drip system; or
- c. Hose attachment if in industrial area.

2. *Maintenance*

All plantings shall be maintained in a healthy and attractive manner by the property owner and any tenants. Maintenance shall include, but not be limited to, periodic mowing, watering, fertilizing, weeding, cleaning, pruning, trimming, spraying, and cultivating. In addition to these requirements, the property and

any tenants shall be responsible for ensuring the subject site and adjacent right-of-way is maintained in an orderly and clean manner.

3. *Landscaping on Public Property*

- a. The City shall have the power to plant, preserve, spray, trim, or remove any tree, shrub, or plant on any parkway, alley, or public ground belonging to the City.
- b. It shall be unlawful for any person to cut or break any branch of any tree or shrub or injure in any way the bark of such tree or shrub growing on public property.

4. *Planting Material Standards*

- a. All required new trees shall be a minimum of two inch (2") caliper.
- b. All required shrubs shall be a minimum of three (3) gallon size.

7. *Completion of Landscaping Requirements*

All required landscaping shall be completed in accordance with the approved site plan, subdivision plat, prior to the issuance of a certificate of occupancy for any building or final plat approval. Exceptions may be permitted and certificates of occupancy issued where weather conditions prohibit the completion of approved and required landscaping. In such cases, an extension period no later than three (3) months may be granted so long as a performance bond for no less than one hundred percent (100%) of the total estimated value of the landscaping is posted and a performance bond agreement is entered.

Section 4.3 Screening and Fencing

A. Screening

1. *Applicability*

All multi-family residential and all nonresidential uses shall be required to provide screening as specified in this Section to block views of the specified features from any adjacent street or public open space or any adjacent property or public areas of a site. For purposes of this Section, public areas of a site include public parking areas, sales areas, outside eating areas, or other areas to which customers, clients, and guests are given regular access.

2. *Refuse Collection*

a. Location

Outdoor refuse collection receptacles shall not be located in a required front setback and should be located at a minimum behind the front building line. Refuse collection receptacles shall not be located within any area used to meet the minimum landscaping or parking and loading requirements of this Ordinance, or be located in a manner that obstructs or interferes with any designated vehicular or pedestrian circulation routes onsite.

b. Screening enclosure

Each refuse collection receptacle shall be screened from view on all sides by a durable sight-obscuring enclosure consisting of an opaque fence or wall of between six feet (6') and eight feet (8') in height. Where the access to the enclosure is visible from adjacent streets or residential properties, the access shall be screened with an opaque gate.

c. **Maintenance of Refuse Collection Receptacle**

The lids of receptacles in screening enclosures without roof structures shall remain closed between pick-ups, and shall be maintained in working order.

3. ***Rooftop Equipment***

All rooftop equipment shall be screened or concealed from view of adjacent properties and streets by the use of compatible and appropriate materials similar or complementary to the primary building materials.

4. ***Wall and Ground Mounted Mechanical Equipment and Utility Fixtures***

Wall mounted mechanical equipment extending six inches (6") or more from the outer building shall be screened with sight obscuring enclosures constructed of one of the primary materials used on the structure, or sight obscuring fences or trees and shrubs. Ground mounted mechanical equipment shall be screened through the use of ornamental fences or screening enclosure, or through the use of trees and shrubs. Above-grade ground mounted utilities are prohibited on sidewalks in the downtown area.

B. Fencing

1. ***Design Standards for Fences and Walls***

a. **Fence Location in Residential Lots**

Fences in residential districts may be constructed on property lines, in side yards, and rear yards. However, no fences higher than thirty inches (30') may be constructed in any front yard and shall not exceed seven feet (7') in height in any other yard.

b. **Fences in Flood and Drainage Areas**

No fences, other than an open split rail fence or barbed wire fence shall be constructed in any one hundred (100) year floodplain area or drainage easements. Barbed wire shall only be allowed in agriculture zoned districts as provided in Subsection 4.3.B.1.d.

c. **Finished Side**

The finished side of the fence or wall shall face outward, away from the development installing the fence or wall, with all braces and supports on the interior side of the fence except those provided expressly for aesthetic purposes.

d. **Prohibited Fencing**

Barbed and razor wire fencing is not allowed within any zoning district except for properties zoned agriculture.

e. **Height Limitations**

Fencing, unless a greater height is required for screening, shall not exceed seven feet (7') in height, except for fences for the following uses; public tennis courts, baseball fields, or other similar public recreation. For properties zoned industrial, fences may be eight feet (8') in height.

f. Materials

Where fencing is required by this ordinance, such fencing and walls shall be opaque and shall be constructed of durable, easily maintained materials such as, but not limited to, masonry, vinyl, or treated, stained or painted wood sections.

g. Maintenance

All fences, and screening shall be maintained by property owner and tenant to ensure the fence continues to be effective for its intended purpose.

h. Sight Triangle

To allow for clear sight, at all intersections of streets, driveways, or sidewalks, for a distance of twenty-five feet (25') back measuring from the point of intersection of the front and exterior side lot lines a distance of twenty-five feet (25') 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 or thirty feet (30') back from the intersection of straight right-of-way and property lines, whichever is greater, and fifteen feet back from edge of driveways.

2. *Fencing Separating Zoning Districts*

For any nonresidential developments abutting an agriculture or residential zoned lot an opaque fence shall be installed and maintained along lot lines. The fence shall be a minimum of six feet (6') in height.

C. 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 (200') of a major street or highway or within two hundred feet (200') of any property in any Residential, O, C1, DM, or IL District even though such activities may be permitted uses in such districts, unless such materials or articles are so screened with an opaque fence or other material as not to be visible to an observer driving on such street or highway or standing on the ground in such district, excluding the following items and uses.

1. Animals;
 2. Boats;
 3. Construction equipment in use on construction sites;
 4. Farm and garden equipment, in use in fields and gardens;
 5. Gasoline pumps and similar service station equipment customarily not enclosed;
 6. Household articles customarily stored or used out-of-doors;
 7. Monuments and tombstones;
 8. Motor vehicles;
-

9. Oil derricks or pumps and similar equipment at oil wells;
10. Plants, living, including trees and shrubs;
11. Signs;
12. Sports, play and similar equipment, customarily used outdoors;
13. Structures attached to the ground or a building;
14. Transit vehicles;
15. Transportation equipment in operation of goods being transported; and
16. Trucks and trailers.

Section 4.4 Off-Street Parking and Loading

A. General Intent and Purpose

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. The requirements are intended to be based on the demand created by each use. These requirements shall apply to all uses in all districts.

B. Applicability

1. Every building hereafter erected or change of use of a building and every 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.
2. 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. Off-street parking is not required for uses in the DM District.

C. Design Standards

1. Location and Setbacks

Required off-street parking spaces shall be located within two hundred feet (200'), by route of pedestrian access, from the principal uses they serve and shall have direct access to a street or ally.

2. Nonresidential Uses in, or Adjacent to Residential Districts

- a. No parking area accessory to a nonresidential use, in a residential district or abutting the front yard of a residential use, shall be permitted within a front yard setback.
- b. The parking area shall be screened and landscaped as required by Sections 4.2 and 4.3.
- c. Driveways used for ingress and egress shall be confined to and shall not exceed twenty-four feet (24') in width, exclusive of curb returns.
- d. 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.

- e. Whenever lighting is provided, lighting shall conform to the Lighting Standards in Section 4.5.
 - f. No sign of any kind shall be erected except information signs used to guide traffic and to state the condition of terms of the use of the lots.
3. *DM Districts*
No parking shall be permitted within a front yard setback in the DM District.
4. *Overhang Prohibited*
Vehicles shall not hang over property lines
5. *Parking Lot Landscaping, Buffering, and Screening*
All parking lot landscaping, buffering, and screening shall comply with the applicable requirements in Section 4.2 and 4.3.
6. *Surfacing Requirements*
All required parking spaces, including driveways, 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. Substandard parking spaces and driveways in existence at the time of the adoption of this code shall be allowed to be continued. However, any addition to the substandard parking spaces or driveway shall conform to the surfacing requirement in this Article.
- a. *Pervious Pavement*
Pervious pavement or pervious pavement systems, including pervious asphalt, pervious concrete, and modular pavers designed to funnel water between blocks, lattice, or honeycomb shaped concrete grids with turf grass or gravel filled voids to funnel water, resin-bound pervious pavement systems, or similar structured and durable systems are allowed as parking lot surfacing materials. Gravel, turf, or other materials that are not part of a structured system designed to manage stormwater are not considered pervious pavement or a pervious pavement system. Pervious pavement and pervious pavement systems must comply with the following:
 - i. Materials must be installed and maintained in accordance with all applicable city standards. Damaged areas must be promptly repaired. Gravel that has migrated from a pervious pavement system onto adjacent areas must be regularly swept and removed.
 - ii. Accessible parking spaces and accessible routes from the accessible space to the principal structure or use served must comply with building code.
 - iii. Pervious pavement or pervious pavement systems are prohibited in areas used for the dispensing of gasoline or other liquid engine fuels or where other hazardous materials are used or stored.
 - iv. Pervious asphalt, pervious concrete, or modular pavers may be used for drive aisles and driveways, but not other pervious pavement systems

may be used in such areas unless expressly approved by the Director.
(Amended – 6/1/2020)

7. *Parking and Driveways in Residential Districts*

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 (20') of abutting street. No driveway entrance serving a dwelling shall be more than forty percent (40%) of lot frontage in width, exclusive of curb returns. The maximum driveway width applies to the composite of all driveways if multiple points of ingress/egress are provided. Side yard and rear yard access shall not be allowed from major and minor arterial streets and collector streets. 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.
(Amended 6/1/2020)

8. *Major Recreation Equipment*

No major recreational equipment shall be parked or stored on any lot in a Residential District except in a carport or enclosed building or behind the nearest portion of a building to a street, provided however that such equipment may be parked anywhere on residential premises not to exceed twenty-four (24) hours loading or unloading. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such use.

9. *Joint Parking Facilities*

Whenever two (2) or more uses are located together in common buildings, shopping center or other integrated building complex, the parking requirement may be complied with by providing permanent common parking facility, cooperatively established and operated, which contains the requisite number of spaces for each use. The total number of spaces provided shall not be less than the sum of the individual requirements, in table 4.4.E.

10. *Stacking Requirements*

Drive-through facilities shall comply with the following minimum stacking space standards in Table 4.4.C.10

Table 4.4.C.10: Required Stacking Spaces		
Use Type	Minimum Stacking Spaced	Measured From
Financial institution, with drive-thru	4	Teller window
Restaurant, with drive-thru	8	Pick up window
Pharmacy, with drive-thru	4	Pick up window
Care Wash, automatic	6	Bay entrance
Car Wash, self service	3	Bay entrance
Car Wash, full service	4	Bay entrance

11. Handicapped Parking

a. Residential Uses

Handicapped-accessible parking for residential uses shall be provided at the rate of one (1) space per each dwelling unit that is designed for occupancy by the handicapped.

b. Nonresidential Uses

Handicapped-accessible parking spaces shall be provided for uses other than residential at the rate shown in Table 4.4.C.11.b.

Table 4.4.C.11.b: Required Handicapped Parking Spaces		
Total Number of Parking Spacing	Minimum Total Number of Accessible Parking Spaces Required	Minimum Number of Van Accessible Spaces Required
1-25	1	1
26-50	2	1
51-75	3	1
76-100	4	1
101-150	5	1
151-200	6	1
201-300	7	2
301-400	8	2
401-500	9	2
501-1000	2% of total	
1001 or greater	20, plus 1 for each 100 or fraction thereof, over 1000	

D. Parking Lot Spacing Dimensions

Parking layout dimensions for required off-street parking spaces and aisles shall be in accordance with or in proportion to the standards in Table 4.4.D

Table 4.4.D: Parking Lot Dimensions						
Angle (Degrees)	One-Way Aisle			Two-Way Aisle		
	Width	Length	Aisle Width	Width	Length	Aisle Width
45	9	18	11	9	18	18
60	9	18	14	9	18	19
75	9	18	18	9	18	20
90 (Straight)	9	18	22	9	18	22
0 (Parallel)	9	18	14	9	18	20

E. Number of Off-Street Parking Spaces Required

Off-street parking spaces shall be provided for all uses in accordance with standards in Table 4.4.E.

Table 4.4.E: Number of Off-Street Parking Spaces Required	
USE CATEGORY	
Subcategory Use Type	Minimum Parking Spaces Required
ACCESSORY USES	
Accessory Buildings	None
Home Occupations	2 spaces
Accessory Dwelling	1 per bedroom
RESIDENTIAL USES	
Household Units	
Detached single family dwelling	2 per unit
Two-family dwelling	2 per unit
Multi-family dwelling	.5 per bedroom
Townhouse development	.5 per bedroom
Dwelling group	.5 per bedroom
Mobile home	2 per unit
Group Quarters	
Boarding, dormitory, and rooming house	1 per bed
Group Home	1 per 2 beds, plus 1 per 100 sq. ft. of assembly area
Convalescent home, nursing home, or assisted living	1 per 4 beds, plus 1 per employee
Mobile Home Park	2 per unit
PUBLIC/INSTITUTIONAL USES	
Airport	
Art Gallery or Museum	1 per 350 square feet
Library	1 per 350 square feet
Community Services	
Cemetery	See Sec. 4.4.F
Crematorium	1 space per 400 feet of office area
Government administration and civic buildings	1 per 300 square feet
Places of assembly	1 per 4 seats in assembly area, or 1 per 100 square feet w/out seats
Hospital	1 space per 2 beds
Child Care Facilities	
Day care center	1 per 400 square feet
Home day care	2 per unit, plus 2
Education	
College or university	1 per 400 square feet
Elementary	1 per 800 square feet
Middle school or high school	1 per 400 square feet
Trade school	1 per 400 square feet
Parks and Open Space	
Utilities and Public Service Facility	
Minor	None
Major	None
Wireless Communication Facility	
Freestanding tower	None
Building or tower-mounted antenna	None

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Table 4.4.E: Number of Off-Street Parking Spaces Required

USE CATEGORY	
Subcategory Use Type	Minimum Parking Spaces Required
COMMERCIAL USES	
Animal Service	
Animal training	1 per 400 square feet
Boarding or shelter	1 per 400 square feet
Grooming	1 per 400 square feet
Veterinary, small	1 per 400 square feet
Veterinary, large	1 per 400 square feet
Broadcast or Recording Studio	1 per 300 square feet
Financial Services	
Financial Institution, with drive-thru	1 per 300 square feet, plus stacking requirements
Financial Institution, without drive-thru	1 per 300 square feet
Food and Beverage Services	
Bar/nightclub	1 per 200 square feet
Bakery, retail	1 per 300 square feet
Brewpub	1 per 300 square feet
Fruit and vegetable market	1 per 300 square feet
Restaurant, with drive-thru	1 per 200 square feet
Restaurant, without drive-thru	1 per 200 square feet, plus stacking requirements
Taproom	1 per 300 square feet
Lodging	
Bed & breakfast	1 per room, plus 1 per 300 square feet of meeting or restaurant area
Campgrounds and RV park	1 per individual lot
Hotel or motel	1 per room, plus 1 per 300 square feet of meeting or restaurant area
Office	
Business or professional	1 per 300 square feet
Medical, practitioner office, or clinic	1 per 300 square feet
Research	1 per 500 square feet
Recreation and Entertainment, Outdoor	
Amphitheater	See Sec. 4.4.F
General outdoor recreation	See Sec. 4.4.F
Golf course or driving range, lighted	Golf course: 6 per hole Driving Range: 1.5 per tee, plus 1 per 400 square feet of office area
Golf course or driving range, unlighted	Golf course: 6 per hole Driving Range: 1.5 per tee, plus 1 per 400 square feet of office area
Major entertainment facility	See Sec. 4.4.F
Marina	1 per boat slip, plus 1 per 300 square feet of office or retail area
Race track (auto, dog, horse)	See Sec. 4.4.F
Zoo	See Sec. 4.4.F
Recreation and Entertainment, Indoor	
Fitness and recreational sports center	1 per 250 square feet
General indoor recreation	1 per 250 square feet
Major entertainment facility	See Sec. 4.4.F
Movie theater	1 per 4 seats provided
Parking, non-accessory	None

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DEVELOPMENT STANDARDS

Table 4.4.E: Number of Off-Street Parking Spaces Required

USE CATEGORY	
Subcategory Use Type	Minimum Parking Spaces Required
COMMERCIAL USES	
Personal Services	
Dry cleaning and laundry service	1 per 300 square feet
Funeral and mortuary service	1 per 4 seats provided
General personal services	1 per 300 square feet
Pharmacy or drugstore with drive-thru	1 per 300 square feet, plus stacking requirements
Pharmacy or drugstore without drive-thru	1 per 300 square feet
Studio, artist, or instructional service	1 per 400 square feet
Retail Sales	
Alcoholic beverages, retail sales	1 per 300 square feet
Building supplies and equipment	1 per 500 square feet
Consumer shopping goods	1 per 300 square feet
Consumer shopping goods, large	1 per 500 square feet
Convenience store	1 per 300 square feet
Horticulture nursery sales	1 per 400 square feet
Medical Marijuana Dispensary	1 per 300 square feet
Open-air market or flea market	See Sec. 4.4.F
Self-service Storage Facility	1 per 300 square feet of office area
Sexually oriented business	1 per 300 square feet
Vehicles and Equipment	
Boat and/or RV storage	1 per 50 vehicles stored
Boat, RV, trailer, mobile homes sales	1 per 400 square feet of office area
Car wash	1 per 500 square feet of building area
Fueling station	1 per dispensing station, plus 1 per 300 square feet of building area
Parking structure	None
Truck stops	See Sec. 4.4.F
Vehicles sales and rentals	1 per 400 square feet of office area
Vehicle service and repair, major	1 per 400 square feet
Vehicle service and repair, minor	1 per 400 square feet
Vehicle towing services	1 per 400 square feet
Vehicle storage, operable vehicles only	1 per 400 square feet
INDUSTRIAL USES	
Industrial Service	
Fossil Fuel Storage	1 per employee on largest shift
General industrial service	See Sec. 4.4.F
Manufacturing and Production	
Assembly, light	1 per 1,500 square feet
Manufacturing, light	1 per 1,500 square feet
Manufacturing, heavy	1 per 1,500 square feet
Medical Marijuana Processing	1 per 1,500 square feet
Medical Marijuana Growing	1 per 1,500 square feet
Mining and Processing	
Minerals and raw materials	See Sec. 4.4.F
Oil and gas	See Sec. 4.4.F
Warehouse and Freight Movement	
Motor freight terminal	See Sec. 4.4.F
Office warehouse	See Sec. 4.4.F
Storage yard	See Sec. 4.4.F
Warehouse	See Sec. 4.4.F
Wholesale establishment	See Sec. 4.4.F

Table 4.4.E: Number of Off-Street Parking Spaces Required	
USE CATEGORY	Minimum Parking Spaces Required
Subcategory	
Use Type	
INDUSTRIAL USES	
Waste and Salvage	
Auto salvage yard	See Sec. 4.4.F
Scrap operations	See Sec. 4.4.F
Recycling center(outdoor or indoor)	See Sec. 4.4.F
Solid waste disposal	See Sec. 4.4.F
AGRICULTURAL USES	
Animal Husbandry	See Sec. 4.4.F
Community Garden	See Sec. 4.4.F
Horticultural Nursery Production	See Sec. 4.4.F
Agriculture, general	See Sec. 4.4.F
Livestock sales	See Sec. 4.4.F

F. Variable Demand Uses

Parking requirements for uses that show “See Sec. 4.4.F” in Table 4.4.E have a widely varying parking demand, making it difficult to specify a single off-street parking requirement. The Director shall apply the off-street parking specified for the listed use that is deemed most similar to the proposed use. The Director may require that the applicant provide a parking study for determination of off-street parking requirements.

G. Maximum Number of Spaced Permitted

Any use categorized as “commercial” or “industrial” use in Table 4.4.E may provide no more than one hundred and twenty-five percent (125%) of the minimum number of off-street vehicle parking spaces established in Table 4.4.E, unless an exception is approved by the Director under the following guidelines:

1. The proposed use experiences unique characteristics of low parking turnover;
2. The parking demand cannot be accommodated by on-street parking or joint parking agreements.
3. The request is the minimum necessary variation from the standards.

H. Off-Street Loading

1. Every department store, freight terminal or railroad yard, hospital or sanitarium, industrial or manufacturing establishment, retail or wholesale store or storage warehouse establishment, or any similar use, which has, or is intended to have an aggregate gross floor area of 10,000 square feet or more, shall provide truck loading berths in accordance with the following table.

Table 4.4.H.1 Off-Street Loading Requirements =< 10,000 Square Feet

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

2. Every auditorium, convention hall, exhibition hall, sports arena, hotel, office building, restaurant, or any similar use, which has or is intended to have an aggregate gross floor area of 40,000 square feet or more, shall provide off-street truck loading or unloading berths in accordance with the following table.

Table 4.4.H.2 Off-Street Loading Requirements >=40,000 Square Feet

Square Feet of Aggregate Gross Floor Area	Required Number of Berths
40,000 up to and including 60,000	1
60,001 up to and including 160,000	2
160,001 up to and including 264,000	3
264,001 up to and including 388,000	4
388,001 up to and including 520,000	5
520,001 up to and including 652,000	6
652,001 up to and including 784,000	7
783,001 up to and including 920,000	8
For each additional 140,000	1 additional

3. Size and Location of Off-Street Loading Spaces

Each loading space shall measure not less than thirty feet (35') by twelve feet (12'), and shall have an unobstructed height of fourteen and one-half feet (14 ½') 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. To the maximum extent feasible, loading areas shall be located to the rear of a site and/or away from adjacent residential uses.

4. Use Not Specifically Mentioned

In the case of a use not specifically mentioned in this Section, the requirements for off-street loading facilities shall be the same as the uses mentioned in this Section that, in the opinion of the Director, has most similar parking characteristics to the use mentioned in terms of loading classification.

Section 4.5 Exterior Lighting

A. Purpose

The purpose of this section is to establish standards for outdoor lighting facilities that serve private developments; provide adequate lighting for movement of people; and mitigate nuisance and glare to adjacent properties.

B. Applicability

All exterior lighting for any type of residential or nonresidential development shall comply with the standards of this Section, unless exempted in Subsection C below.

C. Exemptions

1. Outdoor lighting used for public streets and right-of-ways;
2. Outdoor lighting used for public or private recreational activities;
3. Outdoor lighting used for individual single family dwellings;
4. Public utility companies when working on public utility lighting for public utility purposes in utility easements.

D. General Lighting Standards

1. *Light Pole Placement*

Light poles shall not be placed in street right-of-ways or utility easements adjacent to street right-of-ways, except by the City of Wagoner.

2. *Site Perimeter Restrictions Abutting Residential Districts*

Illumination of the perimeter of the site shall be reduced in intensity measured in foot-candles (fc) at three feet (3') above grade at a rate of 0.5 fc.

3. *Shielding*

Light sources shall be concealed or shielded with luminary cut-offs not exceeding an angle of ninety degrees (90) to minimize the potential for glare and unnecessary diffusion on adjacent property.

4. *Height Limitations*

Light fixtures shall not exceed twenty-five feet (25') in height, measured from the grade at the base of the light pole to the top of the light fixture.

5. *Lighting Level Measurements*

Light levels shall be measured with a direct-reading, portable light meter, calibrated within the last year by an independent laboratory regularly engaged in the calibration of such instruments. The meter's sensor shall be located at the top of the visual screening fence on the property line (or at a height of three feet (3') above the surrounding local grade if there is no fence), aimed towards the

subject property in horizontal position. Readings shall be recorded after the value has stabilized. Measurements are to be made after establishment of darkness with the light sources to be measured illuminated, and then with those light sources extinguished. The difference between these two (2) readings will then be compared to the maximum allowed illumination at the property line. In this way, contributions to light levels by the moon and other ambient light sources are eliminated and the light intensity from the sources in question can be determined.

Section 4.6 Transportation and Access

A. General Intent and Purpose

The purpose of this Section is to support the creation of a highly connected transportation system within the City in order to provide choices for drivers, bicyclists, and pedestrians; increase effectiveness of municipal service delivery; promote walking and bicycling; connect neighborhoods to each other and to local destinations such as employment, schools, parks, and shopping centers; reduce vehicle miles of travel and travel times; improve air quality; reduce emergency response times; mitigate the traffic impacts of new development; and free up arterial capacity to better serve regional long-distance travel needs.

B. Street Standards

All streets shall meet the standards and requirements in the City of Wagoner Subdivision Code.

C. Street Connectivity

Within each residential development, accommodations should be made for the safe and efficient movement of vehicles, bicycles, and pedestrians. The circulation system should provide multiple connections to and between local destinations such as parks, schools, and shopping areas. These connections should allow movements of vehicular (motorized and non-motorized) and pedestrian traffic between and through separate developments rather than form barriers between them.

D. Connections to Vacant Lands

Where new development is adjacent to vacant land, all modes of transportation and access ways in the development's proposed street system shall continue through the boundary lines with a minimum of two (2) access points per half-mile to provide for the orderly subdivision of such adjacent vacant land.

E. Street Access

No principal building or a residence shall be constructed on a lot that does not abut a public street, except for developments which property owners or a homeowners association is chartered with the responsibilities of maintenance of private streets and access ways.

F. Access to Adjacent Properties in Nonresidential Developments

All nonresidential developments shall allow access to and from adjacent properties to encourage reduced access points and curb cuts. In cases where mutual access is

impractical the Director may waive this requirement. A mutual access easement may be required prior to the issuance of a building permit.

G. Sidewalks Required; Fee-in-lieu

In areas of all new development or redevelopment, sidewalks shall be installed on both sides of all arterial, collector, and local streets. Sidewalks shall be constructed to meet the requirements of the City of Wagoner Subdivision Regulations.

The developer or applicant for such new development or redevelopment may request an exemption from the sidewalk construction requirements by filing a written request to the Director at the time the applicant submits a building permit application. The Director shall approve payment of a fee instead of installation of a sidewalk if the Director determines that one or more of the following conditions occur:

1. The property is used only for a single-family residential use;
2. On the date the property was subdivided, the land development regulations did not include a sidewalk requirement (2002);
3. A stormwater drainage ditch or similar public utility facility prevents the installation of the sidewalk, and neither the sidewalk nor the facility can be reasonably relocated to accommodate both the sidewalk and facility; or
4. Other unusual circumstances that make the installation of sidewalk unreasonable or inappropriate.

The amount of the fee shall be the actual cost of sidewalk construction; established in the City of Wagoner Master Fee Schedule.

H. On-Site Pedestrian Facilities

All nonresidential developments shall provide a site plan that includes all proposed pedestrian facilities. On-site pedestrian facilities shall connect from public sidewalks to public building entrances. Developments that contain more than one (1) building shall provide hard surfaced pedestrian facilities between the principal entrances of buildings.

Section 4.7 District Specific Standards

General

In all zoning districts, additions to existing structures shall be designed with materials and/or architectural elements that are related to the existing structure unless specified in this ordinance. (Amended – 6/1/2020)

A. Planned Unit Developments (PUD)

1. Purpose

Planned Unit Development (PUD) is established as a supplemental zoning district. A PUD provides an alternative to conventional development and requires approval as described in Section 4.7.A.7. The PUD provisions are

designed to permit and encourage innovative land development, permit flexibility to best utilize physical features, and encourage a more productive use of land consistent with public objectives and standards.

2. *Uses Permitted in a PUD*

A PUD may include one or more of the uses permitted by right or by special exception within the general zoning district or districts within which the PUD is located; provide however:

- a. If any part of PUD is located within a Residential District, the permitted uses may additionally include one or more of the dwelling types contained in any residential district;
- b. If any part of the PUD is located within the RMH District the development may consist of one or more of the dwelling types permitted in any residential district;
- c. The permitted uses, whether principal or accessory, may be located anywhere throughout the development without regard to general zoning district boundaries.

3. *Bulk and Area Requirements*

a. Residential Intensity

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:

- i. 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 (1/5) of the tract area for streets, regardless of the area actually used for streets.
- ii. 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 (1/5) of the tract area for streets.

b. Nonresidential Intensity

The nonresidential intensity shall not exceed the maximum permitted floor area ratio that would be permitted under the respective district provisions, counting one-fifth (1/5) of the tract area for streets, regardless of the area actually used for streets. Where a floor area is not specified, a floor area ratio of .75 shall apply.

c. General Requirements

Within a PUD, minimum requirements for lot width, frontage, yard setbacks, lot coverage, and heights shall be listed in detail as development standards in the Development Plan.

d. Livability Open Space

Within a residential area of a PUD, livability open space shall be provided per dwelling unit as follows:

- i. RS District: 4,000 square feet per dwelling unit

- ii. RM District including RMH: 1,200 square feet per dwelling unit
If residential area includes both RS and RM districts the aggregate total per dwelling unit shall be applied.
 - e. Required livability open space may be provided on the lot containing the dwelling unit or units on which computed, or in common areas, common livability open space should be designed and located to be accessible to the dwelling units it is intended to serve.
4. *Landscaping Screening and Fencing*
- a. The minimum landscaped area in PUDs for nonresidential development areas shall be required as follows:
 - i. Office Use: 15% of net developable area
 - ii. Commercial Use: 10% of net developable area
 - iii. Industrial Use: 10% of net developable area
 - b. Perimeter Requirements
Within a PUD, perimeter requirements for screening, landscaping, and setbacks necessary to assure compatibility with adjoining and proximate properties, shall be prescribed and set forth as development standards of the approved planned unit development and shall be incorporated within the required subdivision plat.
5. *Signs*
Signs in a PUD shall be governed by this Ordinance, but may be modified by the express terms of the PUD.
6. *Parking and Loading*
Within a PUD, off-street parking and loading requirements shall meet the minimum requirements of this Ordinance and specified in Table 4.4.E for each use within the PUD.
7. *Planned Unit Development District – Zoning Map Amendment*
- a. Procedures
Applications shall follow the procedures as described in Section 8.4.D for regular proposed zoning map amendments, provided however, an application for a supplemental district designation PUD may be processed concurrently with an application for regular zoning map amendment and make contingent upon approval of said application. In addition, an application for the supplemental designation PUD may be processed with a preliminary plat, provided the preliminary plat conforms to the subdivision regulations of the City of Wagoner.

B. Floodplain Districts

- 1. *Applicability*
This Section shall apply to all areas of special flood hazard within the jurisdiction of the City of Wagoner.
 - 2. *Compliance*
-

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of the City of Wagoner Municipal Code of Ordinance Chapter 10, Flood Prevention.

C. Historic Preservation Districts

Historic Preservation Districts shall be governed by Article 7 of this Ordinance.

D. Downtown Mixed-Use District

1. General Provisions

Development within the downtown mixed-use district shall comply with the following design standards. Development shall include all new construction and existing structures if the existing structure is enlarged or remodeled by more than fifty percent (50%).

2. Exterior Building Materials

- a. Brick shall be the primary building material, along with masonry accents as traditionally found in the downtown.
- b. Exterior Insulated Finished Systems (EIFS) and metal shall not be used as a primary exterior building material.

3. Ground-Floor Pedestrian Interest

The ground floor of a building shall encourage pedestrian activity by maintaining a high window-to-wall ratio. On the façade facing the street, at least forty percent (40%) of the wall that is between three and ten feet (3'-10') above the grade shall consist of glazing.

4. Upper-Floor Distinction

The distinction between the street level and upper levels should be expressed through detailing, changes in materials, and fenestration. (Amended – 6/1/2020)

E. Office and Commercial Districts

1. General Provisions

Development within the office and commercial districts shall comply with the following design standards. Development shall include all new construction and existing structures if the existing structure is enlarged or remodeled by more than fifty percent (50%).

2. Exterior Building Materials

All new construction or renovation of existing structures in these districts shall have those vertical exteriors that are facing a public or private street constructed of, but not limited to: masonry, concrete panels, glass block, glass curtain walls, Exterior Insulated Finished Systems (EIFS), or stucco. EIFS, however, shall not be used as the primary exterior building material. Metal finishes, wood, plastic, and other masonry materials may be considered and approved by the Director through the site plan review process. These approved materials are not required on exteriors facing rear alleys, or on portions of the building not facing a public or private street. All façade designs and materials shall be approved through the

site plan process. Metal, canvas, wood, glass, plastics, or other similar materials may be used only in doors, windows, signs, canopies and awnings.

3. *Wall Articulation*

All sides of the façade, except the rear of the structure, unless the rear façade abuts a public street, where said façade is over fifty feet (50') shall include architectural features a maximum of fifty feet (50'), to minimize the appearance of blank walls. Such changes in walls may include texture, masonry, patterns, windows, colonnade, columns, or pilasters. (Amended – 6/1/2020)

F. Industrial Districts

1. *General Provisions*

Development within the industrial districts shall comply with the following design standards. Development shall include all new construction and existing structures if the existing structure is enlarged or remodeled by more than fifty percent (50%).

2. *Exterior Building Materials*

All new construction or renovation of existing structures in these districts that are located on a lot adjacent to an arterial street or highway shall have those vertical exterior that are facing the arterial street or highway constructed of but not limited to: masonry, concrete panels, glass block, glass curtain walls, Exterior Insulated Finished Systems (EIFS), or stucco. EIFS, however, shall not be used as the primary exterior building material. Metal finishes, wood, plastic and other masonry material may be considered and approved by the Director through the site plan review process. These approved materials are not required on exterior facing rear alleys, or portions of the building not facing an arterial street or highway. All façade designs and materials shall be approved through the site plan process. Metal canvas, wood, glass, plastics, or other similar materials may be used only in doors windows, signs, canopies, and awnings. (Amended – 6/1/2020)

Article 5
NONCONFORMING STRUCTURES AND USES

Section 5.1 General Provisions

A. Purpose and Intent

Within the districts established by this Ordinance or amendments that may later be adopted, there exist lots, structures, and uses of land and structures which are lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendment. It is the intent of this Ordinance to permit these nonconforming uses to continue until they are removed, but not to encourage their survival. Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as ground for adding other structures or uses prohibited elsewhere in the same district. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this Ordinance

B. Determination of Nonconformity Status

In all cases, the burden of establishing the existence of a legal nonconformity shall be solely upon the owner of the nonconformity, not the City.

C. Change of Ownership or Tenancy

Changes in ownership, tenancy, or management of property with an existing nonconformity are permitted, but such nonconformity shall continue subject to the provisions of this chapter.

D. Construction Authorized or In Progress

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.

Section 5.2 Nonconforming Structures

- A.** 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:
- 1.** No structure may be enlarged or altered in a way which increases its nonconformity.

2. Should such structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
3. Should the structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 5.3 Nonconforming Uses of Structures

- A. 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:
 1. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use for the structure to a use permitted in the district in which it is located.
 2. 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.
 3. 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.
 4. When a nonconforming use of a structure, or structure and premises in combination is discontinued or abandoned for one (1) year, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district which it is located.
 5. 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.

Section 5.4 Nonconforming Uses of Land

- A. 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:
 1. 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.

2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption of amendment of this Ordinance.
3. If any such nonconforming use of land ceases for any reason for a period of more than sixty (60) consecutive days, 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 5.5 Nonconforming Lot of Record

- A. In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single family dwelling 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.
- B. Where a lot has been created for nonresidential purposes under Section 3.15.B 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.

Section 5.6 Nonconforming Signs

- A. Nonconforming signs may continue subject to the following provisions:
 1. Nonconforming signs must be maintained in good repair and safe condition, in accordance with Section 4.1.J.
 2. If a sign is nonconforming by reason of restrictions on its brightness or illumination or its use of strobe or beacon lights, the sign must be immediately removed or made to conform.
 3. If a nonconforming sign is damaged or partially destroyed to the extent of more than fifty percent (50%) of its replacement cost at the time of damage, the sign must be removed or made to conform to all applicable regulations within ninety (90) days of the date of damage or destruction.
 4. If a nonconforming sign is not used for advertising purposes for a period of two (2) years, the sign is deemed abandoned and must be removed.

Section 5.7 Abandoned Nonconforming Freestanding Mobile Homes

A. Removal

If a nonconforming freestanding home is abandoned for more than six (6) months, such mobile home shall be removed from the property on which it is located. Removal of such mobile home shall be the responsibility of the property owner,

according to the most recent information from the Wagoner County Assessor's office.

B. Abandonment

For the purposes of this Section, an abandoned nonconforming freestanding mobile home is a mobile home which is not located in a mobile home park and has not had utility service from the Wagoner Public Works Authority for more than six (6) consecutive months.

C. Nuisance Declared

It is hereby declared that an abandoned nonconforming freestanding mobile home is a nuisance.

Article 6
BOARD OF ADJUSTMENT

Section 6.1 Establishment

There is hereby established the City of Wagoner Board of Adjustment.

Section 6.2 General Provisions

A. 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. The Board of Adjustment shall annually elect from its appointed members a chairman and vice chairman.

B. Meetings and Rules

The Board of Adjustment shall adopt rules in accordance with the provision 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 vice 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 record.

C. 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 regulations;
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 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. Special exceptions and/or variances may be allowed by the Board of Adjustment only after notice and hearing as provided in Section 6.6 of this Article.

D. Extent of Relief

1. In exercising the above-mentioned powers, the Board of Adjustment may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decisions 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.
2. The concurring vote of at least three (3) members of the Board of Adjustment shall be necessary to reverse any order, requirement and decision or determination of any such administrative officer, or 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.

Section 6.3 Special Exceptions

A. Authorized Special Exceptions

The Board of Adjustment is hereby authorized to make special exceptions to specific uses allowed within each zoning category according the terms of this ordinance and subject to the appropriate conditions and safeguards in harmony with the general purpose and intent and only in accordance with the specific or general provisions contained in this ordinance.

B. Procedures

1. Application

Application shall be made by the owner or owner's authorized agent and filed with the Director. The Director shall prepare a report and transmit the report to the Board of Adjustment before the required public hearing.

2. Hearing Held

A public hearing shall be held with notice according to the provisions in Section 6.6.

3. Actions by the Board of Adjustment

The Board of Adjustment may approve the proposed special exception, approve the special exception with conditions and/or modifications, or deny the special exception. Approval, denial, or modification of a special exception requires an affirmative vote of at least three (3) members of the Board. Upon approval the Board is authorized to 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.

4. Approval Criteria

A special exception may be approved only if the Board makes each of the following findings:

- a. That the special exception will be in harmony with the spirit and intent of this Ordinance; and
 - b. That the special exception will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
5. *Expiration*
A special exception which has not been utilized within two (2) years from the date of the order granting the 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.

C. Transferability

Approved special exceptions run with the land and are not affected by changes of tenancy, ownership, or management.

Section 6.4 Variances

A. Purpose

The intent of a variance is to help alleviate any unnecessary hardship or practical difficulty that would be caused by strict enforcement of the subject zoning ordinance requirements. They are intended to provide relief when the requirements of this Ordinance render property very difficult or impossible to put to reasonable use because of some unique or special characteristics of the property itself.

B. Procedures

1. *Application*

Application shall be made by the owner or owner's authorized agent and filed with the Director. The Director shall prepare a report and transmit the report to the Board of Adjustment before the required public hearing.

2. *Hearing Held*

A public hearing shall be held with notice according to the provisions in Section 6.6.

3. *Actions by the Board of Adjustment*

The Board may approve the proposed variance, approve the variance with conditions and/or modifications, or deny the variance. Approval, denial, or modification of a variance requires an affirmative vote of at least three (3) members of the Board. Upon approval the Board is authorized to prescribe appropriate conditions and restrictions to minimize the effect of the variance on other properties in the area.

4. *Approval & Review Criteria*

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

- a. The application of the ordinance to the particular piece of property would create an unnecessary hardship;

- b. Such conditions are peculiar to the particular piece of property involved;
- c. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
- d. 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; and
- e. Relief, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

5. *Expiration*

A special exception which has not been utilized within two (2) years from the date of the order granting the 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.

C. *Transferability*

Approved variances run with the land and are not affected by changes of tenancy, ownership, or management.

Section 6.5 Administrative Appeals

A. *General*

Appeals from the action where it is alleged there has been an error in any order, requirement, decision, or determination of an administrative officer in the enforcement of this Ordinance 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. Reversing, affirming, or modifying an appeal requires an affirmative vote of at least three (3) members of the Board.

B. *Procedure*

1. *Filing*

An appeal shall be taken within ten (10) days by filing with the officer from whom the appeal is taken and 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.

2. *Effect of Filing*

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 stayed in the certificate of 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 or 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.

3. *Hearing Held*

The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice, as provided in Section 6.6, 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.

4. *Action by the Board of Adjustment*

- a. The Board of Adjustment shall reverse, affirm, or modify the contested action. In reversing, affirming, or modifying the contested action, the Board shall have all the relevant powers of the administrative officer from whom the appeal is taken.
- b. The Board shall not reverse or modify the contested action unless it finds that the administrative officer erred in the application or interpretation of the terms of this Ordinance or related policies adopted by the City.

Section 6.6 Notice Requirements

A. Notice and Hearing

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 Director to all owners of property within a three hundred foot (300') 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.

B. Contents of Notice

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 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.

Section 6.7 Appeals From the Board of Adjustment

A. General

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 Wagoner County.

B. Procedure

1. Filing

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.

2. Effect of Filing

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 of 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.

3. Action by Board of Adjustment

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

4. Court Proceeding

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

Article 7
HISTORIC PRESERVATION

Section 7.1 Establishment

There is hereby established the City of Wagoner Preservation Commission.

Section 7.2 General Provisions

A. Purpose

To promote, protect, and preserve the historic character, architectural heritage, and economic value of historic structures in the City of Wagoner.

B. Appointment; Officers

The Preservation Commission shall consist of five (5) members. The members shall be nominated by the mayor and confirmed by the Council. Each member shall serve a term of three (3) years. When the Preservation Commission is first appointed, two (2) member shall serve a term for three (3) years, two (2) members shall serve a term for (2) years, and one (1) member shall serve a term for (1) year. All members shall serve until their successor takes office. The Preservation Commission shall annually elect from its appointed members a chairman, vice-chairman and secretary. Duties for each office shall be established by the Preservation Commission by resolution.

C. Vacancies

In the event a vacancy occurs on the Preservation Commission for any reason, an appointment shall be made in the same manner as regular appointments and the appointee shall only fulfill the duration of the term left vacant.

D. Meetings

The Preservation Commission shall meet at least once a month for the purpose of transacting its business and duties as set forth in the chapter; provided however, in fulfilling its duties related to Certificate of Appropriateness applications, the Preservation Commission may hold at least one (1) additional meeting a month, as necessary. All meetings, deliberation and voting of the Preservation Commission shall keep minutes of its proceedings, showing the vote of each member upon all actions, or if failing to vote, indicating that fact, and shall keep records of its examinations and other official actions, all of which shall be filed with the Development Services Department and shall be a matter of public record.

E. Staff

The Development Services Department shall provide staff to the Preservation Commission to assist in the performance of its duties.

F. Powers

The Historic Preservation Commission shall have the following powers:

1. Prepare, or cause to be prepared, a comprehensive inventory of historical resources within the City of Wagoner and update said inventory as deemed necessary.

2. Prepare, or cause to be prepared, a general historic preservation plan to be recommended for incorporation in the plan by the City.
3. Prepare findings relating to, and make recommendations on, zoning map amendments as set forth in Section 7.4 of this Article.
4. Promulgate Design Guidelines as are necessary for the review and approval of applications for Certificate of Appropriateness and to inform residential property owners, and the general public of those Guidelines, Design Guidelines shall relate to the significant characteristics of the Historic Resource(s) being proposed for "HP" district designation, the Design Guidelines shall be developed by the Preservation Commission and shall include review and input of the property owner(s) or agents and other parties directly affected by the proposed designation. Such Design Guidelines shall be subject to approval and adoption by the City Council, upon the holding of a public hearing by the Planning Commission, and their recommendation of the Preservation Commission and Planning Commission.
5. Act upon applications for Certificate of Appropriateness and perform other duties as set forth in Section 7.3 of the Article.
6. Make recommendations to the City Council concerning grants and programs from federal and state agencies, private groups and individuals and the utilization of budgetary appropriations to promote the preservation of historic resources in the City of Wagoner. Coordinate and oversee such programs and projects as may be directed by the City Council.
7. Recommendations to the City Council for the need for employing staff making contracts with professional and technical experts as may be required for the furtherance of Preservation Commission work.
8. Increase public awareness of the historic resources in the City of Wagoner and disseminate information to the public concerning historic resources in the City of Wagoner deemed worthy of preservation. Provide notification, as effectively as possible, to property owners within the HP zoning districts of designation and requirements of such designation. Advise and disseminate information to property owners on the preservation, conservation, protection, enhancement, perpetuation and use of Historic Resources.
9. Place, or cause to be placed, monuments, markers or other identifying elements at locations of Historical Resources as funds are available.
10. Coordinate, comment on and make recommendations to the appropriate body concerning actions undertaken by other city, state and federal agencies with respect to the effect of such actions upon the Historical Resources in the City of Wagoner.
11. Consider methods other than those provided for in this chapter for encouraging and achieving preservation of Historic Resources in the City of Wagoner and make appropriate recommendations to the City Council and to other bodies and agencies, both public and private.

12. Prepare, or cause to be prepared, studies and reports and undertake other preservation related tasks as may be deemed appropriate.
13. Prepare, or cause to be prepared, in accordance with the goals and objectives set forth for Historic Preservation Section in the Comprehensive Plan of the City of Wagoner, programs and plans designed to implement neighborhood stabilization, revitalization and conservation in those neighborhoods of the City of Wagoner that are fifty (50) years old or older.
14. Perform any other duties and functions imposed by this chapter or which may be specified by the City Council.

G. Historic Preservation Zoning District

Property located within a Historic Preservation District is supplemental to any zoning district and shall have the designation of HP.

H. Permitted Uses

Property located within a Historic Preservation district may be used for the purposes permitted within the general zoning district in which it is located.

Section 7.3 Certificate of Appropriateness

A. General

The Preservation Commission shall review applications for a Certificate of Appropriateness (COA) and may approve, approve with conditions, or deny the same in accordance with the provisions of this Section and the Design Guidelines. The Preservation Commission shall transmit a copy of the COA along with a set of approved plans to Development Services. Development Services shall not issue any permit in violation of this Section or inconsistent with COA.

B. Exemptions

Within a Historic Preservation District, work as defined in this Ordinance, shall not commence unless a Certificate of Appropriateness has been first issued, provided however; that work related to the following shall not require a Certificate of Appropriateness:

1. Ordinary maintenance and repair which shall include the removal, installation or replacement of guttering; the removal or replacement of roof covering with like material and the application of any paint to non-masonry surfaces;
2. Interior of buildings and structures;
3. Portions or parts of buildings, structures or sites not visible from adjoining streets;
4. Accessory structures or buildings, such as storage sheds, garages, decks, patios, fencing, swimming pools, and pool houses that are not part of the primary structure, provided however, such structures are not located in front yards; and
5. Work required for temporary stabilization of building or structure due to damage.

C. Certificate of Appropriateness

1. *Application*

Application shall be made by the owner or owner's authorized agent and filed with the Director. The Director shall prepare a report and transmit the report to the Historic Preservation Commission. The application for a COA shall contain the minimum:

- a. Site plan showing location of new and existing structures;
- b. Floor plan showing the limits of proposed work;
- c. Façade elevations with existing and proposed materials; and
- d. Any other information that may be necessary to determine and provide for compliance of this Section.

2. *Historic Preservation Review and Recommendation*

Upon receipt of a complete application for a COA the Preservation Commission shall utilize the Design Guidelines to measure the appropriateness or inappropriateness of the proposed work. The Preservation Commission shall approve, approve with modification, or deny the COA. The Preservation Commission shall review the application and consider the following:

- a. The degree to which the proposed work is consistent with the Design Guidelines.
- b. The degree to which the proposed work would destroy or alter the historic resource.
- c. The degree to which the proposed work would be out of character to the surrounding neighborhood or other historic resources.

3. *Procedures if COAs Includes Demolition*

No structure or site within any HP zoning shall be demolished or removed unless such demolition shall be approved by the Historic Preservation Commission and a COA for such demolition shall be granted.

4. *Procedure if Demolition is Denied*

If the COA to demolish a structure is not approved action shall be stayed for a period of sixty (60) days. During this time period the Preservation Commission shall consult with the property owner and other interested parties to explore alternatives to demolition. If alternatives cannot be agreed on by the Preservation Commission and the property owner, the stay shall automatically be terminated. Prior to the expiration of the sixty (60) days period, the Preservation Commission may request a public hearing before the City Council to extend the stay for a period not to exceed an additional sixty (60) days. The Preservation Commission shall by mail notify the property owner of such request and date of the public hearing.

5. *Action by Council*

Following the public hearing, the City Council shall vote to approve, approve with conditions, or deny such request to extend the stay period for an additionally sixty (60) days. Denial shall constitute approval and issuance of a COA for demolition.

6. *Appeal from Historic Preservation Commission*

Appeal from any decision of the Historic Preservation Commission may be taken to the Board or Adjustment and follow procedures in Section 6.5.

Section 7.4 Historic Preservation District – Zoning Map Amendment

A. General

The City of Wagoner may establish, amend, or repeal an “HP” Historic Preservation zoning districts according to the following criteria and procedures, provided however, Design Guidelines for a proposed HP zoning district shall be adopted prior to or concurrent with the mapping of an HP zoning district.

B. Procedures

Applications shall follow the procedures as described in Section 8.4.D for regular proposed zoning map amendments, provided however, that the Historic Preservation Commission shall hold a public hearing and prepare a report and recommendation on the proposed HP zoning map amendment. The report must be transmitted to the Planning Commission before its public hearing on the proposed HP zoning map amendment.

Article 8
ADMINISTRATION

Section 8.1 Zoning Clearance Permit

A. General

The Zoning Clearance Permit is a permit issued by the Director 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 provides a good check for the applicant in that any irregularities can be eliminated before the detailed plans are prepared.

B. Existing Buildings

Existing buildings and structures, whether conforming or nonconforming, shall be required to obtain a Zoning Clearance Permit from the Director if the use changes. This section shall not be construed to allow nonconformities to continue under the provisions of Article 5.

C. Application

An application for a Zoning Clearance Permit shall be made to the Director 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 (3) days the Director shall grant or deny said Zoning Clearance Permit in accordance with the terms of this Ordinance.

Section 8.2 Building Permits

A. General; Exemptions

No building or other structure, included signs, shall be erected, added to, moved, or structurally altered unless a building permit therefor has been issued by the inspecting officer, but no building permit shall be required for:

1. Uses exempt from these regulations as set forth in Section 1.3.C
2. Buildings less than one hundred and twenty (120) square feet in size.

B. Application for Building Permit; Site Plan Required

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:

1. Site plans in duplicate, drawn to scale, showing the scale and dimensions of the lot to be built upon and the shapes, dimensions, and locations on the lot of all existing and proposed buildings or alterations.
2. All applications related to property in Flood Districts shall include additional statements and plans setting forth means by which the Flood District requirements are proposed to be met as set out in applicable flood control regulations adopted by the City of Wagoner.

C. 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 Board of Adjustment in the form of an administrative review, special exception, variances, or findings as provided by these regulations. One copy of the plans shall be returned to the applicant by the Inspecting Officer, after he or she shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original and the 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.

D. Expiration of Building Permit

1. Work Started

If the work described in any building permit has not begun within ninety (90) days from the date of issuance thereof, said permit shall expire, it shall be cancelled by the Inspecting Officer and written notice thereof shall be given to the persons affected.

2. Work Not Complete

If the work described in any building permit has not been substantially complete within one hundred and eighty (180) days 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 person affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.

E. Building Permit for Moving a Building

1. Application

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

- a. Type and kind of building to be moved;
- b. The extreme dimensions of the length, height, and width of the building;
- c. Its present location and proposed new location by lot and block numbers and subdivision names, or other legal description and street address if established; and

- d. 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.
2. *Viability Determined*
If in the opinion of the Inspecting Officer, the moving of any buildings will cause serious injury to person or property or serious injury to the streets, alleys, highways, or other public improvements, or the building to be moved has deteriorated more than fifty percent (50%) 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 8.3 Certificate of Occupancy

A. 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:

1. The continuation, unchanged of an existing use, whether conforming or nonconforming.
2. The planting or harvesting of crops or gardens or the grazing of cattle or horses where permitted by the district regulations.
3. Uses exempt from these regulations, as set forth in Section 1.3.C
4. Buildings less than one hundred and twenty (120) square feet.

B. Issuance of Certificate of Occupancy

Certificates of occupancy shall be on a form supplied by the Inspecting Officer. 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.

C. Temporary Certificate of Occupancy

A temporary certificate of occupancy may be issued by the Inspecting Officer for a period not exceeding sixty (60) days 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.

D. Records and Copies

The Inspecting Officer shall maintain a record of all certificates of occupancy and a copy shall be furnished upon requests to any person.

E. 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 Article 9 thereof.

Section 8.4 Amendments

A. Applicability

This Section covers applications to amend the Comprehensive Plan, the text of this Ordinance, the Zoning Map, and the Land Use Map.

B. Amendments to Comprehensive Plan

1. Authority to File

Amendments to the text of the Comprehensive Plan may be initiated only by the City Council, Planning Commission, or Director of Development Services.

2. General

The Comprehensive Plan should be reviewed and reassessed regularly to evaluate the effectiveness and adequacy of the Plan. This section provides guidance on when and how amendments shall be considered.

3. Complete Plan Revision

The Director shall initiate a full review and complete revision of the Comprehensive Plan at least once every fifteen (15) years.

4. Intermittent Updates

At least once every five (5) years the Director shall initiate partial review and revision of the Comprehensive Plan. The partial review shall update the existing Comprehensive Plan in accordance with changing economic and demographic trends, recent and proposed land use decisions, adopted studies and plans, and area wide rezonings.

5. Land Use Map Amendments

Amendments to the Land Use Intensity Map as adopted within the Comprehensive Plan shall be amended in accordance with the procedures in Section 8.4.D.8.

C. Zoning Ordinance Text Amendments

1. Authority to File

Amendments to the text of this Ordinance may be initiated only by the City Council, Planning Commission, or Director of Development Services.

2. Procedure

a. Review and Recommendation

The Director shall prepare a report and recommendation on the proposed zoning ordinance text amendment. The report must be transmitted to the planning commission before its public hearing on the proposed amendment.

b. Hearing Held; Notice Required

A public hearing shall be held with notice in accordance with Section 8.5.

c. Actions by the Planning Commission

The Planning Commission shall hold a public hearing on the zoning ordinance text amendment. Following the public hearing, the Planning Commission may recommend approval of the proposed text amendment, approval of the text amendment with conditions and/or modifications, or denial of the text amendment and transmit its report and recommendations to the City Council. Motions made, may be approved by simple majority vote.

d. Final Action by City Council

Upon receipt of the Planning Commission's report and recommendation, the City Council shall act to approve the proposed text amendment, approve the proposed text amendment with conditions and/or modifications, or deny the proposed text amendment. The City Council may remand the proposed text amendment back to the Planning commission for further consideration.

D. Zoning Map Amendments

1. *Authority to File*

Any person, association, firm or agency of government may apply for amendment of the zoning map.

2. *Application*

a. Content

An application for zoning map amendment shall be in such form and have such content as the Planning Commission may, by resolution, establish.

b. Filing Period

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

3. *Review and Recommendation*

Upon receipt of a complete zoning map amendment application the Director shall prepare a report and recommendation on the proposed zoning map amendment. The report must be transmitted to the Planning Commission before its public hearing on the proposed amendment.

4. *Hearing Held; Notice Required*

A public hearing shall be held with notice required in Section 8.5.

5. *Action by Planning Commission*

a. The Planning Commission shall hold a public hearing on the zoning ordinance map amendment. Following the public hearing, the Planning Commission shall act to recommend to the governing body that the application be approved, approved with modifications, or deny the zoning map amendment.

b. Action by the Planning Commission to approve or approve with modification shall be transmitted to the City Council within fifteen (15) days of the date of the Planning Commission action.

- c. If the Planning Commission votes to deny an application or to modify it in a manner not acceptable to the applicant, the applicant may within fifteen (15) days appeal the Planning Commission's action to the governing body by filing a written request to the City Clerk. Upon notice of written request the Planning Commission must transmit the application and its report and recommendations to the City Council.
 - d. Actions by the Planning Commission may be approved by a simple majority vote.
6. *Final Action by City Council*
- a. Upon receipt of the Planning Commission's report and recommendation, the City Council shall act to approve the proposed zoning map amendment, approve the proposed zoning map amendment with conditions and/or modifications, including approval of a less intensive zoning district, or deny the proposed map amendment. In the event of an 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.
 - b. Zoning map amendments may be approved by a simple majority, except as stated in in Section 8.4.D.7
 - c. *Effect of Denied Applications*
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 (12) months after such prior public hearing, provided however, that the new 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 (6) months after the prior public hearing.
7. *Protests*
Written protests against proposed changes shall be filed at least three (3) days before the date of the public hearing before the Planning Commission. If protests are filed by:
- 1. The owners of twenty percent (20%) or more of the area of the lots included in a proposed change, or
 - 2. The owners of fifty percent (50%) or more of the area of the lots within a three hundred foot (300') 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 (3/4) of all the members of the City Council.
8. *Zoning Map Amendments in Conflict with Comprehensive Plan Land Use Map*

Applicants for proposed zoning map amendments that, if approved, would be in conflict with the Land Use Map of the Comprehensive Plan shall file a separate application for a Land Use Map amendment. The procedures for Land Use Map amendments shall be the same as Zoning Map Amendments. The Director may allow the application for Land Use Map amendment to be processed concurrently with any zoning map amendment.

Section 8.5 Notice Requirements

A. General

Parties in interest and citizens shall have an opportunity to be heard at a public hearing. Notices for amendments as identified in this Article required for Planning Commission's public hearings shall be in the form of one or more of the following types of notices. Table 8.5.E shows when each type of notice is required for each applicable amendment.

1. *Newspaper Notice*

Notice shall be published in a newspaper of general circulation in the City of Wagoner at least fifteen (15) days before the scheduled hearing.

2. *Mailed Notice*

Notice shall be given twenty (20) days prior to the hearing by mailing written notice to all owners of property within a three hundred foot (300') radius of the exterior boundary of the subject property.

3. *Posted Notice*

Posting of a sign shall be posted at least twenty (20) days before the scheduled public hearing. 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.

B. Contents of Notice

All required public hearing notices shall contain following:

1. Legal description of the property and the street address or approximate location in the City of Wagoner, this action is not required for posted notices;
2. Present zoning of the property and the zoning sought by the applicant;
3. Date, time, and place of the public hearing;
4. Who will conduct the public hearing;
5. The proposed use of the property;
6. If zoning map amendment, a map of the property showing the area to be affected by the proposed amendment, this action is only required for newspaper notices; and
7. Other information as deemed necessary to provide adequate and timely public notice.

C. Applicable Notices

Table 8.5.C shows the applicable notices required for each type of amendment.

Table 8.5.C: Applicable Notices			
Type of Amendment	Type of Notice Required		
	Newspaper	Mailed	Posted
Comprehensive Plan	X		
Zoning Ordinance Text	X		
Zoning Map	X	X	X

Section 8.6 Fees

All fees associated with applications and permits required by this Ordinance shall be set by Resolution by the City Council and modified from time to time.

Article 9
ENFORCEMENT

Section 9.1 General Provisions

A. Compliance Required

No person shall develop or use any land, building, or structure within the City of Wagoner in violation of this Ordinance, regulation authorized under this Ordinance, or the terms and conditions of permits or other approvals or entitlements issued under this ordinance.

B. Permits and Applications

Permits issued or applications processed under this Ordinance shall conform to the terms and conditions of this Ordinance. A permit that is approved or an application that is processed in violation of this Ordinance shall be void.

C. Responsibilities for Enforcement

The provisions of this Ordinance shall be administered and enforced by the Director or such other person as may be designated by the Director.

Section 9.2 Violations and Penalty

A. Record of Complaint

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.

B. Violations

Violation of the provisions of these regulations or failure to comply with any of their requirements including violations of conditions and safeguards established in connection with grants of variances or special exceptions, shall constitute a misdemeanor.

C. Penalty

Any person, firm, or corporation who violates or refuses to comply with any of the provisions of these regulations shall be fined no more than five hundred dollars (\$500) including costs for each offense. Each day such violation continues shall be considered a separate offense.

D. Responsible Entities

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffering the penalties herein provided.

E. Other Remedies Provided

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

Article 10
DEFINITIONS

Section 10.1 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 writing indicates otherwise. The word “shall” is mandatory and not directory.

Section 10.2 Use Definitions

A. Residential

1. HOUSEHOLD UNITS

Residential occupancy of a dwelling unit by a household. When dwelling units are rented, tenancy is arranged on a month-to-month or longer basis. Uses where tenancy may be arranged for a shorter period are not considered residential; they are considered a form of lodging.

Detached single family dwelling

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

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.

Mobile home

A detached dwelling unit, which is designated for transportation after fabrication, on street 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 foundation, 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 lining unit without wheels, axels 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.

Multi-family dwelling

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.

Townhouse 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.

Two-family dwelling

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

2. GROUP QUARTERS

Residential occupancy of a building or any portion of a building by a group other than a household. Group living uses typically provide communal kitchen/dining facilities. Group living use types include convents, monasteries, novitiates, fraternity and sorority houses, homeless centers and the following

Boarding, Dormitory, and Rooming 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 person on a weekly or monthly basis.

Group home

A community-based residential facility that (1) admits not more than six (6) persons with developmental or physical disabilities who require specialized living arrangements, and (2) provides for such persons a home that is subject to the care and supervision of a responsible adult and (3) home is licensed by or has a contract with the Department of Human Services.

Convalescent, Nursing Home, or Assisted Living

A health facility used for or customarily occupied by persons recovering from or suffering from infirmities of age, that may provide meals, lodging, and continuing nursing care for compensation.

B. Institutional/Public

1. AIRPORT

Facilities from which FAA-certified aircraft take off, land and operate, including all FAA certified airport facilities and including customary accessory uses and structures.

2. ART GALLERY OR MUSEUM

Any permanent institution for the collection and display of objects of art or science, sponsored by a public or quasi-public agency and open and available to the public.

3. LIBRARY

A permanent facility for storing and loaning books, periodicals, reference materials, audio and videotapes, and other similar media for use by the public.

4. COMMUNITY SERVICES

Uses including buildings, structures, or facilities owned, operated, or occupied by a governmental entity or private organization to provide a service to the public. Specific use types include, but are not limited to:

Cemetery

Land or structures used for burial or permanent storage of the dead or their cremated remains. Typical uses include cemeteries and mausoleums. Also includes pet cemeteries.

Crematorium

A location containing properly installed, certified apparatus intended for use in the act of cremation. This use does not include a funeral parlor or public area.

Government administration and civic buildings

An office of a governmental agency that provides administrative and/or direct services to the public, such as, but not limited to: post offices, employment offices, public assistance offices, or motor vehicle licensing and registration services.

Places of assembly

A building or structure, or group of buildings or structures, intended primarily for the conducting of organized assembly. May include, but are not limited to religious facilities, assembly halls, and fraternal/social clubs. Accessory uses may include meeting rooms and childcare provided for persons while they are attending assembly functions.

5. HOSPITAL

A building or portion thereof for the accommodation of sick, injured, or infirm persons. Services regularly include the keeping of patients overnight.

6. CHILD CARE FACILITY

Child Care uses include facilities that provide care for children on a regular basis away from their primary residence. This category does not include public or private schools or facilities operated in connection with an employment use, shopping center, or other principal use, where children are cared for while parents or guardians are occupied on the premises or in the immediate vicinity. Accessory uses include offices, recreation areas, and parking.

Day care center

A private establishment enrolling five or more children between two (2) and five (5) years of age and where tuition, fees, or other forms of compensation for the care of the children is charged and having a license or approval to operate as a child care center, under the provisions of the State of Oklahoma.

Home day care

State-licensed day care for children that takes place in the provider's home, which does not employ anyone other than the resident provider.

7. EDUCATION

Education uses are public, private, and parochial institutions, which provide educational instruction to students. Accessory uses include play areas, cafeterias,

recreational and sport facilities, auditoriums, and before- or after-school day care. Specific use types include, but are not limited to:

College or University

A degree-granting institution, other than a trade school, that provides education beyond the high school level. The use includes, but is not limited to, classroom buildings, offices, laboratories, lecture halls, athletic facilities, and dormitories.

Elementary

An educational institution that satisfies the compulsory education laws of the State of Oklahoma for students in elementary grades. This definition includes both public schools and private schools that have a curriculum similar to public schools.

Middle or High School

An educational institution that satisfies the compulsory education laws of the State of Oklahoma for students in secondary education. This definition includes both public schools and private non-boarding schools that have a curriculum similar to that in the permitted public schools.

Trade school

A secondary or higher education facility primarily teaching usable skills that prepares students for jobs in a trade or in industry, construction, or commerce, and meeting all applicable state requirements for a facility of its type.

8. PARKS AND OPEN SPACE

Park and Open Space uses focus on natural areas, consisting mostly of vegetative landscaping, outdoor recreation, or public squares. Lands tend to have few structures. Accessory uses may include but are not limited to clubhouses, playgrounds, maintenance facilities, concessions, caretaker's quarters, and parking.

9. UTILITIES AND PUBLIC SERVICE FACILITY

Major

A service of a regional nature that normally entails the construction of new buildings or structures, and that typically has employees on the site on an ongoing basis. Examples include, but are not limited to, water works, reservoirs, power or heating plants, or steam generating plants.

Minor

A service that is necessary to support development within the immediate vicinity and that involves only minor structures. Employees typically are not located at the site on an ongoing basis. Examples include, but are not limited to utility lines, electric transformer stations; gas regulator stations; telephone exchange buildings; and well, water, and sewer pumping stations.

10. WIRELESS COMMUNICATION FACILITY

Towers, antennas, equipment, equipment buildings and other facilities used in the provision of wireless communication services. The following are wireless communication facility specific use types:

Freestanding tower

A structure intended to support equipment that is used to transmit and/or receive telecommunications signals, including monopoles and guyed and lattice construction steel structures.

Building or tower-mounted antenna

The physical device that is attached to a freestanding tower, building or other structure, through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received.

C. Commercial

1. ANIMAL SERVICE

Uses that provide goods and services for care of animals, including the following specific use types:

Animal training

A facility that specializes in the training of household and large animals.

Boarding and shelter

Animal shelters, care services and kennel services for dogs, cats and small animals, including boarding kennels, pet resorts/hotels, pet adoption centers, and animal rescue shelters.

Grooming

Grooming of dogs, cats and similar small animals, including dog bathing and clipping salons and pet grooming shops.

Veterinary, small

An office or a clinic of a veterinarian where small animals or household pets are given medical, surgical, or health maintenance treatment. The boarding of animals is limited to short-term care incidental to the treatment clinic and must be a secondary use of the property.

Veterinary, large

An office or clinic of a veterinarian where small animals or household pets, as well as large animals, are given medical, surgical or health maintenance treatment. The boarding of large animals is limited to clinics of at least five (5) acres and is limited to short-term care incidental to the treatment clinic and must be a secondary use of the property.

2. BROADCAST OR RECORDING STUDIO

A building or portion of a building used as a place for radio or television broadcasting or recording but without a transmission tower.

3. FINANCIAL INSTITUTION

Establishments that provide retail banking services, mortgage lending, and similar financial services to individuals and businesses. This classification includes those institutions engaged in the on-site circulation of cash money and check-cashing facilities, but does not include bail bond brokers. Accessory uses may include automatic teller machines, offices, and parking.

4. FOOD AND BEVERAGE SERVICE

Food and Beverage Service businesses serve prepared food or beverages for consumption on or off the premises. Accessory uses may include food preparation areas, offices, and parking. Specific use types include, but are not limited to:

Bar/nightclub

A structure or part of a structure used primarily for the sale or dispensing of alcoholic beverages or liquor by the drink. Dancing and musical entertainment are permitted.

Bakery

Establishments primarily engaged in the retail sale of bakery products, such as bread, cakes, and pies, of which are produced on the premises.

Brewpub

An establishment that produces, bottles, and/or distributes small quantities of food or beverages that are not part of a restaurant type use. Typical examples include but are not limited to microbreweries, nanobreweries, brewpubs, wine blending, and limited food production.

Fruit and vegetable market

A building, structure, or tract of land which may include open air stands that is used for the primary purpose of retail sales of fresh fruits, vegetables, flowers, herbs, or plants. This definition may also include the accessory sales of other unprocessed foodstuffs, home processed food products, baked goods, and homemade handicrafts.

Restaurant

An establishment that serves food or beverages for on- or off-premise consumption as its principal business. The preparation and processing of food or beverages to be served or sold on-site directly to consumers is permitted as an accessory use to a restaurant, including on-site coffee roasting with a maximum roasting capacity of 45 kilograms per batch. Typical examples of restaurant uses include principal use restaurants, cafés, cafeterias, ice cream/yogurt shops, donut shops and coffee shops.

5. Lodging

For-profit facilities where lodging is provided to transient visitors and guests for a defined period. Specific use types include, but are not limited to:

Bed and breakfast

A detached house in which the owner/operator offers overnight accommodations and meal service to overnight guests for compensation

Campgrounds and rv parks

An establishment that provides temporary overnight accommodations for camping in recreational vehicles or tents.

Hotel or motel

An establishment, other than a bed and breakfast or rural retreat, in which short-term lodging is offered for compensation. A hotel/motel may include an accessory use restaurant and bar.

6. Office

Office uses are characterized by activities generally focusing on business or professional services. Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building. Specific use types include, but are not limited to:

Business or professional

An establishment that provides executive, management, administrative, or professional services, but not involving the sale of merchandise except as incidental to a permitted use. Typical examples include but are not limited to real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting, call centers, and similar offices.

Medical, practitioner

Office uses related to diagnosis and treatment of human patients' illnesses, injuries and physical maladies that can be performed in an office setting with no overnight care. Typical uses include offices of physicians, dentists, psychiatrists, psychologists, chiropractors and practitioners of massage therapy. Surgical, rehabilitation and other medical centers that do not involve overnight patient stays are included in this use subcategory, as are medical and dental laboratories, unless otherwise expressly indicated. Ancillary sales of medications and medical products are allowed in association with a medical, dental or health practitioner office.

Research

A facility for conducting medical or scientific research, investigation, testing, or experimentation; however, this does not include facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory. This definition includes electronic and telecommunications laboratories, including assembly.

7. RECREATIONAL AND ENTERTAINMENT, OUTDOOR

Outdoor Recreation and Entertainment uses provide recreation or entertainment activities outside of an enclosed environment. Accessory uses may include but are not limited to concessions, snack bars, parking, and maintenance facilities. Specific use types include, but are not limited to:

Amphitheater

An oval or round stage area with tiers of seats around a central open area, which may or may not be covered.

General outdoor recreation

Intensely developed recreational uses such as amusement parks, miniature golf courses, commercial tennis courts, batting cages, skateboard or skate parks or

courses, bicycle motocross courses, water parks or slides, drive-in movie theaters, courses for paramilitary games, and archery facilities.

Golf course

A tract of land laid out with a course having nine (9) or more holes for playing the game of golf, including any accessory clubhouse, driving range, office, restaurant, concession stand, picnic tables, pro shop, maintenance building, restroom facility, or similar accessory use or structure. This term shall not include miniature golf courses as a principal or accessory use.. Depending on the district in which the course is located, the course may be either lighted or unlighted.

Major entertainment facility

A large open or partially enclosed space used for games or major events, and partly or completely surrounded by tiers of seats for spectators.

Marina

Facilities that provide moorage, launching, storage, fueling, supplies and services (other than repair) commonly associated with storing, maintaining and operating recreational and commercial watercraft.

Race track

A measured course where animals or machines are entered in competition against one another or against time, including tracks used only in the training of animals.

Zoo

An area, building, or structures that contain wild animals on exhibition for viewing by the public.

8. RECREATIONAL AND ENTERTIANMENT, INDOOR

Indoor Recreation and Entertainment uses provide recreation or entertainment activities within an enclosed environment. Accessory uses may include concessions, snack bars, parking, and maintenance facilities. Specific use types include, but are not limited to:

Fitness and recreational sports center

A facility primarily featuring equipment for exercise and other active physical fitness and/or recreational sports activities, such as swimming, skating, racquet sports, aerobic dance, gymnasium facilities, indoor soccer, yoga, and other kinds of sports and fitness facilities.

General indoor recreation

An establishment offering entertainment, game playing, or similar amusements to the public within an enclosed building. This shall include but are not limited to arcades, bowling alleys, billiard parlors, bingo parlors, laser tag parlors, and indoor shooting ranges.

Major entertainment facility

A use designed to accommodate activities that generally draw one thousand (1,000) persons or more to specific indoor events or shows. Activities are

generally of a spectator nature. Examples include auditoriums, performing arts centers, arenas, and coliseums. Accessory uses may include restaurants, bars, concessions, parking, and maintenance facilities.

Movie theater

An indoor theater for the showing of motion pictures.

9. PARKING NON-ACCESSORY

Parking that is not provided to comply with minimum off-street parking requirements or that is not provided exclusively to serve occupants of or visitors to a particular use, but rather is available to the public at-large. A parking facility that provides both accessory and non-accessory parking will be classified as non-accessory parking if it leases 25% or more of its spaces to non-occupants of or persons other than visitors to a particular use. Specific non-accessory parking use types include surface parking and parking structures.

10. PERSONAL SERVICES

Establishments that provide individual services related to personal needs directly to customers at the site of the business, or that receives goods from or returns goods to the customer, which have been treated or processed at that location or another location. Specific use types include, but are not limited to:

Dry cleaning and laundry service

An establishment where laundry or dry cleaning is dropped off by customers or picked up by customers and that also includes on-site laundry and/or cleaning activities, including related operation of equipment and machinery.

Establishments that do not include on-site cleaning activities are classified as “general personal services.”

Funeral and mortuary service

An establishment for the preparation of the deceased for burial and rituals connected with, and conducted before, burial or cremation. This definition may include a facility for the permanent storage of cremated remains of the dead.

General personal services

An establishment that provides care, advice, aid, maintenance, repair, treatment, or similar semi-technical, technical, or experienced assistance, other than the practice of a profession and wholesale or retail sale of goods. Examples included, but are not limited to, shoe repair, beauty and barber shops, massage therapy, tanning salons; and dry cleaning pick-up and drop-off shops that do not conduct dry cleaning on the premises.

Pharmacy

A store where medicinal drugs are dispensed and sold. A pharmacy may have a drive-through as an accessory use.

Studio, artist, or instructional service

Uses in an enclosed building that focus on providing individual or small group instruction or training in fine arts, music, dance, drama, fitness, language or

similar activities. Also includes dance studios, ballet academies, yoga studios, martial arts instruction, tutoring, artist studios and photography studios.

11. RETAIL SALES

Uses involving the sale, lease or rental of new or used goods to the ultimate consumer. Specific retail use types include the following:

Alcoholic beverages

A retail establishment, such as a liquor store, licensed to sell alcoholic beverages such as beer, wine, and liquor. No on-site consumption is allowed.

Building supplies and equipment

Retail sales uses that sell or otherwise provide goods to repair, maintain or visually enhance a structure or premises. Typical uses include hardware stores, home improvement stores, paint and wallpaper supply stores and garden supply stores

Consumer shopping goods

Retail sales uses that sell or otherwise provide wearing apparel, fashion accessories, furniture, household appliances and similar consumer goods, large and small, functional and decorative, for use, entertainment, comfort or aesthetics. Typical uses include clothing stores, department stores, appliance stores, TV and electronics stores, bike shops, book stores, costume rental stores, stationery stores, art galleries, hobby shops, furniture stores, pet stores and pet supply stores, shoe stores, antique shops, secondhand stores, record stores, toy stores, sporting goods stores, variety stores, video stores, musical instrument stores, medical supplies, office supplies and office furnishing stores and wig shops. Does not include small box discount stores, grocery stores or medical marijuana dispensaries.

Consumer shopping goods, large

A building that meets the definition of “consumer shopping goods” and is 75,000 square feet or greater.

Convenience store

An establishment engaged in the sale of convenience goods, such as but not limited to pre-packaged food items, tobacco, over-the-counter drugs, periodicals, and other household goods; and which also provides the retail sale of petroleum products that are dispensed through gasoline pumps and other supplies for motor vehicles.

Horticulture nursery sales

Land or buildings used to raise flowers, shrubs, trees, and other plants for retail sale.

Medical marijuana dispensary

Retail sales uses that sell or otherwise provide medical marijuana or medical marijuana products by the holder of a medical marijuana dispensary license issued by the Oklahoma State Department of Health, in accordance with the

terms of such license, which may be sold or provided only to the holder of a medical marijuana patient or caregiver license.

Tobacco outlet

A tobacco retailer whose business exclusively or primarily involves the sale of tobacco products and related goods.

Open-air market or flea market

Premises intended for individual vendors who display and sale merchandise in small quantities including but not limited to household goods, appliances, tools, food, and arts and crafts. The display and sale of merchandise may be indoor or outdoor in facilities including but not limited to building, open air, or partially enclosed booths or stalls. This definition does not include retail sidewalk sales or garage sales.

12. SELF-STORAGE FACILITY

An enclosed use that provides separate, small-scale, self-service storage facilities leased or rented to individuals or small businesses. Facilities are designed and used to accommodate only interior access to storage lockers or drive-up access only from regular size passenger vehicles and two-axle non-commercial vehicles.

13. SEXUALLY ORIENTED BUSINESS

Sexually oriented businesses include all of the following:

Adult Amusement or Entertainment

Amusements or entertainment which is distinguished or characterized by an emphasis on acts or material depicting, describing or related to 'Sexual Conduct' or 'Specified Anatomical Areas', as defined herein, including but not limited to topless or bottomless dancers, exotic dancers, strippers, male or female impersonators or similar entertainment.

Adult Bookstore

An establishment having as a significant portion of its stock in trade books. Film, magazines, and other periodicals which are distinguished or characterized by an emphasis on depicting or describing 'Sexual Conduct' or Specified Anatomical Areas'.

Adult Mini Motion Picture Theater

An enclosed building with a capacity of less than 50 persons used for presenting material distinguished or characterized by an emphasis on depicting or describing 'Sexual Conduct' or 'Specified Anatomical Areas'.

Adult Motel

A motel wherein material is presented, as part of the motel services, via closed circuit T.V., or otherwise, which is distinguished or characterized by an emphasis on depicting or describing 'Sexual Conduct' or 'Specified Anatomical Areas'.

Adult Motion Picture Arcade:

Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically, or mechanically controlled, still or motion picture machines, projectors, or other image-producing devices are maintained

to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing 'Sexual Conduct' or 'Specified Anatomical Areas'.

Adult Motion Picture Theater

An enclosed building with a capacity of 50 or more person used for presenting material distinguished or characterized by an emphasis on depicting or describing 'Sexual Conduct' or 'Specified Anatomical Areas'.

Massage Parlor

Any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulations of the human body occurs as part of or in connection with 'Sexual Conduct' or where any person providing such treatment, manipulation or services related thereto exposes 'Specific Anatomical Areas'.

Model Studio

Any place where, for any form of consideration or gratuity, figure models who display 'Specified Anatomical Areas' are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such considerations or gratuity.

Sexual Encounter Group

Any building or structure which contains, or is used for commercial entertainment where the patron directly or indirectly is charged a fee to engage in person contact with or to allow personal contact by, employees, devices, or equipment or by personnel provide by the establishment which appeals to the prurient interest of the patron, to include, but not be limited to bath houses, massage parlors, and related or similar activities.

14. VEHICLES AND EQUIPMENT

Vehicles and Equipment uses include a broad range of uses for the maintenance, sale, or rental of motor vehicles and related equipment. Accessory uses may include incidental repair and storage, offices, and sales of parts. Specific use types include, but are not limited to:

Boat and/or RV storage

A facility where boats and/or recreational vehicles are stored outside for seventy-two (72) hours or more.

Boat, RV, Trailer, Mobile Home sales

An establishment engaged in the display, sale, leasing, or rental of new or used trailers, recreational vehicles, boats, personal watercraft, utility trailers, and mobile homes.

Car wash

A facility for the cleaning of automobiles, providing either self-serve facilities or employees to perform washing operations.

Fueling station

Uses engaged in retail sales of vehicle fuels for personal vehicles, other than fleet fueling facilities and truck stops. Fueling stations may dispense conventional vehicle fuels and/or alternative vehicle fuels.

Truck stop

An establishment engaged primarily in the fueling, servicing, repair, or parking of tractor trucks or similar heavy *commercial* vehicles, including the sale of accessories and equipment for such vehicles. A truck stop may also include overnight accommodations, showers, or restaurant facilities primarily for the use of truck crews.

Vehicle sales and rentals

An establishment engaged in the display, sale, leasing, or rental of new or used motor vehicles. Vehicles included, but are not limited to, automobiles, motorcycles, light trucks, vans, and all-terrain vehicles.

Vehicle service and repair, major

An establishment engaged in the major repair and maintenance of automobiles, motorcycles, trucks, vans, trailers, recreational vehicles, boats, mobile homes, or snowmobiles. Services include engine, transmission, or differential repair or replacement; body, fender, or upholstery work; and painting.

Vehicle service and repair, minor

An establishment engaged in light maintenance activities such as engine tune-ups; oil change or lubrication; carburetor cleaning; muffler replacement; brake repair; tire shops; and detailing and polishing. Vehicle parts are sold and are ordinarily installed on the premises. Major automotive repairs are prohibited except where specifically permitted by terms of a specific use approval.

Vehicle towing service

Establishment that provides for the removal and temporary storage of vehicles but does not include disposal, permanent disassembly, salvage, or accessory storage of inoperable vehicles.

Vehicle storage, operable vehicles only

A structure, space or part thereof used for the storage, parking, or servicing of motor vehicles but not for the repair thereof.

D. Industrial

1. INDUSTRIAL SERVICE

An establishment engaged in the repair or servicing of agricultural, industrial, business, or consumer machinery, equipment, or products. Specific use types include, but are not limited to:

Fossil fuel storage

A permanent facility for the storage of fossil fuels and fossil fuel byproducts including, but not limited to, gasoline, diesel fuel, and motor oil. Uses include those that store such products for transportation. Storage of gaseous products such as liquefied natural gas (LNG), compressed natural gas (CNG), butane, and propane for immediate use by the final consumer are included in this definition.

General industrial service

Establishments engaged in the storage, repair, or servicing of agricultural, industrial, business, or consumer machinery, equipment, products, or by-products. Examples include but are not limited to: construction materials storage; welding shops, machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; repair or storage of heavy machinery; heavy truck servicing and repair; aircraft servicing and repair; tire retreading or recapping. Accessory activities may include retail sales, offices, parking, and storage.

2. MANUFACTURING AND PRODUCTION

An establishment engaged in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, constructed, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Custom industry is included (i.e., establishments primarily engaged in the on-site production of goods by hand manufacturing involving the use of hand tools and small-scale equipment). Goods are generally not displayed or sold on site, but if so, such activity is a subordinate part of sales. Accessory activities may include retail sales, offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, and caretaker's quarters. Specific use types include, but are not limited to:

Assembly, light

An establishment engaged only in the assembly of goods. No manufacturing of parts occurs. Goods are shipped to the establishment, assembled, packaged, and reshipped

Manufacturing, light

An establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing. The manufacture, assembly, research, or processing of products and goods occurs entirely within an enclosed structure requiring no outdoor industrial wastewater treatment system, and producing no airborne emissions, objectionable noise, glare, odor, vibrations, smoke or dust associated with the industrial operation. Outdoor storage of raw materials and products is permitted with proper screening. Examples include, but are not limited to: airplane, automobile, or truck assembly, remodeling, or repair; bottling works; boat building, computer chip manufacturing; machine or blacksmith shops; metalworking or welding shops; paint shops; and printing and publishing shops.

Manufacturing, heavy

Uses that do not meet the light manufacturing criteria set forth above. These uses have the potential to produce noise, vibrations, smoke, dust, and odor that have the potential to cause adverse impacts. Examples include, but are not limited to: refining or initial processing of raw materials; rolling, drawing, or extruding of metals; asphalt batching plants; sawmills; meat slaughtering or packing house; and manufacture or packaging of cement products, concrete batch plants, feed, fertilizer, flour, glue, paint, petroleum products, soap, turpentine, varnish, charcoal, or distilled products.

Medical marijuana growing

Uses involving the growing, harvesting and packaging of medical marijuana by the holder of a medical marijuana grower license issued by the Oklahoma State Department of Health, in accordance with the terms of such license. Does not include retail sales.

Major medical marijuana processing

An establishment in which the preparation, manufacture, processing or packaging of medical marijuana products by the holder of a medical marijuana processor license issued by the Oklahoma State Department of Health is conducted, in accordance with the terms of such license. (Amended – 6/1/2020)

Minor medical marijuana processing

Production of medical marijuana edibles and other products using medical marijuana components processed or grown elsewhere. (Amended – 6/1/2020)

3. MINING AND PROCESSING

Involves extractive operations, certain mineral processing operations, and manufacturing operations, which directly utilize minerals, at or near the source.

Minerals and raw materials

Places primarily devoted to surface or subsurface mining, excavation, or extraction of metallic and non-metallic materials with essential on-site processing of such products. Typical uses are a borrow pit, sandpit, quarry, or mine.

Oil and gas

Places primarily devoted to sub-surface mining of oil and gas. Typical uses are oil and gas drilling operations.

4. WAREHOUSE AND FREIGHT MOVEMENT

Establishments engaged in the storage or delivery of goods. Accessory uses may include offices, truck fleet parking, and maintenance areas. Specific use types include, but are not limited to:

Motor freight terminal

A facility for freight pick-up, distribution, and storage. This may include intermodal distribution facilities for truck or shipping transport.

Office warehouse

A structure containing both offices and a warehouse for storing products associated with the business. The office component of this use shall be at least fifty percent (50%) of the overall floor area of the structure.

Storage yard

Any lot or portion of a lot that is used for the sole purposes of the outdoor storage of fully operable motor vehicles, construction equipment, construction materials, or other tangible materials and equipment.

Warehouse

A structure used for storing materials, goods, or property.

Wholesale establishment

An establishment primarily engaged in the sale or distribution of goods and materials in large quantity to retailers or other businesses for resale to individual or business customers. Manufacturing, resource extraction, bulk storage of hazardous materials, or scrap or salvage operations are excluded.

5. WASTE AND SALVAGE

Waste and Salvage firms receive solid or liquid wastes from others for disposal on the site or for transfer to another location. The category includes uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material or processing of scrap or waste material. Waste and Salvage uses also include uses that receive hazardous wastes from others. Accessory uses may include recycling of materials, offices, and repackaging and shipment of by-products. Specific use types include, but are not limited to:

Auto salvage yard

Any lot upon which two (2) or more motor vehicles of any kind, which are incapable of being operated due to condition or lack of license or registration, have been placed for the purpose of obtaining parts for recycling or resale.

Recycling center

A facility in which recoverable resources such as newspapers, glassware, plastics, and metal cans are recycled, reprocessed, and treated to return such products to a condition in which they can again be used for production. This facility is not a junkyard or salvage yard.

Scrap operations

Places of business primarily engaged in the storage, sale, dismantling or processing of used or waste materials that are not intended for reuse in their original form. Typical uses include but are not limited to junk yards or salvage yards.

Solid waste disposal

A method or system of solid waste disposal in which the waste is disposed or buried in layers, compacted by earth or disposed by incineration.

E. Agriculture

1. ANIMAL HUSBANDRY

Uses that involve the feeding, housing and care of farm animals for private or commercial purposes.

2. COMMUNITY GARDEN

An area less than one acre in area that is managed and maintained by an individual, group or business entity to grow and harvest food crops or non-food crops (e.g., flowers). A community garden area may be divided into separate garden plots or orchard areas for cultivation by one or more individuals or may be farmed collectively by members of the group. Community gardens may be principal or accessory uses.

3. HORTICULTURAL NURSERY PRODUCTION

A use involving propagation and growth of trees or plants in containers or in the ground for wholesale or retail sales and distribution. Does not include on-site retail sales unless such sales are otherwise allowed in the subject zoning district.

4. AGRICULTURE, GENERAL

The production, keeping, or maintenance for sale or lease, of plants, including but not limited to: forages and sod crops; grains and seed crops; fruits and vegetables; and ornamental products; and unless expressly prohibited, the keeping of livestock, including but not limited to: dairy animals and dairy products; poultry and poultry products; cattle and cattle products; or horses. Agriculture does not include forest management and timber harvesting activities.

5. LIVESTOCK SALES

Services involving the temporary keeping of livestock for slaughter, market, or shipping. Typical uses include stockyards and animal sales in auction yards.

Section 10.3 Other 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 and storm shelters, except that accessory off-street parking need not be located on the same lot with the principal use to which it is accessory. If any 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 dwelling

A separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to an existing single-family structure.

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 City of Wagoner.

Board

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

Building

Any structure intended for shelter, housing or enclosure for persons or chattel. When separated by dividing walls without opening, 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

Mayor of the City of Wagoner.

Certificate of appropriateness

The official document issued by the Preservation Commission authorizing work within the Historic Preservation District.

City

City of Wagoner

Clerk

The clerk of the City of Wagoner.

Commission

The Wagoner Metropolitan Area Planning Commission.

Comprehensive plan

The Comprehensive Plan of the City of Wagoner.

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, or 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.

Design Guidelines

The criteria which shall be used to guide the Historic Preservation Commission in review of an application for a Certificate of Appropriateness.

Director

The Director of the Development Services Department, or other official so designated by the governing body.

Dwelling structure

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

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 City of Wagoner 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.

Fence, ornamental

An open fence other than a chain link or barbed wire fenced intended to decorate, accent, or frame a feature of the landscape. Ornamental fences are often used to identify a lot corner or lot line, or frame a driveway, walkway, or planting bed. Ornamental fences are often of the rail or wrought iron type.

Flood district

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

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 (FAR)

The floor area on a lot divided by the area of the lot.

Gross floor area

The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Governing body

The City Council.

Home occupation

An occupation conducted in a dwelling as a use accessory to the residential use of such unit.

Historic Preservation District

A supplemental zoning district consisting of a building, structure, or site or an area containing buildings, structures, or sites that is a historic resource.

Historic Resource

A building, structure, or site, or an area containing a concentration, linkage, or continuity of buildings, structures or sites which are generally fifty years or older and which contain one or more of the following attributes:

1. Has significant character, interest, or value as part of the historical development, history or cultural heritage of the City, State, or Nation;
2. Has significant as the site of a historic event in the past of the City, State, or Nation;
3. Associated with a person or group of persons, who played a significant role in the historical development, history and cultural heritage of the City, State, or Nation;
4. The embodiment of distinguishing characteristics, design detail, materials or craftsmanship which represent a historically significant architectural or engineering innovation, type, style or specimen;
5. It portrays the environment in an era of history characterized by a distinctive architectural, engineering, or construction style;
6. It represents a significant and distinguishable entity of historical importance whose components may lack individual distinction;
7. Has yielded, and is likely to yield, important information in prehistory or history;
8. Meets the criteria for listing on National Register of Historic Places.

Inspecting officer

The officer designated by City of Wagoner to administer these regulations.

Landscaped area

The unpaved area that contains, grass, shrubs, flowers, ground cover, trees, or native plant materials of any kind and that may include decorative features or accoutrements such as rocks, pools, and planters. Does not include artificial plants, trees, or vegetation.

Landscaped Island

Unpaved area located within or protruding into a parking lot or the center of an entry into a development's drive or street. The area of a landscaped island is measured from back of inside curb to the back of inside curb.

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 improved private street, and may consist of:

- 1) A single lot of record;
- 2) A portion of a lot of record;
- 3) A combination of complete lots of record and portions of lots of record, or of portions of lots of record;
- 4) A parcel of land described by meets and bounds.

Provided that in no case of division or combination shall any residential 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 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 a straight line in 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:

1. 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 longer of such lines shall be deemed a side lot line;
2. In the case of one end of a block 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;
3. In the case of a lot consisting of an entire block:
 - a. If the streets are not of equal length, the longer sides shall be deemed front lines and the shorter sides shall be deemed side lot lines;
 - b. 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 side lot line) which is opposite and most distant from a front lot line, except as follows:

1. In the case of irregular, triangular, or gore-shaped lot; a line ten feet long within the lot, parallel to and the maximum distance from the front lot line.
2. 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.
3. In the cases of portions of a through lot that cannot be bounded by two street lines and two other straight lines intersecting such street lines and 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 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.

Major street or highway

A street so designated in the Comprehensive Plan.

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.

Open Space

Land which is free of structures or impervious surfaces which are not directly related to the use of the open space.

Parking space, off-street

A parking space meeting the requirements of this Ordinance.

Permitted Use

A use allowed by right within the applicable zoning district, subject to all applicable requirements of this Ordinance.

Person

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

Planning commission

The City of Wagoner, Wagoner Metropolitan Area Planning Commission

Public Hearing

A meeting called by a public body for which public notice has been given and which is held in a place at which the public may attend to hear issues and to express their opinions.

Major recreational equipment

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

Refuse Collection Receptacle

Any container used or designed to collect, transport, or dispose of refuse, waste, or the like. This includes dumpsters, garbage cans, or grease containers.

Restrictiveness of districts

The “least restrictive contiguous residential district” is the district requiring the least lot area per dwelling unit.

Screening

The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features.

Sealed Surface

A road, alley or parking with a surface constructed of hard materials such as tar or concrete.

Signs

Any device designated to inform or attract the attention of person not on the premises on which the sign is located.

Sign, animated

A sign having visible moving parts or moving lights.

Sign, banner

A sign made of lightweight fabric or similar material with no enclosing framework that is mounted to a building or other structure at one or more edges.

Sign, building

A sign attached to or painted on any part of a building, including wall, awning, canopy and projecting signs.

Sign, changeable copy

A sign with letters, characters, or graphics that are not permanently affixed to the structure, framing or background allowing the letters, characters or graphics to be modified from time to time manually or by electronic, digital, or mechanical devices, such as a bulletin board or electric message board, maintained so that the entire message is shown at once.

Sign, freestanding

A sign which is placed on or anchored to the ground or is supported by a sign structure that is placed on or anchored to the ground and is independent from any building or other structure.

Sign, instructional

A sign that has a purpose secondary to the use on the lot and that is intended to instruct employees, customers or users as to matter of public safety or necessity, such as specific parking requirements, the location or regulations pertain to specific activities on the site or in the building and including a sign erected by a public authority, utility, public service organization or private industry that is intended to control traffic, direct, identify, or inform the public or provide needed public service as determined by the rules and regulations of governmental agencies through public policy.

Sign, number

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.

Sign, off-premises 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. (Amended – 6/1/2020)

Sign, projecting

A sign that is attached to a building wall and extends perpendicular to (or approximately perpendicular to) the building wall.

Sign, real estate

A temporary 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.

Sign, sandwich board

A sign composed of two large surfaces bearing placards, hinged at the top, which can be placed in an “A” shape on the ground.

Sign, temporary

A sign, banner, or similar device or display that is intended for a temporary period of display.

Sign, Vehicle

A sign displayed on a motor vehicle, including trucks, buses, or other motor vehicles such as moving vans, delivery trucks, rental trucks and the like, and trailers, whether or not attached to a motor vehicle, but not including vehicles or trailers used for commercial transit and licensed by the State of Oklahoma, such as taxies and buses.

Sign, wall

A building sign that is attached or painted parallel to the wall of a building.

Signable Area

That portion of the building façade unbroken by doors or windows upon which a wall sign is or may be located. It is calculated by selecting a continuous façade, then drawing the largest possible imaginary rectangle unbroken by doors or windows and computing the square foot area of this rectangle.

Sight triangle

The area required to be clear of obstructions at the intersections of streets, highways, railroads, alleys, and driveways.

Site plan

A plot of a lot, drawn to scale, showing the actual measurements of the lot, the size and location of any existing or proposed buildings or other improvements, and the location of the lot in relation to abutting streets.

Special exception

A use or a design element or characteristic or a use or development that is not permitted by right because of potential adverse effect, but that if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted by the Board of Adjustment. In order to be approved as a special exception, the special exception

must be expressly authorized by this zoning code and reviewed in accordance with the substantive and procedural standards of this zoning code.

Street

A 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 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, intersection

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 regulation

The subdivision regulations of the City of Wagoner.

Town house

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

Town house, individual lot

A zoning lot on which there is built or is proposed to be built one town house.

Travel trailer or RV

Any vehicular portable built on a chassis used as a temporary dwelling for travel, recreation, or vacation use and when factory equipped for the road, it shall have a body width not exceeding eight feet and an overall length no exceeding thirty-five feet, including hitch and coupling and is licensed as a travel trailer.

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 disparities in privileges.

Window Area

Any opening in a wall or roof which functions or appears to function to admit light to a building or structure. (Amended – 6/1/2020)

Work

Any changes to an existing building, structure, lot or any portion thereof, including but not limited to the erection, construction, reconstruction, renovation, alteration, painting, removal, or demolition of a building, structure, or lot, irrespective of whether or not a building permit is required.

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 the required yard.

Yard, depth or width of

In measuring a yard for the purposes 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.