

## CHAPTER 17

### PLANNING AND ZONING COMMISSION

Note: As regards planning and zoning,

#### Part 1. PLANNING COMMISSION

##### Article 1. Planning Commission

###### Sec. 17-1. City planning commission: Created; membership

1. A city planning commission is hereby created for this city, effective when all of the appointive members have been appointed as herein provided.
2. It shall consist of five appointive members, all of whom shall be electors of the city, and the mayor and city engineer as ex officio members.
3. The appointive members shall be nominated by the mayor and appointed by the council, and shall serve for terms of three years,
  - a. the terms to end at 7:30 p. m. on the first Monday in May. of the original appointive members,
  - b. one shall serve until 7:30 p. m. on the first Monday in the next May after appointment;
  - c. two shall serve until 7:30 p. m. on the first Monday in May a year later;
  - d. and two shall serve until 7:30 p. m. on the first Monday in May two years later.
4. Vacancies shall be filled for the unexpired terms.
5. The members shall serve without compensation.
6. The mayor and council may remove members of the city planning commission for cause.

Sec. 17-2. Same: Organization; meetings; officers and employees.

1. The city planning commission shall elect a chairman, a vice chairman, and a secretary, who shall serve until 7:30 p. m. on the first Monday of the next May after their election.
  - a. The secretary need not be a member of the commission.
2. The commission shall determine the time and place of its regular meetings;
3. and the chairman, the mayor, or any three members may call special meetings of the commission.
4. The commission may employ engineers, attorneys, clerks, and other help deemed necessary, subject to the approval of the council.
5. Their salaries and compensation shall be fixed by the council, and shall be paid out of the city treasury as other salaries and compensation are paid.
6. The necessary legal expenses shall be paid out of the city treasury as other legal expenses of the city government are paid.

Sec. 17-3. Same: Powers and duties.

The city planning commission shall have all the powers and duties prescribed for it by 11 O.S. 45-101, et seq. and all other powers and duties now or hereafter prescribed for it by any other provision of state law.

Sec. 17-4. City planning commission to have power of a zoning commission.

1. The city planning commission is hereby appointed the zoning commission of the city;
  - a. and the city planning commission shall have the powers of a zoning commission as provided by state law.
  - b. Whether exercising the powers of a planning commission or the powers of a zoning commission, it shall be legally one board known as the city planning commission.

2. Exercising the powers of a zoning commission, the city planning commission shall recommend the boundaries of the various zones and appropriate zoning regulations to be enforced therein.
  - a. It shall have all the powers conferred upon a zoning commission by 11 O. S.45-101 et. Seq. and all powers which now or in the future may be granted by applicable state law to such authorities.



## Part 2. ZONING ORDINANCE

### Article 1. Preamble and Enactment Clause

#### Sec. 17-5. Preamble and enactment clause.

1. In pursuance of the authority conferred by the Legislature of Oklahoma by the passage of Title 11 O.S. 45-101 et seq.
2. Whereas, pursuant to the provisions of such Act, the city council of the City of Wilburton has appointed the Wilburton planning commission, as provided by said statutes, to
  - a. prepare a comprehensive plan and regulations pertinent thereto designed to promote health, safety, morals, and the general welfare of the community by regulating and restricting
    - i. height,
    - ii. number of stories,
    - iii. size of buildings and other structures, and
    - iv. size of yards, courts, and other open spaces, and
    - v. the density of population and
    - vi. the location and use of buildings, structures and land for trade, industry, residence, or other purposes;
      1. to lessen congestion in the streets;
      2. to secure safety from fire, panic, and other dangers;
      3. to provide adequate light and air; to prevent the overcrowding of land;
      4. to provide undue concentration of population;
      5. to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and
3. Whereas, during the process of studies incident to the preparation of this zoning plan and regulations pertinent thereto, it was considered necessary and desirable to control the land use within the incorporated limits of the City of Wilburton;
  - a. to protect property values; and
  - b. to promote a more homogeneous relationship of land use; and
  - c. to regulate the use of the land and all other accepted purposes of zoning

### **Article 3. Definitions**

#### **Sec. 17-6. Definitions.**

Unless otherwise stipulated or required, the following definitions shall be used in the interpretation and construction of the Ordinance, and words used in the present tense include the future; shall include the plural, and the plural the singular; the word "building" shall mean as well the word "structure"; the word "used" shall include "arranged," "designed," "constructed," "altered," "converted," "rented," "leased," or "intended to be used," and the word "shall" is mandatory and not directory.

1. **Building** -- Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, or property. When such a structure is divided into separate parts by one or more unpierced walls extending from the ground up, each part is deemed a separate building, except as regards minimum side-yard requirements as herein provided.
2. **Board of adjustment** -- The board of adjustment of the City of Wilburton, Oklahoma.
3. **Building, accessory** -- A subordinate building, the use of which is customarily incidental to that of a principal building on the same lot.
4. **Building line** -- A line established in general parallel to the front street line on which no part of a building shall project, except as otherwise provided by this Ordinance.
5. **Building, principal** -- A building in which is conducted the principal use of the building site on which it is situated. In any residential district any dwelling shall be deemed to be a main building on the building site on which the same is located.
6. **Bulk limitations (floor area ratio)** -- The number of square feet of floor area as defined herein which is permitted for each square foot of lot area.
7. **Bulletin board** -- An accessory board or sign erected by church, school, community center, public agency, or institution, on its own premises, for announcement purposes.
8. **City** -- The incorporated and duly franchised City of Wilburton.
9. **City council** -- The city council of Wilburton

10. Planning commission -- The Wilburton city planning commission, as established by statutes hereinbefore cited, the City of Wilburton, County of Latimer, State of Oklahoma.
11. Comprehensive Plan -- The Comprehensive Plan, of the City of Wilburton, County of Latimer, State of Oklahoma.
12. Districts -- A portion of the territory of the City of Wilburton within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance. "District" is herein defined to be the same as zoning districts which are defined and mapped in article 4 of this Ordinance.
13. Dwelling unit -- A building or portion thereof arranged or designed to provide living facilities for one family. The term dwelling unit shall include a house trailer or mobile home, but shall not be deemed to include a motel, hotel or tourist home.
14. Family -- A person living alone, or two or more persons living together, related by blood or marriage, as a single housekeeping unit using a single facility for culinary purposes in a dwelling unit, as distinguished from a group occupying a boarding house, lodging house, hotel, motel, fraternity house, or sorority house.
15. Floor area -- The sum of the gross horizontal areas of the several floors of a building or buildings, measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings.
16. Frontage -- The width of a lot measured at right angles to the depth at the front or street side of the lot.
17. Height -- The vertical measurement of any building or structure on any parcel of land measured from the average elevation of the lot or parcel to the uppermost point on the structure or building.
18. Height limit -- The limit of height as imposed in this Ordinance for any structure or building or permitted use within a zoning district.
19. County public health officer -- The official designated and acting health officer for Latimer County.
20. Lot -- Any plot of land occupied or intended to be occupied by one building, or a group of buildings, and its accessory buildings and uses, including such open spaces as required by this Ordinance and other laws or ordinances and having its principal frontage on a street.

21. Lot, corner -- A lot at the junction of and abutting on two or more intersecting streets.
22. Lot depth -- The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.
23. Lot, interior -- A lot which does not abut on two or more intersecting streets.
24. Lot~ wedge-shaped -- A lot located on a curve or situated so that the front must of necessity be narrower than the rear of the lot.
25. Lots of record -- Herein designated as a separate and distinct parcel on a legally recorded subdivision plat or in a legally recorded deed filed in the records of Latimer County, State of Oklahoma.
26. Maximum coverage -- The maximum amount of land that may be covered by buildings on any lot.
27. Mean lot elevation -- The average elevation of a lot.
28. Mobile home court -- A parcel of land under single ownership which has been planned and improved for a placement of mobile homes for non-transient use.
29. Mobile home lot -- A parcel of land for the exclusive use of the occupants of a single mobile home.
30. Mobile home stand -- That part of an individual lot which has been reserved for the placement of the mobile home.
31. Nonconforming use -- A structure or land lawfully occupied by a use that does not conform to the regulations of the district in which it is situated.
32. Off-street loading -- The provision of spaces or berths entirely within the property boundaries of the affected property and off of public streets reserved exclusively for the loading or unloading of motor vehicles.
33. Off-street parking -- The provision of space reserved exclusively for the parking of motor vehicles entirely off of the public streets and lying wholly within the property boundaries of the parcel of land affected.
34. Open space -- Area included in any side, rear, or front yard, or any other unoccupied space on a lot that is open and unobstructed to the sky except for the ordinary projection of cornices, eaves, or porches.



35. Parcel -- A lot as defined herein.
36. Permitted uses -- The use of a building or other structure or of a tract of land which does conform to the use regulations of this Ordinance.
37. Residences, one-family -- The building designed for or used exclusively for residence purposes by one family or one dwelling unit.
38. Residence, two-family -- A building designed for or used exclusively for residence purposes by two families or two dwelling units.
39. Residence, multi-family -- A building or portion thereof designed for or used by three or more families or three or more dwelling units.
40. Signs -- Any structure or part thereof, or any device attached to, painted on, or represented on a building or other structure, upon which is displayed or included any letter, work, model, banner, flag, pennant, insignia, decoration, device, or representation used as, or which is in the nature of, an announcement, direction, advertisement, or other attention-directing device.
- a. A sign shall not include a similar structure or device located within a building except for illuminated signs within show windows.
  - b. A sign includes any billboards,
  - c. but does not include the flag, pennant, or insignia of any nation or association of nations, or any state, city, or other political, charitable, educational, philanthropic, civic, professional, religious, or like campaign, drive movement, or event.
41. Sign, illuminated -- A sign designed to give forth any artificial light, or design to reflect light from one or more sources, natural or artificial.
42. Sign, projecting -- A sign erected on the face or outside wall of a building which projects out at any angle therefrom.
43. Signs, temporary -- Signs of a temporary nature used to advertise the premises for sale, rent or lease.
44. Stories -- That portion of a building included between the surface of any floor and the ceiling annexed above it.
45. Street -- Any thoroughfare other than an alley.



46. Street, collector -- A street. designated as a collector street on the Major Street Plan for the City of Wilburton, Oklahoma.
47. Street, major -- A street designated as a major on the Major Street Plan for the City of Wilburton, Oklahoma.
48. Traffic signaling device -- A sign, device or mechanical contrivance used for the control of motor vehicular and pedestrian movement.
49. Utility service installation -- Any structure or installation by a utility company deemed to be necessary for the safe or efficient operation of that utility.
50. Yard requirements -- The minimum requirements of any zoning district which provides for front yards, side yards, rear yards or any other open space on any lot or parcel.
51. Yards, front -- An open space extending the full width of the lot between the building line and the front lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this ordinance.
52. Yard rear -- An open space extending the full width of the lot between the building and rear lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this report.
53. Yard, side -- An open space extending from the front yard to the rear yard between the building and the nearest side property line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this Ordinance.
54. Zoning clearance permit -- A document issued by the Mayor or his designated representative, authorizing buildings, structures, or uses consistent with the terms of this Ordinance and for the purpose of carrying out and enforcing its provisions.

## **Article 4. Zoning Districts**

### **Sec. 17-7. Zoning districts authorized.**

For the purpose of promoting the public health, safety, morals and general welfare of the community, the city council of the City of Wilburton is hereby authorized to designate and divide the City of Wilburton into the following districts:

"R-1" Residence District

"R-2" Multiple-Family Residence District

"C-1" Central Business District

"C-2" Planned Shopping Center District

"C-3" Local and Through Highway Business District

"I-1" Bight Industrial District

"I-2" Heavy Industrial District

"A-1" Agricultural Residence District

### **Sec. 17-8. Boundaries of districts.**

As districts are designated they shall be bounded and defined as shown on a map entitled "Proposed Zoning" which map is hereby made a part of this Ordinance.

### **Sec. 17-9. Interpretation of districts.**

In the event of uncertainty in the exact boundaries of any of the aforesaid districts as shown on the "Proposed Zoning" map of the City of Wilburton, the planning commission, upon written application or upon its own motion, shall recommend the location of such boundaries to the city council.

## **Article 5. General Provisions**

### **Sec. 17-10. Existing buildings and land use.**

Except as hereinafter provided, no building or parcel of land shall be used or occupied and no building or part thereof shall be erected, move, or altered unless in conformity with the regulations herein specified

### **Sec. 17-11. Height and density.**

1. No building shall hereafter be erected or altered which will exceed the height limit nor
2. shall any building or land be used or occupied hereafter in excess of the density regulations for that district;
3. no building shall hereafter be erected or altered to accommodate a greater number of families than those specified for that district;
4. no building shall be erected or altered to exceed the specifications of required lot size, maximum coverage, yard requirements, height limitations, or bulk limitation for that district as defined.

### **Sec. 17-12. Buildings.**

1. Any building hereafter erected or structurally altered shall be located on one (1) lot and except as provided herein;
2. there shall be no more than one (1) principal building and the customary accessory buildings on one (1) lot;
  - a. provided further that accessory buildings may not be erected or placed in the front and side-yard areas as required in the separate districts.

### **Sec. 17-13 Street access.**

No principal building shall hereafter be constructed on a lot which does not abut a public dedicated street.

Sec. 17-14. Nonconforming uses.

It is the purpose of this section to provide for the regulation of nonconforming uses. It is necessary and consistent with the establishment of a zoning district that all uses incompatible with permitted uses be regulated and permitted to exist only under controls.

1. Continuing existing uses. The lawful use of any buildings or land existing at the time of the enactment of this Ordinance may be continued although such use does not conform with the provisions of this Ordinance except as hereinafter specified.
2. Unsafe structures. Any nonconforming structure or portion thereof declared unsafe by proper authority except as provided in subsection (3) may be restored to safe condition.
3. Repair or alterations of structures. Alterations may be made to any structure or portion thereof devoted to a nonconforming use provided that:
  - a. no structural alterations are made to such structure except those required by other law or regulation;
  - b. no nonconforming use is extended or enlarged;
  - c. a structure devoted to a nonconforming use which is declared unsafe by proper authority, destroyed or damaged in any manner or from any cause whatsoever, to the extent that the cost of restoration to the condition it was before the occurrence shall exceed fifty percent (50%) of the cost of constructing the entire structure, shall not be restored unless such structure, when restored, shall comply with the provisions of this Ordinance.
4. Substitution of nonconforming use. The substitution of one (1) nonconforming use for another nonconforming use is prohibited except when authorized by the planning commission.
  - a. Such substitution shall comply with the provisions of article 5, section 17-15, part (3).
5. Re-establishment of nonconforming use. When a nonconforming use has been changed to a conforming use, such conformity shall remain and such use shall not thereafter revert to nonconforming use.

6. Vacating or discontinuance of nonconforming use. Any nonconforming use that has vacated or has discontinued its nonconforming operations for a period of six (6) months shall not thereafter be again put to a nonconforming use.
7. Establishing a conforming use on a nonconforming parcel. A proposed use that does in fact conform to the district in which it is proposed will not be permitted to commence on any parcel which does contain a nonconforming use.

Sec. 17-15. Annexation clause.

1. All territory annexed to the corporate limits of Wilburton, Oklahoma, subsequent to the effective date of this Ordinance will be within the jurisdiction of this Ordinance and will at such time become part of that district specified by the city council in accordance with the Wilburton Comprehensive Plan at the time of annexation thereof.
2. Said annexed territory will retain such zoning classification until such time said territory will be otherwise zoned in the manner prescribed by law.

Sec. 17-16. Existing lots of record.

In any district where single-family residences are permitted, a single family detached dwelling may be erected on any lot which is of official record on the effective date of this Ordinance, subject to the following restrictions.

1. There must be provided a minimum lot width of fifty (50) feet.
2. There must be provided a minimum of ten (10) feet in side yards with five (5) feet on any one side.
3. The front and rear yards must comply with the requirements set forth for the zoning district within which the lot of record is located.

Sec. 17-17. Utilities service installations

Utilities service installations which are considered necessary for the safe or efficient operation of utilities are permitted in any zoning district of this Ordinance, said utilities to be controlled by the applicable regulations of the City of Wilburton, valid franchise granted by the city, and other provisions authorized in the state statutes.

## **Article 6. "R-I" One Family Residence District**

### Sec. 17-18. Application.

The specific regulations of this article will apply to the "R-I" One Family Residence District.

### Sec. 17-19. Purpose

1. The "R-I" Residence District is established as a district in which the use of land is for single- and two-family dwellings except as noted.
2. It is the purpose and intent of this district to promote the development of and the continued use of the land for residential dwellings and to prohibit commercial and industrial use or any other use which would substantially interfere with the development or continuation of single-family dwellings in this district.
3. The intent is to further discourage any use in this district which would generate traffic or create congestion on neighborhood streets other than the normal traffic which serves the residents in the area.
4. This district further encourages only those uses which, because of character or size, would not create additional requirements and costs for public services which are in excess of such requirements and costs if the district was not developed solely for residential dwellings.

### Sec 17-20. Permitted uses.

1. The following uses are permitted in the "R-I" Residence District subject to the various provisions in this article:
  - a. Single-family detached dwellings.
  - b. Duplex or two-family detached dwellings.
  - c. Golf courses (not including miniature or par-three commercial courses).
  - d. Temporary structures which are incidental to the construction of the main building and will be removed when the main structure is completed
  - e. Playgrounds, public.

- f. Elementary schools, public and private, where the curriculum is similar in nature and preparation of course work to the public school.
  - g. Agriculture uses of the garden type that are not intended for commercial purposes.
2. The following uses are permitted when they abut and have their main access on a major or collector street, and provide a minimum yard on all sides of fifty (50) feet.
- a. Arboretum or botanical garden.
  - b. Churches, convents and monasteries.
  - c. Fire stations.
  - d. Libraries, public.
  - e. Schools, both public and private, where the curriculum is similar in nature and preparation of course work-to the public school.
  - f. Swimming pools, private where no public sale or goods are promoted.

Sec. 17-21. Minimum lot size

No dwelling or use shall be constructed or commenced in the "R-I" District which does not conform with the following minimum requirements for lot size:

<b>Dwelling-Unit Type</b>	<b>Minimum Lot Area</b>	<b>Minimum Front Feet</b>
Single-family	6, 000 sq. ft.	50 ft.
Two-Family	10,000 sq. ft.	80 ft.

1. The frontage of any wedge-shaped lot which meets the requirements of minimum lot size may be a minimum of forty (40) feet; however, the front building line on the lot shall be a minimum of fifty ( 50) linear feet,
2. or a two-family unit lot shall be a minimum of eighty (80) linear feet, measured at an equal distance parallel to and from the front lot line.



Sec 17-22. Maximum coverage.

The maximum coverage of any lot in the "R-I" District shall not exceed fifty percent (50%) of the lot area for interior lots or sixty percent (60%) of the lot area for corner lots.

Sec 17-23. Yard requirements.

The following minimum requirements for yards shall apply to the use that is constructed or commenced on a parcel of land in the "R-I" District:

Permitted Use	Front Yard	Side Yards		Rear Yard
		Both	One	
Single-Family	25 ft	10'	5'	20% lot depth
Two-Family	25ft	15'	10'	20% lot depth

Sec. 17-24. Height limit.

No dwelling in the "R-I" District shall be constructed with a height in excess of thirty-five (35) feet from the mean lot elevation nor will it exceed two and one-half (2½) stories.

Sec. 17-25. Bulk limitations (floor area ratio).

Bulk limitations in the "R-I" District are governed by maximum coverage, yard requirements, and height limitations.

Sec. 17-26. Off-street parking

Except as provided for elsewhere in this Ordinance all permitted uses in the "R-I" residence district shall comply with the following minimum requirements for off-street parking:

1. Single-family dwellings: One (1) off-street parking space for each dwelling unit.
2. Schools, elementary schools, junior and senior high schools, including public, private and parochial schools: One (1) off-street parking space for each employee plus one (1) for each classroom, plus one (1) for each fifty (50) square feet of assembly area with stationary or movable seats.

Sec. 17-27. Sewer service.

1. No dwelling unit in an "R-I" District shall be constructed that is not provided with an effective connection to a public sewerage system unless and until the County Public Health Officer certifies that septic tank or any substitute disposal system can be satisfactorily installed on the lot.
2. As a basis for making his decision, said health officer may require such precaution tests as he deems to be necessary.
  - a. Such tests are to be made at the expense of the homeowner.

Sec. 17-28. Signs and billboards. *[Amended 7/2001, Ord. No. 01-1018]*

No signs, billboards, posters, bulletin boards, or other similar matter shall be permitted in the "R-I" Residence District except as follows:

1. Temporary signs not to exceed the duration of six (6) months to advertise the premises for sale, rent or lease, except original sale.
2. One bulletin board not exceeding fifty (50) square feet may be erected by each church.
3. Official public notices may be erected on affected property.
4. One (1) un-illuminated name plate not exceeding two (2) square feet in area, and not containing lettering other than the name of the owner or occupants or name or address of the premises.
5. No signs will be allowed on City Streets or on City right of way without permission from the Wilburton City Council. Any sign that is placed on any State Highway must first have permission from the State Highway Department and then approval of Wilburton City Council.
6. Signs that will be allowed in the City will be those made of permanent construction materials and installed in a manner it shall be permanent. Signs shall be placed in areas zoned C-1, C-2, C-3 after receiving a permit to install the sign.
7. Signs that are made of paper, cardboard and plastic that are of temporary nature will not be allowed in any property other than that of private property only when it does not create a nuisance to adjacent property owners. When placing signs on private property the must have prior approval of the property owner and clearly be off of City Street and Highway right of ways.

## **Article 7. "R-2" Multi-Family Residence District**

### **Sec. 17-29. Application.**

The specific regulations of this article will apply to the "R-2" Residence District.

### **Sec. 17-30. Purpose.**

1. The "R-2" Multi-Family Residence District is established as a district in which the principal uses of the land are for multi-family dwellings and similar high-density residential development.
2. It is the intent of this article to encourage the development and the continued use of the land for multi-family dwellings and to prohibit commercial and industrial uses or any other use which would substantially interfere with the development or continuation of multifamily dwellings in this district.
3. It is further intended that this article shall discourage any use which would generate traffic or create congestion on the neighborhood streets other than the normal traffic which serves the multifamily dwellings or similar residential uses in this district.
4. This article further discourages any use which, because of its characteristics or size, would create additional requirements and costs for public services which are in excess of such requirements and costs if the district were developed solely for multi-family or other similar residential uses.

### **Sec. 17-31. Permitted uses.**

In the "R-2" Residence District, structures may be used, altered, enlarged, or erected for the uses listed in article 6, section 17-21, for the "R-1" District with the addition of the following uses:

1. Multi-family dwellings units.
2. Mobile home trailer courts when in compliance with section 17-41 of this article.

Sec. 17-32. Minimum lot size.

No dwelling structure or use shall be constructed or commenced in the "R-2" District which does not conform with the following minimum requirements for lot size:

<b>Dwelling Unit Type</b>	<b>Minimum Lot Area Per Dwelling Unit</b>	<b>Minimum Front Feet</b>
Single-Family	6,000 sq. ft.	50 ft.
Two-Family	4,000 sq. ft.	60 ft.
Multi-Family	2,400 sq. ft.	70 ft.

If the lot is a wedge-shaped lot which meets the requirements of minimum lot size, it may have less than the minimum requirement for frontage as long as the front building line of the lot is a minimum of fifty (50) linear feet.

Sec 17-33. Maximum coverage.

The maximum coverage of any lot in the "R-2" District shall not exceed sixty (60) percent of the area for interior lots nor seventy-five (75) percent of the lot area corner lots.

Sec. 17-34. Yard requirements.

The following minimum requirements for yards shall apply to any use that is constructed or commenced on a parcel of land in the "R-2" District:

<b>Permitted Use</b>	<b>Front Yard</b>	<b>Side Yard</b>		<b>Rear Yard</b>
		<b>Both</b>	<b>One</b>	
Single-Family	30 ft.	15'	5'	20% lot depth
Two-Family	30 ft.	15'	5'	20% lot depth
Multi-Family	30 ft.	15'	5'	20% lot depth

Sec. 17-35. Height limit.

No dwelling structure in the "4-2" District shall be constructed with a height in excess of forty (40) feet from the mean lot elevation nor shall it be more than three (3) stories.

Sec. 17-36. Bulk limitations (floor area ratio).

Bulk limitations in R-2 governed by maximum coverage, yard requirements, and height limitations.

Sec. 17-37. Off-street parking.

In the "R-2" Residence District, the off-street parking requirements are the same as those in article 6, section 17-27 for the "R-1" District, with the addition of the following provisions for off-street parking in the multi-family residence district.

1. Multi-family dwellings; one and one-half (1½) off-street parking spaces for each dwelling unit.

Sec. 17-38. Sewer service.

1. No dwelling unit in an "R-2" District shall be constructed which is not provided with an effective connection to a public sewerage system unless and until the Public County Health Officer certifies that a septic tank or any substitute disposal system can be satisfactorily installed on the lot.
2. As a basis for making his decision, the health officer may require such precaution tests as he deems to be necessary.
  - a. Such tests are to be made at the expense of the homeowner.

Sec. 17-39. Signs and billboards. *[Amended 7/2001, Ord. No. 01-1018]*

The control of signs and billboards in the "R-2" Residence District are the same as that in article 6, section 17-29 for the "R-1" Residence District.

Sec. 17-40. Conditional uses.

Upon compliance with the provisions as set forth herein, the Planning Commission may authorize a mobile home trailer park within the "R-2" Residence District.

1. The applicant upon making application for a zoning clearance permit must submit to the planning commission a detailed site plan locating
  - a. all mobile home stands, screening or fencing, and
  - b. plans and specifications for the proposed park in a form suitable for making the determinations required herein.
2. The proposed site shall be a minimum of two and one-half (2½) acres in size and shall contain no more than fifteen (15) mobile home stands per acre.
3. The proposed site shall have a minimum frontage of two hundred (200) feet on a street designated as a major street or collector street in the Wilburton Traffic ways Plan.
  - a. All access or egress by automobile will be on such streets.
4. The proposed site shall be a minimum of two hundred (200) feet in depth.
5. It shall be the intention of the proposed plan for the mobile home park to accommodate primarily permanent occupants with no more than ten (10) percent of the mobile home stands devoted to purely transient purposes.
  - a. These purely transient stands are to be located in one area of the park so they will in no way interfere with the permanent residents.
6. The proposed site shall have a front yard of not less than forty (40) feet from the corner or line of any mobile home stand to the street boundary of the park.
7. The site shall have side and rear yards of fifteen (15) feet from any solid fencing or wall of six (6) feet in height, or forty (40) feet where only a screen planting is provided.
8. The proposed site shall be screened or buffered on all sides with a solid wall fence six (6) feet in height or a well-trimmed, screen planting which is not under three (3) feet or over six (6) feet in height.
9. The proposed site shall provide:
  - a. one (1) off-street parking space for each mobile home stand,

b. plus one (1) additional off-street parking space for each four (4) mobile home stands.

10. The proposed site shall provide a connection for each mobile home stand to all public utilities considered necessary for the health, safety and general welfare of the public.





## **Article 8. "C-1" Central Business District**

### Sec. 17-41. Principal use.

The "C-1" Central Business District is established as the district in Wilburton, Oklahoma, which serves as the center of the surrounding regional retail market area. The principal use of the land in this district is for commercial and service purposes.

### Sec. 17-42. Purpose.

1. The purpose of this district is to encourage the development of, and the continued use of the land for commercial and service purposes which serve the regional area of Wilburton.
2. The existing development in this district is of such a degree that it would not be feasible to require off-street parking and loading regulations in the same degree that off-street parking and loading regulations can be required for new commercial developments in undeveloped land.
3. The specific intent of this district further provides for the orderly expansion of the uses that are allowed in this district.
4. Also, that heavier commercial and industrial uses of the land which would substantially interfere with the continuation of the existing uses, or the proposed orderly development of this district are prohibited.
5. It is further intended to minimize traffic and parking congestion in such a manner as to provide for the safety and convenience of shoppers, visitors and other pedestrians in the district by discouraging any use which, because of its character or size, would create abnormal traffic congestion, fire or safety hazards in the district.

### Sec. 17-43. Permitted uses.

All building or uses hereafter established or enlarged shall comply with the following conditions and restrictions:

1. Appliance and furniture stores
2. Automotive repair and sales
3. Bakery whose products are sold at retail on the premises

4. Banks and financial institutions
5. Barber shops
6. Beauty shops
7. Bowling alleys
8. Bus and rail terminal facilities
9. Cafes and taverns
10. Clothing or wearing apparel shops
11. Clubs, private and public
12. Drug stores
13. Gasoline service stations
14. Grocery stores or supermarkets
15. Hotels
16. Laundry and dry cleaning pickup stations
17. Medical offices and buildings
18. Offices
19. Post offices
20. Public and private parking lots
21. Repair and service of automobiles carried on in the same building
22. Restaurants, including drive-in
23. Retail tire sales and supply
24. Retail use where no fabrication or manufacture takes place on the premises
25. Self-service laundry



26. Shoe repair shops

27. Store or shop for the conducting of a convenience type or service type retail business where there is no manufacture or prefabrication of a product or merchandise.

28. Theaters.

Sec. 17-44. Minimum lot size.

There are no requirements for minimum lot size in the "C-1" Central Business District.

Sec. 17-45. Maximum coverage.

There are no requirements of maximum coverage in the "C-1" Central Business District.

Sec. 17-46. Yard requirements.

There are no yard requirements in the "C-1" Central Business District.

Sec. 17-47. Height limit.

The height limit of structures in the "C-1" Central Business District is governed by the floor area ratio in section 17-49.

Sec. 17-48. Bulk limitations (floor area ratio).

The floor area ratio of any principal structure or its accessory structures in the "C-1" Central Business District is not to exceed five (5) times that of the net lot area for buildings of more than one (1) story in height.

Sec. 17-49. Off-street parking

There are no requirements for off-street parking in the "C-1" district.

Sec. 17-50. Sewer service.

No structure in the "C-1" District may be erected or allowed to continue after the effective date of this Ordinance that does not have an effective connection to the public sewer system unless or until the health officer certifies that it is not a requirement for the specific health needs of that structure and does not jeopardize the health, welfare and safety of others.

Sec. 17-51. Signs and billboards.

All signs in the "C-1" District shall be erected upon private property and shall not encroach upon any public street or walk except as provided by the applicable codes of the City of Wilburton and then they shall not overhang at a height of less than nine (9) feet and shall not have a maximum projection greater than seventy-two (72) inches.

1. Any projecting sign in the "C-1" District shall not exceed
  - a. fifty (50) square feet in size,
  - b. nor will it exceed the height of the building if the building exceeds thirty-five (35) feet,
  - c. nor will any flat sign exceed three hundred (300) square feet in size.
2. No source of incandescent lighting used for illuminating signs shall be directly visible from any street or highway or from any residence, hotel or from any room used for sleeping purposes.
3. The use of red, green or amber illumination in connection with any sign shall not be permitted within one hundred (100) feet of an intersection.
4. Any use of red, green or amber illumination in connection with any sign must be so located that it in no way creates a confusion with any traffic signal or may be interpreted by any motorist as a traffic signaling device.

Sec. 17-52. Canopies and awnings.

Canopies and awnings may project over the walkway area provided they are

1. a minimum of eight (8) feet above established sidewalk elevation and
2. are a minimum of two (2) feet from the curb or edge of the normal traveled way or curb parking area.

Sec. 17-53. Conditional uses.

1. With the approval of the planning commission the following uses will be permitted in the "C-I" District subject to the restrictions as specified herein.
2. The uses listed herein are conditional uses for the "C-I" District and do not apply to any other district
  - a. Broadcasting studios
  - b. Lumber yards (retail sales only)
  - c. Pool halls or billiard parlors
3. These uses shall provide off-street parking with ingress and egress designed so as to minimize traffic congestion, at the rate of one (1) space for each four hundred (400) square feet of floor space used.
4. In addition, there shall be provided two (2) spaces for each three (3) employees or fraction thereof of off-street parking for company-owned vehicles.
  - a. This off-street parking restriction may be altered by the planning commission in individual instances where the applicant can prove that his operation will in no way interfere with the parking needs of other authorized uses in the district,
  - b. nor will his operation create a congestion of traffic on the street.
5. The applicant must also show that adequate controls or measures will be taken to prevent offensive noise, light, vibration, odor or any other objectional influence beyond his property line.

## **Article 9. "C-2" Planned Shopping Center District**

### **Sec. 17-54 . Establishment.**

The "C-2" Planned Shopping Center District is established to provide goods and services for an expanding population of the City of Wilburton and its environs in locations that will fulfill the needs of the surrounding neighborhoods.

### **Sec. 16-55. Purpose.**

1. The purpose of the Planned Shopping Center District is to permit the establishment of retail shopping facilities for a neighborhood or group of neighborhoods in such locations that will maximize the services to be performed to the expanding population and yet minimize traffic congestion on thoroughfares and public streets in its market area.
2. It is the specific intent of this article to provide standards of site development with the intention of minimizing adverse effects of the shopping center upon nearby properties.

### **Sec. 17-56. Permitted uses.**

All building or uses hereafter established or enlarged shall comply with the following conditions and restrictions:

1. Appliance and furniture stores
2. Bakery whose products are sold at retail on the premises
3. Barber shops
4. Beauty shops
5. Clothing or wearing apparel shops
6. Drug stores
7. Gasoline service stations
8. Grocery stores or supermarkets
9. Laundry and dry cleaning pickup stations

10. Offices
11. Public and private parking lots
12. Restaurants including drive-in
13. Self-service laundries
14. Shoe repair shops
15. Store or shop for the conducting of a convenience or service type retail business where there is no manufacture or prefabrication of a product or merchandise.

Sec. 17-57. Minimum lot size.

In the "C-2" District, there must be provided a minimum lot size of two and one-half (2½) acres; however, in all instances except the minimum lot size, the size of the lot is dependent upon bulk limitations to be imposed upon the land.

Sec. 17-58. Maximum coverage.

The maximum coverage of any building on any parcel of land in the "C-2" District is not to exceed twenty (20) percent of the net lot area.

Sec. 17-50. Yard requirements.

1. Any building or structure in the "C-2" District with a location above the ground must at a minimum be located fifty (50) feet from any public structure or right-of-way line adjoining the district.
2. Also, any building line in this district must be a minimum of fifteen (15) feet from the property line of any commercial ("C-1", "C-3") district, or any industrial ("I-1" or "I-2") district.
3. Any building in the "C-2" District will at a minimum be seventy-five (75) feet from any residential district.
  - a. Except for the required screening, the setback area may be used for traffic circulation and parking or loading.



4. The "C-2" District shall be permanently screened from adjoining and contiguous districts by a solid wall, fence, or other similar enclosure with a minimum height of four and one-half (4½) feet and maximum height of seven (7) feet.
5. The planning commission may waive the requirement for a screening enclosure and/or screening area if equivalent screening is provided by topography or other natural conditions.

#### Sec. 17-60. Height limit

In the "C-2" District, no building, sign or structure or portion thereof shall exceed a height of thirty-five (35) feet from mean lot elevation nor will it exceed two and one-half (2½) stories.

#### Sec. 17-61 . Bulk limitations (floor area ratio).

In no instance shall the total floor space of the structures in this District exceed the relationship of one to four (1 to 4), *(i.e., there must be provided four (4) square feet of open space to each one (1) square foot of floor space in the structures).*

#### Sec. 17-62. Off-street parking and loading.

1. In the "C-2" District, three (3) square feet of space, dedicated to parking and automobile maneuvering, must be provided for each one (1) square foot of floor space.
2. There must also be provided one (1) off-street parking space for each twenty-five thousand (25,000) square feet of floor space.

#### Sec. 17-63. Sewer service.

1. No structure or use in the "C-2" District shall be erected or commenced which does not have a connection to the public sewage system, considered adequate and effective by the health officer.
2. As a basis for making his decision, the health officer may require such precaution tests as he deems to be necessary.
  - a. Such tests are to be made at the expense of the land owner.

Sec. 17-64. Signs and billboards.

In the "C-2" District, the control of signs and billboards are the same as those in article 8, section 17-52, for the "C-1" District.

Sec. 17-65. Additional provisions.

1. The applicant shall submit a market analysis acceptable to the city council and planning commission and conducted and signed by either a recognized independent market analyst or by the applicant himself providing that the market analysis shall contain the following elements:
  - a. The trade area of the proposed shopping center;
  - b. Trade area population, present and future;
  - c. Effective buying power in the trade area;
  - d. Net potential customer buying power for stores in the proposed shopping center; and
  - e. Residue of buying power to be expended in existing shopping centers or commercial areas serving the trade area.
2. The market analysis shall serve as a guide to the Planning Commission and to the city council for the evaluation of the application in terms of:
  - a. The need or desirability to change the comprehensive zoning plan in the public interest;
  - b. The amount of land included in the rezoning application which can be realistically supported in commercial use,
  - c. A finding that the proposed development will promote the general welfare of the city.
3. Prior to the submission of the proposed ordinance rezoning an area to a "C-2" Planned Shopping Center District, the developer shall submit all evidence deemed necessary by the planning commission and/or city council of his ability to undertake the proposed project.
4. No building permit shall be issued for any structure in a "C-2" District until a final site development plan for the entire district has been submitted and approved by

the planning commission as complying with the regulations and the requirements of this article and all other applicable city ordinances.

5. Nor shall a building permit be issued until the developer and the city have entered into an agreement to provide for facilities as required in section 17-66, subsections (6) and (9), concerning
  - a. the rededication of such vacated streets or alleys,
  - b. the re-platting of property in the event the proposed shopping center is not constructed and the proposed traffic control construction;
  - c. and further, said agreement may contain a provision requiring the developer to post a good and sufficient bond running to the City of Wilburton with two (2) or more securities,
    - i. or with a security company licensed to do business in the State of Oklahoma, as security,
    - ii. and in an amount equal to the estimated cost of the street and utility development in the project, conditioned that the developers
      1. shall faithfully perform all the provisions of said contract concerning the development of the streets and utilities in the project and
      2. shall leave the City of Wilburton free and harmless from all losses and damages occasioned to any person or property as a result of the developer performing said provisions of said contract.
  - d. Such agreement shall further provide that if the developer fails to proceed with the construction within the time provided for in this Article, that such area be reclassified in a manner consistent with the comprehensive zoning plan and shall take no further action to construct buildings in said development other than to complete any buildings under actual construction
  - e. Any agreements in connection with such development shall become null and void upon reclassification of said property.
  - f. No changes shall be made in the final site development plan and during the course of construction pursuant thereto, without first obtaining the prior approval of the planning commission.
  - g. Copies of the approved final site development plan shall be kept on file with the planning commission and changes which may be approved shall be noted thereon.



driveways to the shopping center and street curbing as required by city ordinances.

11. The length of time the developer maybe held responsible for further traffic control construction shall be specified in such contractual agreement and such contract, or a separate contract, may contain provisions for other street construction to be done by the developer as may be agreed upon between the developer and the city.
12. The petitioner shall submit to the planning commission a preliminary development plan for the shopping center, showing a unified and organized
  - a. arrangement of buildings,
  - b. off-street parking,
  - c. internal traffic circulation,
  - d. and service facilities,
  - e. all of which is found to be feasible and compatible with the property on which the center is proposed;
  - f. and such planned development shall minimize any adverse effect of the center, and on the properties surrounding the proposed development.
  - g. The plan must contain information showing compliance with the requirements of this section, and all other applicable city ordinances.
13. A building permit must be secured and construction begun in accordance with the approved final site development plan for a "C-2" District within one (1) year from the effective date of the ordinance establishing such district.
  - a. Application may be made to the planning commission for not more than a one (1) year extension of the time limit for commencement of construction.
14. In the event that construction is not started within the specified time limit, the planning commission shall review the zoning of the district and the progress which has taken place, and, if deemed necessary, initiate necessary proceedings to restore the district to its prior classification.
15. Construction begun in accordance with the approved final site development plan for a "C-2" District must be completed within three (3) years of the date construction is commenced.

- a. Application may be made to the planning commission for not more than a one (1) year extension of the time limit for completion of construction.

16. A plan for stage development setting forth the time for each stage and percent to be completed at each stage may be approved by the planning commission at the time the "C-2" District zoning is recommended.

17. In the event that construction is not completed within the time limit specified by the planning commission, or by this article, the planning commission shall review the zoning of the district and the development which has taken place, and if necessary, initiate proceedings to reclassify the district in a manner consistent with the comprehensive plan.

18. A "C-2" District may be established only upon land

- a. held in single ownership or under unified control, and
- b. which land contains no dedication of public streets or alleys, except streets which may be deemed necessary by the city for the movement of vehicular traffic which has
  - i. both its origin and destination outside the "C-2" District, and
  - ii. except any rights-of-way for public utilities purposes.

O K L A 1. In the event that a vacation of streets, alleys or plats, is necessary in order to meet the requirement of this section, a proper petition for such vacation shall be filed with the city on or before the date of filing of a request for "C-2" District zoning.

- c. Rededication of such streets or alleys or re-platting of property to be done in the event that the proposed shopping center is not constructed may be provided for in a contractual agreement between the developer and the city.



## **Article 10. "C-3" Local and Through Highway Business District**

### **Sec. 17-66. Purpose.**

1. The purpose of the "C-3" Local and Through Highway Business District is to provide a common location which caters mainly to through traffic which requires conveniently grouped rest and refreshment, auto maintenance and lodging stops.
2. It is the intent to group these businesses not only for convenience purposes but because highway businesses are inclined to be brightly lighted.
3. It is further intended to provide an area along highways and major traffic thoroughfare which has lots large enough to meet the needs of drive-ins and other highway uses that require large lots with low building coverage, in order to lessen the friction with surrounding uses and to obtain better business advertising through groupings.

### **Sec. 17-67. Permitted uses.**

All building or uses hereafter established or enlarged shall comply with the following conditions and restrictions:

1. Appliance and furniture sales and service
2. Amusement establishments, including archery ranges, shooting galleries and other amusement facilities
3. Amusement parks, including permanent carnivals and kiddy parks
4. Animal hospitals, kennels and pounds, provided that such uses are located not less than 150 feet from the boundary line of any residential district
5. Automotive sales and repair
6. Auto Laundries
7. Boat showrooms
8. Building material offices and sales
9. Discount department stores
10. Golf, driving ranges, "pitch and put", miniature golf and par three courses



11. Greenhouses
12. Gasoline filling stations
13. Implement sales and service, provided that all yard requirements shall be applicable irrespective of conditions stated in section 17-82 and that no outside sales shall be permitted that encroach upon the yards as established
14. Mobile home sales
15. Motels and hotels
16. Outdoor theaters
17. Restaurants, including drive-in
18. Retail stores providing services to and related to highway and travel.

Sec 17-68. Minimum lot size.

Minimum lot frontage shall be one hundred (100) feet in the "C-3" District. Other provisions of height, bulk and off-street parking in this article shall govern.

Sec. 17-69. Maximum coverage

The provisions of height; bulk and off-street parking in this article shall govern.

Sec. 17-70. Yard requirements

1. There shall be provided a minimum front yard of fifty ( 50) feet in the "C-3" District provided that pump islands of service stations may be permitted within the front yard.
2. There is no requirement for side yards between and among parcels within the "C-3" District;
  - a. however, in the event that abutting property has another commercial or an industrial district classification or a public dedicated street, there shall be provided a minimum side yard of thirty (30) feet.

- b. In the event the abutting property is residential, the minimum side yard requirement shall be thirty (30) feet from any solid fencing, which shall be five (5) feet to seven (7) feet in height.

Sec. 17-71. Height limit

In the "C-3" District, no building, sign, or structure or portion there of shall exceed a height of thirty-five (35) feet from mean lot elevation, nor will it exceed two and one-half (2½) stories.

Sec. 17-72. Bulk limitations (floor area ratio)

In no instance will the total floor space of the structures in this district exceed the relationship of one to four (1 to 4); that is, there must be provided four (4) square feet of open space to each one (1) square foot of floor space in the structures.

Sec. 17-73. Off-street parking and loading.

In the "C-3 District, off-street parking and loading requirements are the same as those in article 9, section 17-63, for the "C-2" District.

Sec. 17-74. Sewer service.

1. No structure or use in the "C-3" District shall be erected, commenced or allowed to continue, which does not have a connection to the public sewerage system, considered adequate and effective by the County Public Health Officer.
2. As a basis for making his decision, the Health Officer may require such pre-caution tests as he deems necessary.
  - a. Such tests are to be made at the expense of the land owner.

Sec. 17-75. Signs and billboards.

In the "C-3" District, the control of signs and billboards are the same as that in article 8, section 17-52, for the "C-1" District.

Sec. 17-76. Additional provisions.

1. The "C-3" District shall be permanently screened from adjoining residential uses by a solid fence, of minimum height five (5) feet, and a maximum height of seven (7) feet.
2. The planning commission may waive the requirement for a screening enclosure or screening area if equivalent screening is provided by topography or other natural conditions.
3. Any permitted use in the "C-3" District shall not be noxious or offensive by reason of the emission of odor, dust, smoke, gas, vibration, noise, or other similar causes beyond the property line which contains the use.



## Article 11. "I-I" Light Industrial District

### Sec. 17-77. Purpose.

1. The purpose of the "I-I" Light Industrial District is to provide a location for industries which do not by their nature create nuisances.
2. The intent is to preserve this land for industry in a location beneficial to industries and to prohibit nonindustrial uses.
3. Because of the traffic generated and other objectionable influences created in this district, it is necessary to provide a buffer or setback area between this district and any other zoning district except "I-2".

### Sec. 17-78. Standards.

1. Any use constructed, established, altered, or enlarged in the "I-I" Light Industrial District after the effective date of this ordinance shall be so operated as to comply with the following standards.
2. No use already established on the effective date of this ordinance shall be so altered or modified as to conflict with, or further conflict with, the applicable standards established hereinafter for the "I-I" Light Industrial District.
3. No building shall be used for residential purposes, except that a watchman may reside on the premises.
4. No retail sales or services shall be permitted except as incidental to or accessory to a permitted use.
5. All operations, activities, and storage (but not including off-street parking and loading of motor vehicles in operating condition) shall be conducted and maintained wholly inside buildings, except that storage may be maintained outside a building if no part of the storage is less than fifteen (15) feet from any lot line of the tract on which the use is located, and provided any such storage area is screened from other property (except property located in an "I-2" Industrial District) with a decorative fence or planting.
6. No noise from any operation conducted on the premises, other than that emanating from vehicular traffic, either continuous or intermittent, shall be detectable at any boundary line of the "I-I" District.

7. No toxic matter, noxious matter, smoke, gas, or odorous or particulate matter shall be emitted that is detectable beyond the lot lines of the zoning lot on which the use is located.
8. No vibrations shall be detectable beyond the lot lines of the zoning lot on which the use is located.
9. Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon property located in any residence district or upon any public street or park.
10. No fuel or energy, except electricity or gas, shall be used.
11. No raw materials shall be processed into any of the following basic products: Metals of any kind, glass, plastic, textiles, leather or paper.
12. All premises shall be furnished with all-weather hard-surfaced walks, and, except for parking areas, the grounds shall be planted and landscaped.
13. Storage or use of chemicals, either solid, liquid or gas, shall be permitted subject to the following conditions:
  - a. Storage, utilization or manufacture of materials or products ranging from incombustible to moderate burning is permitted.
  - b. The storage, utilization or manufacture of materials or products ranging from free to active burning is permitted, provided the said materials or products are stored, utilized, or manufactured within a completely enclosed building that has incombustible exterior walls and is protected throughout by an automatic fire extinguishing system.
  - c. The manufacture of flammable materials which produce explosive vapors or gases is prohibited.
14. Any operation that produces intense glare or heat shall be performed within a completely enclosed building, and exposed sources of light shall be screened so as not to be detectable at the lot lines of the zoning lot.

Sec. 17-79. Permitted uses.

All building or uses hereafter established or enlarged shall comply with the following conditions and restrictions:

1. Building materials sales.

2. Commercial radio and television transmitting antenna towers and other electronic equipment requiring outdoor towers, including antenna towers for the dispatching of private messages.
3. Compounding, processing and blending chemical products, but not including any materials which decompose by detonation.
4. General and administrative offices.
5. Machine shops and metal products manufacture and tool and dye shops, provided they do not include any of the following equipment: Automatic screw machines, drop forges or riveting machines.
6. Mail order houses.
7. Manufacturing and assembling (or any combination of such process) products from wood, cork, glass, leather, fur, plastic, felt and other textiles, but not including, as a principal operation, the processing of any raw materials.
8. Manufacturing and assembling electrical and electronic products and equipment.
9. Printing and binding plants.
10. Public utility distribution centers.
11. Research laboratories.
12. Warehouses and storage facilities.
13. Water filtration plants, pumping stations, reservoirs, and lift stations.
14. Any other manufacturing process or establishment which can and shall be operated in compliance with the standards of section 17-79.
15. Accessory uses incidental to and on the same zoning lot as a principal use.

Sec. 17-80. Minimum lot size

1. All lots in this district shall be at least one hundred (100) feet in width.
2. Other provisions of height, bulk and off-street parking in this article shall govern.

Sec. 17-81. Maximum coverage.

The provisions of yard requirements, bulk and off-street parking and loading, govern in this instance.

Sec. 17-82. Yard requirements.

1. There shall be provided a minimum front yard of thirty ( 30) feet in the "I-I" District.
2. The requirement for side yards is a total of thirty (30) feet between and among parcels within the "I-I" District, with a minimum of fifteen (15) feet on either side.
3. The minimum requirement for rear yard is thirty (30) feet.
4. In the event that abutting property is other than an industrial district but not residential, the distance from the property line to any building must be thirty (30) feet.
5. In the event the abutting property is residential the distance from the property line to any building must be fifty ( 50) feet.

Sec. 17-83. Height limit.

In the "I-I" District no building, sign or structure or portion thereof, except smokestacks and antennas shall exceed a height of fifty ( 50) feet, nor shall it exceed four (4) stories.

Sec. 17-84. Bulk limitations (floor area ratio).

In the "I-I" District, bulk limitations are governed by height limits and yard requirements.

Sec. 17-85. Off-street Parking and loading.

1. In the "I-I" Industrial District, there shall be provided a minimum of three hundred ( 300) square feet of land dedicated to parking and maneuvering of vehicles for each one (1) employee on the main or first shift.
2. There must also be provided adequate storage space for all company-owned vehicles on the premises.
3. In addition, there shall be provided off-street loading spaces in the following relationship to building square feet as follows:



<b>Gross Floor Area in Square Feet</b>	<b>Off-Street Loading SPACES</b>
0-9,000	1
10,000-39,999	2
40,000-100,000	3
Each additional 100,000	1 additional

4. Location: All required loading spaces or berths shall be located on the same zoning lot as the use served.
  - a. All motor vehicle loading berths which abut or are adjacent to a residence district shall be completely screened therefrom by building walls, or a uniformly painted solid fence, wall, or door, or any combination thereof, not less than five (5) feet nor more than eight (8) feet in height.
  - b. No permitted or required loading space or berth shall be located within forty (40) feet of the nearest point of intersection of any two streets or highways.
  - c. No loading space or berth shall be located in a required front or side yard, and any loading space or berth located in a required yard shall be open to the sky.
  
5. Area: Unless otherwise specified, a required off-street loading space or berth shall be ten (10) feet in width by at least twenty-five (25) feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least fourteen (14) feet.

Access: Each required off-street loading space or berth shall be designated with appropriate means of vehicular access to a street, highway, or alley, in a manner which will least interfere with traffic movement.

Sec. 17-86. Sewer service.

1. No structure or use in the "I-I" District shall be erected, commenced, or allowed to continue, which does not have a connection to the public sewerage system considered adequate and effective by the County Public Health Officer.
2. As a basis for making his decision, such Health Officer may require such precaution tests as he deems to be necessary.
  - a. Such tests are to be made at the expense of the land owner

Sec. 17-87. Signs and billboards.

In the "I-I District, the use of signs and billboards is the same as that in article 8, section 17-52, for the "C-I" District.

Sec. 17-88. Additional Provisions.

1. In the event that an "I-I" District abuts a residential district, there must be provided a screening by a fence or wall, minimum height of five (5) feet and maximum height of seven (7) feet.
2. The planning commission may waive the requirement for screening if equivalent screening is provided by topography or other natural conditions.

WILBURTON  
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## **Article 12. "I-2" Heavy Industrial District**

### **Sec. 17-89. Purpose.**

1. The purpose of the "I-2" Heavy Industrial District is to provide a location for industries, which may by their nature create nuisances, but which do not create noxious nuisances, or are a hazard to the surrounding areas.
2. The intent is to preserve this land especially for industry in locations with access to major streets as designated on the major street plan, as well as locations generally accessible to railroad transportation.
3. Because of the nuisances or other objectional influences that may be created in this district, it is necessary to provide a buffer or setback strip between this district and other zoning districts, except "I-1".
4. Even though this district caters to industries which may create a substantial nuisance, it does not permit industries, which by the nature of their operation emit odors, gases, dust, noise, smoke, heat, glare or vibration in sufficient quantities so as to constitute a hazard to public health, safety, and general welfare.

### **Sec. 17-90. Standards.**

1. Any use constructed, established, altered, or enlarged in the "I-2" Heavy Industrial District after the effective date of this Ordinance shall be so operated as to comply with the following standards.
2. No use already established on the effective date of this Ordinance shall be so altered or modified as to conflict with, or further conflict with, the applicable standards established hereinafter for the "I-2" Heavy Industrial District.
3. No building shall be used for residential purposes, except that a watchman may reside on the premises.
4. No retail sales or services shall be permitted, except as incidental to or accessory to a permitted use.
5. No storage, manufacture, or assembly of goods, shall be conducted out of a building unless the nearest point of said activity is more than two hundred (200) feet from the boundary of any use district.

6. Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon property located in any residence district.
7. All manufacturing, fabricating, assembly, disassembly, repairing, storing, cleaning, servicing, and testing of goods, wares and merchandise shall be carried on in such a manner as not to be injurious or offensive by reason of the emission or creation of noise, vibration, smoke, dust or other particulate matter, toxic or noxious matter, odorous, glare or heat, fire or explosive hazards.
8. No activities involving storage, utilization, or manufacture of materials or products which decompose by detonation shall be permitted.

Sec. 17-91. Permitted uses.

All buildings or uses hereafter established or enlarged shall comply with the following conditions and restrictions:

1. Any use permitted in the "I-I" Light Industrial District.
2. Blacksmiths, tinsmiths and sheet metal shops.
3. Bottling works.
4. Canning or preserving factories.
5. Cold storage plants.
6. Ice cream production and distribution.
7. Machinery rental, sales, and service.
8. Machine shops.
9. Manufacturing, fabricating, assembling, repairing, storing and cleaning, servicing, or testing, any of the following materials, goods or merchandise:
  - a. Apparel.
  - b. Beverages (nonalcoholic), processing and bottling.

- c. Building materials specialties.
- d. Clothing.
- e. Compounding and packaging of chemicals.
- f. Cosmetics and toiletries.
- g. Dairy products.
- h. Drugs and pharmaceutical products.
- i. Electrical and acoustic products and components.
- j. Food products (except fish, sauerkraut, vinegar and yeast),
- k. Furniture.
- l. Glass products.
- m. Ice, dry and natural.
- n. Jewelry.
- o. Medical laboratory supplies, equipment, and specialties.
- p. Metal products and utensils.
- q. Musical instruments.
- r. Optical goods.
- s. Paper products, including boxes and containers.
- t. Radio, phonograph recorder and television sets and parts.
- u. Textiles.
- v. Toys and children's vehicles.
- w. Trailers and carts.



- x. Wood products, including wooden boxes and containers.
- 10. Milk, bottling and distribution.
- 11. Monumental stone cutting.
- 12. Motor freight terminals.
- 13. Pattern shops.
- 14. Printing plants.
- 15. Soldering and welding shops.
- 16. Sign painting.
- 17. Railroad yards and switching areas, including lodging and sleeping facilities for transient railroad labor.
- 18. Spray painting and mixing, but only if the chief of the Wilburton fire department has certified that there has been compliance with all fire laws.
- 19. Bulk fuel sales and storage.
- 20. Automobile wrecking and junk yards, provided they are enclosed throughout the entire perimeter by a solid fence not less than eight (8) feet in height.
- 21. Processing of meat and vegetable products, including the slaughter of animals.

Sec. 17-92. Minimum lot size.

There are no requirements for minimum lot size in the "I-2" District; however, any lot in this district must be at least one hundred (100) feet in width

Sec. 17-93. Maximum coverage.

- 1. There are no requirements for maximum coverage in the "I-2" District.
- 2. The provision of yard requirement, bulk and off-street parking and loading govern in this instance.

Sec. 17-94. Yard requirements.

Yard requirements in the "I-2" District are the same as those in article 11, section 17-82 for the "I-1" District.

Sec. 17-95. Height limit.

In the "I-2" District, no building, sign or structure or portion thereof, except smokestacks and antennas, shall exceed a height of fifty (50) feet, nor will it exceed four (4) stories.

Sec. 17-96. Bulk limitations (floor area ratio).

In the "I-2" District, bulk limitations are governed by height limits and yard requirements.

Sec. 17-97. Off-street parking and loading.

In the "I-2" District, off-street parking and loading requirements are the same as those in article 11, section 17-85 for the "I-1" District.

Sec. 17-98. Sewer service.

1. No structure or use in the "I-2" District shall be erected, commenced, or allowed to continue, which does not have a connection to the public sewerage system considered adequate and effective by the County Public Health Officer.
2. As a basis for making his decision, said Health Officer may require such precaution tests as he deems necessary.
  - a. Such tests are to be made at the expense of the landowner.

Sec. 17-99. Signs and billboards.

In the "I-2" District the control of signs and billboards are the same as that in Article 8, section 17-52, for the "C-1" District.

Sec. 17-100. Additional provisions.



1. In the event that an "I-2" District abuts a residential district, there must be provided a screening by a fence or wall of minimum height five (5) feet and maximum height of seven (7) feet.
2. The planning commission may waive the requirement for screening if equivalent screening is provided by topography or other natural conditions.



## **Article 13. "A-I" AGRICULTURAL RESIDENCE DISTRICT**

### **Sec. 17-101. Purpose.**

1. The "A-I" District is established to provide for the use of land for residential purposes in a predominately agricultural area.
2. It further intends to retain the agricultural characteristic and density by requiring large lot areas and low land coverage until the areas can be feasibly developed and tied to logical urban growth with adequate safeguards of the public regarding health, safety, and general welfare.
3. It also is the purpose of this article to prohibit commercial and industrial use, or any other use which would interfere with the continuation of predominately agriculture

### **Sec. 17-102. Permitted uses.**

No building or use shall hereafter be established or enlarged within the "A-I" Agricultural Residence District, except a building or use devoted to one of the following purposes:

1. Agriculture, as defined in this Ordinance.
2. Single-family dwellings.
3. Churches.
4. Public schools.
5. Golf courses, but not including golf driving ranges, pitch and putt courses, or miniature golf courses.
6. Parks and forest preserves.
7. Temporary buildings and uses for construction purposes only and not for dwelling purposes, nor for a period that exceeds the completion of the construction.
8. Accessory buildings or uses incidental to the foregoing principal uses, including home occupations as defined in this Ordinance, private garages, guest houses, tool houses, private greenhouses, private dog kennels, and stables, conducted

not for profit, roadside stands, and quarters for persons employed in connection with the residential use of the premises.

Sec. 17-103. Special uses

1. Municipal or community recreation centers.
2. Police or fire stations.
3. Public buildings or buildings operated in the public interest by a not-for-profit corporation, including art galleries, post offices, libraries or museums.
4. Public or not-for-profit auditoriums, stadiums, arenas, armories, or sanitariums.
5. Public or private hospitals or sanitariums.
6. Public or private schools and colleges.
7. Public utility and service uses, including electric substations, gas regulator stations, electric, gas, telegraph, telephone and water transmission metering and distribution equipment and structures, microwave relay towers, water reservoirs or pumping stations, and other similar facilities.

Sec. 17-104. Minimum Lot Size.

Five ( 5) acres.

Sec. 17-105. Minimum Lot Width.

Three hundred (300)feet.

Sec. 17-106. Yard Requirements.

1. A front yard fifty ( 50) feet in depth.
2. A side yard on each side of the building not less than twenty-five (25) feet in width.

3. A rear yard that is not less than twenty percent (20%) of the lot depth and in no event less than fifty (50) feet in depth.
4. Accessory buildings may be located in a required side or rear yard; but no such accessory building shall be less than fifteen (15) feet from any side or rear lot line.

Sec. 17-107. Building Bulk Limitations.

1. Maximum building height: Thirty-five (35) feet.
2. Lot coverage: No more than thirty percent (30%) of the area of the lot shall be occupied by a building or a structure with its accessory buildings.



## **Article 14. Administration Enforcement and Penalties**

### **Sec. 17-108. Zoning Administration Officer.**

The provisions of this Ordinance shall be administered and enforced by the mayor, or his authorized representative, who shall have the right to enter upon any premises for the purpose of making inspection of buildings or premises necessary to carry out his duties stated herein under.

### **Sec. 17-109. Zoning Clearance Permits.**

1. No building or other structure shall be erected, constructed, enlarged, or altered or repaired, in such a manner as to prolong the life of the building;
2. nor shall the use of any land or building or other structure be changed without a zoning clearance permit issued, authorizing such construction, alteration, repair, or use changes as being in compliance with the provisions of this Ordinance.
3. An application for zoning clearance permit shall be made to the mayor of the City of Wilburton by the owner, or proposed occupant of the building or land to be occupied or used, and said application shall state
  - a. the location and legal description of said property and
  - b. set out in detail the character and nature of the use to be conducted thereon.
4. Within three (3) days after such application is made, the mayor shall grant or deny said zoning clearance permit in accordance with the terms of this Ordinance.
5. All applications for zoning clearance permits shall be accompanied by a plat plan, drawn to scale on suitable paper, showing
  - a. the actual dimensions of the lot to be built upon, and
  - b. the size and location of the building to be erected, and
  - c. such other information as may be necessary to satisfy the requirements of these regulations.

6. Zoning clearance permits shall not be issued until a fee of five dollars (5.00) shall have been paid.

Sec. 17-110. Penalties.

1. Any person, firm, or corporation violating any provisions of this Ordinance is guilty of a misdemeanor and shall be fined not less than two hundred fifteen dollars (\$215.00).
2. Each day such violation continues shall constitute a separate offense.



## **Article 15. Zoning Board of Adjustment**

### **Sec. 17-111. Authority,**

1. There is hereby created a zoning board of adjustment consisting of five (5) members, each to be appointed for a term of three (3) years and removable for cause by the appointing authority, upon written charges and after public hearing.
2. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.
3. It is specifically provided, however, that on the effective date of this Ordinance such board of adjustment as was legally in existence immediately prior to such date shall be constituted as the board of adjustment hereby created, and the terms of the then members of said board shall expire after a period of three (3) years, or until their successors are duly appointed and qualified.

### **Sec. 17-112. Procedure.**

1. The zoning board of adjustment shall elect one (1) of its members as chairman, who shall serve for the duration of his term.
2. The board shall appoint a secretary who may be an officer of the municipality.
3. The board shall adopt rules in accordance with the provisions of this Ordinance.
4. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine.
5. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses by subpoena.
6. The board shall keep the 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 its examinations and other official actions,
  - a. all of which shall be immediately filed in the office of the board and shall be a public record. All meetings of the board shall be open to the public.



Sec. 17-113. Appeals.

1. Appeals 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 mayor, or his duly authorized representative, based on this Ordinance.
2. Such appeal shall be taken within ninety (90) days by filing with the City Clerk and the board of adjustment a notice of appeal specifying the grounds thereof.
3. The City Clerk shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

Sec. 17-114. Notice

1. The zoning board of adjustment shall fix a reasonable time for the hearing of the appeal or other matter referred to it,
  - a. give fifteen (15) days' public notice thereof in a newspaper of general circulation,
  - b. as well as due notice to the parties in interest,
2. and decide the same within a reasonable time.
3. Upon the hearing, any party may appear in person or by agent or by attorney.

Sec. 17-115. Powers.

The zoning board of adjustment shall have the following powers:

1. Administrative review. To hear and decide appeals where it is alleged there is an error in any order, requirements, decision, or determination made by the mayor in the enforcement of this Ordinance.
2. To authorize upon appeal in specific cases such variances from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will, in any individual case, result in unnecessary hardship, so that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variances may be granted in such individual case of unnecessary hardship upon a finding by the board of adjustment that:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.
- b. The application of this Ordinance to this particular piece of property would create an unnecessary hardship, not self-imposed by the owner or developer.
- c. Such conditions are peculiar only to the particular piece of property involved.
- d. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Zoning Ordinance; provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance.

Sec. 17-116. Vote Required.

In exercising the above powers, the board of adjustment shall have the concurring vote of at least four (4) of its members in order that it may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination, and to that end shall have all the powers of the mayor for directing the issuance of a permit.

WILBURTON  
OKLAHOMA 1910



## **Article 16. Amendments**

### **Sec. 17-117. Public hearings required.**

1. The city council may by ordinance, amend, change or repeal this Ordinance or any part thereof; provided, however, that before the city council shall amend, change, or repeal this Ordinance or any part thereof, it shall request the planning commission to submit its recommendation on such proposed amendment, change, or repeal.
2. Such recommendation shall be made after not less than one (1) public hearing thereon which hearing may be adjourned from time to time.
3. After considering the planning commission's recommendation at public hearing for which public notice shall be given, the city council may approve the recommendation in whole or in part, or return the recommendation to the planning commission for further consideration.
4. The planning commission may, upon its own initiative, hold at least one (1) public hearing on a proposed amendment, change, or repeal of this Ordinance or any part thereof and any recommendations therefrom shall be by resolution transmitted to the city council.
5. The city council shall consider and act upon such recommendation in the same manner as herein set forth for recommendations requested by the city council.
6. Notice of public hearing as herein required shall include
  - a. at least one (1) publication notice in a newspaper of general circulation in the City of Wilburton not less than fifteen (15) days but not more than thirty (30) prior to such publication.
  - b. If the proposed amendment is for the purpose of rezoning a lot, parcel or tract of land to a less restrictive classification, public notice as herein required shall also include the posting of
    - i. at least one (1) sign on such lot, parcel or tract of land and
    - ii. such sign shall there remain a period of fifteen (15) successive days prior to the public hearing, including the day immediately preceding the day for which such public hearing is scheduled, or
    - iii. by mailing notices to all property owners within three hundred (300) feet of the property in question.

1. The notice or notices as herein referred, shall state in terms certain, the nature of the proposed amendment, change, or repeal of this Ordinance or any part thereof and the time and place of the public hearing.

Sec. 17-118. Petition for amendment.

1. Petition for amendment to the Zoning Ordinance and Zoning Map shall henceforth be filed with the planning commission by the owner of the property concerned or duly authorized representative thereof, on a standard form furnished by the planning commission.
2. All petitions for amendment proposing a change in zoning district classification shall be accompanied by sketch plan of the area proposed to be rezoned, drawn to approximate scale and showing
  - a. the boundaries and dimensions of the tract,
  - b. the outline of existing and proposed buildings and structures, and
  - c. the size and location of off-street parking lots,
  - d. the type of surfacing proposed for said lots, and
  - e. the plan of structures and the drives proposed for ingress and egress.

Sec. 17-119. Public protest and commission denial.

If a protest against an amendment, change or repeal of this Ordinance or any part thereof, be presented, duly signed and acknowledged by the owners of twenty (20) percent or more of the area of the lots immediately abutting either side of the territory included, in such proposed change, or separated therefrom only by an alley or street, such amendment shall not be passed except by the favorable vote of three-fourths (3/4) of the city council.

Sec. 17-120. Fees.

1. Upon the filing of a petition of amendment to these regulations, the property owner, or his duly authorized representative, shall pay a filing fee of twenty-five dollars (\$25.00).

2. All fees collected shall be deposited with ne City Clerk and credited to the general fund of the City of Wilburton.
3. The fees or expenses for all public notices herein required pursuant to petition for amendment shall be paid by the owner of the property or his duly authorized representative.
4. The form for such notice shall be established by the city council.
5. The city council or the planning commission, as it concerns their respective hearings, shall designate the agency or agencies which shall affect the public notices and the number of such notices to be used pursuant to this Ordinance.
6. If pursuant to a petition for amendment the city council votes to rezone a lot, parcel, or tract of land, the owner of such land shall pay the cost of the Ordinance publication.
7. Such payment shall be submitted to the City Clerk and the City Clerk shall not cause the Ordinance to be published prior to such payment.

Sec. 17-121. Negative decision, no decision, appeal.

1. In the event the planning commission fails
  - a. to set up a petition for amendment for public hearing within thirty (30) days after its proper filing with the planning commission at a regular scheduled meeting, or,
  - b. if after public hearing, the planning commission fails to recommend that this Ordinance be amended in accordance with such petition for amendment, such failure shall be deemed the final determination and decision of the planning commission.
2. The final determination of the planning commission may be appealed to the city council provided a written request for a hearing before the city council is filed with the mayor and a copy of such request is served on the chairman of the planning commission within fifteen (15) days after the final determination of the planning commissioners.

**Article 17. LEGAL STATUS PROVISION**

Sec. 17-122. Effective Date.

This Ordinance shall become effective 3rd. day of February, 1966.

Sec. 17-123. Repeal of Conflicting Ordinances.

Where this Ordinance imposes a greater or more stringent restriction upon the use of land than is imposed or required by any other ordinance or regulation, the provision of this Ordinance shall govern.



APPENDIX A

(Suggested Form For Rezoning Application)

WILBURTON PLANNING COMMISSION  
APPLICATION FOR REZONING

Application is hereby made to the Wilburton Planning Commission for consideration of a recommendation to the City Commission for rezoning of the following described property to a district

(Legal Description)

General \_\_\_\_\_ Location

(Street Address)

Present Use of Property

Proposed Use of Property

Record Owner of Property

If Applicant is other than owner, indicate interest: purchaser, lessee, agent for,

\_\_\_\_\_

other

Are there any Private or Deed Restrictions controlling the use of this property?

\_\_\_\_\_

I do hereby certify that the information herein submitted is complete, true and accurate.

Signed \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



**APPLICANT - DO NOT WRITE BELOW THIS LINE**

Application received by: \_\_\_\_\_  
Date \_\_\_\_\_  
Application No. \_\_\_\_\_ Present zoning \_\_\_\_\_  
Fee \$25.00 Receipt # \_\_\_\_\_ Zoning Requested \_\_\_\_\_  
City Commission Action \_\_\_\_\_ Planning Comm Action \_\_\_\_\_

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Date of Action \_\_\_\_\_ Ordinance No. \_\_\_\_\_



## ZONING AMENDMENT PROCEDURES

### SUBMISSION & REVIEW

1. Deposit fee with City Clerk.
2. Sketch plan of the area proposed to be rezoned, drawn to approximate scale and showing the boundaries and dimensions of the tract.
3. The outline of existing and proposed buildings and structures.
4. The size and location of off-street parking lots, the type of surfacing proposed for said lots.
5. The plan of structures and the driving proposed for ingress and egress.

### HEARING & RECOMMENDATION

1. Planning Commission Review application and hold public hearing on application.
  - a. Hearing published at least 15 days prior to hearing, but not more than 30 days prior.
  - b. Sign on such lot, parcel or tract of land and such sign shall there remain a period of fifteen (15) successive days prior to the public hearing including the day immediately preceding the day for which such public hearing is scheduled.
2. Planning Commission Submits Recommendation to City Commission.

### LEGISLATIVE ACTION

1. City Commission holds public hearing on the Planning Commission's recommendation - may approve request, modify it or return it to the Planning Commission for further consideration.
  - a. Deposit fee with City Clerk.
  - b. Sketch plan of the area proposed to be rezoned, drawn to approximate scale and showing the boundaries and dimensions of the tract.
  - c. The outline of existing and proposed buildings and structures.

- d. The size and location of off-street parking lots, the type of surfacing proposed for said lots.
- e.
- f. The plan of structures and the driving proposed for ingress and egress.

