

ARTICLE 3

USE CONDITIONS

Section 3.1 General

Uses permitted in any district under the district provisions of these regulations shall be subject to the requirements of the district provisions as supplemented or modified by the provisions of this article. With respect to any permitted use the provisions of this article are applicable, regardless of whether or not such use is identified in the district provisions as being subject to a section of this article.

Section 3.2 Accessory Buildings in Single Family, Duplex and Office Developments

In addition to any other applicable provisions of these regulations, accessory buildings to single family, duplex and office districts shall be subject to the following conditions:

No accessory buildings shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used unless the main building on the lot is also being used.

An accessory building erected as an integral part of the principal building shall be made structurally a part thereof, shall have a common wall therewith, and shall comply in all respects with the requirements of these and other regulations applicable to principal buildings.

A detached accessory building shall be located:

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

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

At least three feet from any interior lot line; and

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

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

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

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

Retail Trade Establishments:

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

Personal Services Establishments:

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

Conditions Applying to Uses: Uses set forth in the paragraph above shall be permitted as accessory uses in the specified intensity districts only if they (1) are located entirely within a multi-family dwelling or office building as an accessory use for the convenience of the occupants of said buildings, (2) do not occupy more than ten percent of the gross floor area of the building in which located, (3) have no signs or other advertising visible from outside the zoning lot on which located, (4) are located in or contiguous to the lobby of the principal buildings, and (5) have at least one lobby entrance.

Section 3.4 Animals

3.4.1 General Provisions

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

3.4.2 Separation Provisions

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

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

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

3.4.3 Additional Provisions for Animal Hospitals

Animal hospitals located within 500 feet of a Residential or Office District shall be so constructed and operated so that sounds therefrom are not audible in such district. All runs shall be surfaced with an impervious material and shall be enclosed by a solid, eight foot wall. No burning of refuse or dead animals shall be permitted and all drainage shall be away from adjoining properties.

Section 3.5 Dwelling Groups

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

In those districts where dwelling groups are permitted uses, the inspecting officer may issue a building permit for the erection of such a dwelling group, provided that the development conforms to the following minimum conditions and requirements:

Minimum Lot Area: The area of the lot on which the dwelling group is to be erected shall be at least twenty percent greater than the aggregate of the minimum lot areas otherwise required for the individual buildings in the group.

Separation Other Than Fronting: In each case, the distance between principal buildings, other than the distances specified immediately above, shall not be less than the sum of the least widths of the affected yards required in the district in which the dwelling group is to be located.

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

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

including turnaround, shall comply with the adopted Subdivision Regulations.

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

Section 3.6 Home Occupations

3.6.1 General Provisions

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

3.6.2 Home Beauty Shops

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

Section 3.7 Mobile Home Parks

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

3.7.1 Bulk and Area Requirements

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

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

The Board of Adjustment may permit a mobile home park on a tract of less than five acres but not less than two acres, if it is contiguous for at least one-sixth of its boundary with a mobile home park which meets the requirements of this section. The mobile home tract shall be a single parcel, unless divided by a public right-of-way in such a manner as not to preclude efficient design and operation; if so divided, no part shall be less than one acre.

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

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

3.7.1 Common Recreation Space

There shall be at least six hundred square feet of common recreation space per mobile home space; the minimum area of any common recreation area shall be 10,000 square feet, and the minimum width of any such area shall be eighty feet. Each required common recreation area shall be within three hundred feet of each of the mobile homes it is intended to serve, measured along a route of pedestrian access. Such recreation area shall be no nearer than twenty-five feet to any property line. Each required common recreation area shall be graded and drained so as to dispose of all surface waters accumulated within the recreation area and shall be surfaced with turf or other dustless surface.

3.7.3 Off-Street Parking Areas

Off-street parking space may be provided on common areas improved in accordance with provision for common recreation areas and shall be located within two hundred feet of each lot so served, measured along a route of pedestrian access.

If parking space is provided with each lot, the minimum lot area shall be increased by three hundred seventy-five square feet.

3.7.4 Interior Driveways

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

3.7.5 Accessory Commercial Facilities

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

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

3.7.6 Other Regulations

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

3.7.7 Individual Mobile Home Location

No mobile home shall be placed or erected unless:

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

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

It is used as a temporary construction office at the site of a project:

Only one mobile home per project may be permitted as a dwelling unit for a period of time not to exceed one year unless granted a permit by the Board of Adjustment, and must meet the health codes and other ordinances; and must have a parking permit issued by the Director of the Planning Commission. The parking permit may be revoked at any time if the project is not

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

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

3.7.8 Travel Trailers or Recreational Vehicle Location

No travel trailer or recreational vehicle shall be parked and used as a dwelling for more than one month per year at any one location or tract unless:

It is located on a mobile home park, a travel trailer park, or an area specifically designated as a camp ground and complies with other regulations and ordinances, or

It is on a travel trailer sales lot, or

It is used as a temporary construction office at the site of a project. Only one recreational unit per project may be permitted as a dwelling unit for a period of time not to exceed one year unless granted a permit by the Board of Adjustment, and must meet health codes and other ordinances, and must have a parking permit issued by the Director of the Planning Commission. The permit may be revoked at any time if the project is not bona fide or has failed to progress. The Director of the Planning Commission may refuse to issue a parking permit if, in his opinion, the presence of such a unit would be detrimental to the neighborhood in question.

3.7.9 Modular Homes

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

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

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

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

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

3.7.10 Mobile or Portable Temporary Accessory Office or Limited Shop

A temporary mobile or portable accessory office or limited shop may be placed on an I3 or I4 District subject to the following requirements:

The first one hundred and twenty days subject to the owner securing a temporary parking permit from the Planning Commission.

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

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

Section 3.8 Nonresidential Uses in Residential Areas

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

Type of Structure or Element of the Facility	Minimum Separation (feet)
<u>Outdoor Facility or Use</u>	
Eating or picnic area	100
Entrance driveway	20
Landscaped or otherwise planted area	None
Off-street parking area	As provided in Section 3.10
Outdoor activity area, NEC*	75
Outdoor spectator facilities for sports and similar events	200
Outdoor sports area without spectator facilities	100
Air conditioning tower or condenser unit, but not including window unit	50

*NEC = Not Elsewhere Covered

Type of Structure or
Element of the Facility

Minimum Separation
(feet)

Indoor Facility or Use

Auditorium, ballroom, dining room or meeting room having a floor area of more than 1200 square feet, game room, gymnasium, locker or shower room, place where alcoholic beverages are served, spectator facilities, swimming pool, theater or similar indoor facility:	
if fully air conditioned	100
if not fully air conditioned	200
Building of a general hospital or convalescent home	50
Building of a facility for alcoholic, mental, nervous, narcotic or contagious patients	200
All other indoor facilities: if fully air conditioned	50
All other indoor facilities: if not fully air conditioned	100

In case any facility or element falls within two or more of the categories set forth above, the greatest separation shall apply. All lighting facilities both indoor and outdoor, shall be so located and shielded so that no light source or glare will be visible from other property in an R District. All outdoor activity areas shall be made dustless by turfing, paving, or other suitable means.

Section 3.9 Off-Street Loading

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

Square Feet of Aggregate Gross Floor Area	Required Number of Berths
10,000 up to and including 16,000	1
16,001 up to and including 40,000	2
40,001 up to and including 64,000	3
64,001 up to and including 96,000	4
96,001 up to and including 128,000	5
128,001 up to and including 160,000	6
160,001 up to and including 196,000	7
For each additional 36,000	1 additional

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

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

3.9.2 Size and Location of Off-Street Loading Spaces

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

Section 3.10 Off-Street Parking

3.10.1 General Intent and Application

It is the intent of these requirements that adequate parking be provided off the street easement for each use of land within the territorial jurisdiction. Requirements are intended to be based on the demand created by each use. These requirements shall apply to all uses in all districts.

3.10.2 Required Off-Street Parking

Every building hereafter erected and every open use of land hereafter established shall be provided with parking spaces as required in this section and such parking spaces shall be made permanently available and be permanently maintained for parking purposes, and except for parking areas used for playground purposes in connection with schools, shall be used only for the parking of automobiles or trucks.

Any areas used to provide required off-street parking shall be of such size and shape and so designed that the area will accommodate the number of cars to be provided for. Where structural alterations or additions to a building provide additional floor space, or additional seats or additional beds, as the case may be, the parking requirements shall only apply to the additional floor space, seats, or beds.

3.10.3 Location of Off-Street Parking Spaces

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

In Residential or Office District, parking in required front and exterior side yards shall be permitted only on driveways or other areas surfaced as required by this section, and not more than one vehicle shall be parked in such yard per twenty feet of abutting street. No driveway entrance serving a dwelling shall be more than twenty-four feet wide, and no parking area other than a driveway shall be within four feet of a street line.

For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No major recreational equipment shall be parked or stored on any lot in a residential district except in a carport or enclosed building or behind the nearest portion of a building to a street, provided however that such equipment may be parked anywhere on residential premises not to exceed twenty-four hours loading or unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such use.

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

3.10.4 Joint Parking Facilities

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

3.10.5 Size of Off-Street Parking Space

The size of a parking space for one vehicle shall consist of a rectangular area having dimensions of not less than nine feet by twenty feet plus adequate area of ingress and egress.

3.10.6 Number of Off-Street Parking Spaces Required

Off-street parking spaces shall be provided for all uses except for the C3 District in accordance with the following schedule:

Single Family Dwelling or Duplex: Two spaces per dwelling unit.

Multi-Family Dwelling: One space for each two beds.

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

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

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

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

Convention Hall, Lodge, Club, Library, Museum, Place of Amusement or Recreation: One space for each fifty square feet of floor area used for assembly or recreation in the building.

Office Building Other Than Medical or Dental: One space for each three hundred square feet of gross floor area in the building, exclusive of the area used for storage, utilities and building services.

Commercial Establishments Not Otherwise Classified: One space for each one hundred fifty square feet of floor space used for retail trade in the building and including all areas used by the public.

Industrial Establishments: One space per one and one-half employees.

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

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

3.10.8 Parking Lots in Residential Areas

Whenever off-street parking lots for more than six vehicles are to be located within or adjacent a Residential, Parking, or Office District the following provisions shall apply:

All sides of the lot within or abutting the residential district shall be enclosed with an opaque ornamental fence, wall, or dense evergreen hedge having a height of not less than five or more than six feet tall. Such fence, wall, or hedge shall be maintained in good condition.

No parking shall be permitted within a front yard setback line established fifteen feet back of the property line of interior and corner lots when the parking lot is located in a residential development or immediately abuts the front yard of a residential unit. In all other cases no setbacks shall be required.

All yards shall be landscaped with grass and shrubs and maintained in good condition the year around.

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

All of the lot used for parking and driveway purposes shall be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced by continued use.

Whenever lighting is provided, the intensity of light and arrangement of reflectors shall be such as not to interfere with residential development.

No sign of any kind shall be erected except information signs used to guide traffic and to state the condition and terms of the use of the lots. Only nonintermittent white lighting of signs shall be permitted.

Section 3.11 Scrap Material

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

Section 3.12 Solid Waste Disposal

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

~~3.12.1 Operation of Site~~

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

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

~~3.12.2 Industrial Waste Disposal~~

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

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

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

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

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

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

Section 3.13 Signs: General

All signs, whether accessory or advertising, shall comply with the provisions of this section, except where provisions to the contrary appear in the district provisions. All signs also comply with all applicable provisions of other regulations of the local unit of government.

3.13.1 Number and Area of Signs

The number of signs and total area of all faces of all signs, both accessory and advertising, exclusive of real estate signs, on any lot or on any street frontage of any lot, shall not exceed the number and areas set forth in the following table.

In the case of a lot abutting two or more streets, the permitted area of any sign or group of signs shall be computed on the basis of the street frontage on the street nearest such sign or signs. For this purpose, the term "frontage" shall be considered as referring to all abutting streets, whether they abut the front or the side of the lot.

In addition to the area of signs permitted on any lot, there shall be permitted on each street frontage of any lot a sign advertising the sale, lease, or rental of property on which it is situated. No such signs on any lot shall exceed an area of 0.1 square feet for each foot of street frontage on which they are located.

Legal Notice

(Published in the Wagoner Tribune April 12, 1987)

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

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

Section 1.

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

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

Section 2.

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

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

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

D. The Provisions of this section shall apply to:

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

Signed: Wagoner Metropolitan Area Planning Commission

Amended: 5-4-87

Deleted:
Jan. 1988

MAXIMUM NUMBER AND AREA OF SIGNS

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

3.13.2 Location of Signs

No sign other than signs placed by agencies of government shall be placed on any public property, except as provided for projecting signs. No signs shall be placed on any utility pole except for utility identifications or similar purposes. No sign shall be placed on any tree or rock.

No sign shall project over a public right-of-way except in the C3 District, and such signs shall not extend nearer than two feet to the curb line or edge of pavement. No horizontal projecting sign shall exceed fifty square feet in area, and no vertical projecting sign shall exceed one hundred square feet in area.

No sign shall extend more than one foot into a required front yard or exterior side yard except for the following:

Projecting signs in C3 Districts, as provided above,

A sign having area of not more than twelve square feet identifying a shopping center or industrial park whose site area is at least two and one-half acres,

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

Customary gasoline service station signs, identifying the gasoline company so that for each street frontage, one such sign having two faces of not more than sixteen square feet each; customary identification signs on the faces of gas pumps.

No signs shall be so located that they will obscure or interfere with the function of any traffic sign or signal or result in a safety hazard by reducing visibility at any street intersection, change in alignment, or driveway entrance or exit.

3.13.3 Height

Except as provided in subsequent paragraphs, no sign or sign structure shall exceed the heights set forth in the following table:

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

No sign shall be painted on or mounted on the roof of any structure. Any sign or sign structure located within one hundred and sixty-five feet of the right-of-way line of an interstate highway or other toll road or freeway may be erected to a height of not more than forty-five feet above grade level of such thoroughfare at the point thereon nearest such sign or structure subject to the following. No sign or sign structure shall be erected to a height greater than the horizontal distance from such sign or structure to the nearest other property in a Residential, Agriculture or Office District.

3.13.4 Character of Design

No sign shall be of such design or character that it may readily be confused with a traffic sign or signal erected by public authority. No real estate sign shall be erected or maintained if it advertises property for uses other than for which the property is zoned or incorrectly states the zoning of the property.

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

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

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

3.13.5 Areas Having Less Restrictive Regulations

Where a lot is across a street from property having less restrictive zoning regulations applying to signs than those applying to such lot, any sign on such lot, visible from such street shall be subject to such less restrictive regulations.

Section 3.14 Advertising Signs

Each advertising sign shall meet the following requirements, in addition to the requirements of Section 3.13.

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

Section 3.15 Location of Sexually-Oriented Businesses

3.15.1 Definitions

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

shall mean as follows:

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

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

1. Adult Amusement or Entertainment: Amusement or entertainment which is distinguished or characterized by an emphasis on acts or material depicting, describing or relating to 'Sexual Conduct' or 'Specified Anatomical Areas', as defined herein, including but not limited to topless or bottomless dancers, exotic dancers, strippers, male or female impersonators, or similar entertainment.
2. Adult Bookstore: An establishment having as a significant portion of its stock in trade books, film, magazines and other periodicals which are distinguished or characterized by an emphasis on depicting or describing 'Sexual Conduct' or 'Specified Anatomical Areas'.
3. Adult Mini Motion Picture Theater: An enclosed building with a seating capacity of less than 50 persons used for displaying or exhibiting material distinguished or characterized by an emphasis on depicting or describing 'Sexual Conduct' or 'Specified Anatomical Areas'.
4. Adult Motel: A motel wherein material is presented as part of the motel services via closed circuit T.V. or otherwise, which is distinguished or characterized by an emphasis on depicting or describing 'Sexual Conduct' or 'Specified Anatomical Areas'.
5. Adult Motion Picture Arcade: Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled, still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time.

and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing 'Sexual Conduct' or 'Specified Anatomical Areas'.

6. Adult Motion Picture Theater: An enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on depicting or describing 'Sexual Conduct' or 'Specified Anatomical Areas'.
7. Massage Parlor: Any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as part of or in connection with 'Sexual Conduct' or where any person providing such treatment, manipulation or service related thereto exposes 'Specified Anatomical Areas'.
8. Model Studio: Any place where, for any form of consideration or gratuity, figure models who display 'Specified Anatomical Areas' are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such considerations or gratuity.
9. Sexual Encounter Groups: Any building or structure which contains, or is used for commercial entertainment where the patron directly or indirectly is charged a fee to engage in personal contact with or to allow personal contact by, employees, devices or equipment or by personnel provided by the establishment which appeals to the prurient interest of the patron, to include, but not to be limited to bath houses, massage parlors, and related or similar activities.

3.15.2 Prohibition

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

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

3.15.3 Nonconforming Uses

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

ated for any reason whatsoever or voluntarily discontinued for a period of thirty (30) days or more. Such nonconforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. In the event that two or more sexually-oriented businesses are within one thousand (1000) feet of one another and otherwise in a permissible zone, the first such sexually-oriented business licensed and continually operating at a particular location shall be the conforming use and the later-established business(es) shall be nonconforming.

Nothing in this Ordinance is intended to make legal any business or activity that is expressly declared illegal under any other provisions of this Code or under any state or federal law.

Section 3.16 Taverns

No taverns are allowed within 300 feet, measured along a common frontage, from a school, church, hospital, park, playground or residential development. In addition, a six foot screen, as outlined in Section 4.1, is required between a tavern and any residential development to the side or rear of the tavern.

Section 3.17 Town House Development

In any town house development there shall be a recreation area for use in common by all the residents of the development. The area of such recreation area shall be as set forth in the following table:

District	Minimum Area (sq. ft.) of Recreation Area	
	Per Dwelling Unit	Each Area
RM6	1,600	10,000
RM4, RF	800	5,000
RM1.5	200	3,000

Such area shall be of such shape and location and so developed as to make it suitable for recreational use by the residents of the development.