

CHAPTER 18

DEFINITIONS

SECTION 1600 DEFINITIONS

For the purpose of this zoning code, the following definitions shall apply:

Abutting: In the context of a screening or enclosure requirement, abutting shall mean contiguous or separated there from only by a non-arterial street. In other instances, abutting shall mean contiguous.

Accessory Uses or Structure: A use or structure on the same lot with, and a nature customarily incidental and subordinate to, the principal use or structure.

Agriculture: The use of land for agricultural purposes, including farming (includes ownership of chickens, rabbits, doves, bees, etc.), dairying, pasturage (subject to animal size and acreage required by Jenks City Code), apiculture, aquaculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. The operation of commercial feed pens, sales yards and auction yards, for cattle or hogs shall be deemed an industrial and not an agricultural use.

Alley: A permanent public way providing a secondary means of access for service and emergency vehicles, and not intended for general traffic circulation.

All-Weather Material: A hard surface dust free material (asphalt/cement) capable, during ordinary use, of withstanding without substantial deterioration, normal weather conditions.

Apartment House: A multiple-family dwelling. (See “dwelling, multi-family)

Arterial: A street designated on the Major Street Plan as a primary arterial or secondary arterial.

Automobile: A self-propelled mechanical vehicle designed for use on streets and highways for the conveyance of goods and people, including but not limited to the following: passenger cars, trucks, buses, motor scooters, and motorcycles.

Automobile Service Station: Any area of land, including structure thereon, that is used for the retail sales of gasoline or fuel oils (excluding butane or propane fuels), lubricants, tires, batteries, and other automobile accessories, and performing minor repairs, installation, and maintenance services, but not to include painting thereof.

Automobile Wash or Laundry: A structure designed primarily for washing automobiles using production line methods with a chain conveyer, blower, steam cleaner, high pressure spray or other mechanical device.

Automobile Wrecking or Salvage Yard: An area outside of a building where motor vehicles are disassembled, dismantled, junked or “wrecked”, or where motor vehicles not in operable condition or used parts of motor vehicles are stored.

Boarding House: A dwelling other than a hotel where, for compensation and by prearrangement for definite periods, meals, or lodging and meals are provided for three (3) or more but not exceeding twelve (12) persons.

Board of Adjustment: The Board of Adjustment of the City of Jenks, Oklahoma

Building: A structure which is permanently affixed to the land, and has one or more floors and a roof, and is bounded by either another building with a common party wall, open air, or the lot lines of a lot.

Building Coverage: The percentage of the lot area covered by the building. The building area shall include all overhanging roofs.

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

Building Setback: The horizontal distance, from the point of measurement, such as the centerline of an abutting street or the boundary line of an abutting zoning district to the nearest building wall.

Building Site: A single parcel of land occupied or intended to be occupied by a building or structure.

Care Home: Premises used for the housing and caring for the aged or infirmed, and includes convalescent homes, homes for the aged, and nursing homes.

Carport: A permanent roofed structure permanently open on at least two (2) sides, designed for or occupied by private passenger vehicles.

Child Care Center: Any place, home or institution which receives three (3) or more children under the age of sixteen (16) years, and not of common parentage, for care apart from their natural parents, legal guardians or custodians, when received for regular periods of time for compensation; provided, however, this definition shall not include public and private schools organized, operated or approved under the laws of this state, custody of children fixed by a court of competent jurisdiction, children related by blood or marriage within the third degree of the custodial person, or to churches or other religious or public institutions caring for children within the institutional building while

their parents or legal guardians are attending services or meetings or classes or engaged in church activities.

City Council: The mayor and city council of the City of Jenks, Oklahoma.

Clinic, Dental or Medical: A facility for the examination and treatment of ill and afflicted human outpatients; provided, however, that patients not limited to dental and doctors' offices.

Copy Area: The net geometric area enclosed by the smallest rectangles encompassing the outer extremities of all letters, figures, characters, and delineations contained in the sign.

Curb Level: The mean level of the established curb at the frontage of a lot. Where no curb has been established, the City Engineer shall establish such level or its equivalent for the purposes of this code.

Display Surface: The surface of a sign upon, against, or through which the message is displayed or illustrated.

Display Surface Area: The net geometric area enclosed by the display surface of the sign, including the outer extremities of all letters, figures, characters and delineations, but not including the structural supports for free-standing signs if said structural supports are not arranged to become a part of the attention attracting aspects of the sign, provided, that as applied to wall or canopy signs having a non-illuminated background, display surface area shall mean "copy area".

District, Zoning: Any section or sections of the City of Jenks for which regulations governing the use of buildings and premises or the height and area of buildings are uniform.

Dry Cleaning or Laundry, Self-Service: Any attended or unattended place, building, or portion thereof, available to the general public for the purpose of washing, drying, extracting moisture from, or dry cleaning wearing apparel, cloth, fabrics, and textiles of any kind by means of a mechanical appliance which is operated primarily by the customer.

Dwelling: A building or structure used in whole or in part for human habitation.

Dwelling, Duplex: A building containing two dwelling units designed for occupancy by not more than two families.

Dwelling, Mobile Home: A detached dwelling unit designed for transportation, after fabrication, on streets or highways on its own wheels or on a flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or other temporary permanent foundation, connection to utilities, and similar installation activities.

Dwelling, Multi-Family: A building containing three or more dwelling units.

Dwelling, Single Family: A building, other than a mobile home containing one dwelling unit designed for occupancy by not more than one family.

Dwelling Unit: A room or group of rooms arranged, intended or designed as a habitable unit, containing kitchen, bath, and sleeping facilities, for not more than one family living independently of any other family.

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

Flood Hazard Areas: The land area adjoining a floodway which is not reasonably required to carry and discharge the floodwater of the 100-year frequency flood but which would be inundated by the floodwater of the 100-year frequency flood based upon full urbanization of the watershed.

Floodplain: The land area adjoining a watercourse or drainage way which would be inundated by the floodwater of the 100-year frequency flood, based on full urbanization of the watershed, as predicted by the City Engineer, or as predicted by the U.S. Corps of Engineers and confirmed by the City Engineer.

Floodway: The channel of a watercourse or drainage way and those portions of the adjoining floodplain which are reasonably required to carry and discharge the floodwater of the 100-year frequency flood as predicted by the City Engineer, or as predicted by the U.S. Corps of Engineers and confirmed by the City Engineer.

Floodway Fringe: Those portions of the floodplain which are not reasonably required to carry and discharge the floodwater of the 100-year frequency flood as predicted by the City Engineer, or as predicted by the U.S. Corps of Engineers and confirmed by the City Engineer.

Floor Area: The sum of the gross horizontal areas of the several floors, including basements, of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. Provided that for the purpose of the determining compliance with the permitted floor area, of enclosed required off-street parking areas shall not be included.

Floor Area Ratio: The floor area of a building or buildings on a lot divided by the lot area.

Foster Home: A dwelling used in whole or in part as living quarters for three (3) or more minor persons who are not members of the family occupying said dwelling, but are under their supervision.

Frontage: The lineal measurement of a lot boundary which abuts a public street or the lineal measurement of the building setback line when the boundary of the lot abuts a curbed non-arterial street or cul-de-sac.

Halfway House: A building used in whole or in part as a treatment center and dwelling quarters for persons unrelated by blood or marriage, who are undergoing care or rehabilitation for alcoholism or other forms of drug abuse.

Height, Building: The vertical distance measured from the ground floor elevation to the top of the highest top plate.

Height, Sign: The vertical distance measured from the curb level to the highest point of the sign.

Home Occupation: Any occupation or profession carried on by the inhabitants which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof, and which is conducted entirely within the main or accessory buildings; provided, that no trading in merchandise is carried on and in connection with which there is no advertising or display of merchandise or signs. There shall also be no mechanical equipment used or activity which creates any noise, dust, odor or electrical disturbance beyond the confines of the lot on which said occupation is conducted.

Home Owners Association: An incorporated, non-profit organization operating under recorded land agreements through which (a) each lot and/or homeowner in a planned unit development or other described land area is automatically a member and (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property, and (c) the charge, if unpaid, becomes a lien against the property.

Hotel: A building or group of buildings under one ownership containing six (6) or more sleeping rooms occupied, intended or designed to be occupied as the more or less temporary abiding place of persons who are lodged with or without meals for compensation, but not including an auto or trailer court or camp, sanatorium, hospital, asylum, orphanage or building where persons are housed under restraint.

Kennel: Any lot or premises on which five (5) or more dogs and/or cats or combination thereof, more than six (6) months of age are kept

Land Area: The area of a lot plus one-half or 30 feet, whichever is less, of the right-of-way of any abutting street of which the lot has access.

Livability Space: The open space of a lot which is not allocated to or used for off-street parking or loading areas or for paved access to the off-street parking or loading area.

Loading Berth, Off-Street: A space of at least 10 feet in width and 30 feet in length and having a vertical clearance of at least 14 feet, designed and located on a lot for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.

Lot: Any plot of land occupied or intended to be occupied by one building or a group of buildings, and 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 and complying with the definition of a lot of record.

Lot area: The total horizontal area included within the lot lines of a lot.

Lot, Corner: A lot of which at least two (2) adjacent sides abut for their full lengths on a street.

Lot, Depth: The average distance from the street line of the lot to its rear line, measured in the general direction of the sidelines of the lot.

Lot, Double Frontage: A lot having a frontage on two (2) nonintersecting streets, as distinguished from a corner lot.

Lot, Interior: A lot other than a corner lot.

Lot Line: Any boundary of a lot.

Lot Line, Front: The boundary of a lot which abuts a public street. Where the lot abuts more than one street, the owner may select the front lot line.

Lot Line, Rear: The boundary of a lot which is not distant from and most nearly parallel to the front lot line.

Lot Line, Side: Any boundary of a lot which is not a front lot line or a rear lot line.

Lot of Record: A unit of land created as follows:

- a. A lot in an existing, duly recorded subdivision; or,
- b. A parcel in an existing, duly recorded land partition; or,
- c. An existing unit of land for which a survey has been duly filed which conformed to all applicable regulations at the time of filing; or,
- d. Any unit of land created prior to zoning and partitioning regulations (September 28, 1972) by deed or metes and bounds description, and recorded with the Tulsa County Clerk.

- e. Lots within the Jenks Original Town Site Subdivision, wherein all lots are 25 feet wide, it is recognize that any development or use that incorporates two or more contiguous lots, and those lots are under the same ownership, then all lots under that use shall be considered a single lot of record.

Lot Width: The average horizontal distance between the side lot lines.

Major Street Plan: “The City of Jenks, Oklahoma Major Street Plan,” as adopted by the Mayor and City Council of Jenks, Oklahoma, by ordinance Number 232, on the 2nd day of July, 1973 and thereafter revised.

Mini-Storage: A building containing small partitioned storage spaces, which are separately and individually rented or leased, for the storage of personal goods or merchandise, but excluding commercial warehousing as described in Use Unit 22.

Mobile Home Park: Land or property which is used or intended to be used or rented for occupancy by one or more trailers or movable sleeping quarters of any kind.

NA: Not Applicable.

Nameplate: A sign, attached flush against a building, identifying the name of the building or the name of the occupant thereof.

NEC: Not Elsewhere Classified.

Nonconformance: A lawful condition of a structure or land which does not conform to the regulations of the district in which it is situated. This may include but is not limited to failure to conform use, height, area, coverage or off-street parking requirements.

One Hundred Year-Frequency Flood: A flood having an average frequency of occurrence once in 100 years, although the flood may occur in any year, based on statistical analyses of stream flow records available for the watershed and analyses of rainfall and runoff characteristics in the general region of the watershed, as predicted by the City Engineer, or as determined by the U.S. Corps of Engineers and confirmed by the City Engineer or as determined by a registered professional engineer and certified by the City Engineer.

Park: Means a place, other than grounds of a private dwelling that is provided by the public or members of a community for recreation.

Parking Space, Off-Street: A space on a lot intended and reserved for the parking of an automobile. Such space to be of at least 10 feet in width by 22 feet in length, together with a driveway connecting the space with a street or alley and permitting safe ingress or egress of an automobile.

Planned Unit Development: A discretionary type of development for a tract of land under single ownership or control, based upon approved development plan permitting flexibility

of principal land uses, lot size, and accessory uses not otherwise available under conventional development standards.

Planning Commission: The City of Jenks, Oklahoma Planning Commission.

Private Club: Reference is hereby made to that section of the code of the City of Jenks, Oklahoma defining “private club.”

Rest Home: A health facility where persons are housed and furnished with meals and continuing nursing care for compensation.

Sanatorium: An institution providing health facilities for inpatient medical treatment or treatment and recuperation using natural therapeutic agents.

Setback: A horizontal distance determining the location of a building with respect to a street, use district boundary line, or another use. Where the term “setback” is used in conjunction with a modifying word or words such as “parking area”, the setback shall in its application include, but not be limited to, buildings.

Sign, Business: A sign which directs attention to a business, commodity, service, or entertainment conducted on the premises.

Sign, Canopy: A sign wholly supported by a canopy projecting from a building or an extended roof or pitched roof and which does not extend above the mean height level of the roof of the building.

Sign, Construction: A temporary sign erected during the period of construction advertising the construction of improvements on the property.

Sign, Ground: A sign which is attached to or is a part of a self-supporting structure, other than a building or portion of a building.

Sign, Outdoor Advertising: A sign which directs attention to a business, commodity, service, or entertainment, sold or offered elsewhere than the premises and only incidentally on the premises, if at all.

Sign, Projecting: A sign affixed to a building and which extends horizontally more than 12” from the sign supporting portion of the building.

Sign, Real Estate: A temporary sign advertising the sale, rental, or lease of the premises.

Sign, Roof: A sign which is affixed to a roof, extended roof, pitched roof or canopy and which extends above the mean height of the roof.

Sign, Wall: A sign affixed to a building wall which does not project horizontally more than 12” from the wall nor extend above the height of the wall.

Site Development: A plan drawn at a scale of not less than one inch equals fifty (50) feet which shows the topographic characteristics of the site at two (2) foot contour intervals; the location and dimensions of buildings, yards, courts, parking spaces, and other features; the use of each building and area; adjacent streets, alleys, utility drainage and other easements; and the relationship of the development to adjacent areas which it may affect.

Special Exception: A use or a design element of a use which is not permitted by right in a particular district because of potential adverse effects, but which if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted by the Board of Adjustment, where specifically authorized by the code, and in accordance with the substantive and procedural standards of the code.

Street: Any public thoroughfare which affords the principal means of access to abutting property.

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

Street, Wall: The wall or part of the building nearest to the street line.

Structure: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, and included buildings, walks, fences, and signs.

Structural Alterations: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or exterior walls.

Supplemental District: A zoning district to be mapped as an overlay to a use district and which modified or supplements the regulations of the general district in recognition of distinguishing circumstances such as unit development or flooding propensity while maintaining the character and purposes of the general use district area over which it is superimposed.

Top Plate: The horizontal timber directly carrying the trusses of a roof or the rafters.

Townhouse Development: A row of at least three (3) attached dwelling units separated by a party wall with each dwelling unit on an individual lot and designed for separate ownership of the individual dwelling units with no separate dwelling unit constructed above another dwelling unit.

Variance: A relaxation of a restriction of the code, granted by the Board of Adjustment, where by reason of exception narrowness, shallowness, shape, topography, or other extraordinary or exceptional situation, condition or circumstance of a particular property, the literal enforcement of the code restriction, would result in unnecessary hardship.

Veterinary Hospital (smaller animals): A building used exclusively for the care and treatment of domestic household type pets, including incidental overnight boarding of smaller animals within an enclosed building and excluding outside animal runs and boarding services.

Veterinary Hospital (larger animals): A building used exclusively for the care and treatment of larger animals primarily in the livestock classification and which may include boarding services, and outside animal runs.

Yard: An open unoccupied space on a lot between a building and a lot line.

Yard, Front: A yard extending along the full length of the front lot lines between the side lot lines.

Yard, Rear: A yard extending along the full length of the rear lot line between the side lot lines.

Yard Required: The minimum permitted distance of open unoccupied space between a building and a lot line.

Yard, Side: A yard extending along a side lot line between the required front yard and the required rear yard.