

ORDINANCE NO. 1624

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JENKS, COUNTY OF TULSA, STATE OF OKLAHOMA, AMENDING CITY CODE §§ 16-3 (BASE DISTRICT SPECIFIC STANDARDS), 16-4 (OVERLAY DISTRICT SPECIFIC STANDARDS), 16-5 (USE SPECIFIC STANDARDS), 16-7 (SIGN STANDARDS), 16-8 (SUBDIVISION STANDARDS), 16-9 (ADMINISTRATIVE PROCEDURES), AND 6-11 (DEFINITIONS); REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

.....

WHEREAS, the City of Jenks has identified areas of the Unified Development Ordinance that require updating to meet current best practices and to better align with City goals; and

WHEREAS, a public hearing on said zone change was held by the Jenks Planning Commission on September 21, 2023, and a public hearing on said zone change was held by the Jenks City Council on October 17, 2023, and due consideration has been given to any public comments; and

WHEREAS, the City Council of the City of Jenks, Oklahoma finds that the changes promote the health, safety, or general welfare of the Jenks community and that the same is necessary and expedient.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF JENKS CITY, OKLAHOMA, AS FOLLOWS:

SECTION I. Chapter 16 Article 3 – Base District Specific Standards shall be amended as follows:

Section 16-3-1 – Bulk and Dimensional Standards, shall be amended as follows:

Table 16-3-1(A), Residential District Bulk and Dimension Standards, and Table 16-3-1(B) Nonresidential District Bulk and Dimension Standards, shall be amended to match Attachment “A” attached hereto.

Section 16-3-3 – Exceptions to Bulk and Dimension Standards

Section 16-3-3(C)(1) shall be amended to read as follows:

Architectural projections, including windowsills, belt courses, cornices, eaves, flues, and ornamental features may project a maximum of three feet into required yards, provided that they do not obstruct the light and ventilation of adjacent buildings and such projections are set back at least three feet from an adjacent side or rear lot line, and 20 feet from any front lot line.

Section 16-3-3(C)(6)(c) shall be amended to read as follows:

A minimum of ten feet from the nearest front elevation of the primary building,

Section 16-3-4 – Permitted, Conditional, Special Exception, and Specific Uses

Section 16-3-4(A)(4-10) shall be amended to read as follows:

- (4) *Specific Use Permits.* Uses which are marked as "S" in the tables shall be allowed upon the approval of a Specific Use Permit (SUP) as detailed in section 16-9-7. Should the project deviate from development standards of the UDO a PUD would be required in lieu of the SUP.
- (5) *Planned Unit Development.* Uses which are marked as "PUD" in the tables shall be allowed upon the approval of a Planned Unit Development as detailed in section 16-9-8.
- (6) *Temporary Uses.* Uses which are marked "T" in the tables shall be allowed upon the approval of a Temporary Use Permit as detailed in section 16-9-3(G).
- (7) *Prohibited Uses.* A blank space in the tables indicates that a use type is not allowed in the respective zoning district unless it is otherwise expressly allowed by other regulations of this UDO.
- (8) *Uses Not Listed.* If a proposed use is not listed in the tables, the City Planner shall determine if the use is substantially similar to a use listed on the tables. If it is, they shall treat the use in the same manner as the substantially similar use. If not, the use shall be regarded as prohibited.
- (9) *Additional Regulation.* If a use has use specific standards they are referenced in this column. Use specific standards shall apply to permitted, special exception, and specific uses.
- (10) *Site Plan Review Requirements.* The site plan review requirements shall be required for applications as specified in section 16-9-3(C).

Section 16-3-4 Table 16-3-4(B), Residential District Permitted, Conditional, Special Exception, and Specific Uses, and Table 16-3-4(C) Nonresidential District Permitted, Conditional, Special Exception, and Specific Uses, shall be amended to match Attachment "B" attached hereto.

Section 16-3-5 – Downtown Core District Specific Standards

Section 16-3-5(G)(1)(b)(II) shall be amended to read as follows:

Private off-street parking areas as primary uses of parcels on Main Street shall be prohibited.

SECTION II. Chapter 16 Article 4 – Overlay District Specific Standards shall be amended as follows:

Section 16-4-2(L) Table 16-4-2(L) DT Overlay District Permitted, Conditional, Special Exception, and Specific Uses, shall be amended to match Attachment "C" attached hereto.

SECTION III. Chapter 16 Article 5 – Use Specific Standards, shall be amended as follows:

Section 16-5-2(B) shall be repealed and replaced with the following:

(B) Residential Facility for Persons with a Disability.

- (1) Each RFPD shall comply with all applicable state and local building, safety, health, and zoning requirements.
- (2) Each RFPD shall comply with all applicable federal and state laws, standards, and requirements, including state licensure, if applicable and required.
- (3) The minimum number of parking spaces required for an RFPD shall be the same as for similar structures located in the same zone in which the facility is located. Off-street parking shall be adequate to serve the needs of residents, visitors, staff members, and others. Additional parking may be required based on the number of residents occupying the facility, the number of residents who are reasonably expected to maintain a vehicle at the facility, the reasonably anticipated number of visitors, the number of staff members who will be serving the residents, the number of vendors that will serve the facility, and any other factors that may increase or impact parking demands for the facility.
- (4) The RFPD shall not be made available to or occupied by any person whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.
- (5) The table of conditional, special exception, and specific uses is found in Section 16-3-4(B)-(C) of the City Code. An RFPD shall be a permitted use in any zone where a specific subtype of Group Living Arrangement is shown in the Table of Uses as a permitted or conditional use, subject to the same development standards as are applied to Group Living Arrangements in City Code. In determining whether a Group Living Arrangement is allowed, only those specific users and types of Group Living Arrangements currently and presently allowed by ordinance and shown in Section 16-3-4(B)-(C) shall be considered. Variance, prior accommodations, pre-existing noncomplying structures, or pre-existing nonconforming uses shall not be considered. Providers must comply with state and federal laws when applying for the accommodation.
- (6) Any lawfully created pre-existing nonconforming use(s) or noncomplying structure (s) that are in conflict with this Title or any other provision of the City Code may be continued as allowed by City Code. A nonconforming use, noncomplying structure, nonconforming lot, or other nonconformity may not be changed except in conformance with the provisions of this Title. Such changes requiring conformance with the provisions of this Title shall include, but not limited to, a change in state licensure, additional state licensure(s), an increase in resident census size, or any other expansion of or change in use.
- (7) An RFPD located in a residential zone shall be capable of use as a facility without structural or landscaping alterations that would change the structure's residential character or appearance. Any new or remodeled structure constructed for use as a facility shall be of a size, scale, and design that is in harmony with other residential uses in the vicinity and shall not create a fundamental change in the residential character of the neighborhood in which it is proposed to be located.
- (8) Residency in the facility shall be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in either a correctional facility or a condition of probation or parole. A facility shall not include any persons referred by the Oklahoma state department of corrections or any adult or juvenile court.
- (9) The RFPD shall not house more than six (6) persons with a disability.
- (10) No Group Living Arrangement shall be located within 1,200 feet of another Group

Living Arrangement. Measurement shall be in a straight line between the closest property lines of the lots/parcels, whether located in the City, County, State, or surrounding municipality.

- (11) An RFPD may request a reasonable accommodation pursuant to federal and state law and Title 24.

Section 16-5-2(E) – Residential Treatment Center, shall be repealed.

Section 16-5-2(G) – Transitional Living Center, shall be repealed.

Section 16-5-6 – Lodging Use Specific Standards:

Section 16-5-6(A)(10) shall be amended as follows:

The operator shall file an application for a City of Jenks license and registration and the appropriate tax permit issued by the State of Oklahoma Tax Commission upon approval of the required Specific Use Permit. City licenses and registration to be made by application to the Jenks City Clerk and shall conform to the requirements of the City Code, which levies a lodging tax on gross receipts of any Bed and Breakfasts and similar businesses.

Section 16-5-6(B)(4) shall be created as follows:

Site is subject to Life Safety inspection.

Section 16-5-8 – Entertainment Use Specific Standards

Section 16-5-8(A)(6) shall be created as follows:

Noise is subject to City Code standards and enforcement.

Section 16-5-8(B)(7) shall be created as follows:

Noise is subject to City Code standards and enforcement.

Section 16-5-8(C)(7) shall be created as follows:

Noise is subject to City Code standards and enforcement.

Section 16-5-8(D)(4) shall be created as follows:

Noise is subject to City Code standards and enforcement.

Section 16-5-11 – Medical Marijuana Use Specific Standards

Section 16-5-11 shall be retitled to “Medical Marijuana Use Specific Standards and Indoor commercial Agriculture”

Section 16-5-11(A)(1) shall be amended as follows:

Grow facilities, testing laboratories, and processing facilities shall be located a minimum of 1,200 feet from any parcel designated in the RE, RS, or RD, RTH, RM, LC, and CS districts or from a habitable structure.

Section 16-5-11(A)(4) shall be created as follows:

Shall be located within a detached, single tenant, structure, or multi-tenant structure of like use.

Section 16-5-11(B) shall be created as follows:

(B) All Indoor Commercial Agriculture Uses.

- (1) Shall be located a minimum of 1,200 feet from any parcel designated in the RE, RS, or RD, LC, and CS districts or from a habitable structure.
- (2) Shall be located within an enclosed building(s).
- (3) Any ventilation/HVAC system shall be located to expel air away from a residential use located on an adjoining property.
- (4) Shall be located within a detached, single tenant, structure, or multi-tenant structure of like use.

Section 16-5-12 – Accessory Use Specific Standards

Section 16-5-12(K) – Outdoor Storage, Permanent shall be amended to read as follows:

(K) Outdoor Storage, Permanent.

- (1) Permanent outdoor storage areas shall be surfaced with an approved hard surface material. Contact the office of the City Planner for a detailed list, materials not listed in the policy shall require approval from the City Engineer and City Planner. Partially paved or unpaved outdoor storage areas shall be prohibited. Weed and grass management will be required.
- (2) The following minimum screening requirements shall apply to permanent outdoor storage areas which are visible from the right-of-way of an existing or proposed arterial or collector roadway or where adjacent lot uses are not of a similar nature, scale and intensity see Table 16-6-3(F)(2 & 3) for additional standards.
 - (a) Materials: a solid wall constructed from materials, not including metal, identical to those used on the exterior of the primary building, unless otherwise approved by the Planning Commission.
 - (b) Height: a screening wall not less than six feet and not more than eight feet in height shall be erected to screen those portions of permanent outdoor storage areas visible from an existing or proposed arterial roadway or where adjacent lot uses are not of a similar nature, scale and intensity see Table 16-6-3(F)(2 & 3) for additional standards. .
 - (c) Landscaping: See Table 16-6-3 (F)(2) and (F)(3) for applicable transition requirements based on adjacent lot uses. For lots visible from the right-of-way of

an existing or proposed arterial or collector roadway, a landscape strip, not less than five feet wide shall be located in front of the wall. A minimum of four canopy or evergreen trees shall be planted and evenly spaced per every 100 lineal feet. A minimum of ten shrubs shall be planted and evenly spaced per every 100 lineal feet. All landscape maintenance requirements of section 16-6-3(I) of this UDO shall apply.

- (3) Shipping containers not located on a truck shall be considered outdoor storage. Shipping containers located on a truck which is kept in the same parking or loading area for more than 30 days shall be considered outdoor storage. Any shipping containers considered outdoor storage shall be subject to the regulations of this section.

Section 16-5-12(M)(1-3) – Solar Energy Collection System, Ground-Mounted, shall be amended to read as follows:

(M) Solar Energy Collection System, Ground-Mounted.

- (1) Ground-mounted solar energy collection systems shall be permitted in the rear yard only. AG lots are excepted.
- (2) An unlimited quantity of panels is permitted on all zoning lots with the exception of any lot in a RS, or RD district 10,000 square feet or less in size, which are limited to a total of 100 square feet in area of panels, unless approved by Planning Commission.
- (3) The maximum height of ground-mounted solar energy collection systems shall be five feet in height, measured from the grade at the base of the pole to the highest edge of the system, unless approved by Planning Commission.

Section 16-5-13 – Temporary Use Specific Standards

Section 16-5-13(A)(c)(I) shall be amended to read as follows:

Downtown Commons regulations are subject to adopted Council Policy.

SECTION IV. Chapter 16 Article 6 – Development Standards

Section 16-6-3 – Landscape

Section 16-6-3(I)(4)(b) shall be amended to read as follows:

Any required landscaped zone not intended for stormwater management, greater than 150 square feet in area, shall be provided with an underground irrigation system or be provided with a portable water supply within 50 feet of said landscaped areas. No part of an irrigation system may be installed in City right-of-way, unless approved by the City Engineer.

Section 16-6-4 – Screening

Section 16-6-4(A)(2) shall be amended to read as follows:

Materials used for screening shall consist of masonry products and shall complement the architecture of the primary building.

SECTION V. Chapter 16 Article 7 – Sign Standards

Section 16-7-2 – Limit on Sign Area

Section 16-7-2(A) shall be repealed

Section 16-7-4 – Permitted Sign Types

Table 16-7-4 – Permitted Sign Types by District shall be amended to match Attachment “D” attached hereto.

Section 16-7-5 – Permanent Sign Standards

Section 16-7-5(E)(4)(c) shall be amended as follows:

Shall not be placed in any sidewalk or pedestrian circulation system, and

Section 16-7-5(G)(1-5) shall be amended as follows:

(G) Blade/Projecting Signs.

(1) Sign Area.

- (a) The maximum permitted sign area of blade signs shall be four square feet.
- (b) The maximum permitted sign area of “special” projecting blade sign shall be thirty-five square feet.

(2) Height.

- (a) Blade signs shall not extend above the roofline of the building to which it is attached, or a maximum of 12 feet, whichever is less, and shall maintain a minimum vertical clearance of ten feet.
- (b) “Special” projecting blade signs shall not exceed the height of the parapet or wall to which it is attached by more than twenty-five percent and shall maintain a minimum vertical clearance of ten feet.

(3) Number of Signs. A maximum of one blade sign shall be permitted per ground floor nonresidential tenant space. A blade sign may be displayed on the same building frontage as a wall or an awning or canopy sign, and “special” projecting blade sign.

(4) Projection. Blade signs shall horizontally project a maximum of four feet from the mean elevation of the building to which it is attached or with staff recommendation and approval of Planning Commission. “Special” projecting blade signs shall not be continuously attached to the surface of the wall.

(5) Other Provisions.

- (a) Blade signs shall not be internally illuminated. “Special” projecting signs may incorporate neon, staff may require approval from Planning Commission for other requests. Cabinet signs are prohibited within the Downtown Core (DC) and the Riverfront Tourist Commercial (RTC).

- (b) Blade signs may encroach upon, extend, or project over a public right-of-way or easement. The property owner may be required to provide a release or hold harmless to the City prior to issuing permits for any such signs.

Section 16-7-5(I)(3)(a) shall be amended as follows:

A minimum distance of 1,000 linear feet shall be required between billboard signs. The separation requirement shall apply to either side of the roadway regardless of which side of the roadway the sign is located upon.

Section 16-7-6 – Temporary Sign Standards

Section 16-7-6(A)(2)(a) shall be amended as follows:

The permitted display period of a permitted temporary sign shall be a maximum of 30 days.

SECTION VI. Chapter 16 Article 8 – Subdivision Standards

Section 16-8-4 – Subdivision Procedures

Section 16-8-4(E)(5)(a) shall be amended as follows:

- (a) *Preliminary Plat Review Requirements.* The preliminary plat shall show or be accompanied by the following:
- ☐ The name and address of the owner or owners of the land to be subdivided, the name and address of the subdivider if other than the owner and the name and address of the land surveyor,
 - ☐ The date of preparation of the plat, north arrow, and scale (written and graphic presentation),
 - ☐ Key or location map showing location of subdivisions within the mile section,
 - ☐ An accurate legal description of the property,
 - ☐ The location and dimensions of all boundary lines of the proposed subdivision to the nearest one-hundredth foot,
 - ☐ The names of all adjacent subdivisions and the names, locations and widths of all existing and proposed streets, easements, drainage ways and other public ways, adjacent to the property,
 - ☐ The locations and widths of easements of all oil, gas and petroleum products pipelines and of existing utilities on or adjacent to the property,
 - ☐ The location and description of all existing structures, water bodies and watercourses,
 - ☐ The areas subject to flooding based upon the regulatory flood plain boundary,
 - ☐ The names, locations and widths of all proposed streets, confirm types of streets and compliance with section 16-8-8,
 - ☐ The location and dimension of all proposed streets, drainage ways, pedestrian ways, bike paths, parks, playgrounds, public ways, or other public or private reservations,

- All proposed lots progressively numbered and building setback lines,
- Blocks progressively numbered,
- A topographic map of the subdivided area with contour lines having two-foot contour intervals based on United States Coastal and Geodetic Survey datum,
- Any other information as may be deemed by the Planning Commission as reasonably necessary for the full and proper consideration of the proposed subdivision,
- Conforms to Subdivision Regulations for design and layout,
- Connects with current and anticipated future abutting development(s),
- Lot dimensions and shapes facilitate private use and infrastructure placement,
- Takes advantage of existing environmental features of the property,
- *Underground Mines*. The subdivider shall locate mines under a proposed subdivision and designate the location of the same on the subdivision plat. The location of the mines shall be based upon information and/or techniques which have been approved in advance by the City Engineer which are reasonably calculated to accurately locate mines and their depths.

Section 16-8-4(E)(6)(a)(iv) shall be amended as follows:

Lines of all proposed lots fully dimensioned, except where a lot line meets a street line at a right angle, the angle or bearing value may be omitted,

Section 16-8-7 – Circulation and Connectivity

Section 16-8-7(E)(1)(a) shall be amended as follows:

TIA's are used to evaluate whether the scale of subdivision, whether commercial or residential, is appropriate for a particular site and what improvements may be necessary, on and off the site, to provide safe and efficient access and traffic flow. TIA is an essential part of the subdivision review process to assist subdividers and the City in making land use decisions involving subdivisions.

SECTION VII. Chapter 16 Article 9 – Administrative Procedures

Section 16-9-7 – Specific Use Permit

Section 16-9-7(B)(1)(d-e) shall be amended and created as follows:

- (d) When the purposes of this UDO and the governing District cannot be met, the applicant may use the PUD process addressing the concerns of the Specific Use Permit in addition to the PUD criteria.
- (e) Is compatible with surrounding land uses and the area where it will be located.

Section 16-9-8 – Planned Unit Development

Section 16-9-8(B)(2) shall be amended as follows:

Developments including only single-family detached residential uses, are discouraged, and may not be approved. Amenity packages may be used to offset “only” single-family.

Section 16-9-8(J)(3) shall be amended as follows:

Minor Amendment. A minor amendment is any proposed change to an approved Planned Unit Development that is consistent with the standards and conditions upon which the Planned Unit Development was approved, which does not alter the concept or intent of the Planned Unit Development and is not considered a major amendment as detailed in section 16-9-8(J)(2).

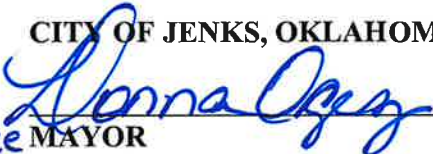
SECTION VIII. Chapter 16 Article 11 – Definitions

Chapter 16 Article 11 shall be repealed and replaced with the language shown in Attachment “E” hereto.

SECTION IX. That all ordinances or parts of ordinances in conflict herewith be and the same are hereby expressly repealed.

SECTION X. If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof.

Approved this 17 day of Oct 2023

CITY OF JENKS, OKLAHOMA

Vice MAYOR

~~SECTION XI. Since the immediate operation of the provisions of the Ordinance is necessary for the preservation of public health, welfare and safety, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage by the City Council.~~

~~Emergency Clause approved separately this ____ day of ____ 2023.~~

~~CITY OF JENKS, OKLAHOMA~~

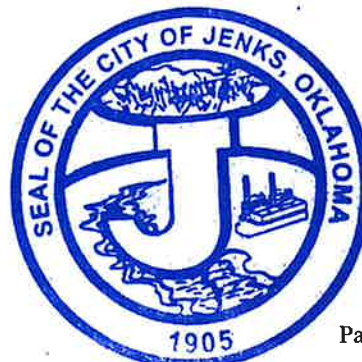
~~MAYOR~~

Attest:


CITY CLERK

Approved as to form:


CITY ATTORNEY



Attachment “A”

Table 16-3-1(A): Residential District Bulk and Dimensional Standards									
Standard	RE	RS1	RS2	RS3	RD	RTH	RM1	RM2	RM3
Lot Standards (Minimum)									
Lot Area (sqft)	24,000	10,000	8,000	5,000	6,900	6,900	6,000	6,000	20,000
Lot Area/DU (sqft)	24,000	10,000	8,000	5,000	3,450	2,300	2,000	1,500	1,000
Lot Width (ft)	150	70	55	45	60	60	60	50	100
Yard Setbacks (Minimum)									
Front (ft)	25	25	20 (3)	20 (3)	20	15	10	10	10
Exterior Side (ft)	20	20	15 (3)	15 (3)	20	15	10	10	10
Interior Side (ft)	15	15 (1)	5	5	10 (2)	10 (2)	10 (2)	10 (2)	10 (2)
Rear (ft)	25	25	20	20	20	20	10	10	10
Building Standards (Maximum)									
Height (ft)	35	35	35	35	35	35	40	45	45
Impervious Surface Coverage	25%	45%	45%	60%	60%	60%	70%	70%	70%
Notes									
(1) The cumulative interior side yard setback shall be 15 feet. No interior side yard setback shall be less than 5 feet.									
(2) If a parti-wall exists, the interior side yard setback shall be 0 feet.									
(3) Garages shall be setback a minimum of 25 feet from the front property line.									

Table 16-3-1(B): Nonresidential District Bulk and Dimensional Standards										
Standard	AG	OL	OM	LC	CS	CG	DC	RTC	IL	IM
Lot Standards (Minimum)										
Lot Area (acres)	2	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Lot Width (ft)	150	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Yard Setbacks (Minimum, unless otherwise stated)										
Front (ft)	25	25	40	0	0	25	0	0	50	50
Front, maximum (ft)	n/a	n/a	n/a	10	n/a	60	10	60	n/a	n/a
Exterior Side (ft) (3)	25	25	40	0	0	25	0	0	50	50
Exterior Side, maximum (ft)	n/a	n/a	n/a	10	n/a	60	25	60	n/a	n/a
Interior Side (ft) (3)	10	10 (1)	20	10 (1)	10 (1)	10 (1)	0	0	25 (2)	50 (4)
Rear (ft) (3)	40	10 (1)	20	10 (1)	10 (1)	10 (1)	0	0	25 (2)	50 (4)
Building Standards (Maximum)										
Height (ft)	35	50	60	50	60	60	85	85	60	60
Impervious Surface Coverage	n/a	60%	70%	60%	70%	70%	100%	70%	70%	70%
Notes										
(1) Add one additional foot of setback for each one foot of building height exceeding 18 feet, if the abutting property is within an RE, RS, or RD District.										
(2) Minimum setback shall be 75 feet if the abutting property is within an AG, R, or O District.										
(3) Transition yards, as specified in section 16-6-3(F), may apply and may result in greater yard setback requirements than specified in this table.										
(4) Minimum setback shall be 75 feet if the abutting property is within an AG, R, or O District.										

Attachment “B”

(B) Residential District Permitted, Special Exception, and Specific Uses.

Table 16-3-4(B) Residential District Permitted, Conditional, Special Exception, and Specific Uses										
Use	Additional Regulation	RE	RS1	RS2	RS3	RD	RTH	RM1	RM2	RM3
Agricultural Uses		RE	RS1	RS2	RS3	RD	RTH	RM1	RM2	RM3
Community Garden	16-5-1(A)	P	P	P	P	P	P	P	P	P
Passive Agriculture		P								
Residential Uses		RE	RS1	RS2	RS3	RD	RTH	RM1	RM2	RM3
Duplex	16-5-2(A)					P	P	P	P	
Group Living Arrangements		P	P	P	P	P	P	P	P	P
Multifamily Building, all units	16-5-2(C)							P	P	
Multifamily Building, less than 8 units	16-5-2(C)						PUD	P	P	
Multifamily Complex	16-5-2(D)									P
Residential Clubhouse			C	C	C	C	C	C	C	C
Residential Facility for Persons with a Disability	16-5-2(B)	P	P	P	P	P	P	P	P	P
Single-Family Detached	16-9-8 (B)	P	P	P	P	P	P	P	P	
Townhome	16-5-2(E)					PUD	P	P	P	
Institutional and Utility Uses		RE	RS1	RS2	RS3	RD	RTH	RM1	RM2	RM3
Government Uses, indoor		P	P	P	P	P	P	P	P	P
Government Uses, outdoor	16-5-3(A)	S	S	S	S	S	S	S	S	S
Wireless Communication Facility	16-5-3(B)	S	S	S	S	S	S	S	S	S
Wireless Communication Facility, Small Cell	16-5-3(B)	S	S	S	S	S	S	S	S	S
Place of Assembly		S	S	S	S	S	S	S	S	S
School, elementary/middle		S	S	S	S	S	S	S	S	S
School, high		S	S	S	S	S	S	S	S	S
Retail Uses		RE	RS1	RS2	RS3	RD	RTH	RM1	RM2	RM3
General Retail, less than 10,000 sqft	16-5-4(B)					PUD	PUD	C	C	P
Service Uses		RE	RS1	RS2	RS3	RD	RTH	RM1	RM2	RM3
General Service, less than 10,000 sqft	16-5-5(C)					PUD	PUD	C	C	P
Lodging Uses		RE	RS1	RS2	RS3	RD	RTH	RM1	RM2	RM3
Bed and Breakfast	16-5-6(A)	PUD	PUD							
Short-Term Rental	16-5-6(B)	C	C	C	C	C	C	C	C	C
Eating/Drinking Uses		RE	RS1	RS2	RS3	RD	RTH	RM1	RM2	RM3
Coffee/Tea Shop	16-5-7(A)					PUD	PUD	C	C	P
Accessory Uses		RE	RS1	RS2	RS3	RD	RTH	RM1	RM2	RM3
Accessory Building	16-5-12(A)	P	P	P	P	P	P	P	P	P
Accessory Dwelling	16-5-12(B)	P	P	P	P					
Accessory Structure	16-5-12(D)	P	P	P	P	P	P	P	P	P
Home Based Child Care	16-5-12(G)	SE	SE	SE	SE	SE	SE	SE	SE	SE
Home Based Business	16-5-12(H)	C	C	C	C	C	C	C	C	C
Solar Energy Collection System, ground	16-5-12(M)	P	P	P	P					
Solar Energy Collection System, roof	16-5-12(N)	P	P	P	P	P	P	P	P	P
Temporary Uses		RE	RS1	RS2	RS3	RD	RTH	RM1	RM2	RM3

Construction Related		T	T	T	T	T	T	T	T	T	T
Farmers' Market		T							T	T	T
Food Truck	16-5-13(A)		C	C	C				C	C	C
Garage/Estate Sale		T	T	T	T	T					
Outdoor Dining	16-5-13(B)					T	T	T	T	T	T
Portable Outdoor Storage Device	16-5-13(D)	T	T	T	T	T					

(C) *Nonresidential District Permitted, Special Exception, and Specific Uses.*

Table 16-3-4(C) Nonresidential District Permitted, Conditional, Special Exception, and Specific Uses											
Use	Additional Regulation	AG	OL	OM	LC	CS	CG	DC	RTC	IL	IM
Agricultural Uses		AG	OL	OM	LC	CS	CG	DC	RTC	IL	IM
Commercial Agriculture, Indoor	16-5-11. (B)	P									
Commercial Agriculture, Outdoor		P									
Passive Agriculture		P									
Urban Agriculture, Indoor		S								P	P
Urban Agriculture, Outdoor		P									
Residential Uses		AG	OL	OM	LC	CS	CG	DC	RTC	IL	IM
Multifamily Building, 8 units or more	16-5-2(C)		S	S	S	S	S	S	S		
Multifamily Building, less than 8 units	16-5-2(C)		S	S	S	S	S	S	S		
Multifamily Complex	16-5-2(D)		S	S	S	S	S		S		
Residential, above ground floor			S	S	S	P	P	P	P		
Residential Facility for Persons with a Disability	16-5-2(B)	P	S	S	S	S	S	S	S		
Single-Family Detached		P									
Institutional and Utility Uses		AG	OL	OM	LC	CS	CG	DC	RTC	IL	IM
Government Uses, indoor		P	P	P	P	P	P	P	P	P	P
Government Uses, outdoor	16-5-3(A)	S	S	S	S	S	S	S	S	S	S
Wireless Communication Facility	16-5-3(B)	S	S	S	S	S	S	S	S	P	P
Wireless Communication Facility, Small Cell	16-5-3(B)	S	C	C	C	C	C	C	C	P	P
Place of Assembly		S		S		S	S	S		S	S
Retail Uses		AG	OL	OM	LC	CS	CG	DC	RTC	IL	IM
Adult Uses	16-5-4(A)						S				
Convenience Store					P	P	P	P	P		
General Retail, less than 10,000 sqft	16-5-4(B)		P	P	P	P	P	P	P		
General Retail, 10,000 sqft—49,999 sqft	16-5-4(C)				S	P	P	S	P		
General Retail, 50,000 or more sqft	16-5-4(D)					P	P	S	S		
Multitenant Shopping Center	16-5-4(E)				C	P	P	C	P		
Pawn Shop							S				
Service Uses		AG	OL	OM	LC	CS	CG	DC	RTC	IL	IM
Acute Care Center			P	P	S	P	P			S	

Business Park	16-5-5(A)			P						P	
Check Cashing/Pay Day Loan Store							S				
Commercial Animal Boarding	16-5-5(B)	P					P			P	
General Service, less than 10,000 sqft	16-5-5(C)		P	P	P	P	P	P	P		
General Service, 10,000— 49,999 sqft	16-5-5(D)				S	P	P	S	S		
General Service, 50,000 sq ft or more	16-5-5(E)					P	P	S	S		
Hospital				S		S	S			S	
Medical/Dental Office			P	P	P	P	P	P	P		
Personal Storage Facility	16-5-5(F)					S	S			P	P
Professional Office			P	P	P	P	P	P	P		
Professional Office, above ground floor			P	P	P	P	P	P	P		
Tattoo Parlor							S				
Veterinary Clinic/Animal Hospital		S	S	S	S	P	P			P	P
Lodging Uses		AG	OL	OM	LC	CS	CG	DC	RTC	IL	IM
Hotel						P	P	P	P	P	
Motel						S	S				
Short-Term Rental	16-5-6(B)	C						C	C		
Eating/Drinking Uses		AG	OL	OM	LC	CS	CG	DC	RTC	IL	IM
Bar/Tavern							P	P	P		
Brewery/Winery/Distillery, micro					S	P	P	P	P	P	
Brewery/Winery/Distillery, tasting room					S	P	P	P	P		
Coffee/Tea Shop	16-5-7(A)		P	P	P	P	P	P	P	P	
Food Truck Court	16-5-7(B)				S	S	S		S		
Restaurant, delivery/carry out only					S	P	P	S	S		
Restaurant, fast casual					P	P	P	P	P		
Restaurant, sit down					P	P	P	P	P		
Entertainment Uses		AG	OL	OM	LC	CS	CG	DC	RTC	IL	IM
Archery/Gun Range		S					S				
General Entertainment, indoor, less than 10,000 sqft	16-5-8(A)	S			P	P	P	P	P		
General Entertainment, indoor, 10,000 sqft—49,999 sqft	16-5-8(B)	S			S	P	P	S	P		
General Entertainment, indoor, more than 50,000 sqft	16-5-8(C)	S				P	P	S	S		
General Entertainment, outdoor	16-5-8(D)	S				S	S		S		
Vehicle Related Uses		AG	OL	OM	LC	CS	CG	DC	RTC	IL	IM
Autobody Repair						S	S			P	P
Car Wash	16-5-9(A)					S	P				
Fuel Sales	16-5-9(B)					P	P			P	P
Gas Station With Mini-Mart						P	P			P	P
Service Station						P	P				
Trucking Establishment	16-5-9(C)									S	S
Vehicle Sales and Rental							S				

Industrial Uses		AG	OL	OM	LC	CS	CG	DC	RTC	IL	IM
Brewery/Winery/Distillery						S	S			P	P
Laboratory				S						P	P
Manufacturing, Artisan						S	S	S	S	P	P
Manufacturing, Heavy											P
Manufacturing, Light										P	P
Mining and Mineral Processing and Oil and Gas	Municipal Code	S								S	S
Warehouse, distribution										P	P
Warehouse, office	16-5-10(A)			S			S			P	P
Warehouse, storage										P	P
Medical Marijuana Uses		AG	OL	OM	LC	CS	CG	DC	RTC	IL	IM
Medical Marijuana Commercial Grower	16-5-11(A)	P					S			P	P
Medical Marijuana Education Facility	16-5-11(A)	S	P	P			S			P	P
Medical Marijuana Dispensary	16-5-11(A)				P	P	P	S	S	S	S
Medical Marijuana Research Facility	16-5-11(A)						S			P	P
Medical Marijuana Testing Laboratory	16-5-11(A)						S			P	P
Medical Marijuana Processing Facility, Heavy	16-5-11(A)										P
Medical Marijuana Processing Facility, Light	16-5-11(A)						S			P	P
Accessory Uses		AG	OL	OM	LC	CS	CG	DC	RTC	IL	IM
Accessory Building	16-5-12(A)	P	P	P	P	P	P	P	P	P	P
Accessory Dwelling	16-5-12(B)	P									
Accessory Retail	16-5-12(C)	P						P		P	
Accessory Structure	16-5-12(D)	P	P	P	P	P	P	P	P	P	P
Donation Drop Box	16-5-12(E)					P	P				
Drive Through	16-5-12(F)					P	P		P		
Home Based Business	16-5-12(H)	C	C	C	C	C	C	C	C		
Outdoor Activity/Operation, permanent	16-5-12(I)					S	S			SE	P
Outdoor Display/Sale of Merchandise, permanent	16-5-12(J)					S	S	S	S		
Outdoor Storage, permanent	16-5-12(K)									SE	P
Solar Energy Collection System, canopy	16-5-12(L)	P	P	P	P	P	P	P	P	P	P
Solar Energy Collection System, ground	16-5-12(M)	P	P	P	P	P	P	P	P	P	P
Solar Energy Collection System, roof	16-5-12(N)	P	P	P	P	P	P	P	P	P	P
Temporary Uses		AG	OL	OM	LC	CS	CG	DC	RTC	IL	IM
Carnival/Fair		T				T	T	T			
Construction Related		T	T	T	T	T	T	T	T	T	T
Farmers Market		T			T	T	T	T	T		
Flea Market						T	T	T			
Food Truck	16-5-13(A)				T	T	T		T		
Outdoor Dining	16-5-13(B)	T	T	T	T	T	T	T	T		
Outdoor Activity/Operation, temporary		T				T	T	T	T	T	T

Outdoor Display/Sale of Merchandise, temporary	16-5-13(C)	T				T	T	T	T		
Outdoor Storage, temporary										T	T
Seasonal Sales	16-5-13(E)	T			T	T	T	T	T		

Attachment “C”

Table 16-4-2(L) DT Overlay District Permitted, Conditional, Special Exception, and Specific Uses		
Use	Additional Regulation	DT
Residential Uses		DT
Duplex	16-5-2(A)	P
Residential, above ground floor		P
Multifamily Building, 8 units or more	16-5-2(C)	S
Multifamily Building, less than 8 units	16-5-2(C)	S
Senior Housing, dependent		S
Senior Housing, independent		S
Single-Family Detached		P
Townhome	16-5-2(E)	P
Institutional Uses		DT
Government Uses, indoor		P
Retail Uses		DT
General Retail, less than 5,000 sq ft	16-5-4(B)	C
Service Uses		DT
General Service, less than 5,000 sq ft	16-5-5(C)	C
Medical/Dental Office		C
Professional Office		C
Lodging Uses		DT
Short-Term Rental	16-5-6(B)	C
Eating/Drinking Uses		DT
Brewery/Winery/Distillery, tasting room		C
Coffee/Tea Shop		C
Restaurant, fast casual		C
Restaurant, sit-down		C
Entertainment Uses		DT
General Entertainment, indoor, less than 5,000 sq ft	16-5-8(A)	C
Accessory Uses		DT
Accessory Building	16-5-12(A)	P
Accessory Dwelling	16-5-12(B)	P
Accessory Structure	16-5-12(D)	P
Home Based Business	16-5-12(H)	P
Solar Energy Collection System, ground	16-5-12(M)	P
Solar Energy Collection System, roof	16-5-12(N)	P
Temporary Uses		DT
Construction Related		T
Outdoor Dining	16-5-13(B)	T

Attachment “D”

Table 16-7-4: Permitted Sign Types by District												
Sign Type	District											
	R Districts	AG	OL	OM	LC	CS	CG	DC	DT	RTC	IL	IM
Permanent Signs												
Wall Sign	P (1)	P (1)	P	P	P	P	P	P	P	P	P	P
Single-Tenant Monument Sign	P (1)(2)	P (1)	P	P	P	P	P			P	P	P
Multi-Tenant Monument Sign			P	P	P	P	P			P	P	P
Post Sign, Permanent								P	P			
Pole/Pylon Sign						P (3)	P (3)				P (3)	P (3)
Awning/Canopy Sign	P (1)	P (1)	P	P	P	P	P	P	P	P	P	P
Blade Sign			P	P	P	P	P	P	P	P	P	P
Window Sign, Permanent			P	P	P	P	P	P	P	P	P	P
Billboard Sign						P (3)	P (3)				P (3)	P (3)
Temporary Signs												
Wall-Mounted Banner Sign	P (1)	P (1)	P	P	P	P	P	P	P	P	P	P
Ground-Mounted Banner Sign	P (1)	P (1)	P	P	P	P	P			P	P	P
Feather Sign						P	P				P	P
Window Sign, Temporary			P	P	P	P	P	P	P	P	P	P
Post Sign, Temporary	A	A	A	A	A	A	A	A	A	A	A	A
Yard Sign	A	A	A	A	A	A	A				A	A
Notes:												
(1) Sign shall be permitted for nonresidential, mixed use, or multifamily developments only.												
(2) Sign shall be permitted at entryways or gateways to subdivisions or neighborhoods only.												
(3) Sign shall be permitted within 300 feet of United States Federal Highways, Federal Interstate Highways, State of Oklahoma Highways, U.S. or State Toll ways or Turnpikes only.												

Attachment “E”

Article 11. Definitions

Sec. 16-11-1. "A" Definitions.

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 Dwelling Unit means a small, independent residential dwelling unit located on the same lot as a stand-alone principal dwelling unit. Accessory dwelling units may be located as a partitioned area within the principal dwelling, as a building attached to a principal dwelling unit, or as an accessory building detached from the principal building.

Accessory Building means a subordinate building attached to or detached from but located on the same lot as a principal building or use. Accessory buildings shall have a permanent foundation and include garages, pools, and storage sheds.

Accessory Structure means a subordinate structure attached to or detached from but located on the same lot as a principal building or use. Accessory structures shall not have permanent foundations and include decks, fences, gazebos, and typical sheds.

Accessory Use means a use on the same lot with, and a nature customarily incidental and subordinate to, the principal use or structure.

Adult Use means any facility that provides goods or services or is otherwise oriented to the display of materials characterized as sexual or adult in nature, such as videos, movies, slides, photos, books, or magazines; or actual persons displaying and/or touching sexually specified areas. Examples include adult bookstores, adult entertainment cabarets, adult entertainment centers, adult gift shops, and adult movie theaters.

Agriculture means 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.

Agriculture, Passive means any primary production activity be it plant or animal based where the natural environment is not significantly altered or degraded. The land may be fenced and watering points provided but not otherwise altered;

Agriculture, Commercial Outdoor shall mean but is not limited to ranching and farming, crop production, riding stables, , sod farming, horticulture nursery, and support activities for agriculture.

Agriculture, Commercial Indoor shall include but is not limited to animal production, aquaculture, , crop production, , greenhouse.

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

Alluvial Fan Flooding means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

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

Apex means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

Area of Shallow Flooding means a designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A199, VO, V130, VE or V.

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

Automobile means 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.

Sec. 16-11-2. "B" Definitions.

Bar/Tavern means a commercial establishment open to the general public which sells and serves alcoholic beverages for consumption on the premises but not produced on the premises and where prepared or packaged foods may be available for consumption on the premises.

Base Flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation means the elevation above mean sea level of the base flood.

Basement means any area of the building having its floor subgrade (below ground level) on all sides

Block means a tract of land intended for urban purposes that had definite boundaries formed by being surrounded by such features or combinations of features as public streets, railroad right-of-way, parks, drainage channels or waterways.

Board means the Oklahoma Water Resources Board.

Board of Adjustment means the Board of Adjustment of the City of Jenks, Oklahoma.

Bond means any type of security including cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the governing body as a surety for performance or maintenance.

Brewery/Winery/Distillery, Micro means a small establishment primarily engaged in brewing fermented malt beverages including beer, ale, malt liquors, and nonalcoholic beer (brewery), manufacturing and bottling wine on the premises (winery), or manufacturing, by distillation, intoxicating spirits on the premises (distillery).

Brewery/Winery/Distillery, Tasting Room means a brewery, microbrewery, winery or distillery in which customers may sample, purchase and consume wine, beer or spirits on the premises.

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

Building, Main means 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 means 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 means a single parcel of land occupied or intended to be occupied by a building or structure.

Sec. 16-11-3. "C" Definitions.

Carport means a permanent roofed structure permanently open on at least two sides, designed for or occupied by private passenger vehicles.

Check Cashing/Pay Day Loan Store means an establishment that provides to the customer an amount of money that is equal to the face value of the check, warrant, draft, money order or other commercial paper securing the same purpose, or the amount specified in the written authorization for an electronic transfer of money, less any fee charged for the transaction, whereby the check casher refrains from depositing a personal check written by a customer until a specific date. Such establishments may also engage in money transfers, payday advances and issuance of money orders. This use shall not include a state or federally chartered bank, savings association, credit union, industrial loan association, or rental-purchase company and shall not include a retail seller engaged primarily in the business of selling consumer goods, including consumables, to retail buyers that cashes checks or issues money orders for a nominal flat fee as a service to its customers incidental to the main use of the establishment.

Child Care means a service that provides for the care, health, safety, supervision, or guidance of a child's social, emotional, and educational growth on a regular basis.

City Council means the Mayor and City Council of the City of Jenks, Oklahoma.

City Council means the legislative body of the City of Jenks, Oklahoma.

City Engineer or Engineer means the engineer for the City of Jenks, Oklahoma.

Cluster Development means a subdivision in which the lot sizes are reduced below those normally required in the zoning district in which the development is located, in return for the provision of permanent open space or conservation of valuable natural features.

Coffee/Tea Shop means an informal eatery primarily offering coffee, tea, and other beverages, and where light refreshments and limited menu meals including sandwiches and baked goods but not alcoholic beverages may be sold for on- or off-premises consumption.

Commercial Animal Boarding means a facility providing short-term and/or long-term boarding for dogs, cats and other household pets. Examples of this land use include commercial kennels and dog daycares.

Community Garden means a site where any kind of plant, including flowers, is grown, and several individuals or households cultivate the site. The site may be divided into individual allotments, or gardeners may work together to cultivate the entire property. The land may be publicly or privately owned. The plants are grown for personal use by the gardeners or for donation.

Comprehensive Plan means the plan adopted by the City Council for the purpose of bringing about an orderly, coordinated physical development, as contemplated by Title 11 O.S. § 43-103.

Construction Related Use means contractors' office or trailer and equipment shed(s) when accessory to a construction project, provided that no such use will contain any sleeping or cooking accommodations and is strictly limited to a period not to exceed the duration of the active construction phase of the associated project.

Convenience Store means store with less than 5,000 square feet of gross floor area primarily engaged in the retail sale of a limited range of household products including, but not limited to, dry goods, canned goods, dairy and other food products, and may include the off-sale of beer or wine.

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

Critical Feature means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Curb Level means 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 zoning code.

Sec. 16-11-4. "D" Definitions.

Dedication means to set apart a portion of the area of a subdivision to a specific use(s) or to the public or to a specific group.

Density, Gross means the numerical value obtained by dividing the total number of dwelling units in a development by the gross area of the tract of land (in acres) within a development. This includes all nonresidential land uses and private streets, as well as rights-of-way of dedicated streets.

Development means any manmade change in improved and unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Development Sensitive Area means an area which during the development process may require special treatment. Included are woodlands, flood hazard areas, areas with excessive slope, those and other areas poorly suited for structures and maintenance of public infrastructure.

Disabled means when a person has a physical or mental impairment which substantially limits one or more of such person's major life activities. This includes caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

Disability means a person, with a physical or mental impairment that substantially limits one or more of such person's major life activities, a record of having such an impairment, or being regarded as having such an impairment; but does not include a person engaged in the current illegal use of, or addiction to, any federally-controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. § 802.

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

Display Surface Area means 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 means 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.

Drive Through means an establishment that dispenses products or services to patrons who remain in vehicles.

Dwelling means a building or structure used in whole or in part for human habitation.

Duplex means a building containing two dwelling units designed for occupancy by not more than two families.

Dwelling Unit means a room or group of rooms arranged, intended or designed as a habitable unit, containing kitchen, bath, and sleeping facilities.

Sec. 16-11-5. "E" Definitions.

Easement means authorization by a property owner for the use by another, and for a specific purpose, of any designated part of his property.

Elevated Building means a non-basement building.

- (1) Built, in the case of a building in Zones A130, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V130, VE, or V, to have the bottom of the lowest

horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and

- (2) Adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A130, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V130, VE, or V, the term "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

Existing Construction means, for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. The term "existing construction" may also be referred to as "existing structures."

Existing Manufactured Home Park or Subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an Existing Manufactured Home Park or Subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Sec. 16-11-6. "F" Definitions.

Family means (a) any number of people living together in a dwelling unit who are related by blood, marriage, adoption, or other legal relationship; or (b) one to ~~four~~ (4) unrelated people living together in a dwelling unit.

Flood or Flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Hazard Areas means 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.

Flood Insurance Rate Map (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study means the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

Flood Protection System means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodplain means the area adjoining the channel of a river, creek, stream or watercourse, or a lake or any other body of standing water which may from time to time be covered by floodwater.

Floodway means 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 means 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.

Floodplain Administrator means a person accredited by the Board and designated by a floodplain board or community to administer and implement laws and regulations relating to floodplain management.

Floodplain Management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain Management Regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway means 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.

Floor Area means 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 means the floor area of a building or buildings on a lot divided by the lot area.

Front Elevation means the exterior portion of a dwelling that primarily faces the street and contains the primary entrance to the dwelling.

Food Truck means a motorized vehicle or trailer, equipped to cook, prepare, serve, and/or sell food.

Food Truck Park means a permanently established area designed to accommodate multiple food trucks and offering food and/or beverages for sale to the public as the main use of the property and functioning as a single business.

Fuel Sales means any area of land, including structure thereon, that is used for the retail sales of gasoline or fuel oils.

Functionally Dependent Use means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Sec. 16-11-7. "G" Definitions.

Garage/Estate Sale means all general sales of goods open to the public, conducted from a residential premises including, but not limited to, all sales entitled "garage," "lawn," "yard," "attic," "porch," "room," "backyard," "patio," "flea market," "rummage," "estate," or "moving" sale.

Gas Station With Mini-Mart means an establishment that sells gasoline for motor vehicles in conjunction with a "convenience store."

General Entertainment, Indoor means a commercial facility providing athletic or amusement services such as yoga, game courts, exercise equipment, locker rooms, training studios, saunas, pro shop, laser tag, miniature golf, skating rink, arcade, escape room, bowling alley, movie theater, trampoline park, or bounce houses.

General Entertainment, Outdoor means a commercial facility providing outdoor athletic or amusement services such as game courts, golf driving range, miniature golf, skating rink, or amphitheater.

General Retail means a facility in which the retail sale of products to the general public are offered, sometimes with provision of related services.

General Services means an establishment primarily engaged in rendering services to individuals and business establishments which services cannot be categorized into one of the other defined service use categories in this title. The services are typically provided without the retail sale of products or which such product sales are incidental to the service-driven purposes of the establishment, such as a beauty salon, day spa, medical massage establishment, or barber shop.

Government Uses, Indoor means an indoor facility owned, operated, or occupied by a governmental agency to provide a governmental service to the public, such as City Hall.

Government Uses, Outdoor means an outdoor facility owned, operated, or occupied by a governmental agency to provide a governmental service to the public, such as a water tower or public works yard.

Grade means the slope of a street, drainage facility, sanitary sewer, etc., specified in percent of vertical to horizontal measurements.

Gross Floor Area means the total enclosed floor area of all floors of a building measured from the exterior faces of exterior walls and from the center line of walls separating buildings, including basements, lobbies, common area, storage areas, stairwells, equipment room and other fully enclosed spaces of the building. Gross floor area does not include non-enclosed areas like plazas, loading docks, covered parking areas, balconies, and the like. Gross floor area may be abbreviated GFA in this UDO.

Group Living Arrangement means a group living or congregate living arrangement where groups of more than four unrelated persons live together in a single dwelling, including, but not limited to, an assisted living facility, senior housing, boarding house, congregate living facility, protected living facility, residential treatment center, residential care facility, transitional living center, residential facility for persons with a disability, boarding school, dormitory, student housing, fraternity, club, institutional group, halfway house, convent, monastery, or other similar group living or congregate living arrangement of unrelated persons. A Group Living Arrangement does not include clinics, medical or dental; hospital(s), or hospital/clinic.

Sec. 16-11-8. "H" Definitions.

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

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

Highest Adjacent Grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register,
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district,

- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- (4) Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
 - (a) By an approved state program as determined by the Secretary of the Interior, or
 - (b) Directly by the Secretary of the Interior in states without approved programs.

Home Based Childcare means a childcare operation operated from a from within a residential premises by resident occupants, which is customarily incidental to the principal use of the premises.

Home Based Business means any occupation for financial gain or support conducted entirely within a residential premises by resident occupants, which is customarily incidental to the principal use of the premises. Home occupation shall not include the performance of a regular job function remotely from the place of the employer's physical location.

Home Owners Association means an incorporated, non-profit organization operating under recorded land agreements through which:

- (1) Each lot and/or homeowner in a Planned Unit Development or other described land area is automatically a member,
- (2) 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
- (3) The charge, if unpaid, becomes a lien against the property.

Hospital means an institution providing health, medical and surgical facilities, for diagnostic, mental, and medical treatment (both surgical and nonsurgical) to inpatients with any of a wide variety of medical conditions. These establishments maintain inpatient beds, provide patients with food services and an organized staff of physicians and other medical personnel to provide patient care services. These establishments commonly provide other services, such as outpatient, diagnostic, clinical laboratory, and pharmacy services.

Hotel means a building or group of buildings under one ownership containing six 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.

Sec. 16-11-9. "I" Definitions.

Impervious Surface Coverage means that portion of a lot that is covered by hard surfaces that impede infiltration of rainfall into the underlying soil profile, including all paved surfaces and principal and accessory buildings and structures.

Institutional Use includes a variety of public, public/private, and nonprofit uses typically providing a range of public services, including places of worship, nonprofit cultural centers, and charitable organizations.

Sec. 16-11-10. "J" Definitions.

Reserved.

(Ord. No. 1581 , § II, 4-5-2022)

Sec. 16-11-11. "K" Definitions.

Kennel means any lot or premises on which five or more dogs and/or cats or combination thereof, more than six months of age are kept.

(Ord. No. 1581 , § II, 4-5-2022)

Sec. 16-11-12. "L" Definitions.

Land Area means 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.

Levee means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee System means a flood protection system, which consists of a levee, or levees, and associated structures, such as closure, and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Livability Space means 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 means a space of at least ten 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 means 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 chapter 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 means the total horizontal area included within the lot lines of a lot.

Lot, Corner means a lot of which at least two adjacent sides abut for their full lengths on a street.

Lot, Depth means 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 means a lot having a frontage on two nonintersecting streets, as distinguished from a corner lot.

Lot Frontage or Frontage means that part of a lot abutting a street to which access is available from said lot.

Lot, Interior means a lot other than a corner lot.

Lot Line means any boundary of a lot.

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

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

Lot of Record means a unit of land created as follows:

- (1) A lot in an existing, duly recorded subdivision,
- (2) A parcel in an existing, duly recorded land partition,
- (3) An existing unit of land for which a survey has been duly filed which conformed to all applicable regulations at the time of filing,
- (4) 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, and
- (5) Lots within the Jenks Original Town Site Subdivision, wherein all lots are 25 feet wide, it is recognized 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 Split means any subdivision or resubdivision containing three or fewer lots fronting on an existing public street, not involving any new street, and not adversely affecting the remainder of the parcel of adjoining property, and not in conflict with any provision of the comprehensive plan, zoning ordinance, building code, or other officially adopted plans, policies or regulations.

Lot Width means the average horizontal distance between the side lot lines.

Lowest Floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

(Ord. No. 1581 , § II, 4-5-2022)

Sec. 16-11-13. "M" Definitions.

Major Street and Highway Plan means the Jenks Major Street and Highway Plan, a portion of the Jenks Comprehensive Plan, 1978-2000, adopted by the Mayor and Jenks City Council by Resolution No. 27 on December 28, 1978, or as it may hereafter be amended by Resolution.

Manufactured Home means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Manufactured Home Park or Subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Manufacturing, Artisan means small-scale businesses that produce artisan goods or specialty foods, primarily for direct sales to consumers, such as artisan leather, glass, wood, paper, ceramic, textile and yarn products, specialty foods and baked goods. This land use includes the design, processing, fabrication, assembly, treatment and packaging of products, as well as the incidental storage, sales and distribution of such products. Artisan manufacturing shall not include combustible processes.

Manufacturing, Heavy means the manufacturing of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products which have the potential to generate noise, dust, glare, or vibration outside the building in which it is contained and may include combustible processes.

Manufacturing, Light means the manufacturing of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, provided all manufacturing activities are contained entirely within a building and noise, odor, smoke, heat, glare, and vibration resulting from the manufacturing activity are confined entirely within the building. Light manufacturing shall not include combustible processes.

Mature Tree Stands means a contiguous grouping of mature trees, in which the majority of the trees have a diameter of ten inches or more measured 24 inches above existing grade.

Mean Elevation means the mean elevation between the highest and lowest ground elevations at the building wall.

Mean Sea Level means for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Medical/Dental Office means a facility for the examination and treatment of ill and afflicted human outpatients; provided, however, that patients not limited to dental and doctors' offices.

Medical Marijuana Production, means the use of land or structures for the purpose of growing, processing, packaging, testing, destroying, storing and/or shipping of marijuana used for medical purposes as authorized by OMMA and regulated by the City of Jenks.

Medical Marijuana Processing Facility, Heavy means a facility used to prepare marijuana or related byproducts for consumption for medical use including drying, cleaning, curing, packaging, or the extraction of active ingredients, and that involves combustible products or processes.

Medical Marijuana Processing Facility, Light means a facility used to prepare marijuana or related byproducts for consumption for medical use including drying, cleaning, curing, packaging, or the extraction of active ingredients, and that does not involve combustible products or processes.

Metal Unit means any building with frames and/or exterior cladding comprised primarily of steel or another metal.

Mobile Unit means a structure transportable in one or more sections suitable for year-round single-family occupancy.

Monuments means permanent markers properly located as required in these regulations for the location and identification on the site of reference points in the subdivision, such as, but not limited to, corners of the subdivision, corners of the blocks, radius points for street curvature, etc.

Multitenant Shopping Center means a group of multiple commercial establishments planned, constructed, and managed as a single site.

(Ord. No. 1581 , § II, 4-5-2022)

Sec. 16-11-14. "N" Definitions.

NACTO Standards means any standard or design guideline related to the design of transportation facilities published by the National Association of City Transportation Officials.

NA means Not Applicable.

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

NEC means Not Elsewhere Classified.

New Construction means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Nonconformance means 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.

(Ord. No. 1581 , § II, 4-5-2022)

Sec. 16-11-15. "O" Definitions.

Offsite Improvements means any utility, structure, or modification of topography located outside the property to be subdivided.

One Hundred Year-Frequency Flood means 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.

Outdoor Activity/Operation means the subordinate use of a zoning lot for sustained and continuous outdoor use customarily incidental to the primary use of the zoning lot.

Outdoor Dining means use of an adjacent, outside area by a food or beverage establishment with a liquor license for on-premises consumption, for the same eating and drinking activities that occur within the establishment including, without limitation, the service and consumption of alcoholic beverages.

Outdoor Display of Merchandise means the display and/or sale of merchandise or equipment outside of an enclosed building by the occupant of the primary building of the lot.

Outdoor Storage means storage of materials, supplies, goods or manufactured products, equipment, machinery, vehicles, pallets, or other items outside of an enclosed building.

Outline Lighting means an arrangement of incandescent lamps or electric discharge tubing that outlines or calls attention to certain features of a building or sign including, but not limited to, its shape.

(Ord. No. 1581 , § II, 4-5-2022)

Sec. 16-11-16. "P" Definitions.

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 means a space on a lot intended and reserved for the parking of an automobile. Such space to be of at least ten 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.

Pawn Shop means an establishment primarily engaged in the business of lending money on the deposit or pledge of any article or jewelry, or purchasing any article or jewelry with an expressed or implied agreement or understanding to sell it back at a subsequent time at a stipulated price.

Personal Storage means a building containing small, partitioned storage spaces, which are separately and individually rented or leased to businesses or private individuals for the storage of goods or merchandise, but excluding commercial warehousing. Climate controlled or refrigerated facilities, and luxury garages or recreational vehicle garages shall be included.

Place of Assembly means a building or outdoor area, together with its accessory buildings and uses, wherein individuals or groups of people gather for an attraction or service, such as, but not limited to, community centers, fraternal or civic organizations, lodges, libraries, museums, municipal buildings, auditoriums, or religious institutions. While a private home may host an activity, such as a prayer group or meeting, it shall not be covered by this definition unless the home is maintained and managed by the assembly body.

Planned Unit Development means 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 means the City of Jenks, Oklahoma Planning Commission.

Plans, Construction means the maps or drawings prepared by a registered professional engineer accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the City Engineer and the Planning Commission as a condition of the approval of the plat.

Plan, Development means drawings of proposed construction and subdivision of land submitted by the subdivider or developer to the City of Jenks.

Plat, Preliminary means the preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Planning Commission for approval.

Plat, Final means drawing(s) described in these regulations based on a preliminary plat with revision, if any, to be submitted to the Planning Commission and City Council for approval or approval with revisions.

Plat, Record means a map of land subdivision prepared in a form suitable for filing of record with necessary affidavits, dedications and acceptances, covenants, if any, and with complete bearings, angles, and dimensions of all lines defining blocks, lots, rights-of-way, easements, public areas, and other dimensions of land as required in these regulations.

Portable Outdoor Storage Device means any item designed and used as follows: a container which is delivered to a property, which is filled with household items or other non-trash materials, and which the container and its contents are subsequently transported to another location.

Porte Cochère means a structure attached to a residence erected over a driveway and open on two or more sides.

Private Club. Reference is hereby made to that section of the Code of the City of Jenks, Oklahoma defining "private club."

Professional Office means all exclusively indoor land uses whose primary functions are the handling of information or administrative services. Such land uses do not typically provide services directly to customers on a walk-in or on appointment basis.

Professional Office, Above Ground Floor means a professional office as defined in this chapter located within an upper-floor of a building.

(Ord. No. 1581 , § II, 4-5-2022)

Sec. 16-11-17. "Q" Definitions.

Reserved.

(Ord. No. 1581 , § II, 4-5-2022)

Sec. 16-11-18. "R" Definitions.

Recreational Vehicle means a vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projections;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Registered Engineer means an engineer properly registered and licensed in the State of Oklahoma.

Registered Land Surveyor means a land surveyor properly registered and licensed in the State of Oklahoma.

Restaurant, Delivery/Carry Out Only means an establishment which by design of physical facilities or by service or packaging procedures permits or encourages the purchase of prepared, ready-to-eat foods intended to be consumed off the premises.

Restaurant, Fast Casual means an establishment whose principal business is the sale of rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off premises. The establishment may include a drive-up or drive-through service facility or offer curbside service.

Restaurant, Sit Down means an establishment whose food is available to the general public primarily for consumption within a structure on the premises, where at least 50 percent of the gross floor area of the establishment is devoted to patron seating.

Restrictive Covenants means plat restrictions binding lot owners filed with the record plat.

Residential Facility For Persons With A Disability or RFPD means any facility or dwelling that houses or seeks to provide housing to five (5) or more persons with a disability.

Resubdivision means subdivision of land previously subdivided.

Right-of-Way means a parcel of land (usually a strip) occupied or intended to be occupied by a street, crosswalk, railroad, road, electric facility, or for other special use. The use of the term right-of-way for land platting purposes in connection with these regulations shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots and parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Right-of-way intended for any use involving maintenance by a public agency shall be dedicated to public use by the subdivider on which such right-of-way is established. The width of rights-of-way shall be measured as the shortest distance between the abutting property lines.

(Ord. No. 1581 , § II, 4-5-2022)

Sec. 16-11-19. "S" Definitions.

School, Elementary and Middle means a public, private, or parochial educational institution, including instructional and recreational uses, with or without other incidental facilities for students, teachers, and employees, providing educational or instructional services to children in preschool through eighth grade.

School, High means a public, private, or parochial educational institution, including instructional and recreational uses, with or without other incidental facilities for students, teachers and employees, providing educational or instructional services to students in grades nine through 12.

Seasonal Sales means Christmas tree, pumpkins and similar, temporary (typically recurring on an annual basis) sales for a period not to exceed 30 days.

Service Station means buildings and premises for the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and motor vehicle accessories, and where in addition, the following services may be rendered and sales made:

- (1) Sales and servicing of spark plugs, batteries, and other motor vehicle related items,
- (2) Tire servicing, rotation, and repair,
- (3) Replacement of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors and the like,
- (4) Greasing, lubrication, and radiator flushing,
- (5) Oil changes,
- (6) Minor servicing and repair of carburetors, fuel pumps, oil pumps, water pumps and lines and minor motor adjustments not involving removal of the head or crank case or racing the motor,
- (7) Emergency wiring repairs, and
- (8) Adjusting and repairing brakes.

Painting, welding, or other body work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations shall not be permitted.

Setback means 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.

Setback (Line) or Building Line means a line or lines designating the area outside of which buildings may not be erected.

Short Term Rental means the rental of an existing or otherwise permitted accessory dwelling, dwelling structure, or any portion thereof, for a period of time, where the owner is engaged in a contract for the accommodations of that specific dwelling, or any portion thereof.

Sign, Animated means a digitally displayed sign in which figures are manipulated to appear as moving images.

Sign, Blade means a sign that projects perpendicular from a building more than 12 inches from the building's supporting wall.

Sign, Canopy means 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 means a temporary sign erected during the period of construction advertising the construction of improvements on the property.

Sign, Electronic Message Board means a sign or portion thereof designed to accommodate frequent message changes composed of characters, letters, or illustrations and that can be changed or rearranged electronically without altering the face or surface of such sign.

Sign, Ground means 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, Inflatable means a sign that requires air pressure or gas inflation for support and display purposes.

Sign, Moving means any sign or part of a sign that changes physical position by any movement or rotation or that gives the visual impression of such movement by use of lighting, or that exhibits intermittent or sequential flashing of natural or artificial light or color effects by any means whatsoever.

Sign, Pennant means a geometric shaped cloth, fabric, or other lightweight material that is secured to an object to allow movement of the sign caused by movement of the atmosphere.

Sign, Propellor. See "sign, moving."

Sign, Revolving or Rotating. See "sign, moving."

Sign, Roof means 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, Snipe means a sign that is tacked, nailed, posted, pasted, glued, or otherwise affixed to trees, poles, stakes, fences, utility poles, or other objects.

Sign, Spinner. See "sign, moving."

Sign, Streamer means a sign comprised of a strip of material, fastened to an object for support, and that requires wind activation for display.

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

Sign With Flashing Lights means an illuminated sign that contains an intermittent or sequential flashing light source.

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

Site Development means a plan drawn at a scale of not less than one inch equals 50 feet which shows the topographic characteristics of the site at two-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.

Solar Energy Collection System, Canopy means a solar energy collection system consisting of elevated solar panels installed above parking lots, carports and other paved areas.

Solar Energy Collection System, Roof Mounted means a solar energy collection system that is structurally mounted to the roof of a building or other permitted structure, including limited accessory equipment associated with system which may be ground mounted. It is installed parallel to the roof with a few inches gap.

Solar Energy Collection System, Ground Mounted means a solar energy collection system and associated mounting hardware that is affixed to or placed upon the ground including, but not limited to, fixed, passive, or active tracking racking systems.

Special Exception means 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.

Start of Construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Street means any public or private right-of-way which affords the primary means of access to abutting property.

- (1) *Expressway or Freeway* means a thoroughfare designated on the Major Street and Highway Plan that carries a major portion of both intraurban and interurban vehicle traffic at a high rate of speed with few or no traffic stops and having limited access with a design and right-of-way width established by the State Department of Transportation.
- (2) *Primary Arterial* means a thoroughfare designated on the Major Street and Highway Plan that carries a portion of both intraurban and interurban vehicle traffic at a moderate rate of speed with some traffic stop having a planned right-of-way width of 120 feet to 150 feet.
- (3) *Secondary Arterial* means a thoroughfare designated on the Major Street and Highway Plan that carries a significant portion of the interurban vehicular traffic stops and a planned right-of-way width of 100 feet.
- (4) *Collector* means a traffic way designated on the Major Street and Highway Plan that provides vehicle access and traffic circulation within residential neighborhoods and commercial and industrial areas. Collector streets collect traffic from local streets, channeling some into the arterial streets or disperse traffic from the arterial to local streets. Collector streets have a planned right-of-way width of 60 feet to 80 feet.
- (5) *Service or Access* means a minor street which is parallel and adjacent to major streets, traffic ways, highways or railroad rights-of-way and which provides access to abutting properties and protection from through traffic.

- (6) *Minor or Local Street* means a traffic way of limited length not of one of the above classifications providing direct access to abutting tracts of land and access to more heavily traveled streets and having a right-of-way width of 50 feet to 60 feet. Sidewalks may be required in local street rights-of-way.
- (7) *Cul-De-Sac* means a local street with only one outlet having a terminal for the safe and convenient reversal of traffic movement.
- (8) *Dead End* means a street with one outlet having no turn-around at its closed end.
- (9) *Alley* means a minor traffic way, dedicated to public use, which is used primarily for vehicular access to the back or the side of properties otherwise abutting on a street.

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

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

Street Verge means a narrow strip of ground located between the boundary of the adjacent property or public sidewalks and the roadway of the street, typically planted with a mix of grass, trees, or other plants.

Structure means 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 means 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.

Subdivider or Developer means a person, firm or corporation undertaking the subdivision or resubdivision of a lot, tract or parcel of land into two or more lots, or other subdivisions of land for the purpose of transfer of ownership or development, whether immediate or future, including all changes in street right-of-way or lot lines.

Subdivision means the division of land into lots, parcels, tracts or areas, any one of which when divided has an area of less than two and one-half acres, or any division of land involving the dedication of right-of-way or alignment of any existing or proposed street or highway, or the resubdivision of land heretofore divided into lots, sites, or parcels.

Substantial Damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures, which have incurred "substantial damage," regardless of the actual repair work performed. The term "substantial improvement" does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions, or
- (2) Any alteration of a "historic structure" provided that the alteration would not preclude the structure's continued designation as an "historic structure."

Supplemental District means 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.

Sec. 16-11-20. "T" Definitions.

Tattoo Parlor means an establishment that offers or performs any method of placing ink or other pigment into the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa.

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

Townhome means a row or structure of attached, single-family, dwellings joined to one another at one or more sides by a party wall or walls. Each dwelling has a dedicated exterior entrance.

Trip means a single journey made by an individual between two places by a specified mode of travel.

Transparency means a surface that allows light to pass through in a way that enables objects behind the surface to be distinctly seen by viewers in front of the surface. Transparency requirements established in this UDO shall be established from finished floor to finished floor for each building level for which transparency is required.

Trucking Establishments means a parcel of ground used primarily for the fueling of transient trucks, passenger vehicles, maintenance, servicing, storage, parking or repair of commercial vehicles, including the sale of motor fuels or other petroleum products, the sale of accessories or equipment for over-the-road trucks and similar commercial vehicles, truck drivers and interregional travelers. Other services commonly associated with a truck stop may include: convenience store, overnight accommodations, showers, cargo broker's offices, restaurants, game rooms, vehicle scales, wash racks and servicing bays, sales of personal and household goods.

(Ord. No. 1581 , § II, 4-5-2022)

Sec. 16-11-21. "U" Definitions.

Urban Agriculture, Indoor means an indoor establishment where food or ornamental crops are grown or processed for personal consumption or to be sold or donated that includes, but is not limited to, greenhouses and other indoor growing operations, vertical farms, aquaponics, aquaculture, and hydroponics.

Urban Agriculture, Outdoor means backyard, roof-top, vacant lot or balcony cultivation or processing of food or ornamental crops. This definition does not include the keeping, feeding or raising of animals such as chickens, fish, goats, and honeybees.

(Ord. No. 1581 , § II, 4-5-2022)

Sec. 16-11-22. "V" Definitions.

Variance means 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.

Vehicle Sales and Rental means the use of any building or portion thereof, or other premises or portion thereof, for the display, sale, rental, or lease of new motor vehicles, or used motor vehicles as an ancillary use of a zoning lot, and any warranty repair work and other repair service conducted as an accessory use.

Veterinary Clinic/Animal Hospital means a building used exclusively for the care and treatment of domestic household type pets, including incidental overnight boarding within an enclosed building and excluding outside animal runs and boarding services.

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required with this chapter is presumed to be in violation until such time as that documentation is provided.

(Ord. No. 1581 , § II, 4-5-2022)

Sec. 16-11-23. "W" Definitions.

Warehouse, Distribution means facility located within an enclosed building primarily oriented to the storage and shipping of packaged materials or goods for a single business or a single group of businesses.

Warehouse, Storage means facility located within an enclosed building primarily oriented to the receiving, holding, and/or storage of packaged materials or goods for a single business or a single group of businesses.

Water Surface Elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(Ord. No. 1581 , § II, 4-5-2022)

Sec. 16-11-24. "X" Definitions.

Reserved.

(Ord. No. 1581 , § II, 4-5-2022)

Sec. 16-11-25. "Y" Definitions.

Yard means an open unoccupied space on a lot between a building and a lot line.

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

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

Yard, Required means the minimum permitted distance of open unoccupied space between a building and a lot line.

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

(Ord. No. 1581 , § II, 4-5-2022)

Sec. 16-11-26. "Z" Definitions.

Reserved.