

CHAPTER 22

DEFINITIONS

SECTION 2200 DEFINITIONS

Abutting - In the context of a screening or enclosure requirement, abutting shall mean contiguous or separated therefrom only by a nonarterial street. In other instances, abutting shall mean contiguous.

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

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

Anticipated Development - Full potential urbanization of the contributing watershed, considering the Comprehensive Plan and the reasonable assumption that in considering the effects of a proposed development in a floodplain area that there will be an equal degree of encroachment extending for a significant reach on both sides of the stream or water course.

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

Average Ground Elevation - The mid point between the highest and lowest ground elevations at the building wall.

Board of Adjustment - The Wagoner County Board of Adjustment.

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

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

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

Community Group Home - A community based residential facility for independent living that provides room and board, personal care, and rehabilitation services in a family environment as a single-housekeeping unit to 6-12 resident mentally retarded and/or physically limited persons with at least 1 but not more than 3 resident staff persons. Personal care and rehabilitation services excludes on-site institutional type educational training, medical or nursing care.

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

County - Wagoner County, Oklahoma.

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

Day Nursery - Any agency, institution, center, home, nursery, nursery school, kindergarten, play school, or other place, however styled and whether operated under public auspices, as a private business, or by an established religious denomination, in which are received for temporary custodial care apart from their parents, part of the day or all of the day or night, and upon any number of successive days one or more children not related to the persons providing such temporary custodial care, and which comply with the licensing requirements of the Oklahoma State Health Department, but excluding Family Day Care Homes.

Detention/Correctional Facility - A facility for the detention, confinement, treatment and/or rehabilitation of persons arrested or convicted for the violation of civil or criminal law. Such facilities include an adult detention center, juvenile delinquency center, pre-release center, correctional community treatment center, jail and prison.

Development - Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

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

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

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

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

Dwelling, Mobile Home - A detached dwelling unit designed for transportation, after fabrication, on streets or highways on its own wheels or on a flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, connection to utilities, and similar installation activities, located on jacks or other temporary or permanent foundation. It does not include recreational vehicles or travel trailers.

Dwelling, Multifamily - A building containing three or more dwelling units.

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

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

Elderly/Retirement Housing - A residential complex containing multifamily dwellings designed for and principally occupied by senior citizens. Such facilities may include a congregate meals program in a common dining area, but exclude institutional care such as medical or nursing care and are distinguished from life care retirement centers as elsewhere defined.

Emergency and Protective Shelter - A residential facility which provides room and board for a temporary (30 days or less) period, protection counseling, and pre-placement screening for abused, displaced, or transient children or adults.

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

Family Day Care Home - A dwelling used to house and provide supervision and care for five children, said total to include those preschool children under five (5) years of age who reside in the residence.

Flood - A temporary rise in stream level that results in inundation of areas not ordinarily covered by water.

Flood Regulatory - A flood having a one (1) percent chance of being equaled or exceeded in any given year based upon the full potential urbanization of the contributing watershed considering the Comprehensive Plan, adopted Floodplain Management Policies and the watershed Master Drainage Plan where adopted.

Floodway - The channel of a river or other watercourse and those portions of the adjoining floodplains which are reasonably required to carry and discharge the regulatory flood.

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

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

Foster Home - A dwelling used in whole or in part as living quarters for a household including one or more minor children placed by a licensed child placement agency who are not members of the family occupying said dwelling but, are under their supervision. Further, provided that a maximum of 5 children are allowed to reside in the home including any natural children living in the home, if any children in the home are age 2 or younger. If no children are under 2 years, the maximum number of children residing in the home is 6.

Freeway - A street designated as a freeway on the Major Street Plan.

Freeway Sign Corridor - An area 400 feet in width on each side of and adjacent to the publicly acquired right-of-way of a freeway.

Frontage - The lineal measurement of a lot boundary which abuts a public street or the lineal measurement of the building setback line when the boundary of the lot abuts a curved nonarterial street or cul-de-sac.

Governing Body - Wagoner County Board of Commissioners.

Habitable Floor - Any floor usable for living purposes, which includes working, sleeping, eating, cooking, or recreation, or a combination thereof. A floor used for storage purposes only is not a "habitable floor".

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

Height, Building - The vertical distance measured from the average ground elevation at the building wall to the highest horizontal point of the structure, provided that Height Exceptions listed under Section 220 shall apply.

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

Inspecting Officer - The Wagoner County Inspecting Officer.

Kennel - The use of land or buildings for the purpose of selling, breeding, boarding or training cats or dogs, or both.

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

Land Coverage - The land area of a lot covered by building or buildings, except structural parking.

Life Care Retirement Center - A residential facility containing dwellings designed for and principally occupied by senior citizens in a planned retirement community which includes a residential complex, an activity or community center, and a medical or nursing facility which is licensed by the State of Oklahoma as an Intermediate Care Facility or a Skilled Nursing Center.

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

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

Lot - A lot of record.

Lot of Record - A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Clerk of the County in which the lot is located or a parcel of land, the deed of which is recorded in the office of the County Clerk of the County in which the parcel is located.

Lot, Double Frontage - A lot other than a corner lot with frontage on more than one street other than an alley.

Lot, Interior - A lot other than a corner lot, with only one frontage on a street.

Lot Line - Any boundary of a lot.

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

Lot Line, Rear - The boundary of a lot which is most distant from and most nearly parallel to the front lot line.

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

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

Major Street Plan - The Coweta Metropolitan Area Major Street and Highway Plan, as adopted by the Board of County Commissioners, or as it may hereafter be amended.

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

Mobile Home - See Dwelling, Mobile Home.

NA - Not applicable.

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

NEC - Not elsewhere classified.

Neighborhood Group Home - A home for independent living with support personnel that provides room and board, personal care and habilitation services in a family environment as a single-housekeeping unit for not more than 5 resident mentally retarded and/or physically limited persons with at least 1 but not more than 2 resident staff persons. Personal care and habilitation services excludes on-site institutional type educational training, medical or nursing care.

Nursing Home - A residential health care facility licensed and regulated by the State of Oklahoma which provides lodging, personal care and supervision for aged, chronically ill, physically infirm or convalescent patients.

Obstruction - Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

Parking Space - A space on a lot intended and reserved for the parking of an automobile.

Planning Commission - The Coweta Metropolitan Area Planning Commission.

Planned Unit Development - A discretionary type of development for a tract of land under single ownership or control, based upon an approved development plan permitting flexibility of principal land uses, lot sizes, and accessory uses not otherwise available under conventional development standards.

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

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

Sign, Canopy - A sign wholly supported by a canopy as defined in Title 51 Coweta Revised Ordinances.

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

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

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

Sign, Portable - A sign which is not permanently affixed to the ground or a building, and easily moved from one location on the lot to another.

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

Sign, Promotional Business - A sign, temporary in nature, consisting of tinsel, advertising flags, searchlights, balloons, tethered balloons, or banners.

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

Sign, Roof - A sign other than a promotional business sign which is affixed to a roof, extended roof, pitched roof, or canopy, and which extends above the building wall or parapet wall.

Sign, Wall - A sign affixed to a building wall or parapet which does not extend horizontally more than 15 inches from the wall nor extend above the height of the wall or parapet.

Special Exception - A use or a design element of a use which is not permitted by right in a particular district because of potential adverse affect, 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.

Story - A room or set of rooms on one floor level of a building.

Street - A public thoroughfare designed to provide the principle means of access to abutting property, or designed to serve as a roadway for vehicular travel, or both, but excluding alleys.

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

Structure - Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, and includes buildings, walks, fences, and signs. Provided that, for the purposes of Chapter 10, Floodway Zoning District "structure" means a walled and roofed building that is principally above ground, as well as a mobile home.

Substantial Improvement - Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with the existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Supplemental District - A zoning district to be mapped as an overlay to a use district and which modifies 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.

Townhouse Development - A row of at least 3 attached dwelling units each separated by a party wall on individual lots and designed for separate ownership of the individual dwelling units with no separate dwelling unit constructed above another dwelling unit; provided that in a development of 6 or more units, a row of 2 attached dwelling units may be constructed thereon.

Variance - A relaxation of a restriction of the Code, granted by the Board of Adjustment, where by reason of exceptional 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.

Veterinarian Clinic - A building used exclusively for the care and treatment of animals, including incidental boarding of animals within the enclosed building, but excluding outside animal runs.

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

Yard, Exterior Side - The side yard of a corner lot which abuts a street.

Yard, Interior Side - The side yard of a lot which does not abut a street.

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

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

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

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