

CHAPTER 21

DEFINITIONS

Section 2100. General

Section 2101. Definitions

SECTION 2100. GENERAL

For the purpose of this Ordinance, certain terms and words are to be used and interpreted as defined in this Chapter. Words used in the present tense shall include the future tense, words in the singular number include the plural, and words in the plural number include the singular, except where the natural construction of the writing indicates otherwise. The word "shall" is mandatory and not directory.

SECTION 2101. DEFINITIONS

A District: A Zoning District whose designation begins with the letter "A", being an Agriculture District.

Abutting: In the context of notice and a screening or enclosure requirement, abutting means contiguous or separated by only a nonarterial street, alley or railroad right-of-way. In other instances, abutting shall mean contiguous.

Accessory: A use, building or structure, part of a building or other structure which is subordinate to and the use of which is customarily incidental to that of the main building, structure or use on the same lot, including a private garage, except that accessory off-street parking need not be located on the same lot with the principal use to which it is accessory. If an accessory building is attached to the main building by a common wall or roof, such accessory building shall be considered a part of the main building.

Accessory Living Quarters:

1. In the case of Zoning Districts in which dwelling units are permitted, the term means living quarters within an accessory building for the sole use of the family or of persons employed on the premises, or for the temporary use of the guests of the occupants of the premises; such quarters shall have no kitchen facilities and are not rented or otherwise used as a separate dwelling unit. The term includes "guest house".
2. In the case of Zoning Districts where dwelling units are not permitted, the term means sleeping facilities for watchmen and caretakers employed on the premises.

Accessory Use Bar: A commercial establishment open to the public which sells and serves intoxicating or low-point beer (as defined in this Chapter) for consumption on the premises. This use must be incidental and subordinate to a principal use restaurant, hotel or motel, or be a bar which is accessory to a not for profit, lodge, post, club, fraternal, benevolent or charitable organization which is included in Use Unit 2.

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.

Advertising Sign: See "Sign, Outdoor Advertising."

Agricultural District: A Zoning District whose designation begins with the letter "A".

All-Weather Material: In incorporated areas, a hard surface, dust-free material capable during ordinary use of withstanding normal weather conditions without substantial deterioration. Gravel, rock, or screenings alone, without use of a petroleum or cement binder, does not meet the definition of an all-weather, dust-free material in incorporated areas. In unincorporated areas, a gravel surface satisfies the requirement for an All-Weather Surface.

Alley: A minor right-of-way, dedicated to the public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

Anchoring Systems: A combination of ties, anchoring equipment and/or anchoring devices that are designed to resist overturning, uplift and lateral movement of the manufactured home from wind and water forces.

Animation: The presentation of pictorials and graphics on signs displayed in a progression of frames which give the illusion of motion, including but not limited to the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes. See also "Sign, Animated."

Antenna: A transmitting and/or receiving device used in telecommunications that radiates or captures a signal. As used in this Ordinance, references to Antenna also include Antenna Supporting Structure.

Antenna Supporting Structure: A telecommunications facility that consists of a stand-alone support structure which has as its principal use the support of Antenna(s) and associated equipment and improvements.

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.

Appeal: As it pertains to floodplain management, a request for a review of the Floodplain Administrator's interpretation of any provision of this Regulation or a request for a variance.

Area of Shallow Flooding: A designated AI, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one (1) percent chance or greater annual chance of flooding to an average depth of one (1) to three (3) 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: The land in the floodplain within a community subject to a one (1) 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 rate-making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, VI-30, VE or V.

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

Assisted Living 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.

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

Bar/Tavern: A commercial establishment open to the general public which sells and serves intoxicating beverages or low point beer (as defined in this Chapter) for consumption on the premises.

Base Flood: The flood having a one (1) percent chance of being equaled or exceeded in any given year.

Bed and Breakfast Inn: A residential structure that provides not more than six (6) guest rooms and meals for overnight guests who pay a fee for such services. Said structure may also be rented for special events such as weddings, receptions, anniversaries, private dinner parties, business seminars, etc., as may be approved by the Board of Adjustment.

Beer Bar: A commercial establishment open to the general public which sells and serves low-point beer (as defined in this Chapter) for consumption on the premises.

Berm: A mound of earth or raised form of earth to provide screening to improve the aesthetic character.

Billboard: See also "Sign, Outdoor Advertising."

Billiard Center, Family: A principal use billiard facility which caters to families and which excludes the sale and consumption of intoxicating beverages or low-point beer (as defined this Chapter) on the premises.

Billiard Hall/Pool Hall: A principal use billiard facility open to the general public which sells and serves intoxicating beverages or low-point beer (as defined in this Chapter) on the premises.

Board: The Board of Adjustment of the unit of local government referred to in this Ordinance as "Board" unless the context clearly indicates otherwise.

Board of Adjustment (BOA): The Board of Adjustment of the unit of government, referred to in this Zoning Ordinance as "Board."

Boarding House: A dwelling other than a hotel where for compensation and by pre-arrangement for definite periods, lodging or lodging and meals are provided for three (3) or more, but not exceeding 20 persons on a weekly or monthly basis. See also "Rooming House."

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 Code: Those codes and regulations adopted by the unit of government pertaining to requirements for construction of buildings and structures.

Building Inspector: As designated by the unit of government and may include, but is not limited to, the electrical inspector, plumbing inspector, mechanical inspector, code enforcement officer or fire marshal.

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

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

C District: A Zoning District whose designation begins with the letter "C" intended for commercial uses and purposes.

Caliper: The diameter of the tree trunk measured at 6" above ground level for a tree trunk having a diameter of 4" or less and the diameter of the tree trunk measured at 12" above ground level for a tree trunk having a diameter exceeding 4".

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

Centerline (CL): See also "Street Centerline."

Changeable Copy: Copy or other images that physically change or give the appearance of change at intervals of less than ten (10) minutes.

Character: Any letter of the alphabet or numeral.

Chief Executive: The Chairperson of the Board of County Commissioners or the Mayor of the municipality.

Church: All contiguous property owned or leased by a church, upon which is located the principal church building or structure, irrespective of any interior lot lines.

City: Any city or town who by virtue of an agreement is a participating member of the City of Claremore-Rogers County Metropolitan Area Planning Commission.

City Council: The City Council of the City of Claremore, Oklahoma.

Clerk: The clerk, City or County, of the unit of government.

Collocation: The locating of two (2) or more wireless telecommunication system providers on one antenna which shall have been designed and constructed to accommodate such collocation.

Commercial District: A Zoning District whose designation begins with the letter "C" which is intended for commercial uses and purposes.

Community Group Home: A community-based residential facility for independent living that provides room and board, personal care, and habitation services in a family environment as a single-housekeeping unit for seven (7) or more resident elderly or disabled persons (mentally and/or physically impaired) with at least one (1) resident staff person.

Comprehensive Plan: The Comprehensive Plan of the City of Claremore and Rogers County or other participating local governments.

Conditional Use: See "Special Exception."

Copy Area: See "Display Surface Area."

Core Area: A contiguous habitable floor area, under roof, irrespective of interior walls, at least 20 feet by 20 feet in size.

County: Shall mean Rogers County, Oklahoma.

Country Living: An alternate development standard available only in incorporated areas in the RS-25 CL, RS-40 CL and RS-60 CL zoning districts under the standards included in the Zoning Ordinance, these Subdivision Regulations, the Engineering Design Standards, and the Standard Specifications for Construction for large lot development which are intended to preserve the rural residential character of the area being developed.

Court, Inner: A court which is bounded by either building walls, building walls and one or more lot lines other than a front lot line, or building walls, except for one opening on any open area along a side lot line or rear lot line which area has a width of less than 30 feet at any point.

Court, Outer: A court except for one opening upon a front lot line, a front yard, a rear yard, or any open area along a rear lot line or along a side lot line, which open area has a width or depth of at least 30 feet and extends along the entire length of such rear or side lot line, is bounded by either building walls, or building walls and one or more lot lines other than a front lot line.

Coverage: The lot area covered by all buildings located thereon.

Critical Feature: 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: The average level or elevation of the established curb along the front of a lot. Where no curb has been established, the City or County Engineer shall establish such curb level or its equivalent for the purposes of this Ordinance.

Customary Residential Exterior Finishing Materials: Roof and siding materials traditionally used to provide the finished exterior of single-family dwellings. Customary roofing materials include composition shingles, fiberglass shingles, wood shingles (shakes), and clay tile applied according to the manufacturers specifications. Customary siding materials include aluminum lap or vinyl lap siding, cedar or other wood siding, masonry (stucco, brick, stone, block, tilt-up panel) and woodgrain weather resistant pressboard siding.

Dance Hall: A commercial establishment open to the general public which provides a dance area of 1,000 square feet or more.

Designated Residential Development Area: An area specifically designated for residential development by conditions imposed in a Planned Unit Development (PUD).

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 or prison.

Detention Facility, Stormwater: A facility for the collection or storage of stormwater for subsequent discharge at a rate which is less than the rate of inflow.

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.

Director: The administrative official so designated by the Board of County Commissioners to administer the Zoning Ordinance in the unincorporated areas under the jurisdiction of the Planning Commission. The administrative official so designated by the City Council to administer the Zoning Ordinance in the incorporated areas under the jurisdiction of the jurisdiction of the Planning Commission.

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

Display Surface Area:

1. Ground or Projecting Signs - Shall mean the area enclosed by the minimum imaginary rectangles which fully contains all extremities of the sign, exclusive of its supports. This rectangle is to be calculated from an orthographic projection of the sign viewed horizontally. A viewpoint for this projection is to be taken which gives the largest rectangle of that kind as the viewpoint is rotated horizontally around the sign. If elements of the sign are movable or flexible, the measurement shall be taken when the elements are fully extended and parallel to the plane of view.

2. **Wall Signs** - Shall mean the sum of the areas of the minimum imaginary rectangles enclosing each word or number or character attached to any particular facade.
3. **Window Signs** - Shall mean the sum of the areas of the minimum imaginary rectangles enclosing each word, figure, design and symbol if the window or other transparent material forms the background, or the entire area of the background material when such material is translucent or opaque.

District: A Zoning District.

Dripline: The periphery of the area underneath a tree that would be encompassed by perpendicular lines extending from the exterior edges of the crown of the tree.

Drive-In Eating Place: Any place or premises used for sale, dispensing or serving of food, refreshments or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on the premises.

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

Dwelling, Duplex: A detached dwelling, other than a manufactured home, designed to be occupied by two (2) families living independently of each other.

Dwelling Group: Two or more detached dwellings other than manufactured homes, on the same lot, as defined herein, but not including a single-family dwelling with a garage apartment.

Dwelling, Manufactured Home: See also "Manufactured Home (Mobile Home)."

Dwelling, Modular Home: See also "Modular Dwelling."

Dwelling, Multifamily: A detached dwelling, other than a manufactured home, hotel, or motel, designed to be occupied by three (3) or more families living independently of each other.

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

Dwelling, Townhouse: A building containing two (2) or more attached dwelling units with no unit above another unit and each unit located on a separate lot within a townhouse development.

Dwelling Unit: One or more rooms connected together, constituting a separate independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

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 defined herein.

Elevated Building: A nonbasement building:

1. Built, in the case of a building in Zones A1-30, 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 V1-30, 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 flow 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 A1-30, AE, A, A99, AO, AH, B, C, X, 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 V1-30, VE, or V, "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 meet the standards of Section 60.3 (3)(5) of the National Flood Insurance Program regulations.

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.

Engineer: The engineer of the unit of government or the person designated by the governing body to serve in that capacity.

Existing Construction: For the purposes of determining flood insurance rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRM's effective before that date. "Existing construction" may also be referred to as "existing structures".

F District: A Zoning District whose designation begins with the letter "F" for purposes of identifying areas subject to flooding. See also "Flood District."

Family:

1. One or more persons occupying a single dwelling unit as a single housekeeping unit. Unless all members are related by blood, marriage, or adoption, no family unit may contain more than six (6) persons including any roomers, boarders and/or domestic servants; or
2. A home for independent living, for elderly or disabled persons (mentally and/or physically impaired), with support personnel that provides room and board, personal care and habilitation services in a family environment as a single-housekeeping unit. Such care may be provided for not more than six (6) residents with at least one, but not more than two (2) resident staff persons.

Family Day Care Home: A dwelling used to house and provide supervision and care for not more than seven (7) children which shall include those preschool children under five (5) years of age who reside in the residence.

Flashing Illumination: A light source or other image which in whole or in part physically changes in light intensity or gives the appearance of such change.

Flood District: A Zoning District whose designation begins with the letter "F" intended to identify areas subject to flooding.

Flood Insurance Rate Map (FIRM): 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 City or County.

Flood Insurance Study: 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 or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

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

Flood Protection System: Those physical structural works for which funds have been authorized, appropriated, and expended 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 or Flood-Prone Area: Any land area susceptible to being inundated by water from any source (see definition of "Flooding").

Floodway (Regulatory Floodway): The channel of a river or other water-course and the adjacent land areas that must be reserved in order to discharge the Base Flood without cumulatively increasing the water surface elevation more than a designated height.

Floor Area:

1. 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 (2) buildings.
2. For the purpose of determining compliance with the permitted floor area, the floor area of enclosed required off-street parking areas is not included.
3. Floor area for outdoor display of merchandise or customer seating, whether uncovered or covered by a tent or canopy, under the provisions of Sections 1512.C, 1513.C, and 1514.C, means the smallest rectangular area encompassing the display or customer seating area.

Floor Area Ratio (FAR): 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. A maximum of five (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 two (2) or younger. If no children are under two (2) years, the maximum number of children residing in the home is six (6).

Freeway: A street designated as a freeway or expressway on the Major Street Plan.

Frontage: The lineal measurement of a lot boundary which abuts a public street right-of-way that has been accepted for maintenance in incorporated areas, or in unincorporated areas of a road easement dedicated to the general public or of a right-of-way dedicated to the general public or the lineal measurement of the building setback line when the boundary of the lot abuts a curved nonarterial street or cul-de-sac.

Functionally Dependent Use: 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.

Governing Body: The governing body of the unit of government.

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 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 209 shall apply.

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

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

Home Occupation: That accessory use of a dwelling which constitutes some or all of the livelihood of a person living in the dwelling. Home occupations shall not include barber shops, commercial stables or kennels or an office for an interior decorator or other workshops.

Home Owner's Association: An incorporated nonprofit 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; and
2. Each lot is automatically subject to a charge for a proportionate share of the organization's activities, such as maintaining a common property; and
3. The charge, if unpaid, becomes a lien against the property.

Hotel: A building or group of buildings under one ownership containing six (6) or more sleeping rooms occupied, intended or designed to be occupied as the more or less temporary abiding place of persons who are lodged with or without meals for compensation. Not included in this definition are auto or trailer courts or camps, sanitariums, hospitals, asylums, an orphanage or building where persons are housed under restraint.

I District: A Zoning District whose designation begins with the letter "I" intended for industrial uses or purposes.

Inspecting Officer: The officer designated by the governing body to administer this Zoning Ordinance.

Intoxicating Beverages: All beverages, as defined in Section 506 of Title 37, Oklahoma Statutes.

Junk and Salvage Yard: An open area, lot, land, parcel, building or structure or part thereof where wastes or used or secondhand materials are bought, sold, exchanged, stored, processed, crushed or handled. Materials shall include, but are not limited to scrap iron and other metals, paper, plastic, rags, rubber tires, salvaged or dismantled vehicles, vehicular parts, wrecked vehicles, bottles and cans.

Kenel: Any place on premises used to harbor, keep or possess in any one (1) place or premises more than a combined total of five (5) dogs and cats over the age of four (4) months; provided that no more than three (3) of such animals shall be dogs over the age of four (4) months. It is specifically provided a household may keep or possess more dogs and/or cats than permitted by this paragraph so long as:

1. Immediately prior to June 15, 2000, the household legally possessed more than the number of dogs and/or cats permitted by this paragraph; and
2. Those dogs and/or cats were licensed according to City Ordinances; and
3. The dogs and/or cats kept or possessed are same such animals that were kept or possessed pursuant to (1) and (2) of this paragraph; or
4. The household or an individual in the household has secured a hobbyist exemption as required by City Ordinance.

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 area of a lot covered by a building or buildings, not to include area used for enclosed structural parking.

Landscaped Area: The unpaved area within a lot which contains grass, shrubs, flowers, ground cover, trees or native plant materials and which may include decorative fixtures such as rocks, pools and planters.

Levee: A man-made 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: 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.

Life Care Retirement Center: See also "Assisted Living Center."

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

Lodge: See also "Service Organization, Club or Lodge."

Lot: See also "Lot of Record."

Lot Area: The total horizontal area included within lot lines.

Lot, Corner: A lot with at least two (2) adjacent sides abutting a street for their full length.

Lot Depth: The distance between the midpoints of a straight line connecting the foremost points of the side lot lines and a straight line connecting the rearmost points of the side lot lines.

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

Lot Frontage: The length of a front lot line.

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

Lot Line: Any boundary of a lot.

Lot Line, Front: Any street line, provided that:

1. In the case of a corner lot having street lines of unequal length, the shorter of such lines shall be deemed a front lot line and the longer of such lines shall be deemed a side lot line;
2. In the case of one end of a block and bounded on three (3) sides by streets, the street line at the end of the block shall be deemed a side lot line and the other two (2) street lines shall be deemed front lot lines;
3. In the case of a lot consisting of an entire block:
 - a. If the sides are not of equal length, the longer sides shall be deemed front lines and the shorter sides shall be deemed side lot lines; or
 - b. If the sides are of equal length, all sides be deemed front lot lines.

Lot Line, Rear: A lot line, other than a line designated elsewhere herein as a front lot line or a side lot line, which is opposite and most distant from a front lot line, except as follows:

1. In the case of irregular, triangular, or gore-shaped lot, a line ten (10) feet long within the lot, parallel to and at the maximum distance from the front lot line; or
2. In the case of a through lot or part thereof a minimum of 150 feet deep, bounded by two street lines and two other straight lines intersecting such street lines, a line midway between the street lines.
3. In the cases of portions of a through lot that cannot be bounded by two (2) street lines and two (2) other straight lines intersecting such street lines and a lot bounded entirely by street lines, a line or lines, ordinarily at or near the midline of the block, determined by the Building Inspector after consideration of the existing platting pattern in the immediate vicinity of such lot.

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

Lot Width: The distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided however that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80 percent of the required lot width except in the case of any lot on the turnaround of a cul-de-sac, in which case the 80 percent requirement shall not apply.

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.

Low-Point Beer: Includes beverages containing more than one-half of one percent (0.5%) alcohol by volume, and not more than three and two-tenths percent (3.2%) alcohol by weight, including but not limited to beer or cereal malt beverages obtained by the alcoholic fermentation of an infusion of barley or other grain, malt or similar products.

Lowest Floor: 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 application non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

M District: The Zoning District whose designation begins with the letter "M" designated for mining uses and purposes.

Major Street Plan: The Major Street and Highway Plan as adopted by the unit of government in the Comprehensive Plan.

Manufactured Home (Mobile Home): A structure, transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width or 40 body feet or more in length, or when erected on site is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the required plumbing, heating, air-conditioning and electrical systems. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For flood insurance purposes the term "manufactured home" does not include park trailers, travel trailers and other similar vehicles.

Manufactured Home Park: Land or property which is used or intended to be used or rented for occupancy by one or more manufactured homes.

Massage Establishment, Licensed: Any establishment or place of business where any person engages in, conducts, carries on or permits to be engaged in, conducted or carried on, any business of the manipulation of the body by means of massage as otherwise defined and regulated by the Zoning Ordinance or the City of Claremore, Oklahoma Code of Ordinances.

Mean Sea Level: 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.

Metropolitan Area: The City of Claremore-Rogers County Metropolitan Area.

Mini-Storage: A building containing small partitioned storage spaces which are separately and individually rented or leased for the storage of personal goods or merchandise, but excluding commercial warehousing as described in Use Unit 24.

Mobile Home: See also "Manufactured Home (Mobile Home)."

Mobile or Portable Office: A pre-manufactured unit with or without wheels, axles, or hitches, especially manufactured or modified to become an office. The term "mobile or portable office" does not include the term mobile or manufactured home, travel trailer, recreational unit, or modular home.

Modular Dwelling (Modular Home): A factory-built home, other than a manufactured home, which meets all of the following requirements:

1. Is designed only for erection or installation on a site-built permanent foundations;
2. Is not designed to be moved once so erected or installed;
3. Is designed and manufactured to comply with a nationally recognized and locally adopted Building Code for site-built housing; and
4. To the manufacturer's knowledge, is not intended to be used other than on a site-built permanent foundation.

Motel: One(1) building, or two (2) or more detached buildings for the purpose of catering to the needs of the travelling public by furnishing sleeping accommodation with or without supplying food and shall include a motor court or auto court.

Movement: Physical movement or revolution of a sign or portion of a sign up or down, around or sideways.

NA: Not applicable.

Nameplate: See also "Sign, Nameplate."

NEC: Not Elsewhere Classified.

New Construction: For floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the City or County.

Night Club: A commercial establishment open to the general public, usually serving intoxicating beverages and/or low-point beer (as defined in this Chapter), having a floor show, and providing music and a space for dancing.

Nonconformance: A lawful condition of a structure or land which does not conform to the regulations of the Zoning District in which it is situated. Such lawful condition may include but is not limited to failure to conform to use, height, area, coverage or off-street parking requirements. See also Chapter 17.

Nonconforming Use: A structure or land lawfully occupied by a use that does not conform to the regulations of the Zoning District in which it is situated. See also Chapter 17.

Noxious: When used with reference to any use or activity in respect to any land, building or structure or a use or activity which, from its nature or from the manner of carrying on same, creates or is liable to create, by reason or destructive gas or fumes, dust, objectionable odor, noise or vibration or unsightly storage of goods, wares, merchandise, salvage, machinery parts, junk, waste or other material, a condition which may become hazardous or injurious as regards to health or safety of which prejudices the character of the surrounding area or interferes with or may interfere with the normal enjoyment of any use of activity in respect of any land, building or structure.

Nursing Home: A residential health care facility which provides institutional lodging, nursing care, personal care and supervision to aged, chronically ill, physically infirm, or convalescent patients who are not related to the owner or administrator of the facility.

Ordinance: As used in this text, shall mean the Zoning Ordinance of the City of Claremore and Rogers County, Oklahoma.

P Parking: The P Parking Zoning District intended for parking uses and purposes.

Parking Space, Off-Street: A space on a lot intended and reserved for the parking of an automobile. See also Chapter 16.

Parking Space, Required Off-Street: A space on a lot reserved for parking required by this Ordinance. See also Chapters 15 and 16.

Permanent Foundation: A foundation which meets the Building Codes of the unit of government.

Personal Care: Assistance with meals, dressing, movement, bathing or other personal needs or maintenance, or general supervision of the physical and mental well-being of a person who is incapable of maintaining a private, independent residence, or who is incapable of managing his person, whether or not a guardian has been appointed for such person.

Planning Commission: The City of Claremore-Rogers County Metropolitan Area Planning Commission.

Planned Unit Development (PUD): 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 and regulations.

Private Club: A private commercial establishment, not open to the general public, but which is operated for profit and sells and serves intoxicating beverages or low-point beer (as defined in this Chapter) for consumption on the premises.

R District: A Zoning District whose designation begins with the letter "R" designated for residential uses and purposes.

Recreation Area: The open, unobstructed space on a lot, including the open unobstructed space accessible to all occupants of any residential or commercial building or structure on the lot, which is suitable and used for the growth and maintenance of grass, flowers, bushes and other landscaping and may include any surface pedestrian walk, patio, pool or similar area, but does not include any driveway, ramp or parking area.

Recreational Vehicle (RV): A trailer, boat trailer, travel trailer, camping trailer, truck camper, camper shell, motor home, tent trailer, boat, houseboat, or similar vehicle or unit. Camper shells which are attached to a pickup truck are not considered a recreational vehicle.

Residential District: A Zoning District whose designation begins with the letter "R" intended for residential uses and purposes.

Residential Treatment Center: A community-based residential facility providing diagnostic or therapeutic services, counseling, or treatment and long-term room and board in a highly structured environment for its residents for substance abuse or dependency, or behavioral disorders.

Residential Use: Uses identified as Residential by this Zoning Ordinance.

Resolution: An instrument passed by the governing body of the City of Claremore or Rogers County and signed by the City or County Clerk.

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

Restaurant, Principal Use: An eating establishment which employs at least one full-time cook, has a menu, and a fully equipped kitchen for cooking and meal preparation. The eating establishment, including the kitchen area, but excluding the bar area, shall occupy at least 75% of the total floor area of the business.

Restrictiveness of Districts: The least restrictive contiguous Residential District is the district requiring the least lot area per dwelling unit. With respect to the RS-6 and RM-6 Districts, the RM-6 District is the least restrictive, and with respect to the RM-4 and RT Districts, the RT District is the least restrictive.

RM District: A Zoning District whose designation begins with the letters "RM" designed for multi-family residential uses and purposes.

Rooming House: A facility where congregate meals and lodging are provided for its residents exclusive of a supervised living or residential care facility as elsewhere defined (e.g. Nursing Home, Group Home, Transitional Living Center, Residential Treatment Center, etc.), and exclusive of a hotel or motel. See also "Boarding House."

RS District: A Zoning District whose designation begins with the letters "RS" designed for single-family residential uses and purposes.

RST District: A Zoning District whose designation begins with the letters "RST" designated for residential manufactured home uses and purposes.

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

Scrap and Waste Materials, Wholesale: Establishments engaged in assembling, breaking up, sorting, or distributing scrap and waste materials, including auto wrecking and junk establishments.

Setback: A horizontal distance determining the location of a building with respect to a street, Zoning 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.

Service Organization, Club or Lodge: Not for profit lodge, post, club, fraternal, benevolent or charitable organization.

Sign: Any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided however, that the following shall not be considered a sign for purposes of this Zoning Ordinance:

1. Flags and insignia of any government except when displayed in connection with commercial promotion;
2. Legal notices, identification, informational or directional signs erected or required by governmental bodies;
3. Integral decorative or architectural features of building, except letters, trademarks, moving parts, or moving lights; or

4. Signs directing and guiding traffic and parking or identifying private property, but bearing no advertising matter.

Sign, Accessory: A bulletin board, home occupation sign, identification sign or real estate sign.

Sign, Advertising: See also "Sign, Outdoor Advertising."

Sign, Animated: A sign having visible moving parts or moving lights. See also "Animation."

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

Sign, Canopy: See also "Sign, Wall."

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 part of a self-supporting structure other than a building or portion of a building.

Sign, Identification: An accessory sign whose content is limited to the name and/or occupation of the occupant of the premises or a permanent sign identifying a subdivision area or structure.

Sign, Illuminated: Any sign which is directly lighted by an electrical light source, internal or external, not including light sources specifically and clearly operated for the purpose of lighting the general area in which the sign is located rather than the sign itself.

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

Sign, Outdoor Advertising: A sign which directs attention to a business, commodity, service, or entertainment, sold or offered elsewhere than on that particular premise and only incidentally on the premise, if at all. Such signs are also referred to as an "Advertising Sign", or "Billboard."

Sign, Projecting: A sign which is affixed to a building wall and which extends horizontally more than 15 inches from said wall. A projecting sign is also a sign which is affixed to a canopy, awning or marquee and which extends horizontally more than 15 inches from said canopy, awning or marquee.

Sign, Real Estate: A temporary sign advertising the sale, rental, or lease of the lot or portion thereof on which the sign is located.

Sign, Revolving or Rotating: A sign or sign part which rotates or revolves.

Sign, Roof: A sign which is affixed to a roof, extended roof, pitched roof, or canopy, and which extends above the building wall or parapet wall except as otherwise provided in this Zoning Ordinance for a wall sign.

Sign, Wall: A sign affixed to a building wall, canopy, awning, marquee or parapet wall, or a sign displayed in or on a window or door which does not extend horizontally more than 15 inches from the wall, canopy, awning, marquee, parapet wall, window or door, nor extend above the parapet wall except as otherwise provided herein for Wall Signs.

Site Development Plan: A plan drawn at a scale of not less than one (1) inch equals 50 feet which shows:

1. The topographic characteristics of the site at two (2) foot contour intervals;
2. The location and dimensions of buildings, yards, courts, parking spaces and other features; and
3. The use of each building and area, adjacent streets, alleys, utility, drainage and other easements, and the relationship of the development to adjacent areas which it may affect.

Special Exception: A use or a design element of a use which is not permitted by Right in a particular Zoning District because of potential adverse affect, but which if controlled and conditioned in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted by the Board of Adjustment. These uses may be permitted only where specifically authorized by this Zoning Ordinance, and shall be in accordance with the substantive and procedural standards of the Zoning Ordinance.

Start of Construction: For other than new construction or substantial improvements under the Coastal Barrier Resources Act (Public Law 97-348), includes substantial improvement and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, 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 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.

Stormwater Detention: See "Detention".

Story: A room or set of rooms on one (1) floor level of a building.

Street:

1. In unincorporated areas, a public way, being a road easement dedicated to the general public or a road right-of-way, from which the principal means of access to abutting property is obtained.
2. In incorporated areas, shall be a road right-of-way dedicated to the general public and accepted for maintenance, from which the principal means of access to abutting property is obtained.

Street Centerline: For the purposes of the Bulk and Area calculations of this Zoning Ordinance it is assumed that the Center Line of the Street is the Centerline of the planned right-of-way.

Street Intersection: The point at which any street joins another street at an angle, whether or not it crosses the other.

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

Street Yard: The minimum required residential yard abutting a public street or the area of a nonresidential lot contained between the minimum required building setback line and an abutting public street.

Structural Alterations: Any change in the supporting members of a structure.

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 but is not limited to buildings, walks, fences, signs, and a gas or liquid storage tank that is principally above the ground as well as a manufactured home.

Subdivision Regulations: The Subdivision Regulations of the City of Claremore-Rogers County Planning Commission as they pertain to the City of Claremore and/or Rogers County.

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 of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. However, "Substantial Improvement" does not include:

1. Any project for improvement of a structure to comply with the existing state or local health, sanitary, or safety code specifications which is required to assure safe living conditions; or
2. Any alteration of a structure listed on the National Register of Historic Places or the State of Oklahoma Inventory of Historic Places.

Supplemental District: A Zoning District to be mapped as an overlay to a use district. The overlay is to be used to modify or supplement the regulations of the general Zoning District in recognition of distinguishing circumstances such as Historic Preservation or Planned Unit Development. The overlay must maintain the character and purposes of the Zoning District over which it is superimposed and be consistent with the Comprehensive Plan.

Territorial Jurisdiction: The area within the boundaries of the unit of government.

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

Townhouse: See "Dwelling, Townhouse."

Townhouse Development: A subdivision containing at least three (3) townhouse lots.

Transitional Living Center: A community-based residential facility that provides short-term (120 days or less) room and board in a supervised living environment utilizing counseling and rehabilitation services for persons with a history of juvenile delinquency, behavioral disorders, alcoholism or drug abuse.

Travel Trailer: Any vehicular portable structure built on a chassis used as a temporary dwelling for travel, recreational, or vacation use and when factory equipped for the road, it shall have a body width not exceeding eight (8) feet and an overall length not exceeding 35 feet, including hitch and coupling and be licensed as a travel trailer under H.B. 1541.

Tree: A woody plant as set forth within a list of trees adopted by resolution or ordinance and referenced in Chapter 12, Landscape Regulations of this Ordinance. See also Appendix E.

Use Unit: A grouping of individual uses having similarities in characteristics of function and/or performance which provides the means for orderly consideration of location and other regulation. See also Chapter 15.

Variance: A relaxation of a restriction of this Ordinance 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 this Ordinance would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this Zoning Ordinance. As it pertains to floodplain management, for full requirements see Section 60.6 of the National Flood Insurance Program regulations.

Veterinarian Clinic: A building, or a portion of a building, used exclusively for the care and treatment of animals, including incidental overnight boarding of animals within the enclosed building, but excluding outside animal runs or boarding services.

Veterinarian Hospital: A building, or a portion of a building, used for the care and treatment of animals, primarily in the livestock classification, which may include outside animal runs and boarding services.

Violation: As it pertains to floodplain management, 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, or other certifications, or other evidence of compliance required in Section 60.3 (b) (5), (c) (4), (c) (10), (d) (3), (e) (2), (e) (4), or (e) (5) is presumed to be in violation until such time as that documentation is provided.

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

Wild or Exotic Animals: As regulated by this Ordinance, Wild or Exotic Animals shall include any non-human primate, carnivore (non-domestic flesh-eating mammals), venomous reptiles (snakes or lizards) and non-venomous reptiles reaching eight (8) feet or more in length and/or weighing 40 pounds or more at maturity.

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

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

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

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

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

Yard, Street: See also "Street, Yard."

Zoning Officer: Shall be the Director or such other person designated by the unit of government and may include, but is not limited to the building inspector, the electrical inspector, plumbing inspector, mechanical inspector, code enforcement officer, or fire marshal.