

AGENDA
JENKS PLANNING COMMISSION
6:00 P.M. THURSDAY, DECEMBER 09, 2021
COUNCIL CHAMBERS, JENKS CITY HALL
211 NORTH ELM STREET, JENKS, OKLAHOMA 74037

I. CALL TO ORDER

II. ROLL CALL

III. BUSINESS

Official action can only be taken on items which appear on the agenda. The Planning Commission may adopt, approve, ratify, deny, defer, recommend, amend, strike, or continue any agenda item (except for Item 1).

1. Consideration and appropriate action relating to a request for approval of the Consent Agenda. (All matters listed under "Consent" are considered by the Commission to be routine and will be enacted by one motion. Any Commissioner may, however, remove an item from the Consent Agenda by request. A motion to adopt the Consent Agenda is non-debatable.)

- 1.A. Approve minutes of the regular meeting on November 4, 2021

Documents:

[2021.11.04 PC MINUTES.PDF](#)

- 1.B. JL 21-363: Request by Wallace Engineering for approval of a lot split at 204 S Riverfront Drive

Documents:

[1. SR.JL 21-363.VILLAGE ON MAIN.PDF](#)
[2.A NEW TRACT - VILLAGE ON MAIN I LOT SPLIT EXHIBIT.PDF](#)
[2.B 727 LOFTS AERIAL.PDF](#)
[2.C VILLAGE ON MAIN I PLAT.PDF](#)
[2.D REMAINDER TRACT - LEGAL DESCRIPTION.PDF](#)

- 1.C. JL 21-364: Request by Bell Land Use, LLC, for a lot combination at 2717 E 130th St.

Documents:

[1. SR.JL 21-364 2717 E 130TH ST.PDF](#)
[2.A EXHIBIT A.FRAZIER LAKES.PDF](#)
[2.B LEGAL FOR AREA TO BE TRANSFERRED.PDF](#)
[2.C LEGAL REVISED LOT 7.PDF](#)
[2.D LEGAL REVISED LOT 10.PDF](#)

- 1.D. Final Plat: Request by Joe Kelley for approval of the Final Plat for Melody Court.

General Location: 802 W Main St

Documents:

1. [SR.FINAL PLAT.MLC.PC.PDF](#)
2. [MELODY COURT FINAL PLAT 11-12-21.PDF](#)
3. [MELODY COURT ESMT CLOSURE DOC.PDF](#)
4. [MELODY COURT OCC.OIL TANK REPORT.PDF](#)

2. Consideration and appropriate action relating to items removed from the Consent Agenda
3. JZ 21 PUD 132: Request by Ryan McCarty for approval of zone change to CG (Commerical General) and a Planned Unit Development allowing for mixed use of office, warehousing, and storage. General Location: North of Fire Station #2, off of 121st St

Documents:

1. [SR.JZ 21 PUD 132.PDF](#)
2. [PUD 132.PDF](#)
3. [LOT SPLIT SPLIT.PDF](#)
4. [TROJAN II DEED - 2017114856.PDF](#)

4. JZ 21 PUD 133: Request by JR Donelson for approval of a zone change to RM2 (Residential Multifamily Medium Density) and a Planned Unit Development. General Location: 504 E "B" St

Documents:

1. [SR.JZ 21 PUD 133 5TH AND B.PDF](#)
- [BSTREETGARDENSPUD.PDF](#)
- [PUBLIC NOTICE - JZ 21 PUD 133 \[504 E B ST\].PDF](#)

5. Public Hearing on the proposed adoption of Unified Development Ordinance
6. Unified Development Ordinance: Request recommendation of approval of the Unified Development Ordinance to repeal and replace the current Jenks Zoning Code

Documents:

1. [SR.UDO.PDF](#)
- [JENKS UDO DRAFT FOR PUBLIC REVIEW_11172021\(1\).PDF](#)
- [ORDINANCE NO. 1571 - UDO.PDF](#)

7. Zone Change: Approve zone change to Downtown Core for part of Main St between the railroad tracks and 7th St.

Documents:

- [ZONING NOTICE DC - INCOG MAP.PDF](#)

8. Zone Change: Approve zone change to Riverfront Tourist Commercial for certain areas adjacent to the Arkansas River and near the Main St. bridge.

Documents:

- [ZONING NOTICE RTC - WITH INCOG MAP.PDF](#)

IV. OTHER BUSINESS

1. Planning Updates

V. ADJOURNMENT

MINUTES
JENKS PLANNING COMMISSION
6:00 P.M. THURSDAY, NOVEMBER 04, 2021
COUNCIL CHAMBERS, JENKS CITY HALL, 211 NORTH ELM STREET

The Jenks Planning Commission was called to order at 6:00 p.m. on November 04, 2021, by Chair Carol Minden. A roll call vote of members was taken as follows:

Present

Leon Davis
Jeffrey Beyer
David Randolph
Craig Bowman
John Brown
Chair Carol Minden

Absent

Scott West

Business

Official action can only be taken on items which appear on the agenda. The Planning Commission may adopt, approve, ratify, deny, defer, recommend, amend, strike, or continue any agenda item (except for Item 1).

1. Consideration and appropriate action relating to a request for approval of the Consent Agenda. (All matters listed under "Consent" are considered by the Commission to be routine and will be enacted by one motion. Any Commissioner may, however, remove an item from the Consent Agenda by request. A motion to adopt the Consent Agenda is non-debatable.)
 - 1.A. Request to approve minutes of the September 30, 2021
 - 1.B. Approve ARC 21-505: Request by Bell Land Use for approval of site plan for Jenks Landing. General Location: S James and 114th St
 - 1.C. Approve ARC 21-507: Request by John Stanford for approval of building materials and architecture for a new building. General location: 2900 W Main
 - 1.D. Approve JL 21-362: Request by Kevin Jordan for a lot split. General Location 1091 W 121st St

John Brown made a motion to approve Item 1. David Randolph seconded the motion. A roll call vote of members was taken as follows:

YEA: Davis, Beyer, Randolph, Bowman, Brown, Minden

NAY: None

Motion carried.

2. Consideration and appropriate action relating to items removed from the Consent Agenda
Withdrawn

3. ARC 21-504: Request by SmithCo for approval of building materials and general architecture. General Location: 9340 S Elwood. Planning Director Marcaé Hilton presented the staff report for Item 3. John Brown made a motion to approve staff recommendations for Item 3. David Randolph seconded the motion. A roll call vote of members was taken as follows:

YEA: Davis, Beyer, Randolph, Bowman, Brown, Minden

NAY: None

Motion carried.

4. JZ 21 SUP 117: Request by Kevin Jordan for approval of Specific Use Permitt 117 to correct the boundary line and to allow for varying wall heights. General Location: 1577 W 121st St Planning Director Marcaé Hilton presented the staff report for Item 4 and answered questions. Kevin Jordan (applicant; 4512 E 51st St, Tulsa) addressed the Commissioners. Leon Davis made a motion to approve Item 4. Craig Bowman seconded the motion. A roll call vote of members was taken as follows:

YEA: Davis, Beyer, Randolph, Bowman, Brown, Minden

NAY: None

Motion carried.

Other Business

Planning Update – Planning Director Marcaé Hilton gave the Planning Update and answered questions.

Adjournment. David Randolph made a motion to adjourn. Craig Bowman seconded the motion. A roll call vote of members was taken as follows:

YEA: Davis, Beyer, Randolph, Bowman, Brown, Minden

NAY: None

Motion carried. The Jenks Planning Commission adjourned at 6:25 p.m.

To	Planning Commission
Hearing Date	December 09, 2021
Case Number	JL 21-363 Village on Main
Request	Lot Split
Location	204 S. Riverfront Drive
Applicant	Jim Beach, Wallace Engineering

Staff Report	Preparer Marcaé Hilton
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Attachments	Preparer
☐ Lot Split Exhibit and Legal Description	Wallace Engineering

Background Information

STAFF COMMENTARY | Mr. Jim Beach, representing Village on Main Ownership, is seeking approval of a lot split for a portion of undeveloped land within the Village on Main Development Area "A". No application has been made at this time for a structure. This will split off the southern portion of Lot One, Block Two creating Tract "A" and Tract "B" within "Village n Main I" Plat allowing for the southern portion Tract B (Lot Two) to be developed at a later date.

PLANNING DATA

Public Comment	None no notice is given to public for Lot Split cases		
Special District	Corridor Appearance District (Exempted) Project is part of a PUD		
Zoning	PUD	Approval Date	Ordinance No.
Zoning	PUD 76 JZ-512	June 1, 2009	1246
	PUD 76A JZ 533	August 15, 2011	1304
	<i>Amended to allow for a setback encroachment along 7th for Arch encroachments</i>		
	PUD 76B JZ 575	August 13, 2015	1383
	<i>Amended to change setback of 9 feet along Aquarium Place</i>		
Use	Commercial Shopping and Office		
General Location	204 S. Riverfront Drive South of Main Street East of levy		

Plat	Village on Main I	No. 6399	09/20/20121
Tract Data	Parent Tract (3 Parcels PA, PB, PC)		
	Tract "PA"	1.12 acres	
	Parcel ID	60981831950670	
	Tract "PB"	0.94 acres	
	Parcel ID	60981831950675	
	Tract "PC"	1.82 acres	
	Parcel ID	60981831950672	
	New Tract	(1 Parcel)	
	Tract "B"	0.00 acres	
Parcel ID	60981831950672		
Current Tract (PC)	Legal PRT LT 1 COMM NECR LT 1 TH S174.39 E8.47 S20 W1.11 S20 E.96 S170.52 TO POB TH S249.11 CRV RT39.31 W136.64 N86.73 CRV LF162.61 NW241.81 N30.34 CRV RT24.53 CRV LF20.59 NE100.81 SE61.86 SW63.91 SE287.42 NE62 SE41.71 TO POB BLOCK 2		
Gross Acres	1.82		

Staff Evaluation & Recommendation

EVALUATION Staff believes the Lot Split is in compliance with all City requirements. Approval of the lot split is necessary for future project development.

CONDITIONS

- 1) Submit Deeds to be stamped by City Planner before applicant files Deeds with Tulsa County.
- 2) Provide City Planner with copy of recorded Deeds
- 3) Submit Gross Acres for the following:
 - Parent Tract
 - New Tract
 - Remaining Tract
- 4) Meet all the requirements of PUD 76 and any amendments
- 5) Provide additional easements as needed.

RECOMMENDATION: *Staff recommends approval of JL 21-363 as presented.*

Figure 1: Zoning Map | INCOG

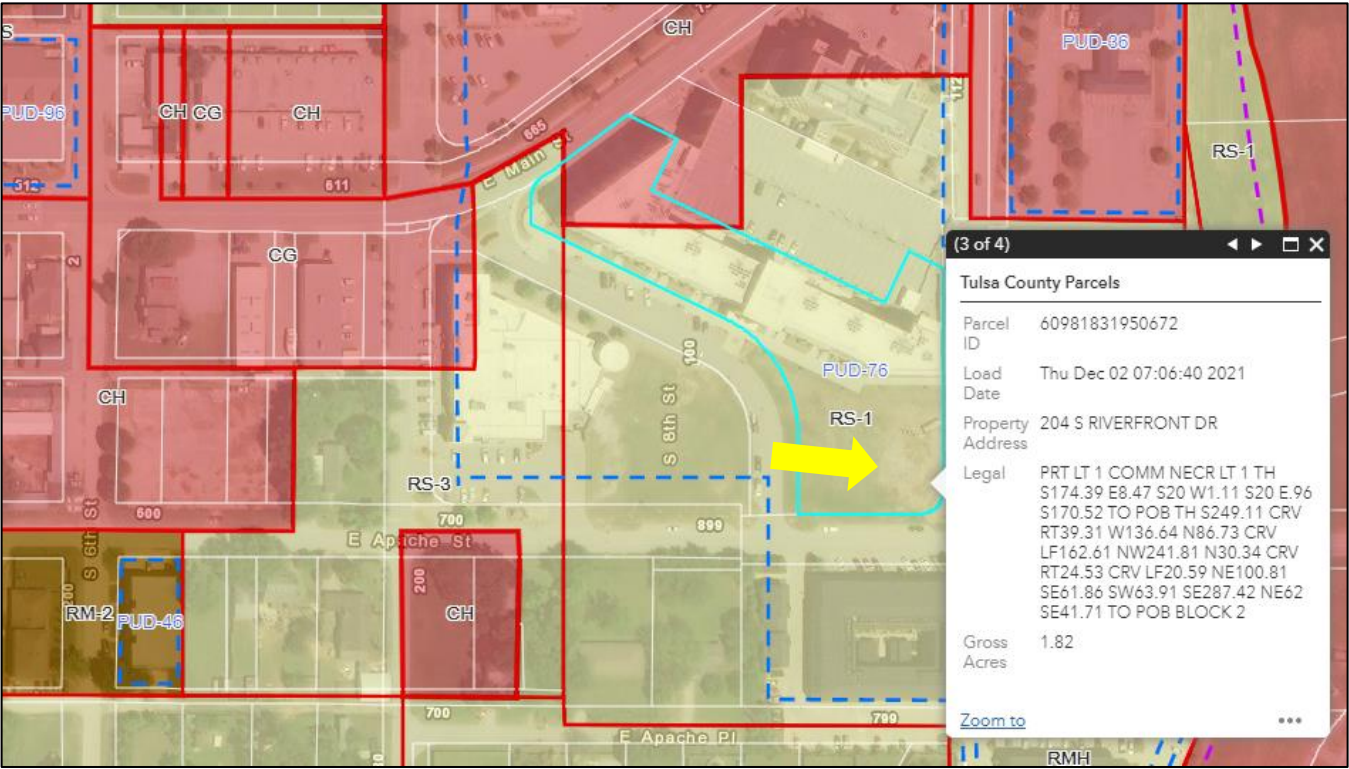


Figure 2: Parcel Data for Development Area "A"



Figure 3: Google Earth view

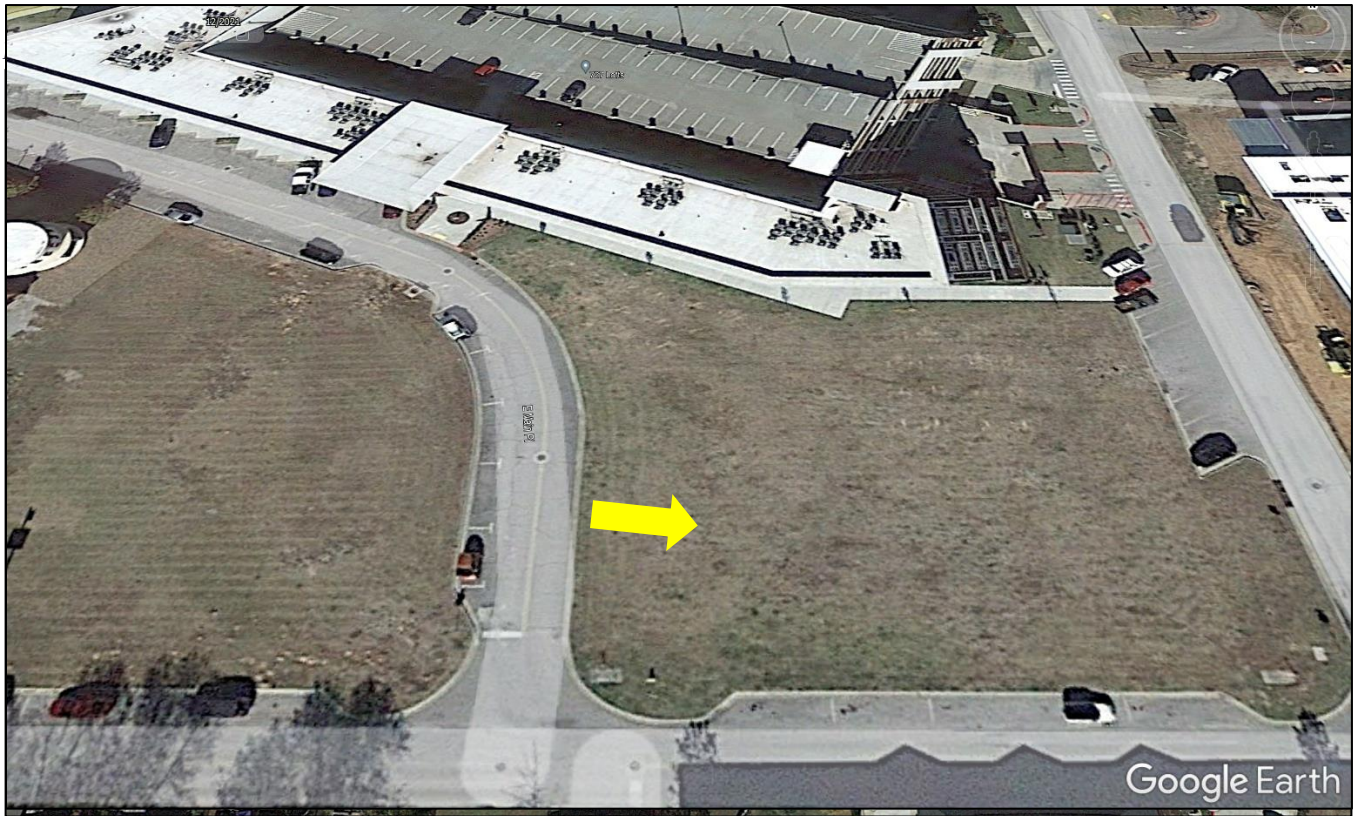


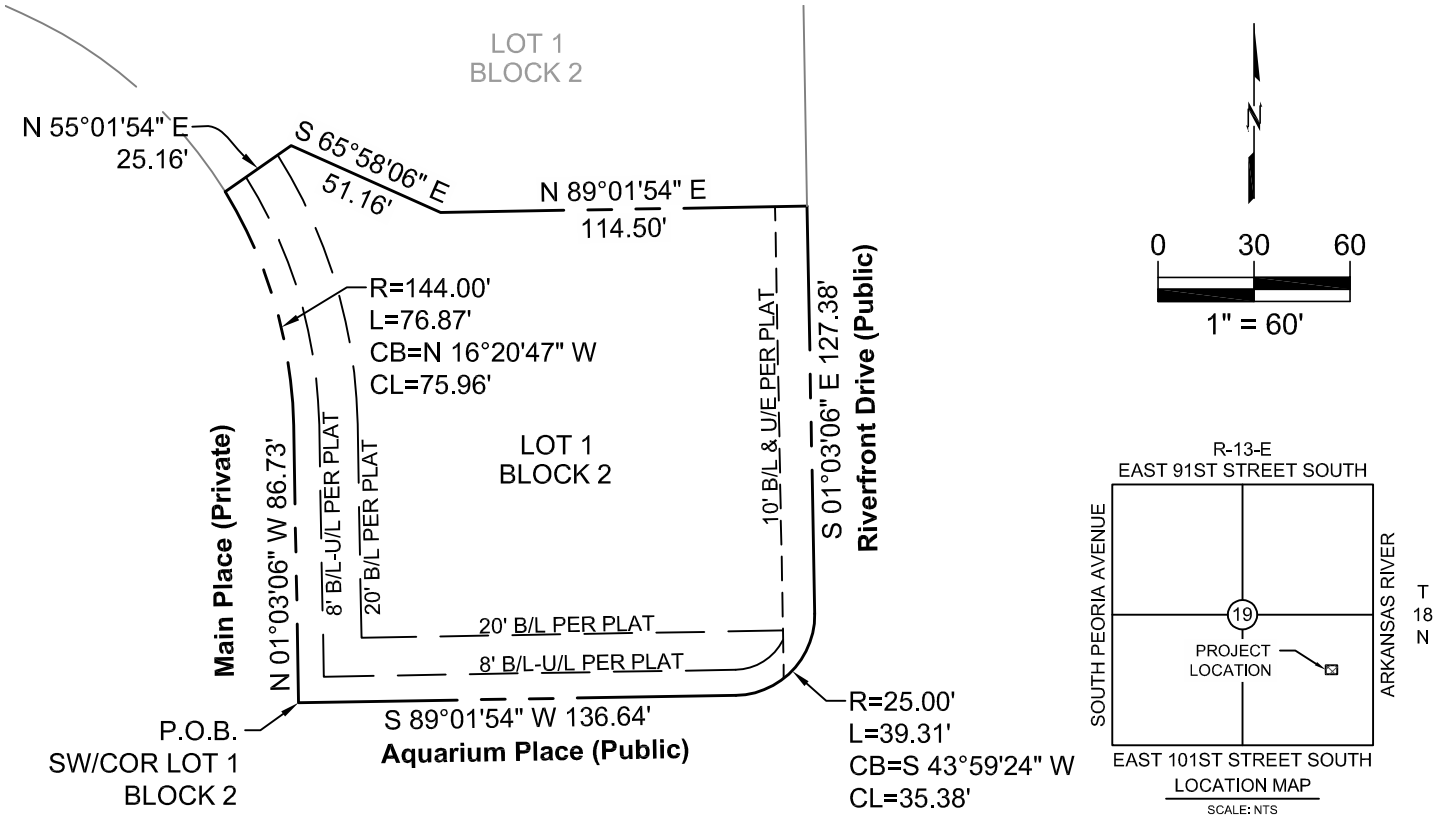
Figure 4: Google Earth view



\\Civil-Server\Projects\1740036_VOM Lot Splits\Survey\dwg\1740036 Lot Split.dwg PLOT:11/7/2021 12:54:44 PM ORIG. SIZE: 8.5"x11"

LOT SPLIT EXHIBIT

BEING A PART OF LOT 1, BLOCK 2, VILLAGE ON MAIN I
BEING A SUBDIVISION WITHIN THE SE/4 OF SEC. 19, T.18N., R.13E., I.M.,
CITY OF JENKS, TULSA COUNTY, OKLAHOMA



LEGAL DESCRIPTION

Being a part of Lot One (1), Block Two (2), VILLAGE ON MAIN I to the City of Jenks, Tulsa County, Oklahoma, according to the recorded plat thereof.

BEGINNING (P.O.B.) at the Southwest corner (SW/cor) of Lot One (1), Block Two (2), VILLAGE ON MAIN I;

THENCE North 01°03'06" West along the west line of said Lot One (1), a distance of 86.73 feet;

THENCE along the west line of said Lot One (1) along a curve to the left, having a radius of 144.00 feet, an arc length of 76.87 feet, a chord bearing of North 16°20'47" West, and a chord length of 75.96 feet;

THENCE North 55°01'54" East a distance of 25.16 feet;

THENCE South 65°58'06" East a distance of 51.16 feet;

THENCE North 89°01'54" East a distance of 114.50 feet to the east line of said Lot One (1);

THENCE South 01°03'06" East along the east line of said Lot One (1), a distance of 127.38 feet;

THENCE along the east line of said Lot One (1) along a curve to the right, having a radius of 25.00 feet, an arc length of 39.31 feet, a chord bearing of South 43°59'24" West, and a chord length of 35.38 feet;

THENCE South 89°01'54" West along the south line of said Lot One (1), a distance of 136.64 feet, to the POINT OF BEGINNING.

GENERAL NOTES:

- The basis of bearing being South 01°03'06" East as the East line of Lot One (1), Block Two (2), VILLAGE ON MAIN I to the City of Jenks, Tulsa County, Oklahoma, according to the recorded plat thereof.
- This exhibit is for a lot split and does not represent a boundary survey.
- A title commitment, indicating applicable easements, has not been provided, therefore all easements may not be shown hereon.
- Subject property has direct access to Aquarium Place and Riverfront Drive, being dedicated public roadway, and Main Place, being a dedicated private roadway, per the recorded plat of VILLAGE ON MAIN I.

VILLAGE ON MAIN I
JENKS, OKLAHOMA

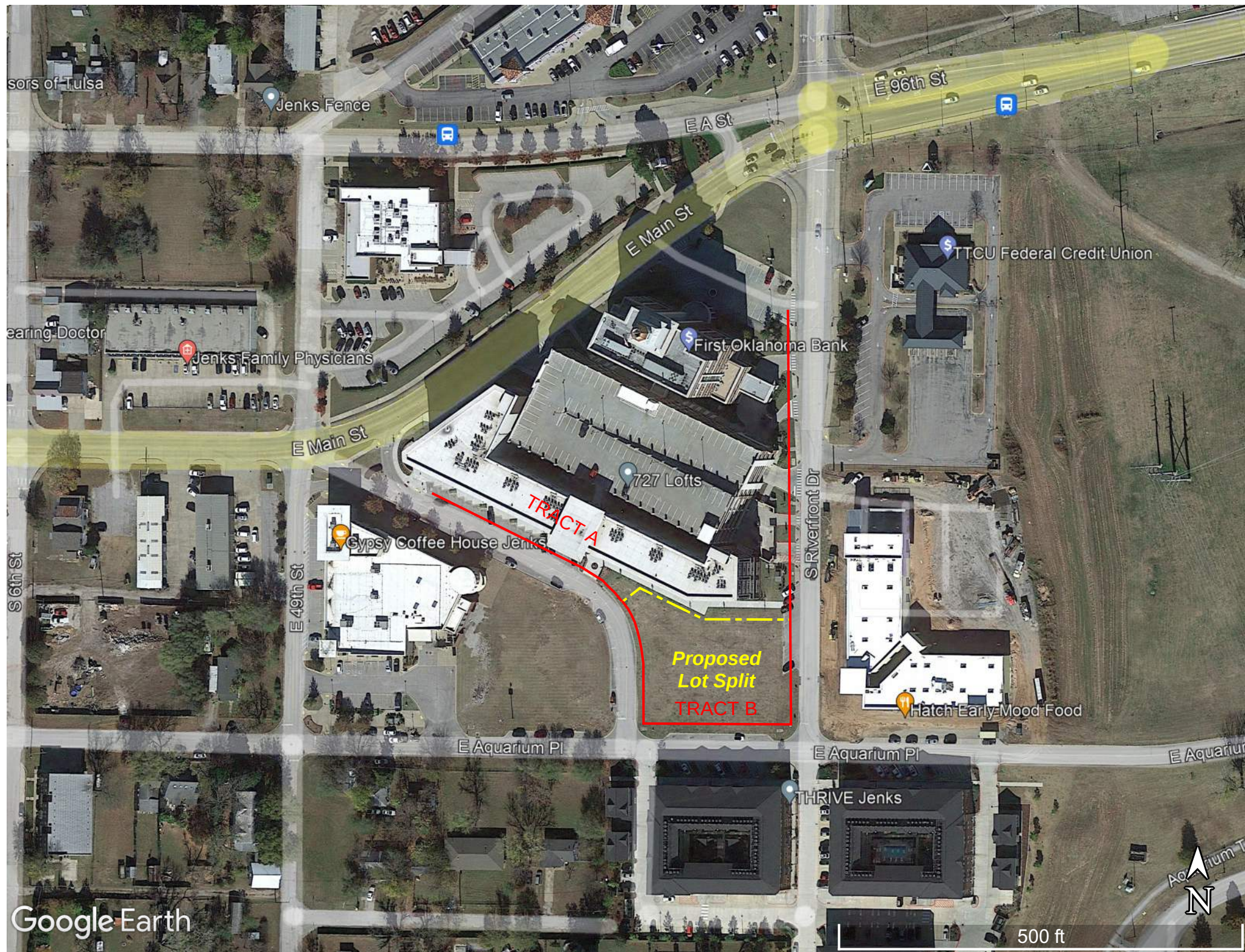


wallace
design
collective

wallace design collective, pc
structural • civil • landscape • survey
410 north walnut avenue, suite 200
oklahoma city, oklahoma 73104
405.236.5858 • 800.364.5858
wallace.design ok ca 1460

LOT SPLIT EXHIBIT

REV.	DESCRIPTION	DATE
PROJECT NO. 1740036		SHEET 1 OF 1



sors of Tulsa

Jenks Fence

E 96th St

EAST

E Main St

TCU Federal Credit Union

earing Doctor

Jenks Family Physicians

First Oklahoma Bank

E Main St

727 Lofts

TRACT A

Gypsy Coffee House Jenks

S 6th St

E 49th St

SR Verfront Dr

Proposed
Lot Split
TRACT B

Hatch Early Mood Food

E Aquarium Pl

E Aquarium Pl

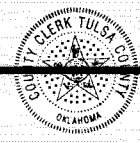
E Aquarium

THRIVE Jenks

Google Earth

500 ft





Tulsa County Clerk - EARLENE WILSON
Doc # 6399 Page(s): 3 Recorded 09/20/2011 at 11:32 AM
Receipt # 294552 Fee \$30.00

Owner/Developer:
Village on Main, LLC
An Oklahoma Limited Liability Company
607 E. Main Street
Jenks, Oklahoma 74037
Phone: (918) 299-3040
Contact: Bob Eggleston
and
Jenks Pointe, LLC
An Oklahoma Limited Liability Company
607 E. Main Street
Jenks, Oklahoma 74037
Phone: (918) 299-3040
Contact: Bob Eggleston

Engineer/Surveyor:
Sisemore Weisz & Associates, Inc.
Certificate of Authorization No. 2421 Exp. June 30, 2013
6111 E. 32nd Place
Tulsa, Oklahoma 74135
Phone: (918) 665-3600
E-mail: gweis@sw-assoc.com

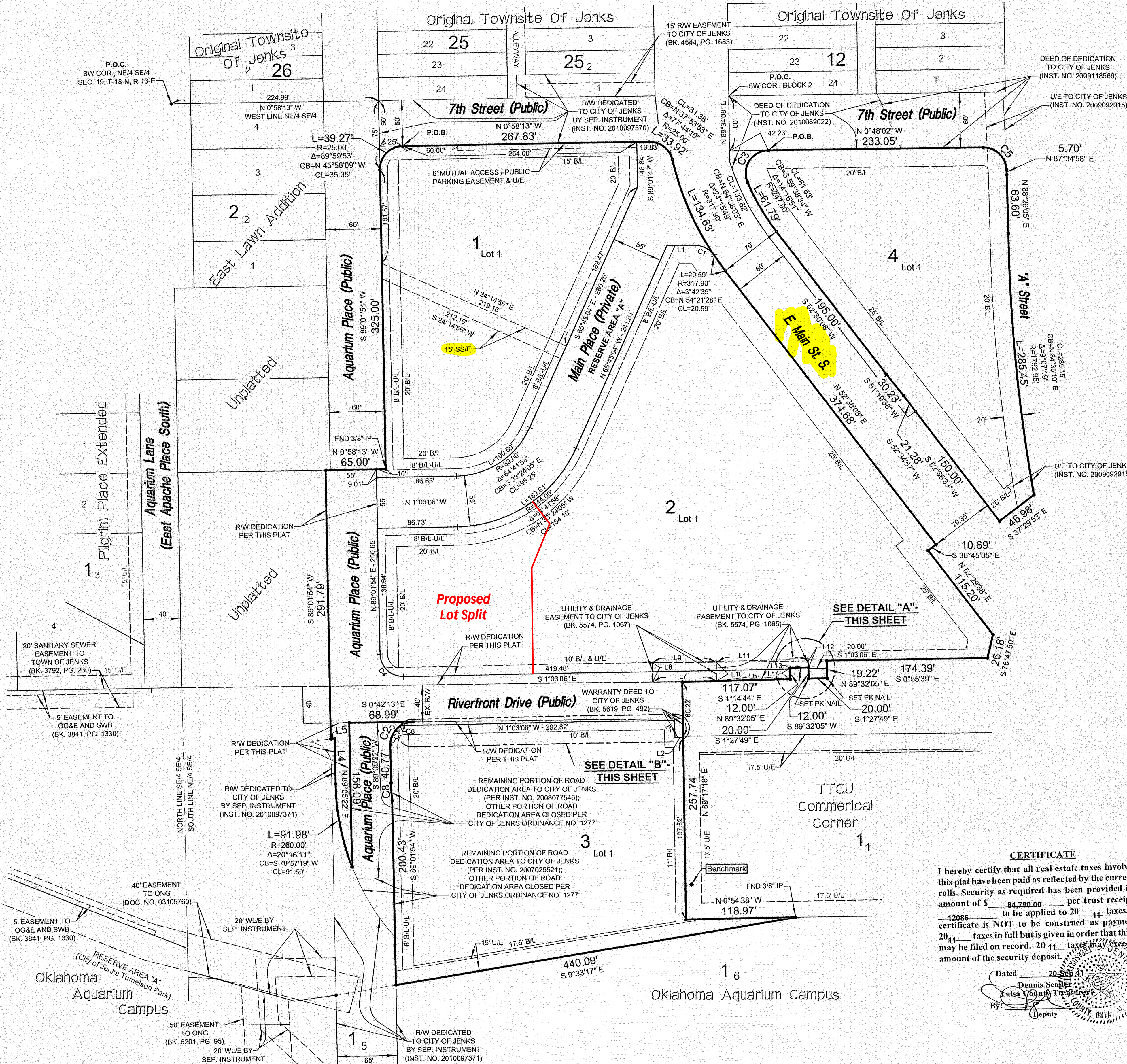
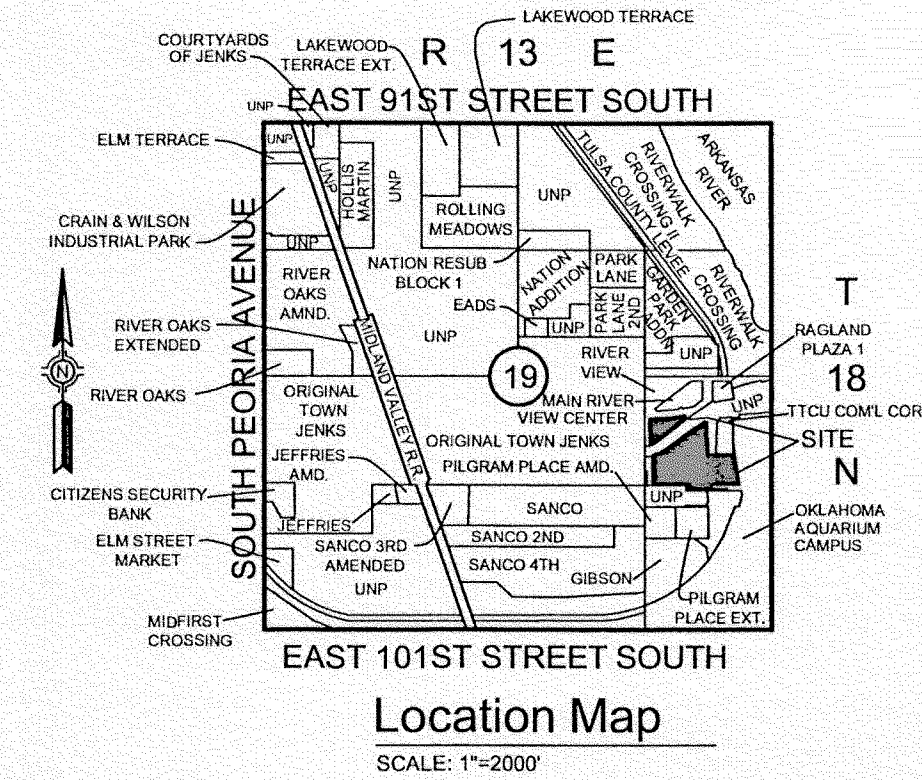
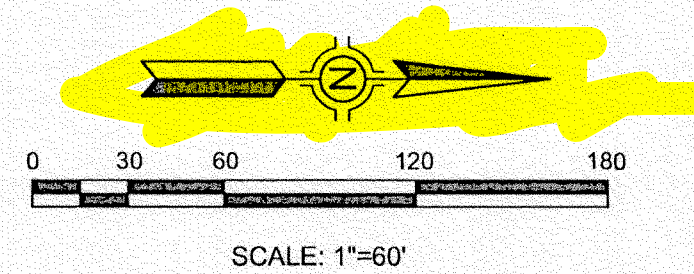
CURVE#	LENGTH (L)	RADIUS (R)	DELTA (Δ)	CHORD LENGTH (CL)	CHORD BEARING (CB)
C1	24.53'	25.00'	56°12'48"	23.56'	S 28°06'24" W
C2	39.36'	25.00'	90°12'25"	35.42'	N 45°48'25" W
C3	49.05'	25.00'	112°24'59"	41.55'	N 57°00'31" W
C4	39.31'	25.00'	90°05'00"	35.38'	S 43°59'24" W
C5	38.58'	25.00'	88°23'00"	34.85'	N 43°23'28" E
C6	4.88'	25.00'	11°10'52"	4.87'	S 6°38'32" E
C7	24.36'	25.00'	55°49'52"	23.41'	S 62°59'42" E
C8	19.23'	200.00'	5°30'30"	19.22'	S 86°20'07" W

LINE#	LENGTH	BEARING
L1	30.34'	DUE NORTH
L2	9.17'	N 0°01'29" E
L3	18.48'	N 88°39'35" E
L4	49.21'	S 89°05'22" W
L5	4.17'	S 7°35'50" E
L6	80.00'	S 1°14'44" E
L7	69.50'	S 0°57'47" E
L8	21.04'	S 89°39'53" W
L9	69.44'	N 0°21'10" W
L10	20.30'	N 89°30'26" E
L11	100.00'	N 0°40'12" W
L12	7.22'	N 89°32'05" E
L13	20.00'	S 1°27'49" E
L14	12.00'	N 89°32'06" E

Village on Main I

A RESUBDIVISION OF PART OF BLOCK 1, EAST LAWN ADDITION; A RESUBDIVISION OF PART OF BLOCK 2, RIVER VIEW ADDITION TO JENKS, AND A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER (SE/4) OF SECTION NINETEEN (19), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST, CITY OF JENKS, TULSA COUNTY, STATE OF OKLAHOMA

P.U.D. NO. 76 & 76-A



Subdivision Statistics:
SUBDIVISION CONTAINS FOUR (4) LOTS IN FOUR (4) BLOCKS AND ONE (1) RESERVE AREA
SUBDIVISION CONTAINS 10.66 TOTAL ACRES (464,292 SF)
LOT 1, BLOCK 1 CONTAINS 1.766 TOTAL ACRES (76,908 SF)
LOT 1, BLOCK 2 CONTAINS 3.877 TOTAL ACRES (168,887 SF)
LOT 1, BLOCK 3 CONTAINS 1.895 TOTAL ACRES (82,544 SF)
LOT 1, BLOCK 4 CONTAINS 1.572 TOTAL ACRES (68,474 SF)
RESERVE AREA "A" CONTAINS 0.716 ACRES (31,186 SF)
R/W BEING DEDICATED BY THIS PLAT CONTAINS 0.478 ACRES (20,822 SF)

Legend:
U/E = UTILITY EASEMENT
B/L = BUILDING SETBACK LINE
B/L-UL = BUILDING SETBACK LINE-UPPER LEVELS
SD/E = STORM SEWER EASEMENT
SSE/E = SANITARY SEWER EASEMENT
W/E = WATERLINE EASEMENT
ONG = OKLAHOMA NATURAL GAS
PSO = PUBLIC SERVICE COMPANY OF OKLAHOMA
SWB = SOUTHWESTERN BELL TELEPHONE COMPANY
OG&E = OKLAHOMA GAS & ELECTRIC COMPANY
R/W = RIGHT-OF-WAY
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
FND = FOUND
IP = IRON PIN
CB = CHORD BEARING
CL = CHORD LENGTH
L = LENGTH
R = RADIUS
EX. = EXISTING
BK. = BOOK
PG. = PAGE
SEC. = SECTION

Monumentation:
3/8" IRON PINS TO BE SET AT ALL PROPERTY CORNERS UNLESS OTHERWISE NOTED.

Basis of Bearing:
BEARINGS SHOWN HEREON ARE GRID BEARINGS BASED ON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NAD 83 [1993].

Benchmark:
CHISELED SQUARE ON TOP OF CURB LOCATED APPROXIMATELY 38' NORTHWEST OF THE SOUTHEAST CORNER OF LOT 1, BLOCK 1, TTCU COMMERCIAL CORNER. NGVD 1988 DATUM ELEVATION=619.07

FINAL PLAT
CERTIFICATE OF APPROVAL
I hereby certify that this plat was approved by the Jenks City Council on August 15, 2011
MAYOR - VICE MAYOR
This approval is void if the above signature is not endorsed by the City Manager.
Mike Link
CITY MANAGER

CERTIFICATE
I hereby certify that all real estate taxes involved in this plat have been paid as reflected by the current tax rolls. Security as required has been provided in the amount of \$ 84,790.00 per trust receipt no. 12088 to be applied to 20 11 taxes. This certificate is NOT to be construed as payment of 20 11 taxes in full but is given in order that this plat may be filed on record. 20 11 taxes will exceed the amount of the security deposit.

Dated 20 SEP 11
By Dennis Semple
Tulsa County Treasurer
Deputy

Lot One (1) Block Two (2) Remainder Legal Description 11-07-2021

A tract of land that is part of Lot One (1), Block Two (2), VILLAGE ON MAIN I, a Subdivision in the City of Jenks, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, said tract of land being described as follows:

COMMENCING at the Northeast corner of said Lot One (1); Thence South 00°55'39" East along an Easterly line of said Lot One (1) for 174.39 feet; Thence North 89°32'05" East along an Easterly line of said Lot One (1) for 8.47 feet; Thence South 01°03'06" East along an Easterly line of said Lot One (1) for 20.00 feet; Thence South 89°32'05" West along an Easterly line of said Lot One (1) for 1.11 feet; Thence South 01°27'49" East along an Easterly line of said Lot One (1) for 20.00 feet; Thence North 89°32'06" East along an Easterly line of said Lot One (1) for 0.96 feet; Thence South 01°03'06" East along an Easterly line of said Lot One (1) for 170.52 feet to the Point of Beginning of said tract of land; Thence continuing South 01°03'06" East along said Easterly line for 249.11 feet to a point of curve; Thence Southerly, Southwesterly, and Westerly along a curve to the right having a central angle of 90°05'00", a radius of 25.00 feet, a chord bearing of South 43°59'24" West, and a chord distance of 35.38 feet for an arc length of 39.31 feet; Thence South 89°01'54" West along a Southerly line of said Lot One (1) for 136.64 feet; Thence North 01°03'06" West along a Westerly line of said Lot One (1) for 86.73 feet to a point of curve; Thence Northerly and Northwesterly along a Southwesterly line of said Lot One (1) on a curve to the left having a central angle of 64°41'58", a radius of 144.00 feet, a chord bearing of North 33°24'05" West and a chord distance of 154.10 feet for an arc length of 162.61 feet; Thence North 65°45'04" West along a Southwesterly line of said Lot One (1) for 241.81 feet; Thence due North along a Westerly line of said Lot One (1) for 30.34 feet to a point of curve; Thence Northerly and Northeasterly along a Northwesterly line of said Lot One (1) on a curve to the right having a central angle of 56°12'48", a radius of 25.00 feet, a chord bearing of North 28°06'24" East and a chord distance of 23.56 feet for an arc length of 24.53 feet to a point of reverse curve; Thence Northeasterly along said Northwesterly line on a curve to the left having a central angle of 03°42'39", a radius of 317.90 feet, a chord bearing of North 54°21'28" East and a chord distance of 20.59 feet for an arc length of 20.59 feet; Thence North 52°30'08" East for 100.81 feet; Thence South 65°45'04" East for 61.86 feet; Thence South 24°14'56" West for 63.91 feet; Thence South 65°45'04" East for 287.42 feet; Thence North 24°14'56" East for 62.00 feet; Thence South 65°45'04" East for 41.71 feet to the POINT OF BEGINNING of said tract of land.

LESS AND EXCEPT

A part of Lot One (1), Block Two (2), VILLAGE ON MAIN I to the City of Jenks, Tulsa County, Oklahoma, according to the recorded plat thereof.

BEGINNING (P.O.B.) at the Southwest corner (SW/cor) of Lot One (1), Block Two (2), VILLAGE ON MAIN I;

THENCE North 01°03'06" West along the west line of said Lot One (1), a distance of 86.73 feet;

THENCE along the west line of said Lot One (1) along a curve to the left, having a radius of 144.00 feet, an arc length of 76.87 feet, a chord bearing of North $16^{\circ}20'47''$ West, and a chord length of 75.96 feet;

THENCE North $55^{\circ}01'54''$ East a distance of 25.16 feet;

THENCE South $65^{\circ}58'06''$ East a distance of 51.16 feet;

THENCE North $89^{\circ}01'54''$ East a distance of 114.50 feet to the east line of said Lot One (1);

THENCE South $01^{\circ}03'06''$ East along the east line of said Lot One (1), a distance of 127.38 feet;

THENCE along the east line of said Lot One (1) along a curve to the right, having a radius of 25.00 feet, an arc length of 39.31 feet, a chord bearing of South $43^{\circ}59'24''$ West, and a chord length of 35.38 feet;

THENCE South $89^{\circ}01'54''$ West along the south line of said Lot One (1), a distance of 136.64 feet, to the POINT OF BEGINNING.

To	Planning Commission
Hearing Date	December 09, 2021
Case Number	JL 21-364 Frazier Lakes
Request	Lot Split Boundary Line Adjustment
Location	2717 E 130 th Street Lot 7 & Lot 10
Applicant	Robert Bell, Bell Land Use

Staff Report

Preparer | Marcaé Hilton

Attachments

☐ Lot Split Exhibit and Legal Description

Preparer

Bennett Surveying, Inc.

Background Information

STAFF COMMENTARY | Mr. Robert Bell, representing Frazier Lakes ownership, is seeking approval of a boundary line correction through the lot split process regarding a sliver of land within the Frazier Lakes Subdivision. Title to Lot 7 previously sold, contained a small portion of Lot 10, and is now in the process of a selling again. During the abstract process, the title company discovered the original boundary line adjustment was never approved and filed with Tulsa County. The area to be split off is part of Lot Ten (10) and will be combined with Lot Seven (7) of Block Three (3) within “*Frazier Lakes Estates*.” This boundary line correction will allow the title to be filed clear of the existing boundary line cloud.

PLANNING DATA

Public Comment None | no notice is given to public for Lot Split cases

Zoning	PUD	Approval Date	Ordinance No.
	PUD 104 JZ 601	April 27, 2017	1427

Use Residential

General Location North of 131st and east of Harvard

Lot 7 Data	Parcel ID	60423730418180
	Property Address	2717 E 130 ST S
	Legal	LOT 7 BLOCK 3
	Gross Acres	3.69

Lot 10 Data	Parcel ID	60423730418210
	Property Address	2770 E 129 CT S
	Legal	LOT 10 BLOCK 3
	Gross Acres	0.65
Split/Combo	Gross Acres	0.07

LEGAL DESCRIPTION 0.07 ACRE

A TRACT OF LAND THAT IS LOCATED IN PART OF LOT TEN (10), BLOCK THREE (3), FRAZIER LAKE ESTATES, DOCUMENT # 6781, TULSA COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS TO-WIT:

BEGINNING AT THE SOUTHEAST CORNER OF LOT TEN (10), BLOCK THREE(3); THENCE S 79°58'53" W ALONG THE SOUTH LINE OF LOT 10 FOR A DISTANCE OF 172.73 FEET TO THE SOUTHWEST CORNER OF LOT 10; THENCE N 05°16'35" E ALONG THE WEST LINE OF LOT 10 FOR A DISTANCE OF 94.43 FEET TO THE NORTHWEST CORNER OF LOT 10 AND THE BEGINNING OF A CURVE; SAID CURVE TURNING TO THE LEFT WITH A RADIUS OF 50.00 FEET, A LENGTH OF 9.95 FEET, A CHORD BEARING OF N 71°28'34" E FOR A CHORD DISTANCE OF 9.94 FEET; THENCE S 01°07'09" E FOR A DISTANCE OF 71.80 FEET; THENCE N 88°13'56" E FOR A DISTANCE OF 150.66 FEET TO THE SOUTHEAST CORNER OF LOT 10 AND THE POINT OF BEGINNING

SAID TRACT CONTAINING 3013 SQUARE FEET OR 0.07 ACRES, MORE OR LESS

Staff Evaluation & Recommendation

EVALUATION Staff believes the Lot Split/Combo is in compliance with all City requirements. Approval of the lot split is necessary for a clear title.

CONDITIONS 1) Submit Deeds to be stamped by City Planner before applicant files Deeds with Tulsa County.
 2) Provide City Planner with copy of recorded Deeds
 3) Meet all the requirements of PUD 104 and any amendments

RECOMMENDATION: *Staff recommends approval of JL 21-364 as presented.*

Figure 1: Zoning Map | INCOG

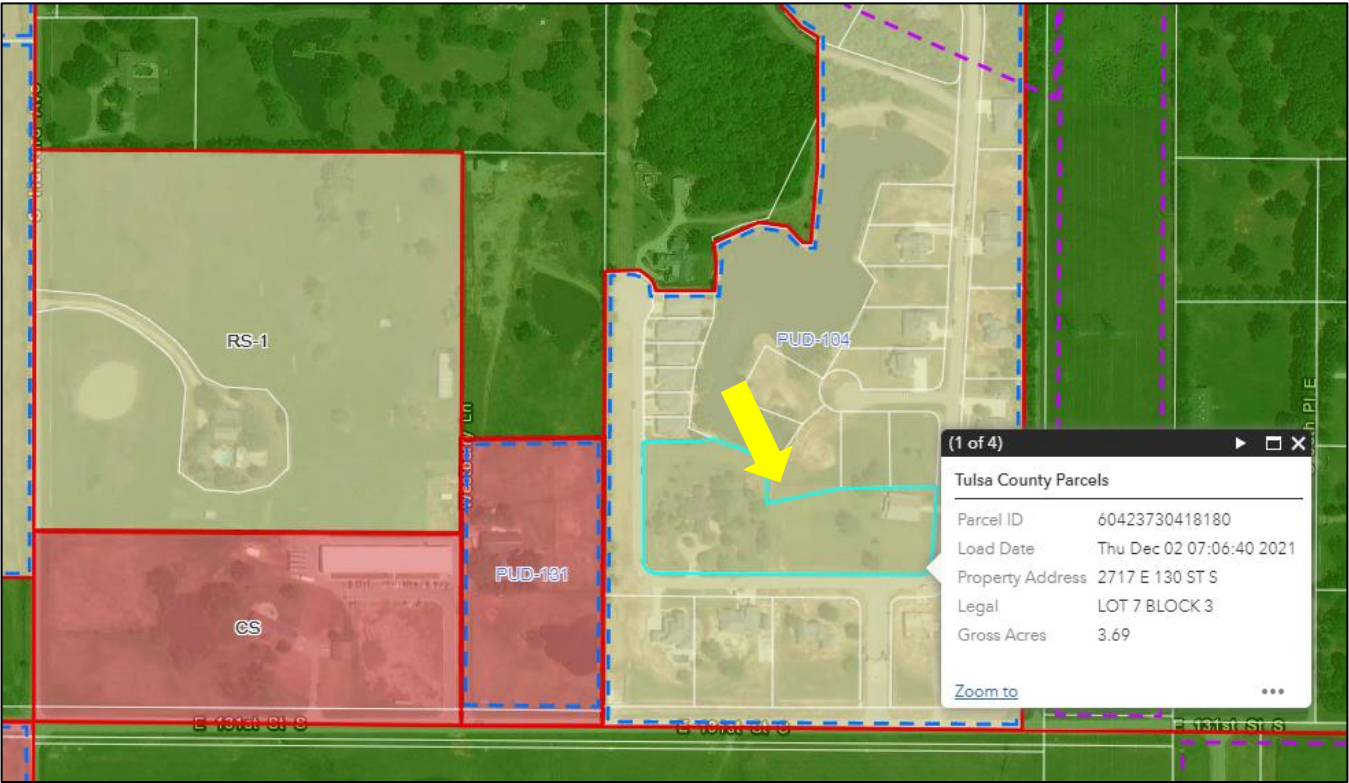


Figure 2: Parcel Data for Development Area "A"

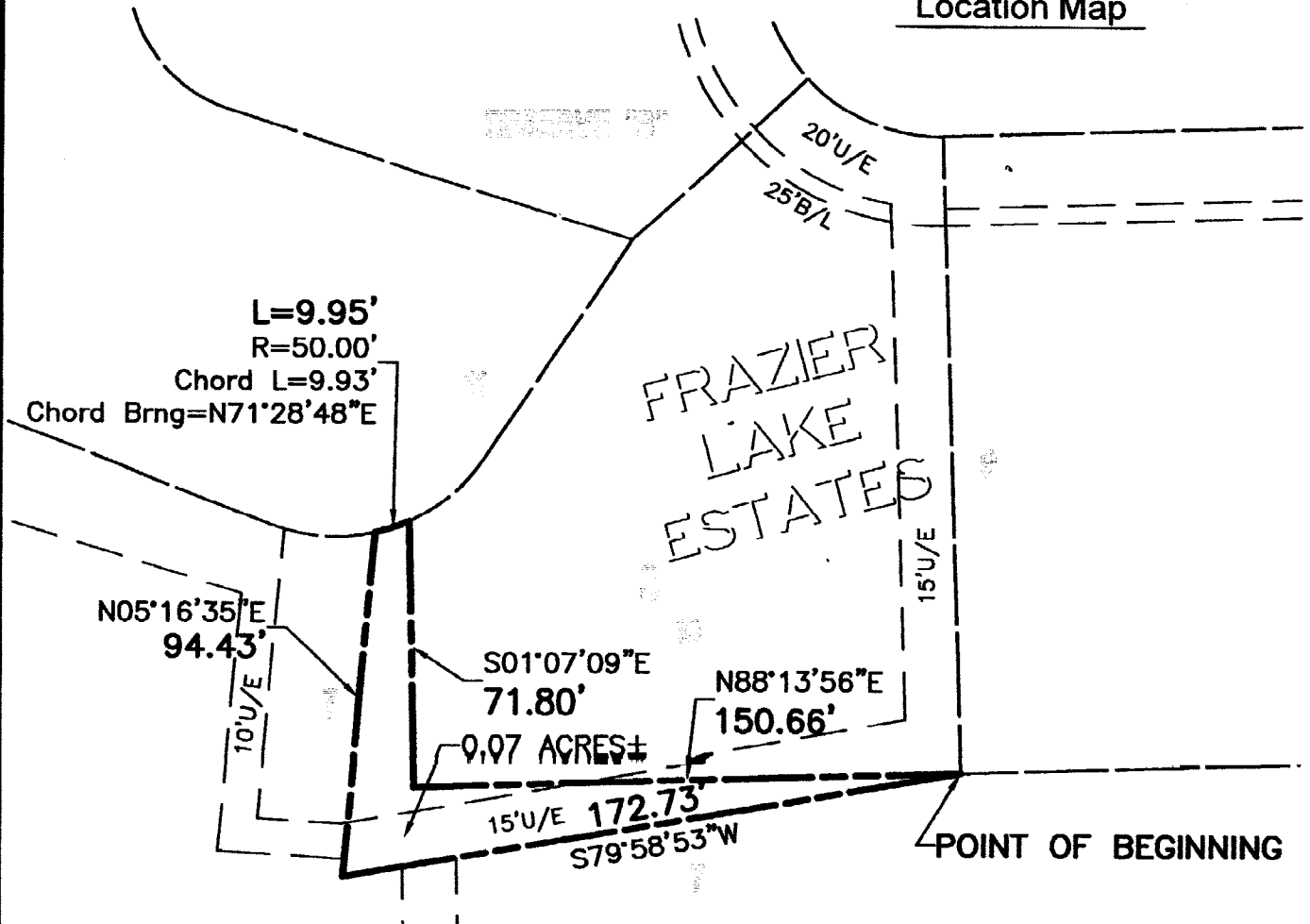
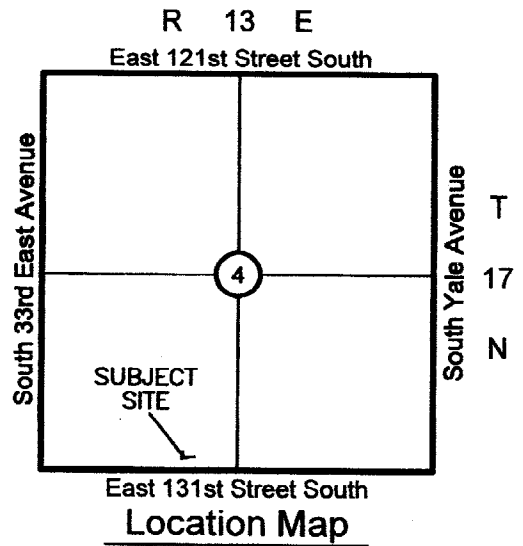
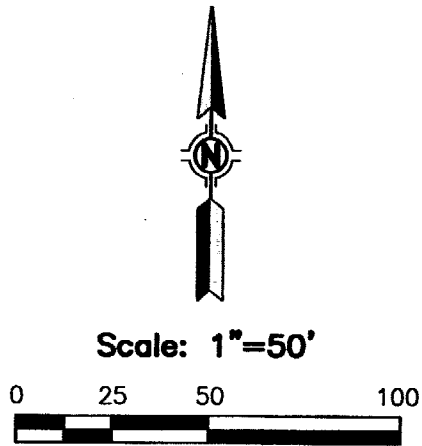


Figure 3: Google Earth view



Figure 4: Google Earth View looking north

EXHIBIT "A"



FILE: 192040LG-A

Notes

1. THE BEARING BASE FOR THIS EXHIBIT IS BASED ON THE SOUTH LINE OF LOT 3, BLOCK 10, FRAZIER LAKE ESTATES AS BEING S79°58'53"W.
2. SEE PAGE 1 FOR LEGAL DESCRIPTION AND SURVEYOR'S CERTIFICATE.

**BENNETT
SURVEYING, INC.**

P.O. BOX 848, CHOUTEAU, OK 74337
PHONE: (918) 476-7484 FAX: (918) 476-7485
C.A. NO.: 4502 EXP. DATE: 6/30/20

LEGAL DESCRIPTION 0.07 ACRE

A TRACT OF LAND THAT IS LOCATED IN PART OF LOT TEN (10), BLOCK THREE (3), FRAZIER LAKE ESTATES, DOCUMENT # 6781, TULSA COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS TO-WIT:

BEGINNING AT THE SOUTHEAST CORNER OF LOT TEN (10), BLOCK THREE(3); THENCE S 79°58'53" W ALONG THE SOUTH LINE OF LOT 10 FOR A DISTANCE OF 172.73 FEET TO THE SOUTHWEST CORNER OF LOT 10; THENCE N 05°16'35" E ALONG THE WEST LINE OF LOT 10 FOR A DISTANCE OF 94.43 FEET TO THE NORTHWEST CORNER OF LOT 10 AND THE BEGINNING OF A CURVE; SAID CURVE TURNING TO THE LEFT WITH A RADIUS OF 50.00 FEET, A LENGTH OF 9.95 FEET, A CHORD BEARING OF N 71°28'34" E FOR A CHORD DISTANCE OF 9.94 FEET; THENCE S 01°07'09" E FOR A DISTANCE OF 71.80 FEET; THENCE N 88°13'56" E FOR A DISTANCE OF 150.66 FEET TO THE SOUTHEAST CORNER OF LOT 10 AND THE POINT OF BEGINNING

SAID TRACT CONTAINING 3013 SQUARE FEET OR 0.07 ACRES, MORE OR LESS

SURVEYOR'S CERTIFICATE

I, CLIFF BENNETT, CERTIFY THAT THE LEGAL DESCRIPTION HEREON CLOSES IN ACCORDANCE WITH CURRENT TOLERANCES AND IS A TRUE REPRESENTATION OF THE REAL PROPERTY DESCRIBED, AND THAT THE LEGAL DESCRIPTION OF THE REAL PROPERTY MEETS THE MINIMUM TECHNICAL STANDARDS AS ADOPTED BY THE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS FOR THE STATE OF OKLAHOMA.

WITNESS MY HAND AND SEAL THIS 13TH DAY OF AUGUST, 2019



Cliff Bennett

CLIFF BENNETT, PLS
OKLAHOMA NO.1815
CERT. OF AUTH. NO. 4502
EXP. DATE JUNE 30, 2020

STATE OF OKLAHOMA)
) SS
COUNTY OF MAYES)

Before me, the undersigned, a Notary Public, in and for said County and State, on this 13th day of August, 2019, personally appeared Cliff Bennett, to me know to be the identical person who executed the within and foregoing instrument and acknowledge to

Cliff Bennett,
PO Box 848
Chouteau, OK 74337
918-476-7484 ext.: 19

LEGAL DESCRIPTION LOT 7 REVISED

A TRACT OF LAND THAT IS LOCATED IN LOT SEVEN (7) AND PART OF LOT TEN (10), BLOCK THREE (3), FRAZIER LAKE ESTATES, DOCUMENT # 6781, TULSA COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS TO-WIT:

**LOT SEVEN (7), BLOCK THREE (3), FRAZIER LAKE ESTATES
AND A PORTION OF LOT 10 DESCRIBED AS FOLLOWS:**

BEGINNING AT THE SOUTHEAST CORNER OF LOT TEN (10), BLOCK THREE(3); THENCE S 79°58'53" W ALONG THE SOUTH LINE OF LOT 10 FOR A DISTANCE OF 172.73 FEET TO THE SOUTHWEST CORNER OF LOT 10; THENCE N 05°16'35" E ALONG THE WEST LINE OF LOT 10 FOR A DISTANCE OF 94.43 FEET TO THE NORTHWEST CORNER OF LOT 10 AND THE BEGINNING OF A CURVE; SAID CURVE TURNING TO THE LEFT WITH A RADIUS OF 50.00 FEET, A LENGTH OF 9.95 FEET, A CHORD BEARING OF N 71°28'34" E FOR A CHORD DISTANCE OF 9.94 FEET; THENCE S 01°07'09" E FOR A DISTANCE OF 71.80 FEET; THENCE N 88°13'56" E FOR A DISTANCE OF 150.66 FEET TO THE SOUTHEAST CORNER OF LOT 10 AND THE POINT OF BEGINNING

SAID TRACT CONTAINING 163,776 SQUARE FEET OR 3.76 ACRES, MORE OR LESS

SURVEYOR'S CERTIFICATE

I, CLIFF BENNETT, CERTIFY THAT THE LEGAL DESCRIPTION HEREON CLOSES IN ACCORDANCE WITH CURRENT TOLERANCES AND IS A TRUE REPRESENTATION OF THE REAL PROPERTY DESCRIBED, AND THAT THE LEGAL DESCRIPTION OF THE REAL PROPERTY MEETS THE MINIMUM TECHNICAL STANDARDS AS ADOPTED BY THE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS FOR THE STATE OF OKLAHOMA.

WITNESS MY HAND AND SEAL THIS 13TH DAY OF AUGUST, 2019



Cliff Bennett

CLIFF BENNETT, PLS
OKLAHOMA NO.1815
CERT. OF AUTH. NO. 4502
EXP. DATE JUNE 30, 2020

STATE OF OKLAHOMA)
) SS
COUNTY OF MAYES)

Cliff Bennett.
PO Box 848
Chouteau, OK 74337
918-476-7484 ext.: 19

LEGAL DESCRIPTION LOT 10 REVISED

A TRACT OF LAND THAT IS LOCATED IN PART OF LOT TEN (10), BLOCK THREE (3), FRAZIER LAKE ESTATES, DOCUMENT # 6781, TULSA COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS TO-WIT:

LOT TEN (10), BLOCK THREE (3), FRAZIER LAKE ESTATES
LESS AND EXCEPT A PORTION OF LOT 10 DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT TEN (10), BLOCK THREE(3); THENCE S 79°58'53" W ALONG THE SOUTH LINE OF LOT 10 FOR A DISTANCE OF 172.73 FEET TO THE SOUTHWEST CORNER OF LOT 10; THENCE N 05°16'35" E ALONG THE WEST LINE OF LOT 10 FOR A DISTANCE OF 94.43 FEET TO THE NORTHWEST CORNER OF LOT 10 AND THE BEGINNING OF A CURVE; SAID CURVE TURNING TO THE LEFT WITH A RADIUS OF 50.00 FEET, A LENGTH OF 9.95 FEET, A CHORD BEARING OF N 71°28'34" E FOR A CHORD DISTANCE OF 9.94 FEET; THENCE S 01°07'09" E FOR A DISTANCE OF 71.80 FEET; THENCE N 88°13'56" E FOR A DISTANCE OF 150.66 FEET TO THE SOUTHEAST CORNER OF LOT 10 AND THE POINT OF BEGINNING

SAID TRACT CONTAINING 21752 SQUARE FEET OR 0.50 ACRES, MORE OR LESS

SURVEYOR'S CERTIFICATE

I, CLIFF BENNETT, CERTIFY THAT THE LEGAL DESCRIPTION HEREON CLOSES IN ACCORDANCE WITH CURRENT TOLERANCES AND IS A TRUE REPRESENTATION OF THE REAL PROPERTY DESCRIBED, AND THAT THE LEGAL DESCRIPTION OF THE REAL PROPERTY MEETS THE MINIMUM TECHNICAL STANDARDS AS ADOPTED BY THE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS FOR THE STATE OF OKLAHOMA.

WITNESS MY HAND AND SEAL THIS 13TH DAY OF AUGUST, 2019



Cliff Bennett

CLIFF BENNETT, PLS
OKLAHOMA NO.1815
CERT. OF AUTH. NO. 4502
EXP. DATE JUNE 30, 2020

STATE OF OKLAHOMA)
) SS
COUNTY OF MAYES)

Jenks | PC Staff Report



To	Planning Commission
Hearing Date	December 09, 2021
Case Number	Final Plat <i>Melody Lane Court</i>
Request	Approval of Replat of Melody Lane Court
Location	802 W. Main St.

Staff Report

Preparer | Marcaé Hilton

Attachments

- ☐ Final Plat Documents
- ☐ Easement Closure Documents
- ☐ OCC Oil Tank Report

Preparer

Joe Kelley
Joe Kelley
Oklahoma Corporation Commission

Background Information

Melody Court is located south of Main Street, west of (Elm) and Melody Lane. This is phase two of a vibrant economic redevelopment project located near the heart of Jenks. The applicant received approval to rezone/Planned Unit development by City Council on March 16, 2021 per Ordinance No. 1547. The developer is expanding the current uses and vision of Melody Lane, the recently repurposed/redesigned shopping center. The new uses will include outdoor athletic fields for practice and tournaments as well as retail, office, and commercial spaces along Main Street.

REQUESTS

Request	Replat of Melody Lane Court Final Plat ✓ Completed: Closure and ultimate Vacation of Utility Easement Doc. No. 2021034300 Filed March 26, 2021
---------	--

Public Comment	None at the time of this report
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Uses	Athletic uses and outdoor fields, Commercial office and retail spaces
------	---

Zoning	CG (Commercial General) PUD 126 Overlay
--------	---

Comprehensive Plan	Local Commercial (Horizon Jenks New Comp Plan)
--------------------	--

General Location	South of Main Street and West of Elm
------------------	--------------------------------------

Current Parcel Data

STR	Section 24, Township: 18N, Range: 12E
-----	---------------------------------------

Current Plat	Melody Lane Center Plat 3303
--------------	--------------------------------

Current Parcel Identification:

IL Parcel to Southwest

- Parcel ID 6076082242²³⁹⁰
- Property Address 802 W MAIN ST S
- Gross Acres 1.98
- Legal LT 3 LESS BEG NEC LT 3 TH SWLY50 NWLY30 NELY50 SELY30 POB & LESS
BEG 30NWLY NEC LT 3 TH SW121.79 S55.43 NW195.34 N64.14 NE117.38
SELY227.82 POB BLK 2 & LESS PRT LT 3 BEG NWC THEROF TH SE31.12
SW10.30 NW31.12 NE10.30
POB BLK 2 2.15AC

CG Parcel to West adjacent to Main

- Parcel ID 6076082242²⁵⁸⁰
- Property Address 802 W MAIN ST S
- Gross Acres 0.37
- Legal PRT LT 3 BEG 143.91NWLY NEC LT 3 TH SW172.81 NW85.34 N64.14 NE117.38
SELY113.91 POB BLK 2 LESS BEG SWC LT 3 TH SE113.70 SW10.17 NW113.05
NE10.30
POB BLK 2

CG Parcel to East adjacent to Main

- Parcel ID 6076082242²⁵⁸⁵
- Property Address 802 W MAIN ST S
- Gross Acres 0.37
- Legal PRT LT 3 BEG 30NWLY NEC LT 3 TH SW121.79 S55.43 NW110 NE172.81
SELY113.91 POB BLK 2 LESS PRT LT 3 145.03SE THEREOF THE SE113.91 SW10
NW112.08 NE10.17 OT
POB BLK 2

Plat Data 2 Lots, 1 Block

2.27 Acres

MELODY COURT PRELIMINARY PLAT | TAC COMMENTS 02.11.21

MATTHEW W RILEY | ENGINEER ASSC. | PSO | We have old equipment in the easement that served the old gas station. We will remove this equipment and treat the development like new commercial.

CHRIS CLOYDE, PE | CITY ENGINEER | CITY OF JENKS | The main issue I see in the design of this site plan/plat is the access points on Main Street. There is a safety concern with keeping the western access point close to the existing access point on the western adjacent property in the case of two vehicles entering Main Street at the same time (line of sight concerns and making opposite direction turns (turning into each other)).

1. I don't think they should keep both platted access points
 - a. EITHER keep the 30-foot access point to the west and eliminate the 60-foot access point to the east or vice versa.
2. If they eliminated the western access point and kept the eastern one, it should be reduced to a 30-foot instead of a 60-foot access point.

Marcaé Hilton | CITY PLANNER | CITY OF JENKS

PRELIMINARY PLAT

- ✓ Add PUD 126 under title of Plat
- ✓ Add "Replat" | See Markup Document

- ✓ Add Scale to face of plat
- ✓ Make property boundary bold
- ✓ Add Tow of Levy and other relative dimensions
- ✓ Discuss traffic/access issues with staff to determine best location and size egress
- ✓ Correct any comments before submittal of final plat
- ✓ Meet engineering and other City code requirements

EASEMENT CLOSURE/VACATION

- ✓ Provide Easement closure legal description and exhibit
 - a. This item was sent to TAC and will go to CC on March 16, 2021 for “Closure”
 - b. Provide City Planner with approved District Court Easement Vacation documents.
- ✓ Staff agrees with closure and ultimate vacation of the utility easement.

MELODY COURT FINAL PLAT | TAC COMMENTS 11.30.21 | None

Zoning North | CS (Commercial Shopping (PUD 75) | OM (Office Medium)
 East | CS (Commercial Shopping (PUD 212)
 South | AG (Agriculture) | Multi-family
 West | Commercial Shopping

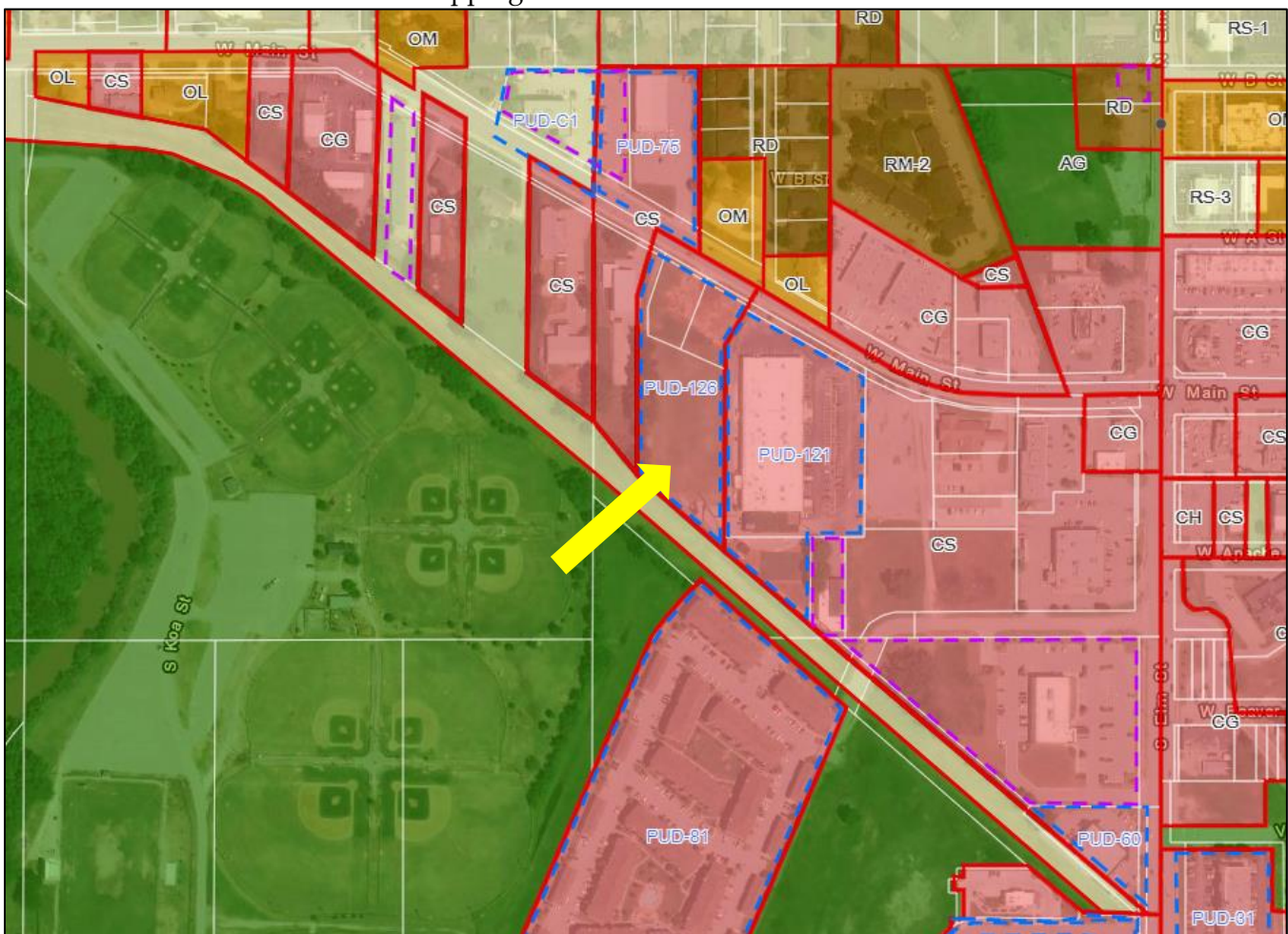


Figure 1: Zoning Map | INCOG

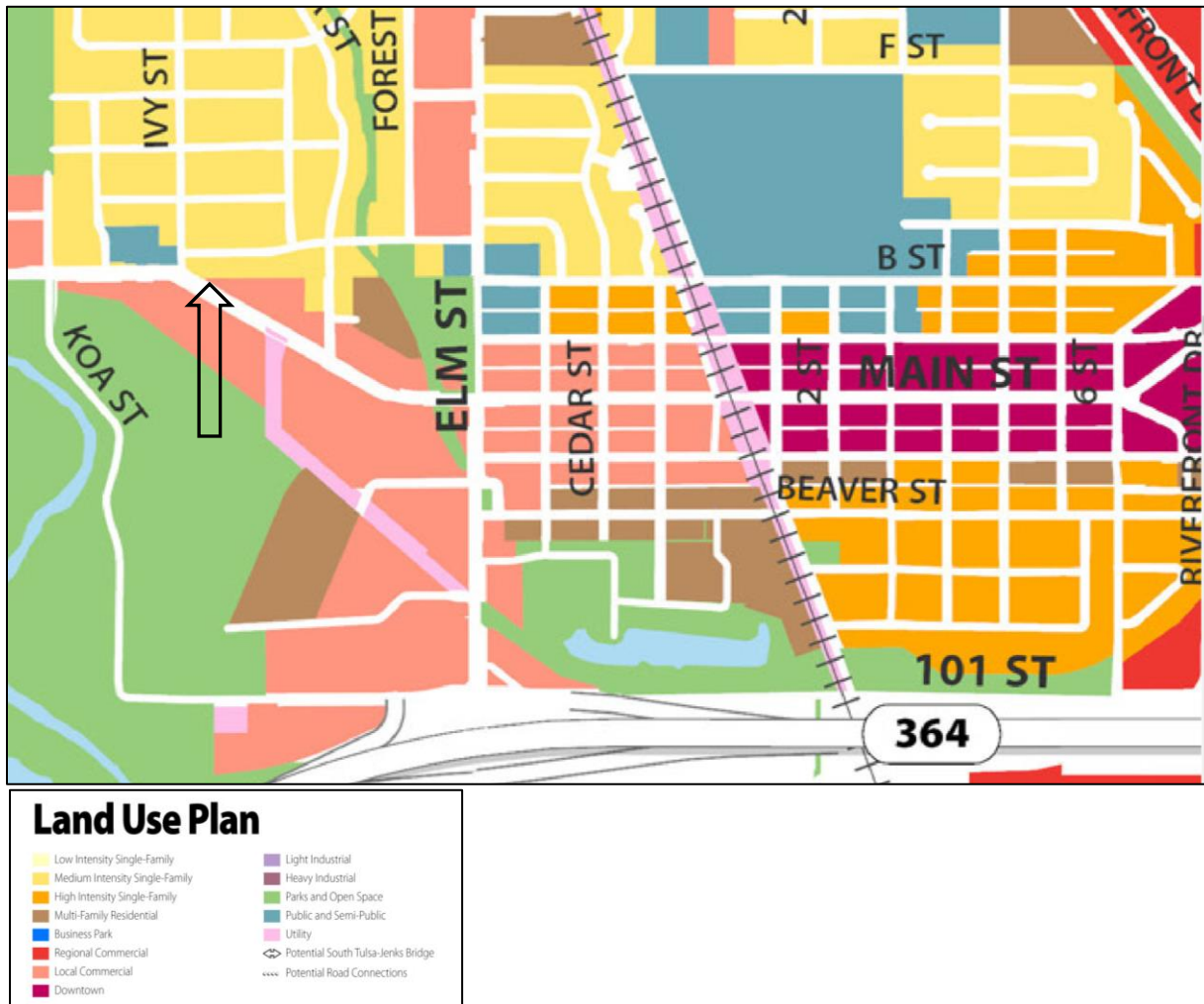


Figure 2: Horizon Jenks Comp Plan

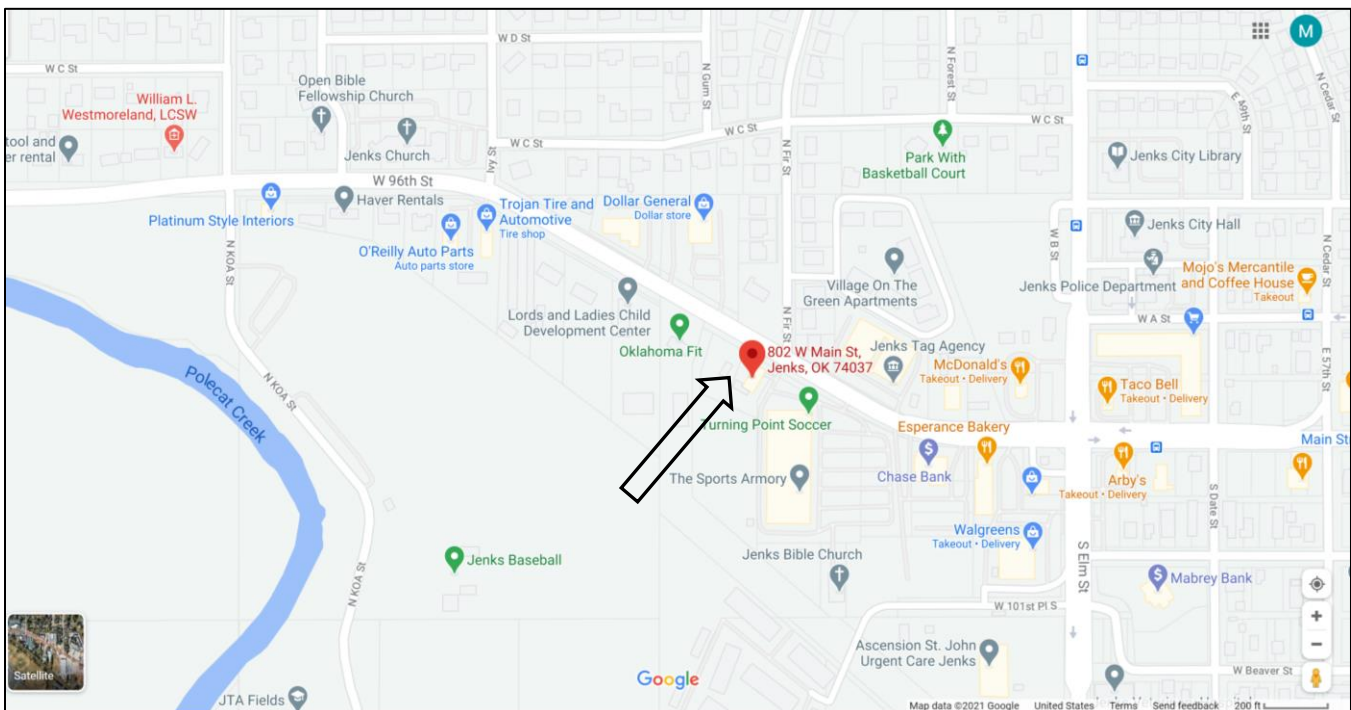


Figure 3: 802 W. Main Street



Figure 4: Past Site Condition of Lots



Figure 5: Past View from West on Main Street

Staff Evaluation & Recommendation

Evaluation | This application has one request: Final Plat Approval

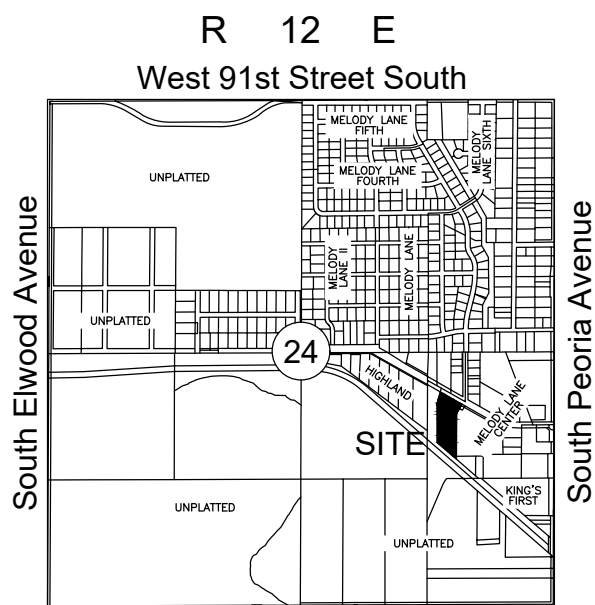
1. FINAL PLAT | Approving this request will allow the applicant to prepare the final plat for review, submittal and recordation.
2. Plat Approval is a perfunctory process established by State Statute.
3. This lot is under construction but will not receive any Certificate of Occupancy without the Final Plat Approval and filing with Tulsa County.

RECOMMENDATION | | Staff and TAC recommend conditional approval of the Final Plat

Melody Court

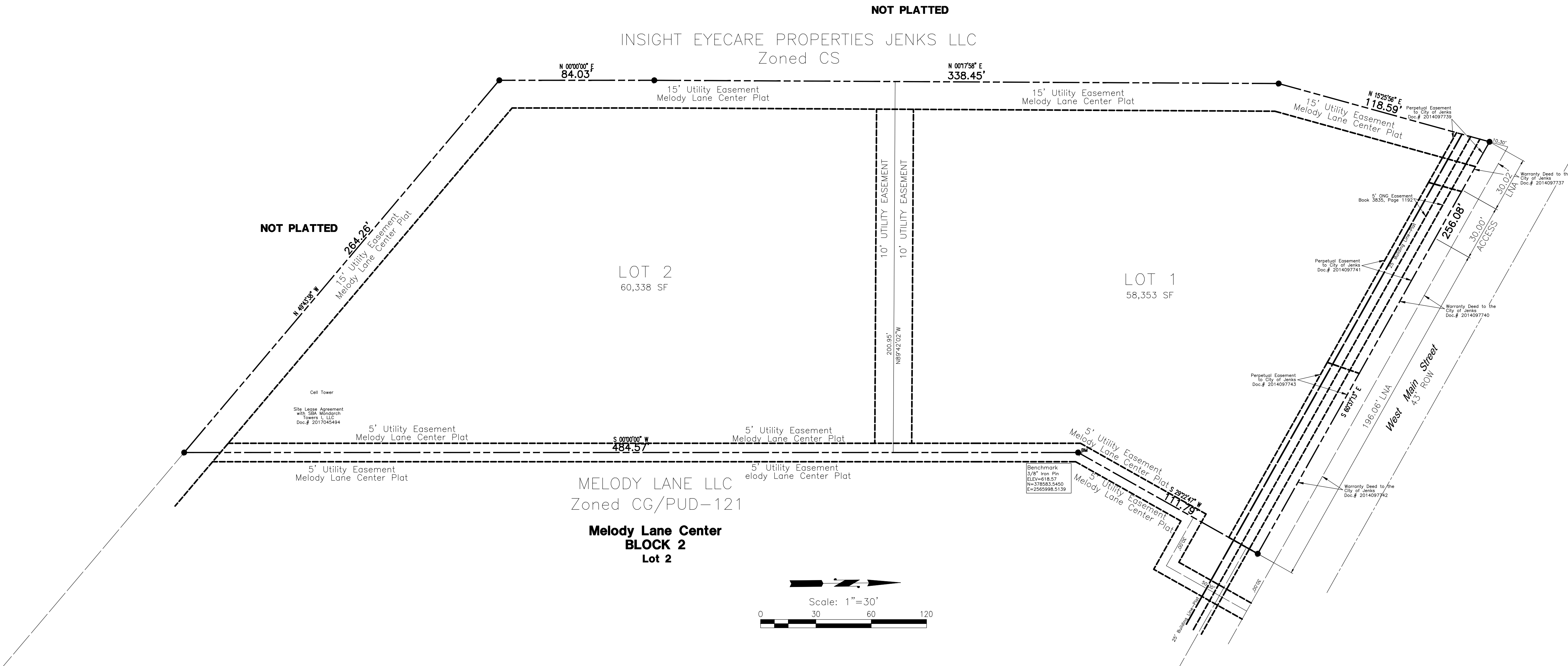
Final Plat

A Replat of Lot 3, Block 2 of Melody Lane Center in the SE/4 of Section 24, T-18-N, R-12-E, of the Indian Base & Meridian,
City of Jenks, Tulsa County, State of Oklahoma.
Zoned: CG / PUD-126



West 101st Street South
Location Map

Subdivision has 2 Lots in 1 Block
and contains 118,691 square feet
or 2.72 acres, more or less.



MELODY LANE LLC
Zoned CG/PUD-121

**Melody Lane Center
BLOCK 2
Lot 2**

LOT 2 ACCESS:
A BLANKET ACCESS EASEMENT SHALL BE GRANTED ACROSS LOT 1 FOR THE USE AND BENEFIT OF LOT 2.

Benchmark Notes

Benchmark
3/8" IRON PIN
ELEV=618.57
N=378583.5450
E=2565998.5139

Flood Plain Designation:

MELODY COURT LIES IN SHADED ZONE "X" PER FIRM COMMUNITY PANEL 40143C0363L EFFECTIVE OCTOBER 16, 2012. SHADED ZONE "X" ARE AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.

UTILITY PROVIDERS

WATER SERVICE
CITY OF JENKS (918-299-9511)
NATURAL GAS SEWER SERVICE
OKLAHOMA NATURAL GAS (918-831-8353)
ELECTRICAL SERVICE
AEP-PSO (918-250-6249)
TELEPHONE SERVICE
AT&T (918-596-3355)

MONUMENTATION

● DENOTES A SET 3/8" IRON PIN
WITH CAP "CA 4502"

LEGEND

BM - BENCHMARK
B/L - BUILDING SETBACK LINE
- PROPERTY LINE
LNA - LIMITS OF NO ACCESS

ADDRESS DISCLAIMER NOTE:

ADDRESSES SHOWN ON THIS PLAT ARE
ACCURATE AS OF THE TIME THE PLAT WAS
FILED. ADDRESSES ARE SUBJECT TO CHANGE
AND SHOULD NEVER BE RELIED ON IN PLACE
OF THE LEGAL DESCRIPTION.

**MELODY COURT
SHEET 1 OF 2**

Date of Preparation: November 12, 2021



Utility Statement

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED ALL UNDERGROUND UTILITIES.

Melody Court

Final Plat

Deed of Dedication and Restrictive Covenants

A Replat of Lot 3, Block 2 of Melody Lane Center in the SE/4 of Section 24, T-18-N, R-12-E, of the Indian Base & Meridian,

City of Jenks, Tulsa County, State of Oklahoma.

Zoned: CG / PUD-126

DEED OF DEDICATION PUD-126 FOR MELODY COURT

KNOW ALL MEN BY THESE PRESENTS:

MELODY COURT, LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY, AND TRAINING WITH PURPOSE, LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY (JOINTLY HEREINAFTER REFERRED TO AS "OWNER"), IS THE OWNER OF THE FOLLOWING DESCRIBED LAND IN THE CITY OF JENKS, TULSA COUNTY, STATE OF OKLAHOMA, TO-WIT:

A TRACT OF LAND THAT IS A PORTION OF LOT THREE (3), BLOCK TWO (2), MELODY LANE CENTER TO THE CITY OF JENKS, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 3, THENCE NORTH 49°43'38" WEST ALONG SAID SOUTH LINE OF LOT 3, A DISTANCE OF 264.26 FEET TO THE SOUTHWEST CORNER OF LOT 3; THENCE DUE NORTH 84.03 FEET; THENCE NORTH 00°17'58" EAST A DISTANCE OF 338.45 FEET; THENCE NORTH 15°25'56" EAST A DISTANCE OF 118.59 FEET TO A POINT THAT IS 10.30 FEET SOUTHWESTERLY OF THE NORTHWEST CORNER OF LOT 3; THENCE SOUTH 60°37'13" EAST, PARALLEL WITH THE NORTH LINE OF LOT 3, A DISTANCE OF 256.08 FEET; THENCE SOUTH 29°22'47" WEST A DISTANCE OF 111.79 FEET; THENCE DUE SOUTH A DISTANCE OF 484.57 FEET TO THE POINT OF BEGINNING, CONTAINING 118,691 SQUARE FEET OR 2.725 ACRES, MORE OR LESS.

AND HAS CAUSED THE ABOVE DESCRIBED TRACT OF LAND TO BE SURVEYED, STAKED, PLATTED AND SUBDIVIDED INTO 2 LOTS, IN CONFORMITY WITH THE ACCOMPANYING PLAT, AND HAS DESIGNATED THE SUBDIVISION AS "MELODY COURT," A SUBDIVISION IN THE CITY OF JENKS, TULSA COUNTY, OKLAHOMA.

SECTION I. EASEMENTS AND UTILITIES

A. GENERAL UTILITY EASEMENTS

THE OWNER DOES HEREBY DEDICATE TO THE PUBLIC THE UTILITY EASEMENTS AS DEPICTED ON THE ACCOMPANYING PLAT FOR THE SEVERAL PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, REPLACING, AND/OR REMOVING ANY AND ALL PUBLIC UTILITIES, INCLUDING STORM SEWERS, SANITARY SEWERS, TELEPHONE AND COMMUNICATION LINES, ELECTRIC POWER LINES AND TRANSFORMERS, GAS LINES, WATER LINES AND CABLE TELEVISION LINES, TOGETHER WITH ALL FITTINGS, INCLUDING THE POLES, WIRES, CONDUITS, PIPES, VALVES, METERS, AND EQUIPMENT FOR EACH OF SUCH FACILITIES AND ANY OTHER APPURTENANCES THERETO, WITH THE RIGHTS OF INGRESS TO AND UPON THE UTILITY EASEMENTS FOR THE USES AND PURPOSES AFORESAID, PROVIDED HOWEVER, THE OWNER HEREBY RESERVES THE RIGHT TO CONSTRUCT, MAINTAIN, OPERATE, LAY AND RE-LAY WATER LINES AND SEWER LINES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH CONSTRUCTION, MAINTENANCE, OPERATION, LAYING AND RELAYING OVER, ACROSS AND ALONG ALL OF THE UTILITY EASEMENTS DEPICTED ON THE PLAT, FOR THE PURPOSE OF FURNISHING WATER AND/OR SEWER SERVICES TO THE AREA INCLUDED IN THE PLAT. THE OWNER HEREIN IMPOSES A RESTRICTIVE COVENANT, WHICH COVENANT SHALL BE BINDING ON EACH LOT OWNER AND SHALL BE ENFORCEABLE BY THE CITY OF JENKS, OKLAHOMA AND BY THE SUPPLIER OF ANY AFFECTED UTILITY SERVICE, THAT WITHIN THE UTILITY EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT NO BUILDING, STRUCTURE OR OTHER ABOVE OR BELOW GROUND OBSTRUCTION THAT INTERFERES WITH THE ABOVE SET FORTH USES AND PURPOSES OF AN EASEMENT SHALL BE PLACED, ERECTED, INSTALLED OR MAINTAINED, PROVIDED HOWEVER, NOTHING HEREIN SHALL BE DEEMED TO PROHIBIT DRIVES, PARKING AREAS, CURBING, LANDSCAPING AND CUSTOMARY SCREENING FENCES AND WALLS THAT DO NOT CONSTITUTE AN OBSTRUCTION. IN THE EVENT THE LOT OWNER NEGLECTS TO OBTAIN APPROVAL OF SUCH IMPROVEMENT, AND IT IS DETERMINED BY THE CITY OF SAND SPRINGS, OKLAHOMA AND BY THE SUPPLIER OF THE AFFECTED UTILITY SERVICE THAT AN IMPROVEMENT INSTALLED WITHIN AN EASEMENT OBSTRUCTS OR ENDANGERS THE UTILITY SERVICE, THE AFFECTED UTILITY SHALL PROVIDE NOTICE TO THE LOT OWNER OF SUCH DETERMINATION AND PROVIDE LOT OWNER THIRTY (30) DAYS TO CURE OR REMOVE THE APPLICABLE IMPROVEMENT. IF FOLLOWING THE RECEIPT OF SAID NOTICE, THE LOT OWNER FAILS TO CURE OR REMOVE THE IMPROVEMENT WITHIN THE THIRTY (30) DAY PERIOD, THE SUPPLIER OF THE AFFECTED UTILITY SERVICE SHALL HAVE THE RIGHT TO REMOVE SUCH IMPROVEMENT AT THE LOT OWNER'S EXPENSE.

B. UNDERGROUND SERVICE

1. OVERHEAD POLES MAY BE LOCATED ALONG THE PERIMETER OF THE SUBDIVISION AS NECESSARY IF LOCATED IN UTILITY EASEMENTS FOR THE PURPOSE OF THE SUPPLY OF UNDERGROUND SERVICE. STREET LIGHT POLES OR STANDARDS MAY BE SERVED BY UNDERGROUND CABLE, AND EXCEPT AS PROVIDED IN THE IMMEDIATELY PRECEDING SENTENCE, ALL ELECTRIC AND COMMUNICATIONS SUPPLY LINES SHALL BE LOCATED UNDERGROUND, IN THE EASEMENT-WAYS RESERVED FOR GENERAL UTILITY SERVICES SHOWN ON THE ATTACHED PLAT.

2. ALL SUPPLY LINES IN THE SUBDIVISION INCLUDING ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS LINE SHALL BE LOCATED UNDERGROUND IN THE EASEMENTS RESERVED FOR GENERAL UTILITY SERVICES. SERVICE PEDESTALS AND TRANSFORMERS, AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES, MAY ALSO BE LOCATED IN THE SAID UTILITY EASEMENTS.

3. UNDERGROUND SERVICE CABLES AND GAS SERVICE LINES TO ALL STRUCTURES WHICH MAY BE LOCATED ON ALL LOTS IN THE SUBDIVISION MAY BE RUN FROM THE NEAREST GAS MAIN, SERVICE PEDESTAL, OR TRANSFORMER TO THE POINT OF USAGE DETERMINED BY THE LOCATION AND CONSTRUCTION OF SUCH STRUCTURE AS MAY BE LOCATED UPON EACH SAID LOT, PROVIDED THAT UPON THE INSTALLATION OF SUCH A SERVICE CABLE OR GAS SERVICE LINE TO A PARTICULAR STRUCTURE, THE SUPPLIER OF SERVICE SHALL THEREAFTER BE DEEMED TO HAVE A DEFINITIVE, PERMANENT AND EFFECTIVE EASEMENT ON THE LOT, COVERING A 5 FOOT STRIP EXTENDING 2.5 FEET ON EACH SIDE OF THE SERVICE CABLE, EXTENDING FROM THE SERVICE PEDESTAL, TRANSFORMER OR GAS MAIN TO THE SERVICE ENTRANCE ON THE STRUCTURE OR A POINT OF METERING.

4. THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS SERVICES, THROUGH ITS AUTHORIZED AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL SUCH EASEMENTS SHOWN ON THE PLAT OF THE SUBDIVISION OR PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF THE UNDERGROUND ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS SERVICE FACILITIES SO INSTALLED BY IT. THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION ALSO RESERVE THE PERPETUAL RIGHT, PRIVILEGE AND AUTHORITY TO CUT DOWN, TRIM, OR TREAT ANY TREES AND UNDERGROWTH ON SAID EASEMENT.

5. THE OWNER OF EACH LOT IN THE SUBDIVISION SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND ELECTRIC FACILITIES LOCATED ON HIS PROPERTY AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH SAID ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS FACILITIES. THE SUPPLIER OF SERVICE WILL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF UNDERGROUND FACILITIES, BUT THE OWNER OF EACH LOT IN THE SUBDIVISION WILL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OR HIS AGENTS OR CONTRACTORS. THE FOREGOING COVENANTS CONCERNING UNDERGROUND FACILITIES SHALL BE ENFORCEABLE BY THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION, OR GAS SERVICES.

C. WATER MAINS, SANITARY SEWERS, AND STORM SEWER SERVICES

1. THE OWNER OF EACH LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER MAINS, SANITARY SWER MAINS, AND STORM SEWERS IN THIS ADDITION.

2. WITHIN THE UTILITY EASEMENT AREAS DEPICTED ON THE ACCOMPANYING PLAT, THE ALTERATION OF GRADE FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A PUBLIC WATER MAIN, SANITARY SEWER MAIN, OR STORM SEWER MAIN, OR AN CONSTRUCTION ACTIVITY WHICH WOULD, IN THE JUDGEMENT OF THE CITY OF JENKS, INTERFERE WITH PUBLIC WATER MAINS, SANITARY SEWER MAINS AND STORM SEWERS SHALL BE PROHIBITED.

3. THE CITY OF JENKS, OKLAHOMA, OR ITS SUCCESSORS, SHALL BE RESPONSIBLE FOR THE ORDINARY MAINTENANCE OF PUBLIC WATER MAINS, SANITARY SEWER MAINS AND STORM SEWERS BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER, HIS AGENTS OR CONTRACTORS.

4. THE CITY OF JENKS, OKLAHOMA, OR ITS SUCCESSORS, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT, OR OTHERWISE PROVIDED FOR IN THE DEED OF DEDICATION, FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING, OR REPLACING ANY PORTION OF UNDERGROUND WATER, SANITARY SEWER OR STORM SEWER FACILITIES.

5. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH SHALL BE ENFORCEABLE BY THE CITY OF JENKS, OKLAHOMA, OR ITS SUCCESSORS, AND THE OWNER OF THE LOT AGREES TO BE BOUND THEREBY.

D. SURFACE DRAINAGE

EACH LOT DEPICTED ON THE PLAT SHALL RECEIVE AND DRAIN, IN AN UNOBSTRUCTED MANNER, THE STORM AND SURFACE WATERS FROM LOTS AND DRAINAGE AREAS OF HIGHER ELEVATION AND FROM STREETS AND EASEMENTS. NO LOT OWNER(S) SHALL CONSTRUCT OR PERMIT TO BE CONSTRUCTED ANY OBSTRUCTION WHICH WOULD IMPAIR THE DRAINAGE OF STORM AND SURFACE WATERS OVER AND ACROSS ANY LOT. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH SHALL BE ENFORCEABLE BY ANY AFFECTED LOT OWNER AND BY THE CITY OF JENKS, OKLAHOMA.

E. PAVING AND LANDSCAPING WITHIN EASEMENT

THE OWNER OF THE LOT AFFECTED SHALL BE RESPONSIBLE FOR THE REPAIR OF DAMAGE TO LANDSCAPING AND PAVING OCCASIONED BY NECESSARY PLACEMENTS, REPLACEMENTS, OR MAINTENANCE OF WATER, SEWER, STORM SEWER, NATURAL GAS, COMMUNICATION, CABLE TELEVISION, OR ELECTRIC FACILITIES WITHIN THE UTILITY EASEMENT AREAS DEPICTED UPON THE ACCOMPANYING PLAT, PROVIDED HOWEVER, THEY CITY OF JENKS, OKLAHOMA OR THE SUPPLIER OF THE UTILITY SERVICE SHALL USE REASONABLE CARE IN THE PERFORMANCE OF SUCH ACTIVITIES.

F. LOT 2 ACCESS

THE OWNER OF LOT 1 SHALL GRANT VEHICULAR AND PEDESTRIAN ACCESS ACROSS LOT 1 TO THE USERS OF LOT 2.

G. LIMITS OF NO ACCESS

THE UNDERSIGNED OWNER(S) HERELY RELINQUISH RIGHTS OF VEHICULAR INGRESS OR EGRESS FROM ANY PORTION OF THE PROPERTY ADJACENT TO WEST MAIN STREET WITHIN THE BOUNDS DESIGNATED AS "LIMITS OF NO ACCESS" (LNA) ON THE ACCOMPANYING PLAT, WHICH "LIMITS OF NO ACCESS" MAY BE AMENDED OR RELEASED BY THE CITY OF JENKS, OKLAHOMA, OR ITS SUCCESSOR, OR AS OTHERWISE PROVIDED BY THE STATUTES AND LAWS OF THE STATE OF OKLAHOMA. LIMITS OF NO ACCESS SHALL BE ENFORCEABLE BY THE CITY OF JENKS.

SECTION II. PLANNED UNIT DEVELOPMENT RESTRICTIONS

WHEREAS "MELODY COURT" WAS SUBMITTED AS PART OF A PLANNED UNIT DEVELOPMENT AS PROVIDED WITHIN SECTIONS 900A THROUGH 950A OF THE CITY OF JENKS ZONING CODE, AS THE SAME EXISTED ON JANUARY 1, 2021, (HEREINAFTER THE "JENKS ZONING CODE"); AND

WHEREAS THE PLANNED UNIT DEVELOPMENT PROVISIONS OF THE JENKS ZONING CODE REQUIRE THE ESTABLISHMENT OF COVENANTS OF RECORD, INURING TO AND ENFORCEABLE BY THE CITY OF JENKS, OKLAHOMA, SUFFICIENT TO ASSURE THE IMPLEMENTATION AND CONTINUED COMPLIANCE WITH THE APPROVED PLANNED UNIT DEVELOPMENT AND AMENDMENTS THERETO, AND

WHEREAS THE OWNERS ESTABLISHED RESTRICTIONS FOR THE PURPOSE OF PROVIDING FOR AN ORDERLY DEVELOPMENT AND TO INSURE ADEQUATE RESTRICTIONS FOR THE MUTUAL BENEFIT OF THE OWNER, ITS SUCCESSORS AND ASSIGNS, AND THE CITY OF JENKS, OKLAHOMA;

THEREFORE, THE OWNERS TO HEREBY IMPOSE RESTRICTIONS AND COVENANTS TO ALL LOTS CONTAINED WITHIN THIS SUBDIVISION PLAT (MELODY COURT), AND WHICH COVENANTS SHALL BE COVENANTS RUNNING WITH THE LAND AND BE BINDING UPON THE OWNER, ITS SUCCESSORS AND ASSIGNS, AND SHALL BE ENFORCEABLE AS HEREINAFTER SET FORTH.

GROSS LAND AREA: 2.725 AC. (118,691 SF +/-)

EXISTING ZONING: CG

MELODY COURT P.U.D. DEVELOPMENT STANDARDS FOR LOT 1:

PERMITTED USES:

USE UNIT 4: PUBLIC PROTECTION
USE UNIT 5: COMMUNITY SERVICES AND CULTURAL FACILITIES
USE UNIT 10: OFF-STREET PARKING AREAS
USE UNIT 11: OFFICES AND STUDIOS*
USE UNIT 12: EATING PLACES OTHER THAN DRIVE-INS*
USE UNIT 13: CONVENIENCE GOODS AND SERVICES*
USE UNIT 14: SHOPPING GOODS AND SERVICES*
USE UNIT 19.5: COMMERCIAL AMUSEMENT ESTABLISHMENT
USE UNIT 21: BUSINESS SIGNS AND OUTDOOR ADVERTISING
*TO INCLUDE A TOTAL OF ONE DRIVE-THRU WINDOW FOR THE ENTIRE LOT

MELODY COURT P.U.D. DEVELOPMENT STANDARDS FOR LOT 2:

PERMITTED USES:

USE UNIT 4: PUBLIC PROTECTION
USE UNIT 5: COMMUNITY SERVICES AND CULTURAL FACILITIES
USE UNIT 20: COMMERCIAL RECREATION, INTENSIVE

ALL OTHER PROVISIONS SHALL BE THE SAME AS THE CG, GENERAL COMMERCIAL ZONE:

MINIMUM FRONTAGE
MAXIMUM FLOOR AREA
MINIMUM BUILDING SETBACK
BUILDING HEIGHT
SCREENING
PARKING
LANDSCAPING
LIGHTING
SITE PLAN REVIEW

OWNER'S ACKNOWLEDGEMENT:

IN WITNESS WHEREOF:
MELODY COURT, LLC, BEING THE OWNER OF MELODY COURT, LOT 1 WHICH IS PLATTED HERewith, HEREBY APPROVES THE FOREGOING DEED OF DEDICATION AND PLAT THIS _____ DAY OF _____, 2021.

ITS MANAGER:

SIGNATURE

PRINTED NAME

STATE OF OKLAHOMA)
) SS.
COUNTY OF TULSA)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2021, BY _____ AS MANAGER OF MELODY COURT, LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY

NOTARY PUBLIC _____

MY COMMISSION EXPIRES: _____

COMMISSION NUMBER: _____

IN WITNESS WHEREOF:
TRAINING WITH PURPOSE, LLC, BEING THE OWNER OF MELODY COURT, LOT 2 WHICH IS PLATTED HERewith, HEREBY APPROVES THE FOREGOING DEED OF DEDICATION AND PLAT THIS _____ DAY OF _____, 2021.

ITS MANAGER:

SIGNATURE

PRINTED NAME

STATE OF OKLAHOMA)
) SS.
COUNTY OF TULSA)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2021, BY _____ AS MANAGER OF TRAINING WITH PURPOSE, LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY

NOTARY PUBLIC _____

MY COMMISSION EXPIRES: _____

COMMISSION NUMBER: _____

CERTIFICATE OF SURVEY

I, CLIFF BENNETT OF BENNETT SURVEYING INC., A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OKLAHOMA, DO HEREBY CERTIFY THAT I HAVE CAREFULLY AND ACCURATELY SURVEYED, SUBDIVIDED, AND PLATTED THE TRACT OF LAND DESCRIBED ABOVE, AND THAT THE ACCOMPANYING PLAT DESIGNATED AS "MELODY COURT", A SUBDIVISION IN THE CITY OF JENKS, TULSA COUNTY, STATE OF OKLAHOMA, IS A TRUE REPRESENTATION OF THE SURVEY MADE ON THE GROUND USING GENERALLY ACCEPTED PRACTICES AND MEETS OR EXCEEDS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED.



CLIFF BENNETT
REGISTERED PROFESSIONAL LAND SURVEYOR
OKLAHOMA NO. _____

STATE OF OKLAHOMA)
) SS.
COUNTY OF TULSA)

THE FOREGOING CERTIFICATE OF SURVEY WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2021, BY CLIFF BENNETT AS A REGISTERED PROFESSIONAL LAND SURVEYOR.

NOTARY PUBLIC _____

MY COMMISSION EXPIRES: _____

COMMISSION NUMBER: _____



**ORDINANCE NO. 1548
(MELODY COURT UTILITY EASEMENT CLOSURE)**

AN ORDINANCE CLOSING TO PUBLIC USE A CERTAIN UTILITY EASEMENT IN THE CITY OF JENKS PRESENTLY LOCATED IN LOT THREE (3), BLOCK TWO (2) OF MELODY LANE CENTER, ACCORDING TO RECORDED PLAT NO. 3303; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

.....

WHEREAS, on May 7, 1984, the City Council of the City of Jenks, with the approval of Resolution 104, established procedures for the closing of a public right-of-way or easement within the City of Jenks; and

WHEREAS, the owner of certain real property has petitioned for the closure of certain public easements and has an immediate need for use of the same; and

WHEREAS, the City of Jenks, Oklahoma, grantees of said certain easements, has consented to the closing and has been provided alternate rights-of-way or easements, if necessary; and

WHEREAS, a public hearing on said easement closure was held by the Jenks City Council on March 16, 2021, and due consideration has been given to any public comments; and

WHEREAS, the City Council of the City of Jenks, Oklahoma finds that the closing of the described easements will not adversely affect the health, safety, or general welfare of the public and that the same is necessary and expedient.

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

SECTION I. Pursuant to the authority granted by 11 O.S. Section 42-110, that the following described utility easement in the City of Jenks, Tulsa County, Oklahoma:

A TRACT OF LAND LOCATED IN LOT THREE (3), BLOCK TWO (2), MELODY LANE CENTER AND BEING A PART OF THE NORTHEAST QUARTER, SOUTHEAST QUARTER (NE/4, SE/4) OF SECTION TWENTY-FOUR (24), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT THREE (3), BLOCK TWO (2), MELODY LANE CENTER; THENCE N00°00'00"E AND ALONG THE EAST LINE OF SAID LOT THREE (3) FOR A DISTANCE OF 417.67 FEET TO THE POINT OF BEGINNING; THENCE N60°37'13"W FOR A DISTANCE OF 198.34 FEET THENCE N90°00'00"W FOR A DISTANCE OF 12.43 FEET; THENCE N00°17'58"E FOR A DISTANCE OF 15.00 FEET; THENCE N90°00'00"E FOR A DISTANCE OF 16.28 FEET;

THENCE S60°37'13"E FOR A DISTANCE OF 193.83 FEET TO A POINT ON THE EAST LINE OF SAID LOT THREE (3); THENCE S00°00'00"E AND ALONG THE EAST LINE OF SAID LOT THREE (3) FOR A DISTANCE OF 17.21 FEET TO THE POINT OF BEGINNING; SAID TRACT CONTAINING 0.07 ACRES MORE OR LESS.

General Location: 802 W Main St

Is hereby closed.

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

SECTION III. 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 16th day of March 2021

CITY OF JENKS, OKLAHOMA



MAYOR

SECTION IV. That, 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 16th day of March 2021.

CITY OF JENKS, OKLAHOMA



MAYOR

Attest:


CITY CLERK

Approved/as to form:


CITY ATTORNEY

BOB ANTHONY
Commissioner

DENISE M. BODE
Commissioner

JEFF CLOUD
Commissioner



OKLAHOMA CORPORATION COMMISSION
PETROLEUM STORAGE TANK DIVISION
(405) 522-4810 FAX: (405) 521-4945

JIM THORPE BLDG, ROOM 231 • P.O. BOX 52000 • OKLAHOMA CITY, OKLAHOMA 73152-2000

June 5, 2006

Sharp Oil Distributors
Attn: Mike Sharp
823 W Main
Jenks, OK 74037

Reference: Permanent closure of (1) 3,000 gallon, (1) 12,000 gallon, (2) 8,000 gallon, and
(5) 20,000 gallon Underground Storage Tank(s)
Location: Sharp Oil 802 W Main, Jenks, OK
Facility # 7200854

Dear Sir,

Alcorn Services submitted a tank closure report to the OCC on February 9, 2006. The report indicates the above-referenced tanks were permanently removed from the ground on December 12, 2005.

After review of the data submitted, the OCC believes the levels of the chemicals of concern in the soil and groundwater at this site pose no harm to human health, safety, or the environment. The subject tanks are hereby considered permanently closed in accordance with OCC regulations. Should future environmental problems occur, which the OCC determines may be related to this site, additional investigation and corrective action may be required in accordance with State Law.

If you have any questions regarding this matter, please contact me at (405) 521-6397.

Sincerely yours,

Miranda Lenocker
Environmental Compliance Analyst

cc: Facility file #7200854
Alcorn Services, Loren Alcorn

To	Planning Commission
Hearing Date	December 09, 2021
Case Number	JZ 21 PUD 132 South County Crossing II
Request	<i>Approve a Rezoning and PUD overlay for office warehouse and other uses</i>
Location	North of 121 st between Elwood and Elm

Staff Report

Preparer | Marcaé Hilton

Attachments

PUD 132

Lot Split Exhibit

Deed Restriction

Preparer

Ryan McCarty, Select Design

Fritz Land Surveying, LLC

City of Jenks Archives

Background Information

PUD 132 | STAFF COMMENTARY

South County Crossing II is a proposed horizontal mixed-use, commercial development requesting approval of a Planned Unit Development to allow office, office/warehouse, garage condos, enclosed RV storage, and limited retail opportunities on a 21.41-acre tract of undeveloped land within the City of Jenks.

Staff is recommending a combination of underlying zonings (OM, CG and AG). Development Area A is currently zoned Office Medium and will not change. Staff is recommending Commercial General for Development areas B, C, and D. The current Jenks Zoning Code is designed and worded considerably different from the newly recommended UDO. Staff has inserted a chart to show the different uses per the PUD, zoning and UDO.

The project is located on the north side of West 121st Street South between South Elwood Avenue and South Elm Street. A property owners' association will be formed, and dues established for the maintenance of the private streets, proposed detention facilities and common areas. The property is bordered by a single-family residential development to the north and east, Fire Station Number 2 to the west, and a large parcel zoned IM to the south across 121st Street. West of the Fire Station is an area that is partially developed for mini storage, it was approved in April 2017.

The residential properties to the north will be buffered by the large dedicated reserve area. In addition, the proposed detention pond on this site separates the western properties with greenspace and detention ponds.

Public Comment None at the time of this report

General Location North of 121st and West of Elm

Zoning | Development Area/Uses

Chapter 10 Use Units Comparison Chart		Districts					
No.	Name	PUD	C G	CH	I L	IM	NEW UDO
1.	Area wide Uses		X	X	X	X	
2.	Area wide Specific Use		S	S	S	S	
4.	Public Protection		X	X	E	E	
5.	Community Services and Cultural Facilities		X	X	X	X	
8.	Multifamily Dwellings and Similar uses		P	P			
10.	Off-Street Parking Areas	"A, C"	X	X	X	X	Not a Use Unit in new UDO
11.	Offices and Studios	"A, C"	X	X	X	X	Professional Office
12.	Eating Places Other Than Drive-Ins		X	X	E	E	
13.	Convenience Goods and Services	"C"	X	X	E	E	General Retail, Services, Brewery etc., Coffee,
14.	Shopping Goods and Services		X	X	E	E	
15.	Other Trades and Services (*RV Storage Only) (**Non-habitable Condo for lease)	"B*, D**"	X	X	X	X	Self-Storage
16.	Gasoline Service Stations		X	X	X	X	
17.	Automotive and Allied Activities		X	E			
18.	Drive-In Restaurants		X	X			
19.	Hotel, Motel, and Recreation Facilities (*Enclosed Recreation & Pool)	"C**"	X	X			General Entertainment
20.	Commercial Recreation, Intensive		S	S	S	S	
21.	Business Signs and Outdoor Advertising		X	X	X	X	
22.	Warehousing and Wholesaling	"C"	E		X	X	Warehouse Office
23.	Mining and Mineral Processing				S	S	
24.	Light Manufacturing and Industrial Research and Development	"C"	E	P	X	X	Brewery, Lab, Manufacturing Light & Heavy
26.	Heavy Manufacturing and Industry					E	
27.	Tattoo and Massage		X				
X = Use by Right. E = Special Exception S = Specific Use P = Requires Planned Unit Development							
Prohibited Uses "C" Sexually Oriented Business, Medical Marijuana							

Development Area "A" Office & Studios

1.453 Acres

6.8% of Development

OM (Office Medium)

Building Height 20 ft.

Screening | wooden privacy fence (6 ft) along south

Development Area "B" RV Storage

1.295 Acres

Development Area “C”	6.0% of Development
	CG (Commercial General)
	Building Height 20 ft.
	Mixed Use Office/Warehouse/Retail
Development Area “D”	7.168 Acres
	33.5% of Development
	CG (Commercial General)
	Building Height 20 ft.
Development Area “E”	Garage Condos
	3.862 Acres
	17.9 % of Development
	CG (Commercial General)
Comprehensive Plan	Building Height 20 ft.
	Reserve Area/Drainage
	7.670 Acres
	35.8% of Development
Plat	CG (Commercial General)
	Screening Wooden privacy fence, 6 feet along north boundary of E.1
	Business Park
	Unplatted Platting is required
STR	Section: 36, Township: 18N, Range: 12E
Zoning	North PUD 18, (RS-2) Single-family Residential Churchhill Park
	East PUD 18, (RS-2) Single-family Residential Churchhill Park
	South AG City of Jenks Fire Station “Ewing Perryman” & IM Industrial Medium
	Undeveloped
	West PUD 28, (RS-2) Single-family Residential Churchhill Park & SUP 117 Ministorage

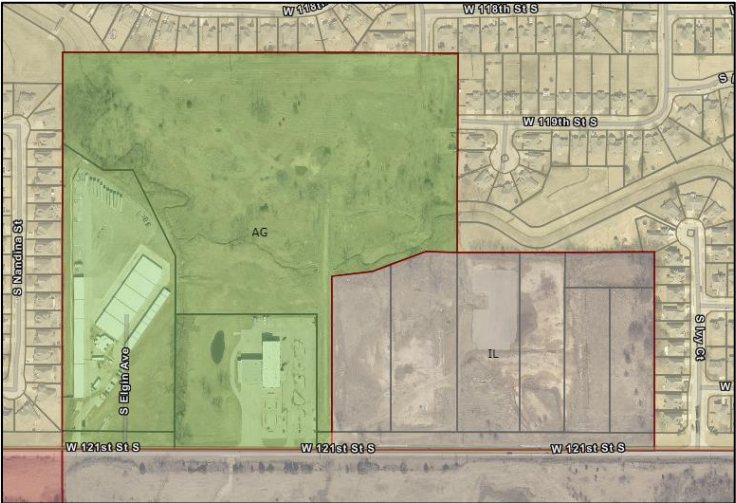
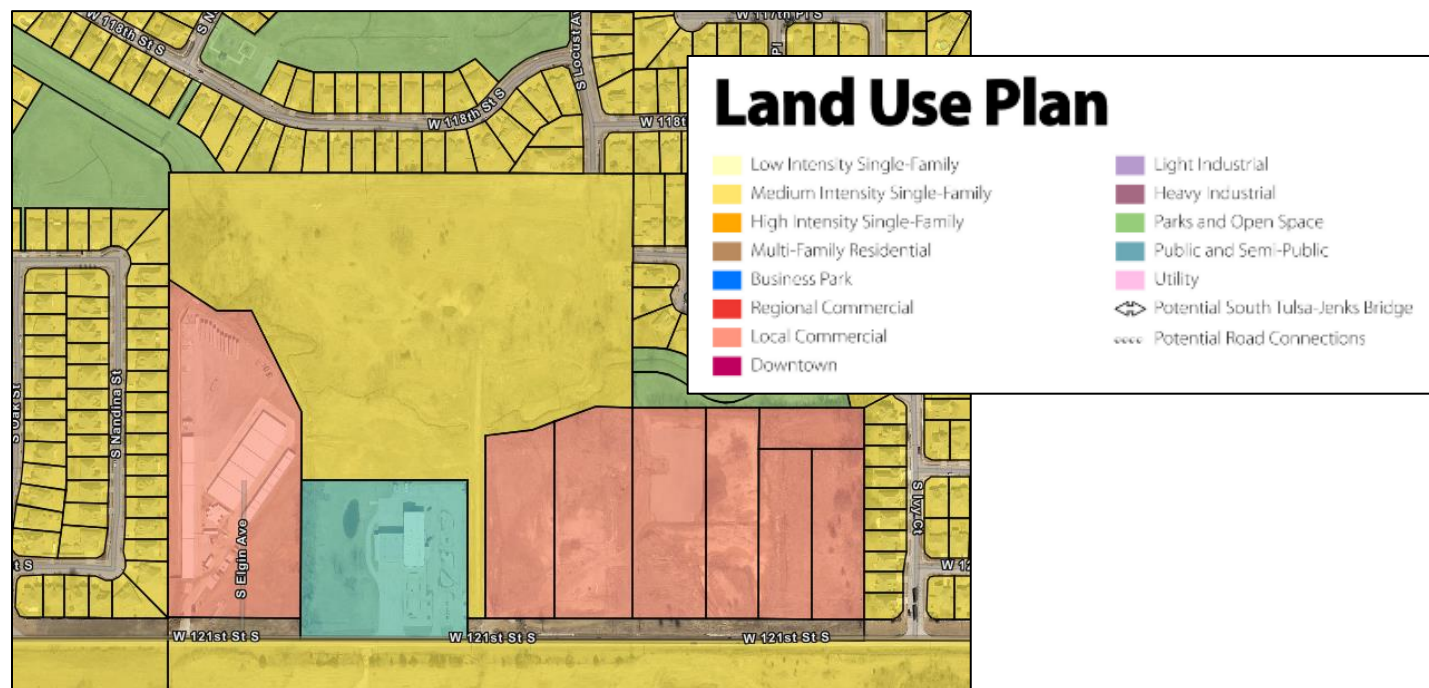
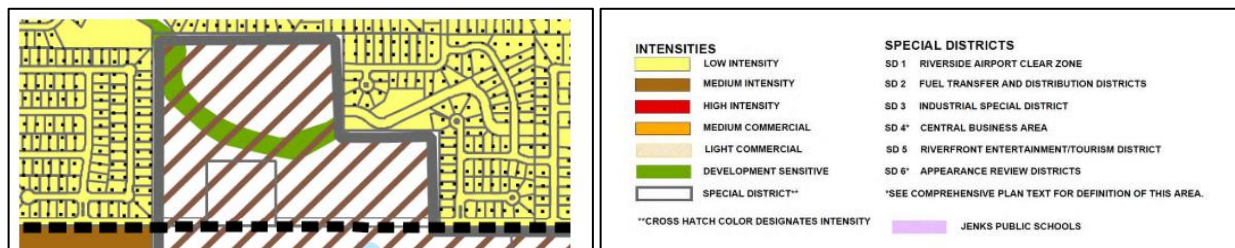


Figure 1: Zoning Map | GIS



Staff Evaluation & Recommendation

Evaluation PUD 132 is a request to rezone to a combination of zonings and place a restrictive zoning (Planned Unit Development) over the entire described PUD area. The land has a filed deed with restrictions describing the types of uses allowed and specifically prohibiting residential uses. In addition, the deed recommends Industrial and Commercial uses stating at no time will any persons be domiciled or otherwise reside on the property. Noting the restrictions due to previous oil and gas production, staff believes the recommended uses described within the PUD fit the intent of the Comprehensive Plan as it existed at the time of purchase and meets the intent of the Horizon Jenks Comprehensive Plan. This project sits back from west 121st Street South about 450 feet. The majority of the project is screened and/or will not be seen from the street due to the distance from 121st.

1. Approving this request would allow for the owner to develop the entire area for a mix of uses including those allowed By Right in Commercial General and By Right/Special Exception in Industrial Light.

2. Staff believed this a creative use of the property and the applicant has provided a unified treatment of the development tract.

RECOMMENDATION | *Staff recommends conditional approval PUD 132*

1. *Platting is required*
2. *Add 132 to face of PUD*
3. *Page 14 | add CG*
4. *Add Prohibited Uses...see Pages 15, 19, 20*
5. *Page 7 of PDF add screening along southern boundary (site plan)*
6. *Adhere to engineering and planning requirements*
7. *Adhere to all building code and fire code*

Planned Unit Development

SOUTH COUNTY CROSSING II

Jenks, Oklahoma

November 23, 2021

UPDATED Exhibits C & J – 11/29/2021



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I. Development Concept

South County Crossing II is a proposed horizontal mixed-use, commercial development requesting approval of a Planned Unit Development to allow office, office/warehouse, garage condos, enclosed RV storage, and limited retail opportunities on a 21.41-acre tract of undeveloped land within the City of Jenks. The project is located on the north side of West 121st Street South between South Elwood Avenue and South Elm Street. A property owners' association will be formed, and dues established for the maintenance of the private streets, proposed detention facilities and common areas.

Objectives:

- To permit and encourage innovative land development while maintaining appropriate limitation on the character and intensity of use and assuring compatibility with adjoining and proximate properties
- To permit greater flexibility within the development to best utilize the physical features of the particular site
- To encourage the provision and preservation of meaningful open space
- To encourage integrated and unified design and function of the various uses comprising the planned unit development
- To encourage a more productive use of land consistent with the public objectives and standards of accessibility, safety, infrastructure and land use compatibility.

Legal Description

A TRACT OF LAND THAT IS PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE/4 SW/4) OF SECTION THIRTY-SIX (36), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SE/4 OF THE SW/4 OF SAID SECTION 36; THENCE NORTH 88°55'08" EAST ALONG THE SOUTH LINE OF THE SW/4 OF SAID SECTION 36 A DISTANCE OF 853.09 FEET; THENCE NORTH 01°04'52" WEST A DISTANCE OF 60.00 FEET TO A POINT ON THE NORTHERN RIGHT-OF-WAY LINE OF WEST 121ST STREET SOUTH AND THE POINT OF BEGINNING; THENCE NORTH 01°07'33" WEST A DISTANCE OF 389.69 FEET; THENCE SOUTH 88°55'16" WEST A DISTANCE OF 475.10 FEET; THENCE NORTH 01°07'33" WEST A DISTANCE OF 194.56 FEET; THENCE NORTH 27°32'38" WEST A DISTANCE OF 319.09 FEET; THENCE SOUTH 88°52'30" WEST A DISTANCE OF 97.52 FEET; THENCE NORTH 58°21'45" WEST A DISTANCE OF 165.04 FEET TO A POINT ON THE WEST LINE OF THE SE/4 OF THE SW/4 OF SAID SECTION 36; THENCE NORTH 01°09'53" WEST ALONG SAID WEST LINE A DISTANCE OF 302.82 FEET TO THE NORTHWEST CORNER OF THE SE/4 OF THE SW/4 OF SAID SECTION 36; THENCE NORTH 88°53'07" EAST ALONG THE SOUTH LINE OF CHURCHILL PARK, BLOCKS 14-21, PLAT NO. 5403 A DISTANCE OF 1321.86 FEET TO THE NORTHEAST CORNER OF THE SE/4 OF THE SW/4 OF SAID SECTION 36; THENCE SOUTH 01°09'18" EAST A DISTANCE OF 661.33 FEET TO A POINT ON THE NORTH LINE OF SOUTH COUNTY CROSSING, PLAT NO. 6849; THENCE SOUTH 88°54'12" WEST A DISTANCE OF 104.26 FEET; THENCE SOUTH 68°47'47" WEST A DISTANCE OF 191.10 FEET; THENCE SOUTH 82°02'36" WEST A DISTANCE OF 135.85 FEET TO THE NORTHWEST CORNER OF LOT ONE (1), BLOCK ONE (1) OF SAID SOUTH COUNTY CROSSING; THENCE SOUTH 01°07'33" EAST ALONG THE WEST LINE OF SAID LOT ONE (1) A DISTANCE OF 519.29 FEET TO A POINT ON THE NORTHERN RIGHT-OF-WAY LINE OF WEST 121ST STREET SOUTH; THENCE SOUTH 88°55'08" WEST ALONG SAID NORTHERN RIGHT-OF-WAY LINE A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 932,661.7 SQ. FEET OR 21.41 ACRES.

EXHIBIT A
VICINITY MAP



EXHIBIT B
AERIAL PHOTO



EXHIBIT C
CONCEPTUAL SITE PLAN

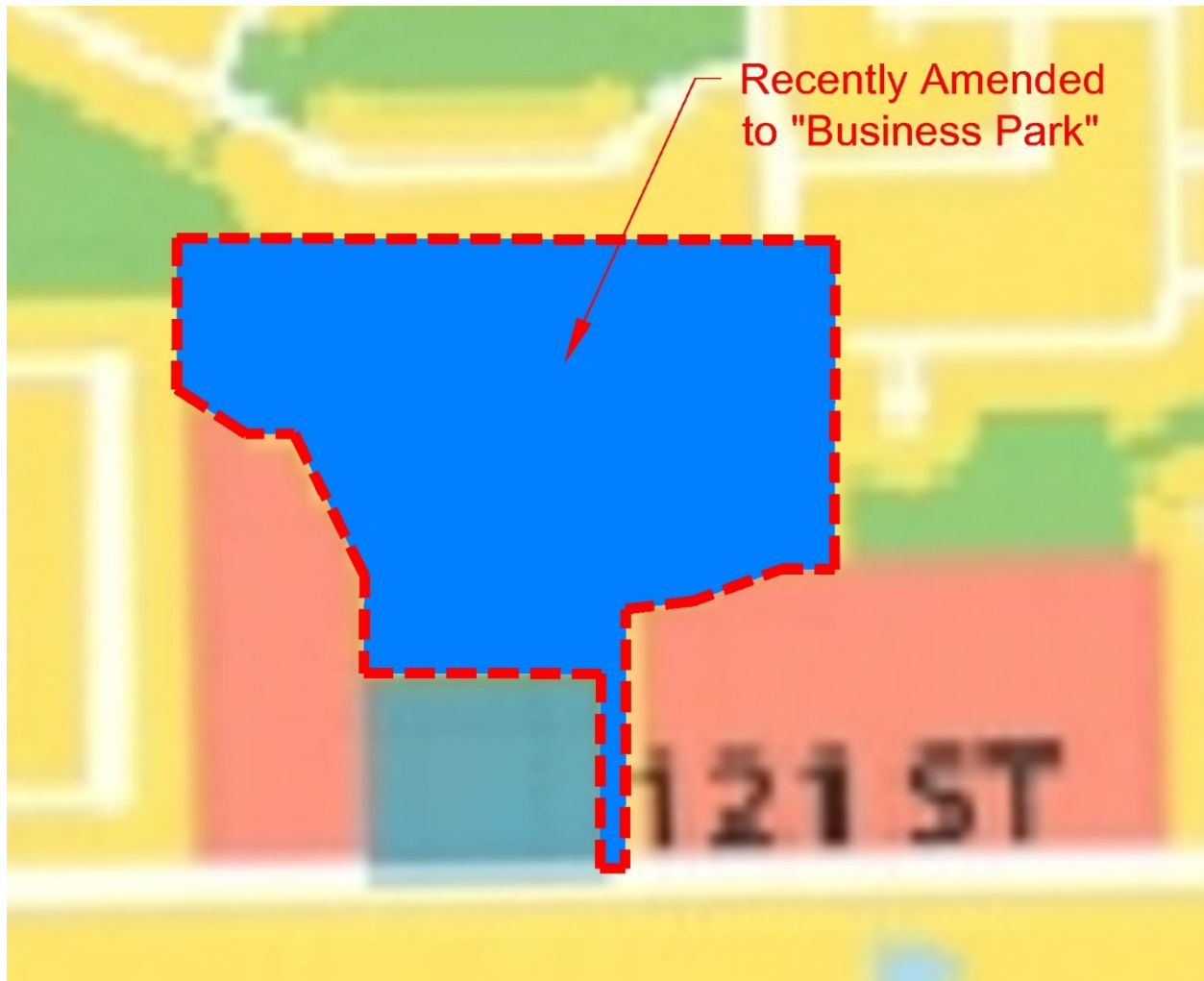
EXHIBIT D
EXISTING ZONING MAP



EXHIBIT E
PROPOSED ZONING MAP



EXHIBIT F
JENKS COMPREHENSIVE PLAN



Land Use Plan



EXHIBIT G
JENKS COMPREHENSIVE PLAN
“COMMERCIAL & INDUSTRIAL AREAS PLAN”



- 3 Maintain flexibility for safe, sustainable reuse:** This site was previously used as a petroleum storage facility and limited related activity continues. Future development will be contingent on review and remediation of any environmental concerns. The Land Use Plan identifies the site for medium-intensity residential land use, and it should continue to be prioritized for this use. If the area is deemed inappropriate for residential development due to contamination, the City should encourage the portion of the site that fronts 121st Street for local commercial or business park development and consider acquiring the remaining portions for a community park.

EXHIBIT H
BUILDING ELEVATION CONCEPTS

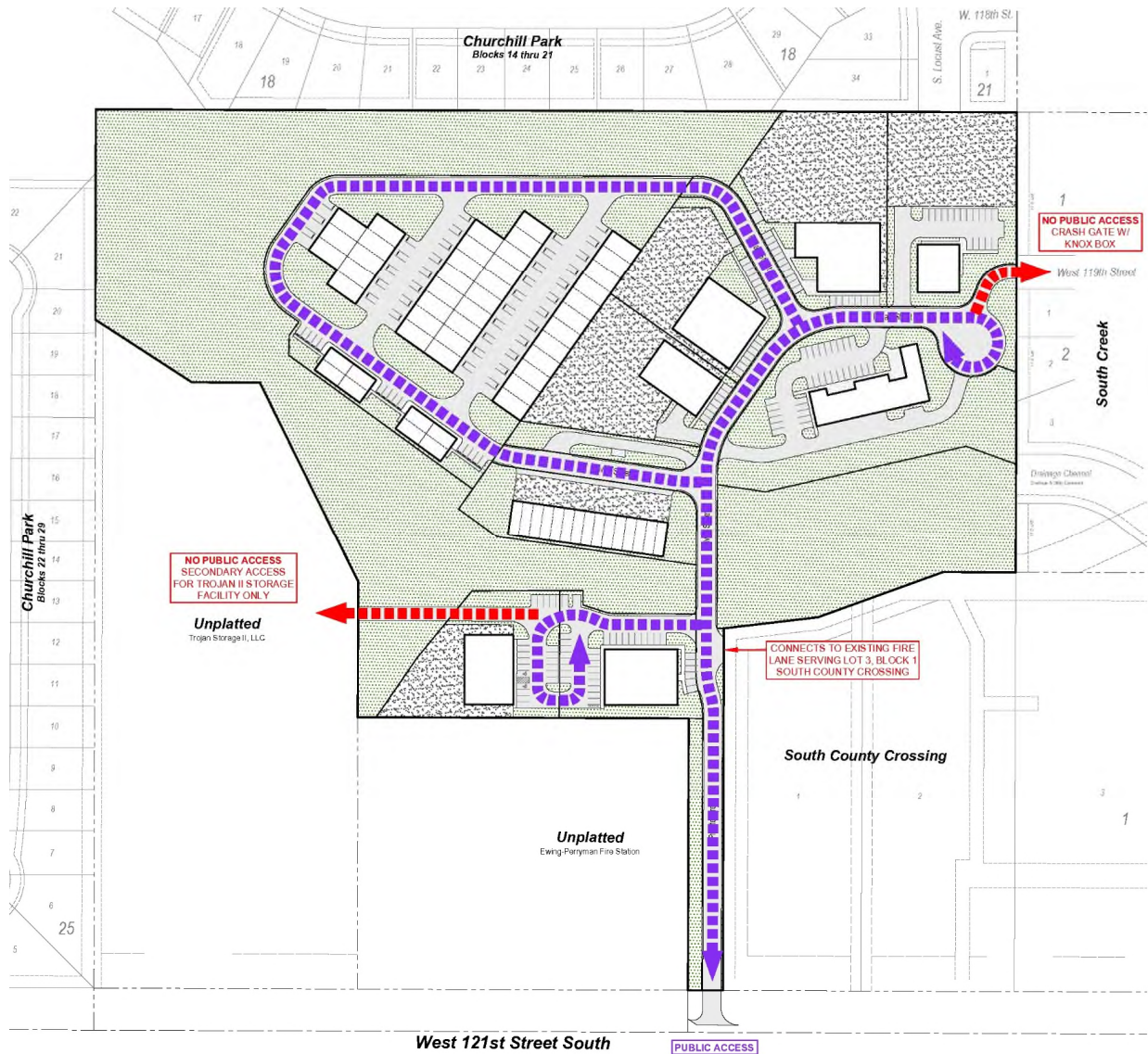


EXHIBIT I
SIGNAGE CONCEPT



EXHIBIT J

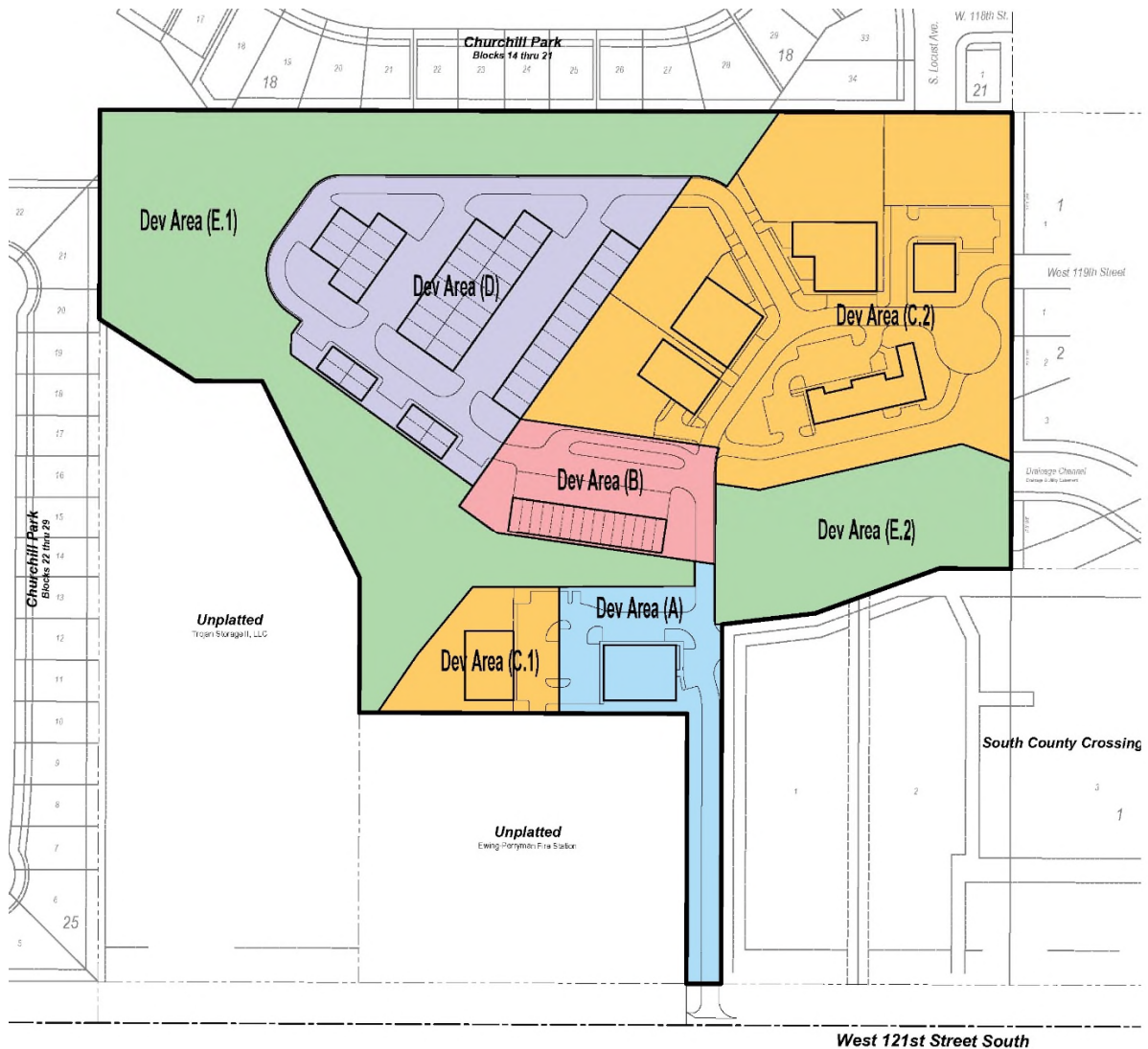
VEHICULAR ACCESS & CIRCULATION



II. Development Standards

DEVELOPMENT AREAS SUMMARY

AREA	USE	SF	ACRES	% OF TOTAL	ZONING
A	Office & Studios	63,284.7	1.453	6.8	OM
B	RV Storage	56,407.8	1.295	6.0	PUD CG
C	Office / Warehouse / Retail	312,237.2	7.168	33.5	PUD CG
D	Garage Condos	166,644.1	3.826	17.9	PUD CG
E	Reserve Area / Drainage	334,087.9	7.670	35.8	AG
TOTALS		932,661.7	21.4		



DEVELOPMENT AREA - A

Office & Studios - proposed building shown on the Conceptual Site Plan is approximately 8,400 SF.

Net Lot Area: 63,284.7 SF (1.453 AC)

Zoning: OM

Permitted Uses:

- Use Unit 10: Off-Street Parking Areas
- Use Unit 11: Offices and Studios

Maximum Building Square Footage: 15,821 SF

Based on maximum 0.25 F.A.R. per Jenks Zoning Code – Section 530

Minimum Building Setbacks:

North Boundary: N/A

East Boundary: N/A

South Boundary: N/A

West Boundary: 15 feet

Maximum Building Height: 20 feet

Parking Requirements: Per Jenks Zoning Code

Screening: A wooden privacy fence, six feet in height, shall be constructed along the south boundary being the common property line with Ewing-Perryman Fire Station.

Internal Screening: No internal screening of differing uses within the boundaries of the PUD is required.

Prohibited Uses - Sexually Oriented Business, Medical Marijuana

DEVELOPMENT AREA - B

Enclosed RV Storage - proposed building shown on the Conceptual Site Plan is approximately 11,250 SF.

Net Lot Area: 56,407.8 SF (1.295 AC)

Zoning: PUD

Permitted Use:

- Use Unit 15: Other Trades and Services (RV Storage Only)

Maximum Building Square Footage: N/A

Minimum Building Setbacks:

North Boundary: N/A

East Boundary: N/A

South Boundary: N/A

West Boundary: N/A

Maximum Building Height: 20 feet

Parking Requirements: None

Internal Screening: No internal screening of differing uses within the boundaries of the PUD is required.

DEVELOPMENT AREA – C

Mixed Use:

- Office & Studios
- Office/Warehouse including light manufacturing / research and development
- Retail opportunities - centered around “artisan” type establishments (i.e. boutique, salon, etc.)
- Limited commercial recreation establishments

Net Lot Area: 312,237.2 SF (7.168 AC)

Zoning: PUD

Permitted Uses:

- Use Unit 10: Off Street Parking Areas
- Use Unit 11: Office and studios
- Use Unit 13: Convenience Goods and Services
- Use Unit 19: Hotel, Motel, and Recreation Facilities
 - Enclosed commercial recreation establishments NEC
 - Swimming pool (enclosed)
- Use Unit 22: Warehousing and Wholesaling
- Use Unit 24: Light Manufacturing and Research and Development

Excluded Uses:

- Use Unit 28: Sexually Oriented Business
- Use Unit 29: Medical Marijuana

USE UNIT 11

Maximum Floor Area Ratio: 0.25

USE UNITS 13 & 19

Maximum Floor Area Ratio: 0.50

USE UNITS 22 & 24

Maximum Floor Area Ratio: N/A

Minimum Building Setbacks:

Dev. Area C.1

North Boundary: N/A
East Boundary: N/A
South Boundary: 15 feet
West Boundary: N/A

Dev. Area C.2

North Boundary: 100 feet
East Boundary: 50 feet
South Boundary: N/A
West Boundary: N/A

Maximum Building Height: 20 feet

Parking Requirements: Per Jenks Zoning Code, except Use Unit 22

- 0-9,999 SF of floor area: 5 parking spaces
- 10,000-19,999 SF of floor area: 8 parking spaces
- More than 20,000 SF of floor area: 10 parking spaces

Screening: A wooden privacy fence, six feet in height, shall be constructed along the south boundary of Dev. Area C.1 being the common property line with Ewing-Perryman Fire Station. A wooden privacy fence, six feet in height, shall be constructed along the north and east boundary of Dev. Area C.2.

Internal Screening: No internal screening of differing uses within the boundaries of the PUD is required.

DEVELOPMENT AREA - D

Garage Condos - proposed buildings shown on the Conceptual Site Plan is approximately 54,000 SF.

Net Lot Area: 166,644.1 SF (3.826 AC)

Zoning: PUD

Permitted Uses:

- Use Unit 15: Other Trades and Services (Garage Condos – Units for Lease)

Maximum Building Square Footage: N/A

Minimum Building Setbacks:

North Boundary: N/A

East Boundary: N/A

South Boundary: N/A

West Boundary: N/A

Maximum Building Height: 20 feet

Parking Requirements:

- Units with enclosed parking garage: 2 parking spaces (1 inside / 1 outside)
- Units without enclosed garage: 2 parking spaces

Internal Screening: No internal screening of differing uses within the boundaries of the PUD is required.

Prohibited Uses-Sexually Oriented Business, Medical Marijuana

DEVELOPMENT AREA – E

Open Space / Storm Water Detention & Overland Drainage Easement
Reserve area shall be maintained by Property Owners' Association

Net Lot Area: 334,087.9 SF (7.670 AC)

Zoning: AG

Permitted Uses:

- Use Unit 1: Area Wide Uses By Right

Screening: A wooden privacy fence, six feet in height, shall be constructed along the north boundary of Dev. Area E.1.

Internal Screening: No internal screening of differing uses within the boundaries of the PUD is required.

Prohibited Uses-Medical Marijuana

III. General Provisions

A. Screening:

1. Service equipment (including HVAC equipment) and areas shall be screened so the visual impacts of these functions are fully contained and out of view from a person standing on the ground at the perimeter of the PUD boundary.
2. Screening materials for solid waste collection and loading areas shall be a six-foot tall wooden fence. Trash dumpsters shall have a door, which shall remain closed when not in use.

B. Lighting:

1. All pole-mounted and building-mounted lighting shall be oriented to minimize light leaving the development.
2. The mounting height of each fixture light shall not exceed 20' as measured from the pavement to the light fixture.
3. A photometric study shall be provided to verify a maximum light level of 0.00 foot-candles is obtained at the perimeter of the PUD boundary.
4. All lights will face down and away from the PUD boundary.

C. Signage:

1. The height of freestanding sign shall be measured from the grade where the sign is located and shall not exceed thirty feet (30') in height. (Refer to Exhibit I – Signage Concept)
2. No sign permit shall be issued until a Detailed Site Plan is prepared and approved by the City of Jenks.

D. Utilities:

Proposed public utility infrastructure design shall be submitted to and approved by the City Engineer and in accordance with the City of Jenks Engineering Design Criteria.

E. Drainage:

The majority of the site will be graded to allow for surface water to drain to proposed detention facilities or be collected in an internal storm sewer system that will route to proposed detention facilities. The final drainage and grading design will be designed in conformance with City of Jenks Engineering Design Criteria.

F. Vehicular Access and Circulation:

All private driveway and/or street connections shall be subject to the City Engineer curb cut permit approval for the proposed access points on West 121st Street South, and the Fire Chief's approval of locations, spacing, widths, and curb return radii. (Refer to Exhibit J – Vehicular Access and Circulation)

G. Emergency Vehicle Access:

A fire apparatus road (20' wide) shall be established and maintained for emergency vehicles. Pavement striping, signage, etc. shall be submitted to and approved by the Fire Chief.

H. Detailed Site Plan Review:

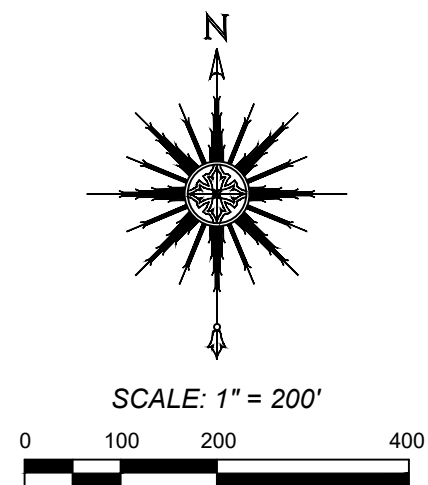
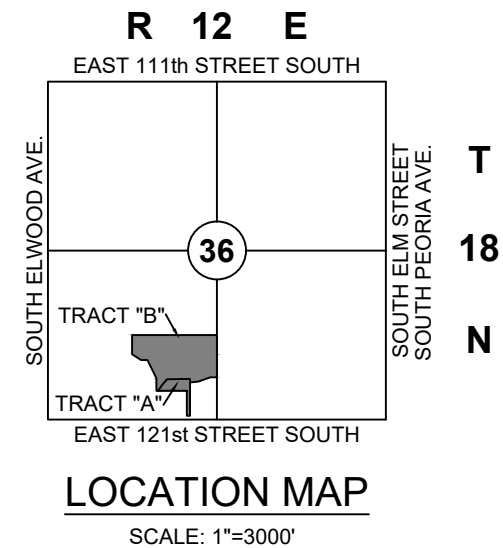
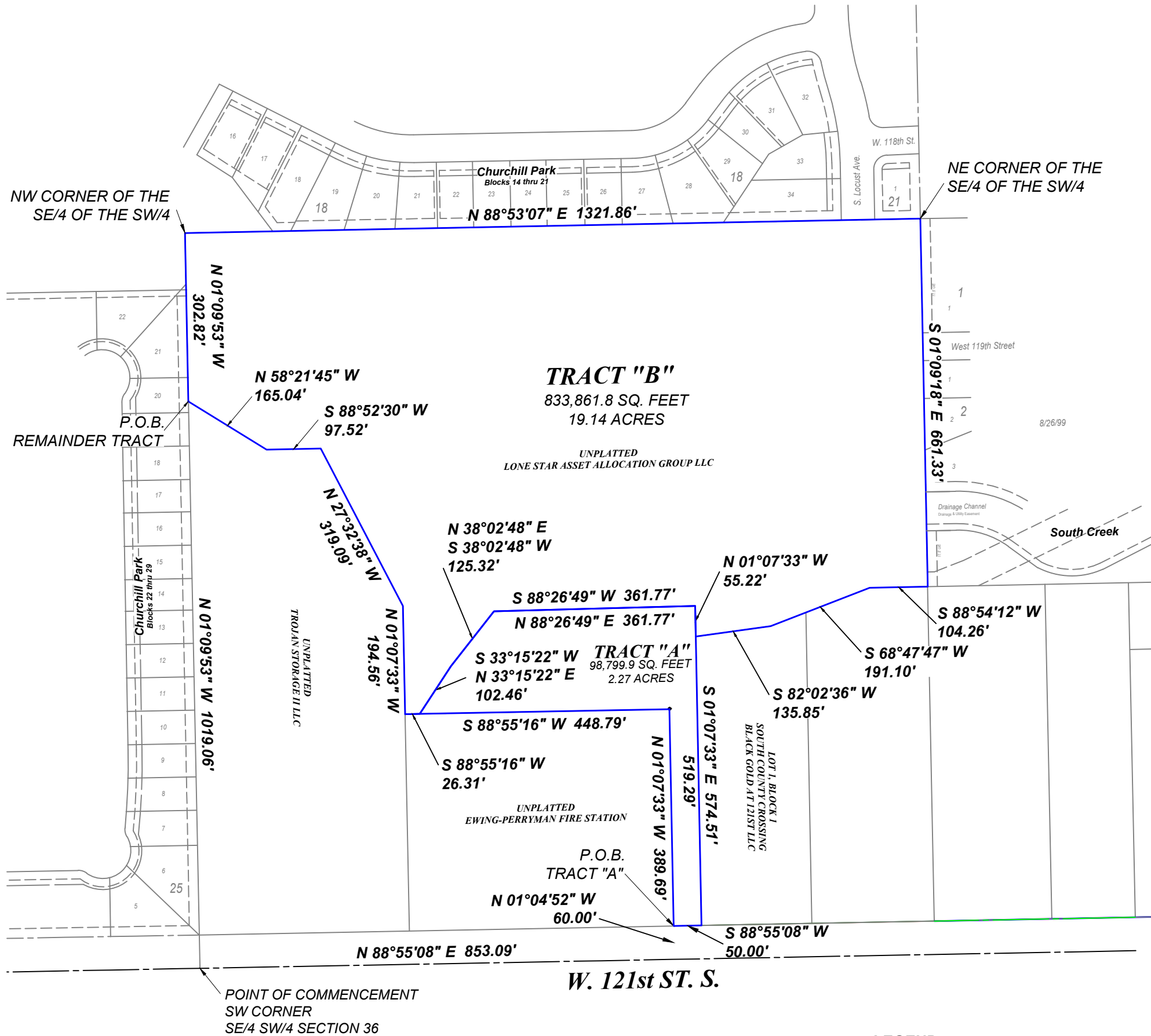
No building permit shall be issued until a detailed site plan is submitted to and approved by the Jenks Planning Commission and City Council in accordance with the City of Jenks Zoning Code. Any standard requirements of the City of Jenks Fire Chief, City Engineer, and City Attorney shall be met as part of the PUD Detailed Site Plan Approval.

I. Requirement to Plat:

No building permit shall be issued until a preliminary plat containing restrictive covenants memorializing the above development standards is prepared and approved by the City of Jenks Planning Commission. A certificate of occupancy shall not be issued until a plat containing restrictive covenants memorializing the above development standards is prepared and filed in accordance with the City of Jenks Subdivision Regulations.

IV. Anticipated Construction Schedule

Construction shall commence within 6 months from the date this PUD is approved by City Council.



LOT LINE ADJUSTMENT

PART OF THE SW/4 OF SECTION THIRTY-SIX (36),
TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWELVE (12) EAST
VACANT LAND, JENKS, TULSA COUNTY, OKLAHOMA 74037

SURVEY: AJN	DATE: 06.25.2021	PREPARED BY: FRITZ LAND SURVEYING, LLC 2017 W. 91ST STREET, TULSA, OK 74132 PH: 918.231.0575 FRITZLANDSURVEYING@GMAIL.COM C.A. # 5848 EXPIRES: 6-30-2022
DRAFT: RLL	DATE: 07.08.2021	
APPROVED: PLS	DATE: 07.08.2021	
SHEET 1 OF 2	PROJ. NO. 21260	

LEGEND

P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT



Tulsa County Clerk - Michael Willis

Doc # 2017114856 Page(s): 5 Recorded 12/13/2017 09:35:57 AM

Receipt # 17-69130 Fees: \$21.00 Doc Stamp:\$ 487.50

③

Record & Return to:
 American Eagle Title Group
 401 NW 13th St, Suite 520
 Oklahoma City, OK 73103
 File # 1602-0014-68

After recording, return to:
 Kevin L. Jordan
 Black Gold Group
 2021 S. Lewis Ave., Ste. 301
 Tulsa, Oklahoma 74104

SPECIAL WARRANTY DEED

KNOW ALL BY THESE PRESENTS:

THAT **Koch Pipeline Company, L.P.**, a Delaware limited partnership ("**Grantor**"), successor by merger to Bow Pipe Line Company, an Oklahoma corporation, with an address at 4111 East 37th Street North, Wichita, Kansas 67220, in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration in hand paid, the receipt and sufficiency of which is hereby acknowledged, does hereby grant, bargain, sell, convey and assign unto **Trojan Storage II, LLC**, an Oklahoma limited liability company, ("**Grantee**"), with an address at 2021 S. Lewis Avenue, Suite 301, Tulsa, Oklahoma 74104, all of Grantor's right, title and interest in and to that certain parcel of real property more particularly described on **Schedule 1** attached hereto and incorporated herein by reference, together with all of Grantor's right, title and interest, if any, in and to all buildings, fixtures and other improvements located thereon and all rights, privileges and easements appurtenant thereto (the "**Property**") subject, however, to all matters of record and the following restrictive covenant:

To the fullest extent permitted by applicable law, Grantee, on its behalf and on behalf of its successors and assigns and all present and future owners and occupiers of and/or successors in title or interest to the Property and part thereof (collectively, "**Property Owners**"), agrees to the following (collectively referred to hereafter as the "**Restrictions**"): (i) to not allow the Property to be used for residential purposes; it being the expressed intent of the Parties that the Property will be used for industrial or other commercial uses only and that at no time will any persons be domiciled or otherwise reside on the Property, (ii) to prevent the withdrawal of groundwater on, at, under or from the Property for any use except for monitoring purposes; and (iii) to ensure that any penetration or excavation of the Property is not greater than 6 feet deep and is conducted in such a manner as to prevent the migration or release of contaminants to any other zone or media and to prevent uncontrolled exposure to human and ecological receptors. The term "residential purposes" shall include, but not be limited to, use for dwellings such as single family houses or multi-family dwellings and apartments, children's homes, nursing homes, residential portions of government-owned lands (local, state or federal), day care facilities, educational facilities, hospitals residential portions of range or farm land, and parks (local, state or federal). The above covenants shall apply to and bind each and every Property Owner, and their respective successors and assigns, and shall operate as a covenant running with the land and passing with title to the Property and any part thereof.

The Restrictions shall not act to waive, rescind or modify any other restrictions that may be in effect against the Property, it being the intention that the Restrictions are to supplement and not replace, modify or amend any restrictions or other covenants pertaining to the use of the Property in effect as of the date hereof. Grantee may request in writing a waiver of the Restrictions but no waiver, rescission, amendment or other modification of the Restrictions shall be effective unless made in a writing signed by an officer of Grantor. The waiver of or failure to enforce any of the restrictions or covenants contained herein shall in no event be deemed to be a waiver of the right to do so at any time thereafter.

GRANTEE ACKNOWLEDGES AND AGREES THAT GRANTOR HAS NOT MADE, DOES NOT MAKE, AND EXPRESSLY DISCLAIMS ANY WARRANTIES, REPRESENTATIONS, COVENANTS, OR GUARANTEES, EITHER EXPRESS OR IMPLIED, WHETHER ARISING BY OPERATION OF LAW OR OTHERWISE, AS TO THE MERCHANTABILITY, QUANTITY, QUALITY, ENVIRONMENTAL CONDITION, OR PHYSICAL CONDITION OF THE PROPERTY OR ITS SUITABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE OR USE. GRANTEE AFFIRMS THAT IT: (I) HAS INVESTIGATED AND INSPECTED THE PROPERTY AND IS FAMILIAR AND SATISFIED WITH ITS ENVIRONMENTAL CONDITION AND PHYSICAL CONDITION, AND (II) HAS MADE ITS OWN DETERMINATION AS TO THE: (A) MERCHANTABILITY, QUANTITY, QUALITY, ENVIRONMENTAL CONDITION AND PHYSICAL CONDITION OF THE PROPERTY, INCLUDING THE POSSIBLE PRESENCE ON, AT, UNDER, OR EMANATING FROM THE PROPERTY OF HAZARDOUS MATERIALS OR OTHER ENVIRONMENTAL CONTAMINATION, AND (B) THE PROPERTY'S SUITABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE OR USE.

GRANTEE HEREBY ACCEPTS THE PROPERTY IN ITS PRESENT ENVIRONMENTAL CONDITION AND PHYSICAL CONDITION ON AN "AS IS", "WHERE IS", AND "WITH ALL FAULTS AND DEFECTS", INCLUDING ENVIRONMENTAL, BASIS, REGARDLESS OF HOW SUCH FAULTS AND DEFECTS WERE CAUSED OR CREATED (BY GRANTOR'S NEGLIGENCE, ACTIONS, OMISSIONS, OR FAULT, OR OTHERWISE), AND ACKNOWLEDGES THAT: (A) WITHOUT THIS ACCEPTANCE, THIS SALE WOULD NOT BE MADE, AND (B) GRANTOR SHALL NOT BE UNDER ANY OBLIGATION WHATSOEVER TO UNDERTAKE ANY IMPROVEMENT, REPAIR, MODIFICATION, ALTERATION, REMEDIATION, OR OTHER WORK OF ANY KIND WITH RESPECT TO ANY OF THE PROPERTY.

GRANTOR IS HEREBY EXPRESSLY RELEASED BY GRANTEE AND ITS SUCCESSORS AND ASSIGNS FROM ANY AND ALL RESPONSIBILITIES, LIABILITIES, OBLIGATIONS, AND CLAIMS, KNOWN AND UNKNOWN, WHETHER BASED UPON NEGLIGENCE, STRICT LIABILITY OR OTHERWISE, ARISING UNDER ENVIRONMENTAL STATUTES, COMMON LAWS, OR ANY OTHER LEGAL REQUIREMENT, INCLUDING ANY OBLIGATIONS TO TAKE THE PROPERTY BACK AND ANY ACTIONS FOR CONTRIBUTION, INDEMNITY, OR TO IMPROVE, REPAIR,

OR OTHERWISE MODIFY THE PHYSICAL CONDITION OR OPERATION OF THE PROPERTY, THAT GRANTEE OR ITS SUCCESSORS OR ASSIGNS MAY HAVE AGAINST GRANTOR OR THAT MAY ARISE IN THE FUTURE, BASED, IN WHOLE OR IN PART, UPON THE PRESENCE OF HAZARDOUS MATERIALS OR OTHER ENVIRONMENTAL CONTAMINATION ON, AT, UNDER, OR EMANATING FROM THE PROPERTY OR ARISING FROM THE ENVIRONMENTAL CONDITION OR PHYSICAL CONDITION OF THE PROPERTY, REGARDLESS OF HOW CAUSED OR CREATED (BY GRANTOR'S NEGLIGENCE, ACTIONS, OMISSIONS, OR FAULT, PURSUANT TO ANY STATUTORY SCHEME OF STRICT LIABILITY, OR OTHERWISE). GRANTEE FURTHER ACKNOWLEDGES THAT THE PROVISIONS OF THIS SECTION HAVE BEEN FULLY EXPLAINED TO GRANTEE AND THAT IT FULLY UNDERSTANDS AND ACCEPTS THE SAME AS A CONDITION TO PROCEEDING WITH THIS TRANSACTION. GRANTEE ACKNOWLEDGES THAT NONE OF GRANTOR'S EMPLOYEES, AGENTS, OR REPRESENTATIVES HAS MADE ANY STATEMENTS OR REPRESENTATIONS CONTRARY TO THE PROVISIONS OF THIS SECTION.

GRANTOR MAKES NO WARRANTY OR REPRESENTATION, EXPRESS, IMPLIED, STATUTORY OR OTHERWISE, AS TO THE ACCURACY OR COMPLETENESS OF ANY TITLE OPINION, DATA, REPORTS, RECORDS, PROJECTIONS, INFORMATION, OR MATERIALS NOW, HERETOFORE, OR HEREAFTER FURNISHED OR MADE AVAILABLE TO GRANTEE IN CONNECTION WITH THE PROPERTY, INCLUDING ANY DESCRIPTION OF THE PROPERTY, THE PRICING ASSUMPTIONS, THE ENVIRONMENTAL CONDITION OR PHYSICAL CONDITION OF THE PROPERTY, ANY OTHER MATTERS CONTAINED IN THE DATA, OR ANY OTHER MATERIALS FURNISHED OR MADE AVAILABLE TO GRANTEE BY GRANTOR OR BY GRANTOR'S EMPLOYEES, AGENTS, OR REPRESENTATIVES. GRANTEE HAS RELIED, AND WILL RELY, SOLELY UPON ITS INDEPENDENT INVESTIGATION OF, AND JUDGMENT WITH RESPECT TO, THE PROPERTY AND ITS VALUE.

TO HAVE AND TO HOLD said described Property unto the Grantee, Grantee's successors and assigns forever. Grantor warrants title to the Property, subject to the foregoing exceptions and restrictions, unto Grantee against any and all acts, conveyances, liens and encumbrances affecting such Property made or suffered to be made or done by, through or under Grantor, but not otherwise.

[Remainder of page intentionally left blank]

IN WITNESS WHEREOF, Grantor has executed this instrument on the date set forth in the acknowledgement block below to be effective as of the 11th day of December, 2017.

KOCH PIPELINE COMPANY, L.P. (JCB)
By Koch Pipeline Company, LLC, its general
partner

By Bob O'Hair

Name: Bob O'Hair

Title: Executive Vice President

ACKNOWLEDGMENT

STATE OF KANSAS)
) SS.
COUNTY OF SEDGWICK)

This instrument was acknowledged before me this 8th day of December, 2017, by Bob O'Hair, as Executive Vice President of Koch Pipeline Company, LLC, a Delaware limited liability company and the general partner of Koch Pipeline Company, L.P., a Delaware limited partnership, for and on behalf of said limited partnership.



Marie A. Methe
Notary Public

My Commission Expires:

June 14, 2020

Schedule 1

Legal Description of the Property

A portion of the land conveyed to Bow Pipe Line Company, now known as Koch Pipeline Company, L.P., by Deed filed in Book 4815, Page 1370 in the records of the County Clerk of Tulsa County, Oklahoma, and such portion described as follows:

(Tract A)

A tract of land of land in the southeast quarter of the southwest quarter of Section 36, Township 18 North, Range 12 East, of the Indian Base and Meridian, City of Jenks, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, said tract of land being described as follows:

Commencing at the southwest corner of said southeast quarter of the southwest quarter;

Thence North 01°09'26" West along the west line of said southeast quarter of the southwest quarter for 60.00 feet to the point of beginning;

Thence continuing North 01°09'26" West along said west line for 959.06 feet;

Thence south 58°31'21" East for 165.14 feet;

Thence North 88°52'30" East for 97.52 feet;

Thence South 27°32'38" East for 319.09 feet;

Thence South 01°07'33" East for 584.61 feet;

Thence South 88°55'08" West parallel with and 60.00 feet north of the south line of said southeast quarter of the southwest quarter for 378.08 feet to the point of beginning.

To	Planning Commission
Hearing Date	December 09, 2021
Case Number	JZ 21 PUD 133 "B" Street Gardens
Request	<i>Approve a Rezoning and PUD overlay for townhomes</i>
Location	South of "B" Street and East of East 5 th Street

Staff Report

Preparer | Marcaé Hilton

Attachments
PUD 133
Legal Notice Map

Preparer
JR Donelson
INCOG

Background Information

PUD 133 | STAFF COMMENTARY

This requested project is located within the Downtown Transition Area as identified in the Comprehensive Plan. The blocks in question are immediately north of the Downtown Core and are surrounded of a mix of uses ranging from single-family detached homes to higher density housing, office uses and Jenks Public Schools. "B" Street is more auto oriented than the Main Street, staff believes this infill project will provide for a vibrant new development and will encourage walkability, connectivity and a sense of place in this downtown neighborhood. The applicant has submitted a request to rezone from RS-2 (Residential Single-family) to RM-2 (Residential Multi-family) and a restrictive Planned Unit Development (PUD 133). The project is planned as a multi-family (Townhomes) 'B Street Gardens.' The property is situated at the southeast corner of East 'B' Street and North 5th Street. The property is presently vacant and will be required to be re-platted.

Public Comment	Two persons from the public called
General Location	South East corner of 5 th and "B" 504-518 E B ST N
Comprehensive Plan	High Intensity Single-family

Zoning	Development Area/Uses
--------	-----------------------

	RS-2	PUD 133	RTH	RM-2
Lot Width (min. ft.)	75	25	20	20
Lot Area (min. sq. ft.)	9,000	1,800	1,800	1,800
Land Area of development Per D.U. (min. sq. ft.)	10,875	1,749.66/actual 2,420/code	3,630	2,420
STRUCTURE HEIGHT (Max. Ft.)	35	35	35	35
LIVABILITY SPACE Per D.U. (min. sq. ft.)	5,000	400/code	1,400	400
Residential Collector—Not an Arterial	15	35	15	15
Rear Yards (min. ft.) Alley	25		20	10
Side Yards (min. ft.)	NA	NA	NA	NA
—One side yard	10	5	10	10
—Other side yard	5	5	10	10
A minimum of three townhouse lots.				

Plat Data

Jenks Original Town, Filed 07/15/1905

Parcel Data

Lots 4-12, Block 10

Parcel ID 60525831901320

Property Address 504 E B ST N

Legal W/2 LT 10 ALL LTS 11 12 BLK 10

Gross Acres 0.20

Parcel ID 60525831901310

Property Address 508 E B ST N

Legal LTS 8 9 & E/2 LT 10 BLK 10

Gross Acres 0.20

Parcel ID 60525831901300

Property Address 512 E B ST N

Legal LT 7 BLK 10

Gross Acres 0.08

Parcel ID 60525831901290

Property Address Not Assigned

Legal LTS 4 5 6 BLK 10

Gross Acres 0.24

STR

Section: 19, Township: 18N, Range: 13E

Zoning

North | (PUD 102/RM-2) Residential Multi-family 523 *Brownstones* & (RS-3) Single-family

East | (OM) Office Medium

South | (RM-3) Residential Multi-family (No PUD)

West | (RS-3) Single-family Residential



Figure 1: Zoning Map | INCOG

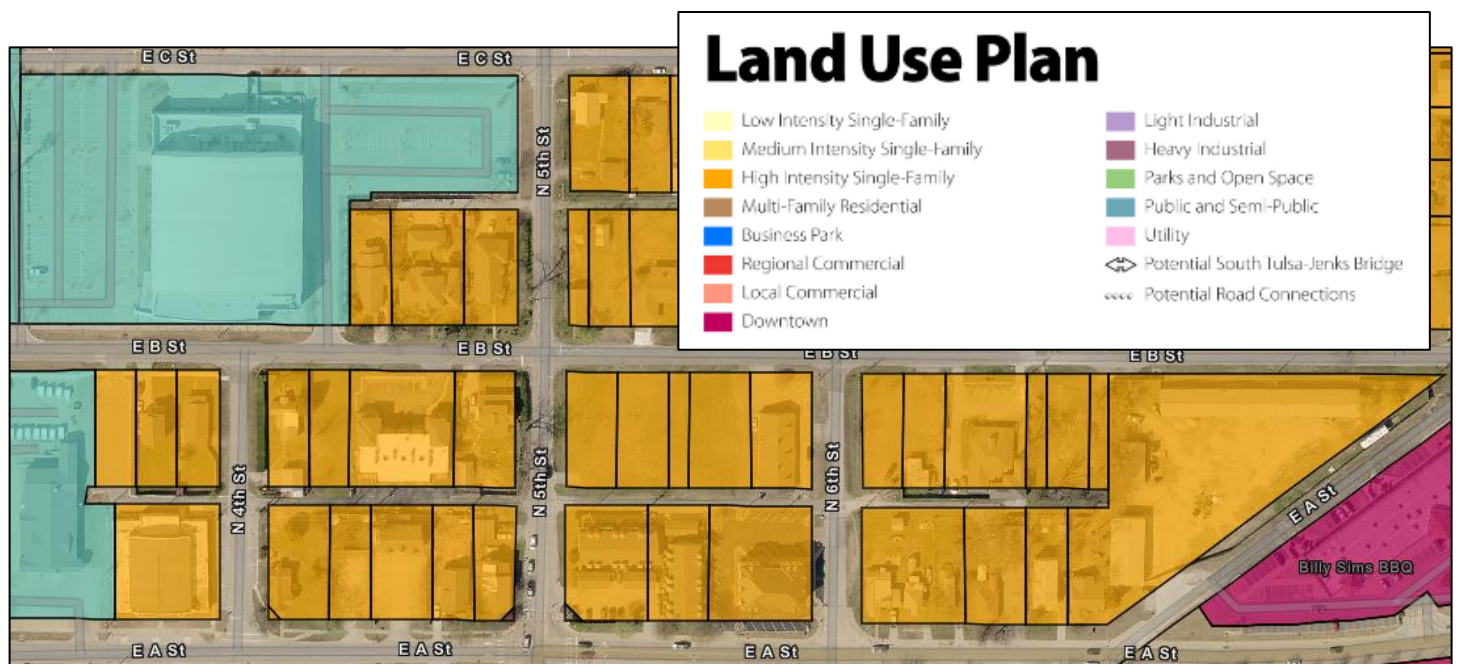


Figure 2: Current Land Use Plan

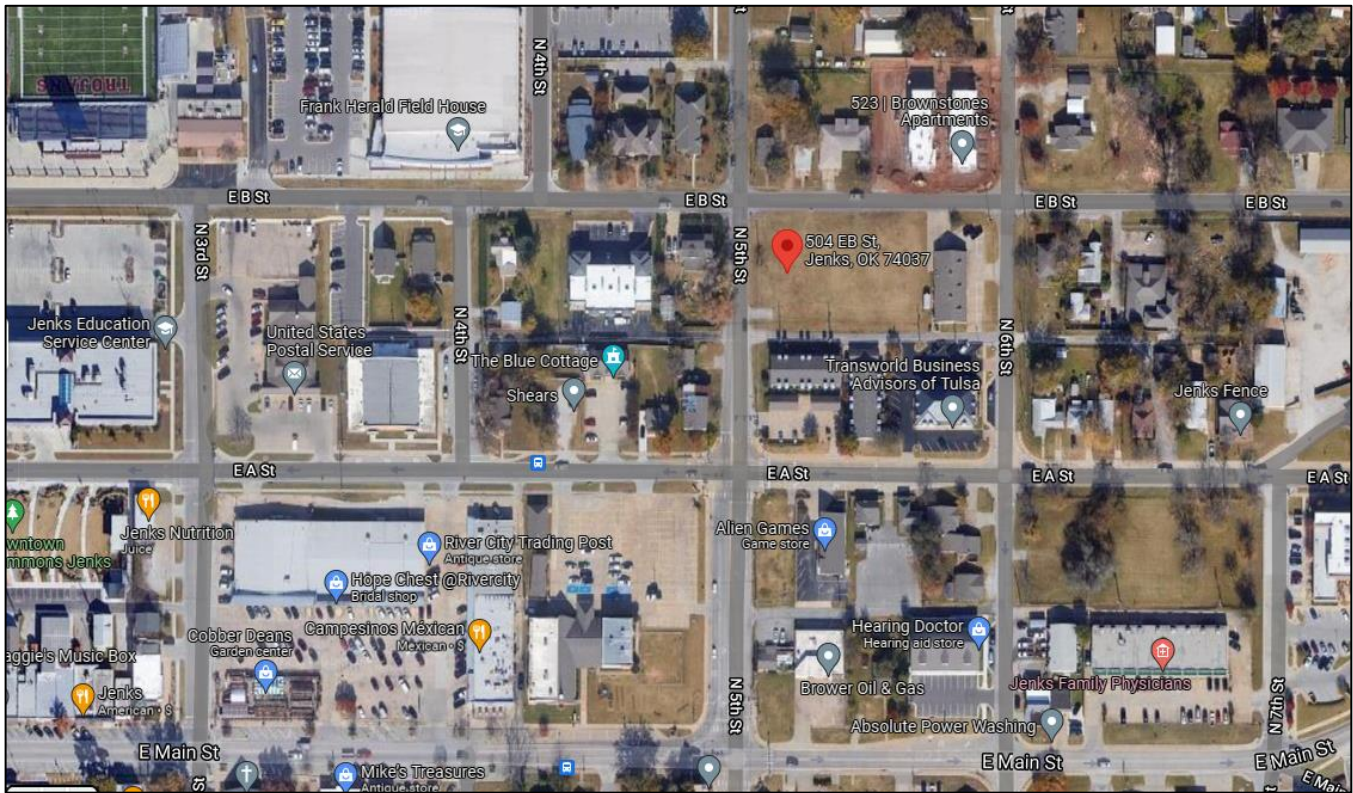


Figure 3: Google Maps



Figure 4: 5th and B



Figure 5: Google Maps

Evaluation PUD 133 is a request to rezone to RM-3 (Residential Multi-family) and place a restrictive zoning (Planned Unit Development) over the entire area. The project is a similar in design to 523 Brownstone Apartments, in this case the applicant plans to build townhomes. The materials are brick with a traditional architectural style.

1. Approving this request would allow for the owner to develop the entire area as townhomes.
2. Staff believed this PUD has provided a unified treatment of the development tract.
3. Approval is a waiver of some Bulk and Area requirements as currently presented in the Code.

RECOMMENDATION | *Staff recommends conditional approval of PUD 133*

1. *Replatting is required*
 - a. *Utility Easements may not be adequate | TBD during TAC and Platting*
 - b. *Sidewalks are required along all streets*
 - c. *Plat must be filed before building permit is issued*
2. *Alley will be improved to City specifications*
3. *Add 133 to face of PUD*
4. *Page 1 | add Comprehensive Plan language*
5. *Adhere to engineering and planning requirements*
6. *Adhere to all building code and fire code*

B Street Gardens

**An Addition located in the
Jenks – Original Township
of Section 19, T-18-N, R-13-E, Tulsa County, Oklahoma.**

PLANNED UNIT DEVELOPMENT NUMBER 133

Prepared by:
JR Donelson, Inc.
12820 So. Memorial Dr., Office 100
Bixby, Oklahoma 74008
918-394-3030
Email: jrdon@tulsacoxmail.com

October 28, 2021

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I. Development Concept

'B Street Gardens' comprises 0.723 acres in one development area. The 0.723 acres gross (hereinafter the "Property" or the "Site") located in the S/2 (South Half) of Section 19, T-18-N, R-13-E. The property is situated at the southeast corner of East 'B' Street and North 5th Street. The property is presently vacant and will be required to be re-platted.

The project is planned as a multi-family use project, being Townhouses. Exhibit 1 is a Concept Illustration of the Site Plan.

Zoning.

The present zoning of the Property is RS3 (Single Family District. The Site is located within the jurisdiction of the Jenks Comprehensive Plan. The proposed use is the construction of Single-Family dwelling 'Townhouses'. The proposed zoning is 'RM2', Residential Multi-Family District. Adjacent property zoning is shown on Exhibit 7.

Comprehensive Plan High Intensity Single-family

Features of the Site Area.

Located adjacent to North 5th Street and East 'B' Street, the property is vacant. The property has been platted as 'Jenks-Original Town'. Water and sanitary sewer are present. Neither East 'B' Street nor North 5th Street are curbed and drainage is via a bar ditch. Storm water runoff flows into the bar ditch and then is captured in storm sewer pipe. There are multi-family dwellings to the south of this site and north of this site. Single family residential is to the west and office space to the east. Jenks Public Schools is situated one block to the west of this site.

FEMA Flood Map

The flood map which applies to this site is 40143C0364L, effective date: 10/16/2012. The FEMA 100 year water surface elevation is 614.00. The finish floor of each building unit will be according to the current City of Jenks building requirements.

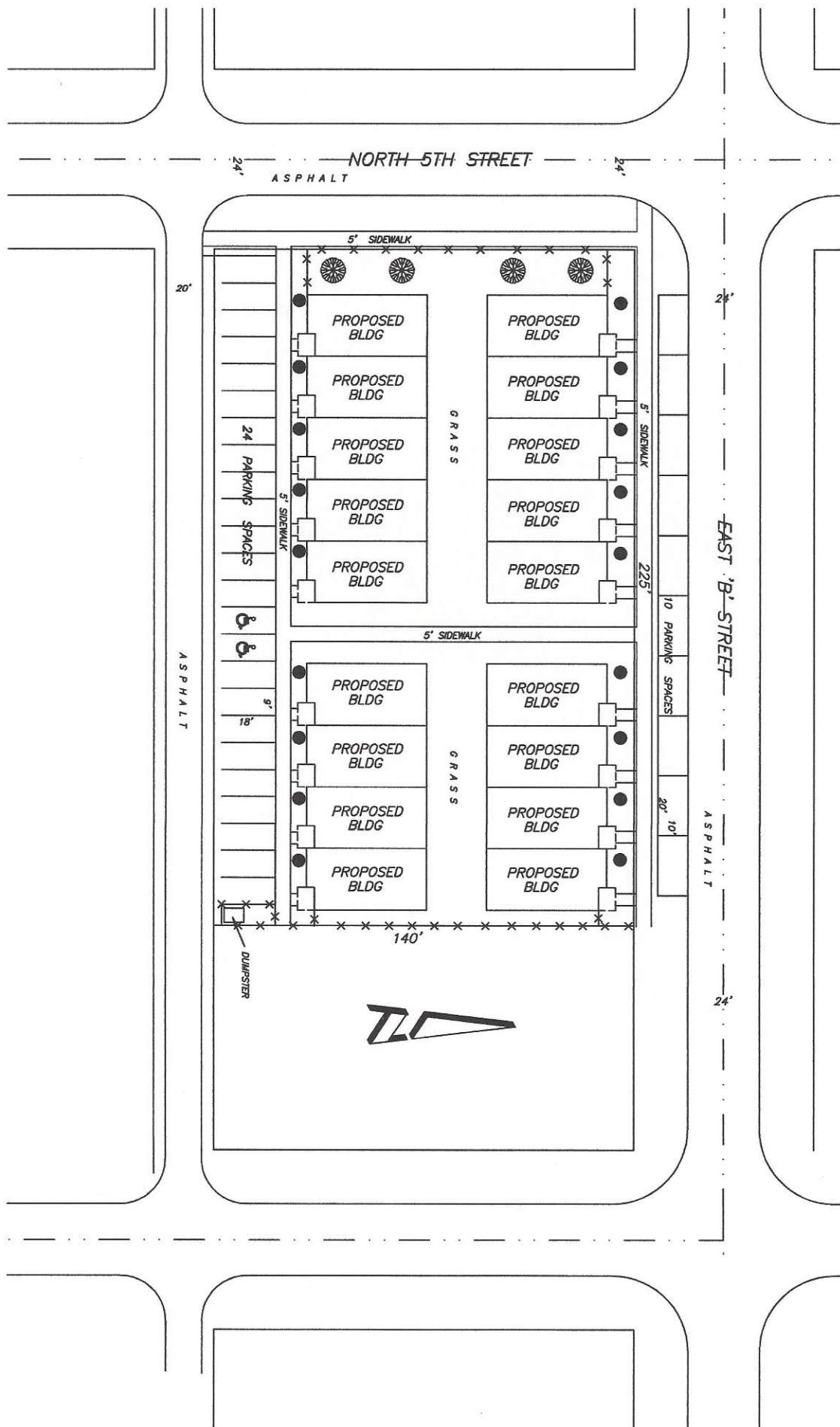


EXHIBIT 1

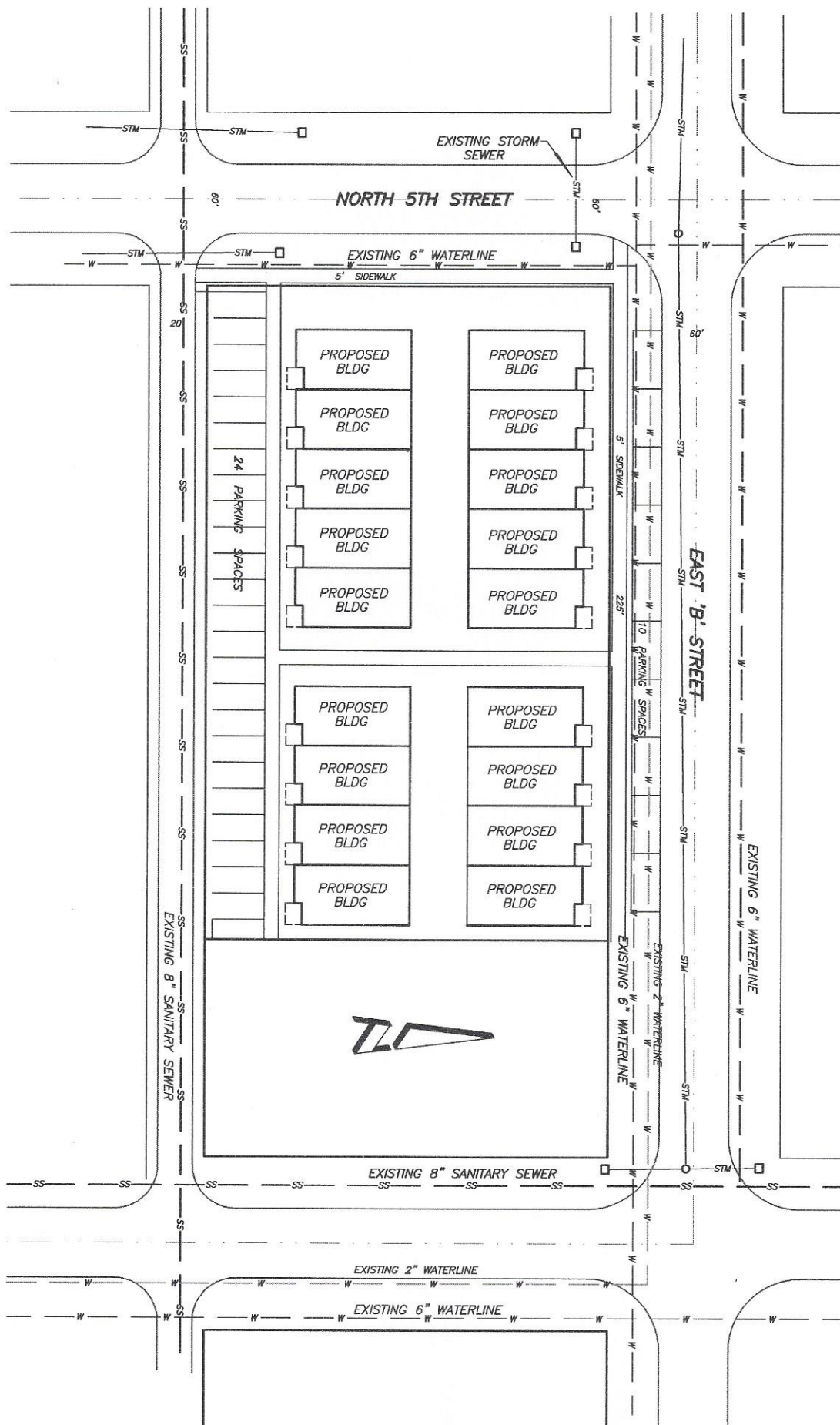
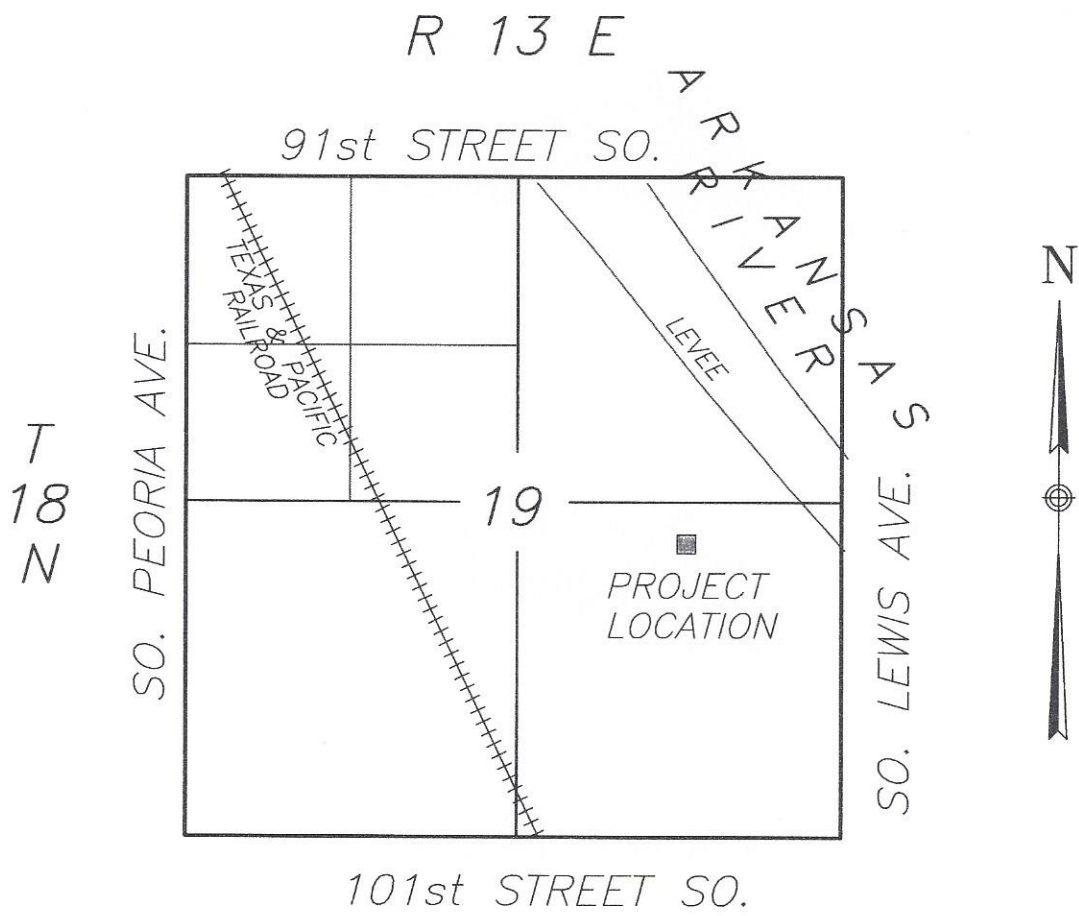
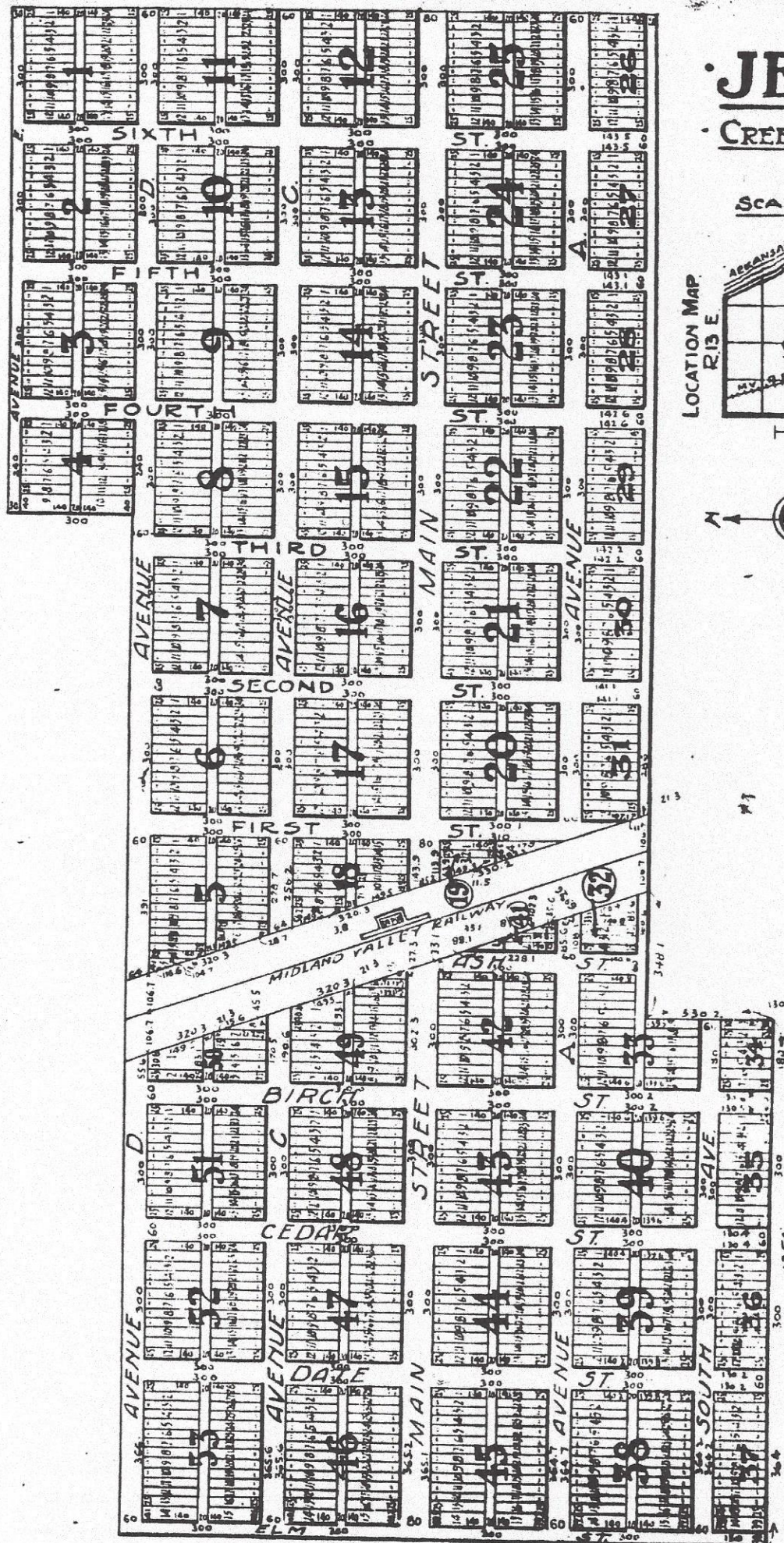


EXHIBIT 2



LOCATION MAP



JENKS
CREEK NATION
 I. T.
 SCALE 1" = 400'

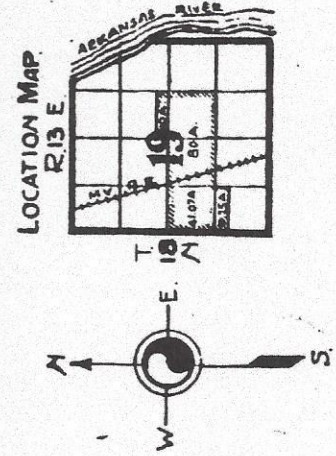


EXHIBIT 4

PLAT FILED
 IN SAPULPA 7/15/05.

PHONE OSAGE 2557

1650
 COPYRIGHT 1923, BY A. THORNE

B STREET GARDENS

A SUBDIVISION TO THE CITY OF JENKS, TULSA COUNTY, STATE OF OKLAHOMA, BEING A RE-SUBDIVISION OF LOTS 4 THRU 12, BLOCK 10, JENKS - ORIGINAL TOWN, ACCORDING TO THE RECORDED PLAT THEREOF.

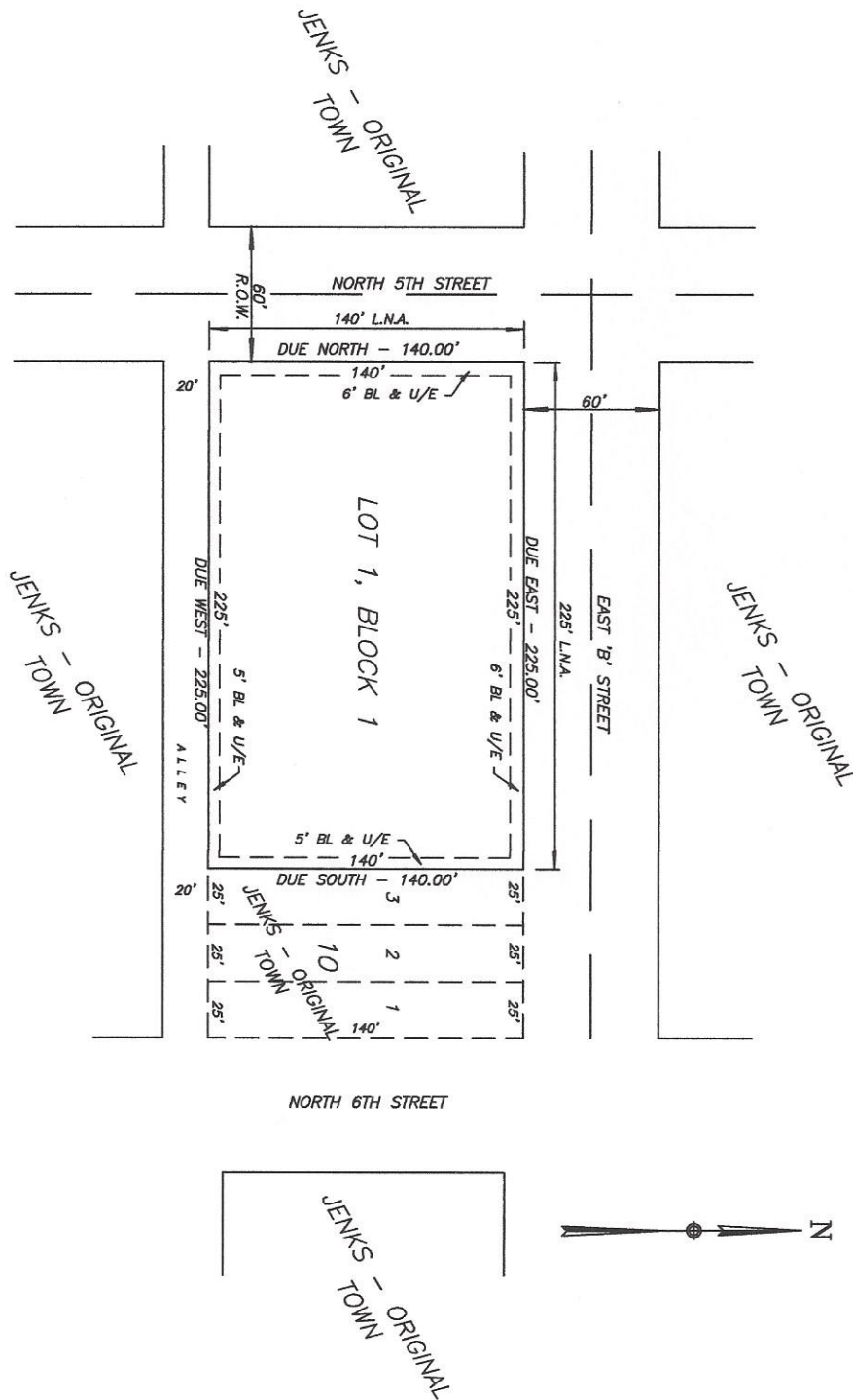


EXHIBIT 5

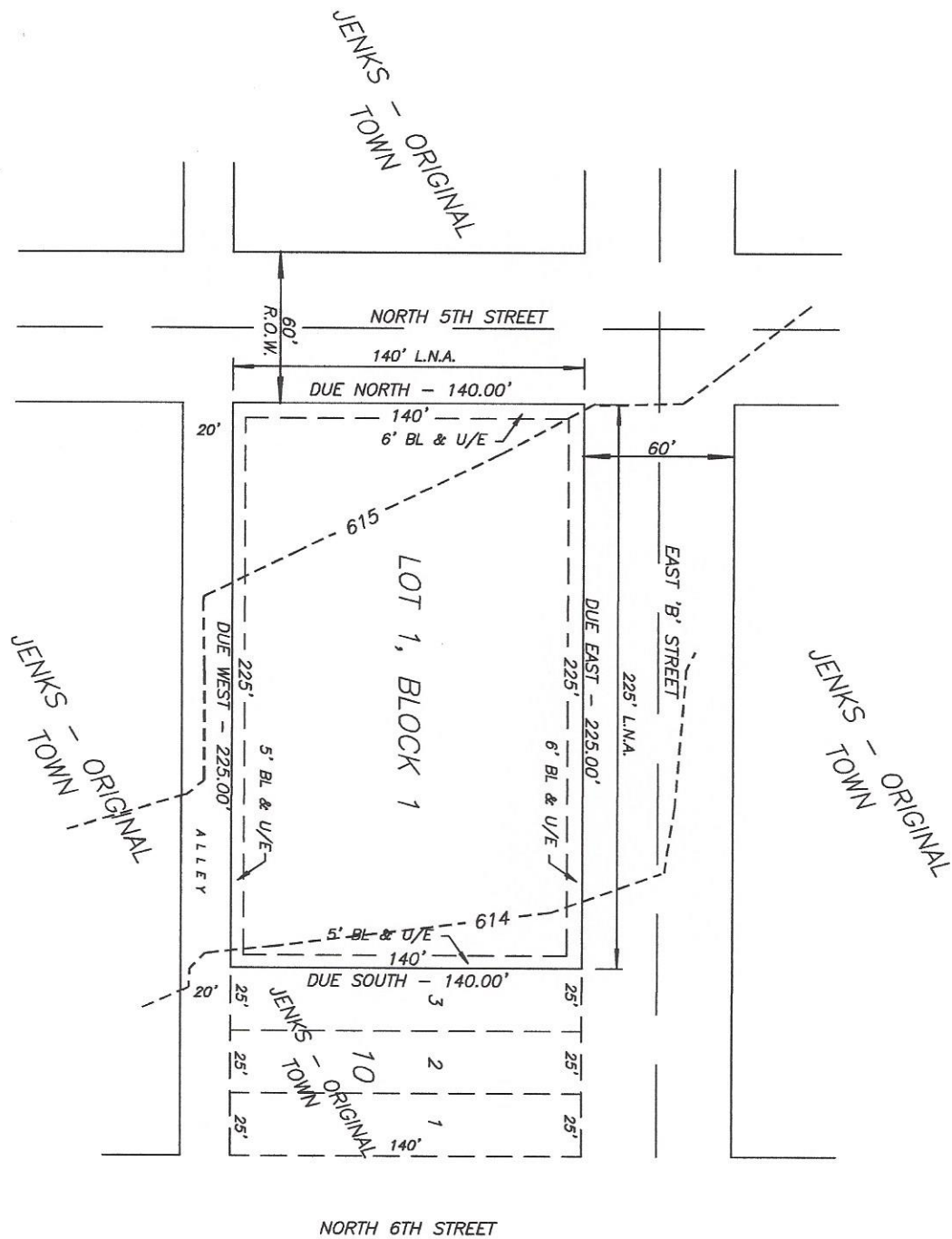


EXHIBIT 6





EXHIBIT 8

II. Development Standards, Development Area “A” - Lot 1, Block 1

Gross land area

0.723 acres

BULK AND AREA REQUIREMENTS IN RESIDENTIAL MULTIFAMILY DISTRICTS

	RS-2	PUD 133	RTH	RM-2
Lot Width (min. ft.)	75	25	20	20
Lot Area (min. sq. ft.)	9,000	1,800	1,800	1,800
Land Area of development Per D.U. (min. sq. ft.)	10,875	1,749.66/actual 2,420/code	3,630	2,420
STRUCTURE HEIGHT (Max. Ft.)	35	35	35	35
LIVABILITY SPACE Per D.U. (min. sq. ft.)	5,000	400/code	1,400	400
Residential Collector—Not an Arterial	15	35	15	15
Rear Yards (min. ft.) Alley	25		20	10
Side Yards (min. ft.)	NA	NA	NA	NA
—One side yard	10	5	10	10
—Other side yard	5	5	10	10
A minimum of three townhouse lots.				

Minimum Lot Width:	25 ft.
Minimum Lot Size:	1800 sq.ft.
Maximum Building Height:	35 ft.
Minimum Setbacks	
From the center line East B Street	35 ft.
From the center line North 5 th Street	35 ft.
From the east property lines	5 ft.
From the west property lines	5 ft.

Facade Material: masonry units, brick or EFIS /stucco .

Other Bulk and Area Requirements	As provided within an RM-2 District
Off-street parking	As required by the applicable Use Unit of the City of Jenks Zoning Code
On-site Mutual Access will be a part of the platting process	

III. Access and Circulation

On-site vehicular access shall be derived from North 5th Street and North 6th Street. Vehicular access to the site will be derived from the private drive lane in the alley. Pedestrian foot traffic will utilize sidewalks to each unit. Off street parking will be provided along North 5th Street.

IV. Utilities and Drainage

Utilities are available at the development boundaries or will be provided by customary extension adjacent to the Site. Storm water drainage will be collected and routed to the west into the storm water storm sewer system. Storm water will not be diverted into adjacent properties and the discharge will not create erosion issues. The utilities and drainage will meet or exceed the comments from the City Engineer and the City Fire Marshal.

V. Site Plan Review

For the purposes of site plan review requirements, the detailed site plan will be submitted to the City of Jenks Planner and Planning Commission for review.

VI. Platting and Restrictive Covenants; Enforcement

The site will follow the Jenks Subdivision Regulation procedures for property platting. Restrictive covenants will be adopted and recorded for the project. The project owner will be required by the covenants to keep and maintain the project in a clean and professional manner (the "maintenance covenant"). The Maintenance Covenant will be enforced by the owner of the project.

VII. Expected Schedule of Development

Development of the project is expected to commence within 6 months and to be completed as market conditions permit.

VIII. Trash, Mechanical and Equipment Areas

There shall be no storage of recyclable materials, trash or similar material outside a screened receptacle. All trash, mechanical and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level. The trash container will be in a screened area.

IX. Lighting

Lighting used to illuminate Development Area 'A', shall be so arranged as to shield and direct the light away from adjacent residential areas. Shielding of such light shall be designed so as to prevent the light-producing element or reflector of the light fixture from being visible to a person standing in the adjacent residential areas. No light standard or building-mounted light shall exceed 20 feet or the height which complies with the standard stated in the preceding sentence, whichever is lower.

X. Screening

A 6'-0" privacy screening fence will be constructed along the east property line.

XI. Legal Description

The W/2 of Lot 10, all of Lots 11, 12, Block 10 and lots 4, 5, 6, 7, 8, 9 & the E/2 of Lot 10, Block 10, Jenks-Original Town, Tulsa County, State of Oklahoma.



CITY OF JENKS

211 NORTH ELM STREET • P.O. BOX 2007
JENKS, OKLAHOMA 74037-2007
PHONE (918) 299-5883 • FAX (918) 299-4489

NOTICE OF A PUBLIC HEARING ON A PROPOSED Planned Unit Development LOCATED IN THE CITY OF JENKS, OKLAHOMA

JZ 21 PUD 133

Notice is hereby given that a public hearing will be held before the Jenks Planning Commission, in Jenks City Hall, Council Chambers, 211 North Elm Street, Jenks, Oklahoma, at 6:00 p.m. on 09 December 2021, in consideration of the following:

Purpose: New townhome development

An application to approve a Request by JR Donelson for approval of a Planned Unit Development and changing the underlying zoning to RM2 (Residential Multifamily Medium Density).

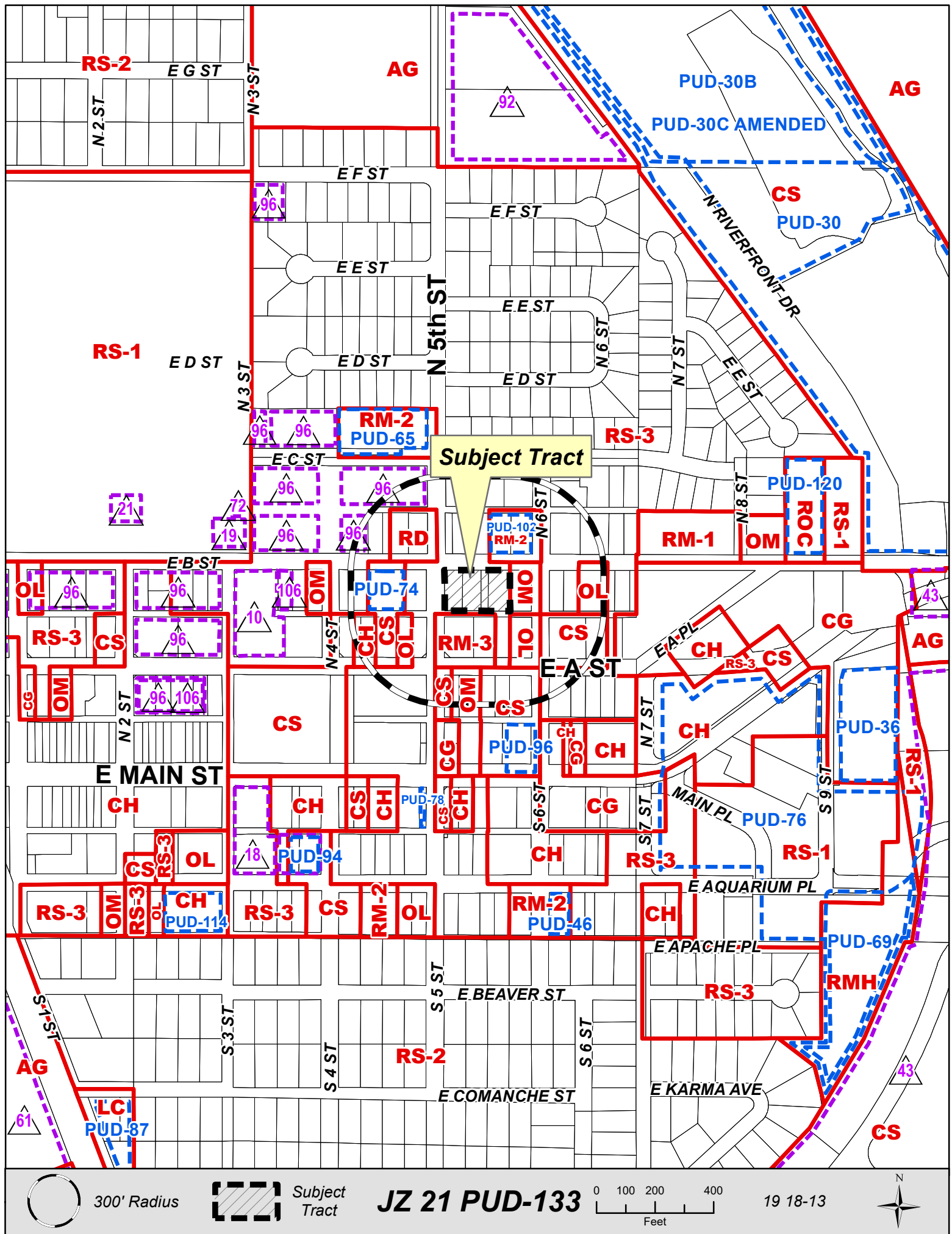
Legal Description: The W/2 of Lot 10, all of Lots 11, 12, Block 10 and lots 4, 5, 6, 7, 8, 9 & the E/2 of Lot 10, Block 10, Jenks-Original Town, Tulsa County, State of Oklahoma

General Location: 504 E B St

All persons interested in this matter may appear at these hearings and present their objections to or arguments for any of the above matters.

Dated at Jenks Oklahoma on 12 November 2021.

Marcae Hilton, Secretary
Jenks Planning Commission



To	Planning Commission
Hearing Date	December 09, 2021
Case Number	Unified Development Ordinance Rezoning of certain parcels to DC & RTC
Request	<i>Approve the Unified Development Ordinance & the rezoning of certain lots to Downtown Core and Riverfront Tourist Commercial</i>

Staff Report

Preparer | Marcaé Hilton; BM

Attachments

Unified Development Ordinance
Ordinance No 1571
Downtown Core Map
Riverfront Tourist Commercial Map

Preparer

Houseal Lavigne
Staff
INCOG
INCOG

Background Information

STAFF COMMENTARY | Unified Development Ordinance

Since the passage of the Horizon Jenks 2020-2040 Comprehensive Plan, staff has been working with Houseal Lavigne, consultants, to create a new zoning code for the City. This new zoning code, the Unified Development Ordinance, is a significant change from our current, outdated, code. The Unified Development Ordinance is the result of many hours spent from Houseal Lavigne, staff, and our UDO committee that was comprised of local subject-matter experts (i.e., the people who will be using this code the most outside of staff). The main goal of the new UDO was to modernize our zoning code, doing away with many anachronistic guidelines, requirements, or vagueness. This not only allows the City to have their say in matters of major development, but also allows for individuals to know exactly what they are allowed to do without needing to go before City Council or the Planning Commission. The new UDO is a step forward for both the City and the citizen of Jenks; it paves the way forward with the vision we have for Jenks while being more user-friendly in the process.

With a new UDO comes new zoning classifications. Two of these new zoning classifications are Downtown Core and Riverfront Tourist Commercial. The Downtown Core district “is designed to accommodate Downtown Jenks including a wide variety of commercial, office, entertainment, institutional, and multifamily uses in primarily mixed-use developments with residential uses above the ground floor in a pedestrian-oriented environment.” Changing the main part of Downtown Jenks to DC will allow Downtown Jenks to grow as imagined. The Riverfront Tourist Commercial district is

designed for areas within the Riverfront Subarea of the Comprehensive Plan, and “shall include uses which make use of an provide waterfront amenities and riverfront activities.” Rezoning these lots will establish a unified guide for our Riverfront area, allowing developers to know exactly what we want to see.

Staff Evaluation & Recommendation

Evaluation The new Unified Development Ordinance has been in the works for over a year. It is the culmination of work from our consultants, staff, and professionals. The UDO will bring our zoning code into the modern era. Rezoning certain areas to DC and RTC is needed to for the City to realize its vision for both Downtown and the Riverfront.

RECOMMENDATION | *Staff recommends approval of the following items (separate votes)*

1. *Approval of Ordinance No. 1571, removing and repealing Appendix B – The Zoning Code from the Jenks City Code and replacing Chapter 16 – Planning and Zoning of the Jenks City Code with the Unified Development Ordinance.*
2. *Approving the zone change to DC for Blocks 12-25 of the Jenks Original Town Plat*
3. *Approving the zone change to RTC for properties within this general location: From 91st St to the Creek Turnpike, between the Arkansas River and levy, plus west to 7th St between E “B” St and Aquarium Place and including the parcel south of the Creek Turnpike known as Tulsa Premium Outlets.*

CITY OF JENKS, OK

UNIFIED DEVELOPMENT ORDINANCE

November 17, 2021

DRAFT FOR REVIEW ONLY



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Article 1. General Provisions

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16-1-1. Title

(A) This ordinance shall be known and may be cited as:

- (1) "Unified Development Ordinance",
- (2) "UDO", and
- (3) "this Chapter".

16-1-2. Purposes, Interpretation, and Jurisdiction

(A) **Purposes.** This UDO is enacted for the purposes of:

- (1) Promoting the health, safety, peace, morals, comfort, convenience, prosperity, order, and general welfare,
- (2) Reducing danger and congestion of public transportation,
- (3) Providing adequate light and air, public utilities, facilities and service, and other public requirements,
- (4) Promoting productive and enjoyable harmony between man and his environment; to achieve a balance between population and resource use which will permit high standards of living and a wide sharing of amenities,
- (5) Preventing overcrowding of land and undue encroachment thereon,
- (6) Promoting efforts which will prevent or eliminate damage to the environment and biosphere,
- (7) Stimulating and assuring for all citizens safe, healthful, productive, and aesthetically and culturally pleasing surroundings,
- (8) Encouraging the residential, commercial, and industrial growth of the community as well as the most appropriate use of land, and
- (9) Encouraging the development of the community in accordance with the Jenks Comprehensive Plan, and as amended.

(B) **Interpretation.**

- (1) **Validity of Other Laws.** Where this UDO imposes a greater restriction upon the use of buildings, structures, or land or upon height or bulk of buildings or structures or requires larger open space or yards than are imposed by other ordinances, laws, or regulations, the provisions of this UDO shall govern. However, nothing in this UDO shall be construed to prevent the enforcement of other ordinances, laws, or regulations which prescribe more restrictive limitations.
- (2) **Severability.** In case any portion of this UDO shall be invalid or unconstitutional, as declared by a court of competent jurisdiction, the remainder of the code shall not thereby be invalid but shall remain in full force and effect.

- (3) **Definition.** For the purpose of this UDO certain terms and words are to be used and interpreted as defined in Article 11. Definitions of this UDO.

- (4) **Tense.**

- (a) Words used in the present tense shall include the future tense.
 - (b) Words in the singular include the plural and words in the plural number include the singular, except where the natural construction of the writing indicates otherwise.
 - (c) The words "shall" and "will" are mandatory.

- (C) **Jurisdiction.**

- (1) **Territorial Jurisdiction.** This UDO shall be in full force and effect and shall apply to all lands within the incorporated limits of the City of Jenks, Oklahoma.
 - (2) **Annexed Territory.** When any territory shall be brought into the jurisdiction of the City of Jenks, Oklahoma, by annexation or otherwise, such territory shall be deemed to be in an AG Agriculture District. This provision shall not operate to preclude subsequent zoning of such property by amendment in the manner set forth in Section 16-9-11.
 - (3) Property owned, leased, or operated by the City of Jenks, Oklahoma, or any other public or governmental body or agency shall be subject to the terms of this UDO.

Article 2. Establishment of Districts

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16-2-1. Zoning Districts Established

The Zoning Districts set forth below are hereby established.

(A) Base Zoning Districts.

- | | |
|---|--|
| (1) AG – Agricultural District | (10) RM3 – Residential Multifamily High Density District |
| (2) RE – Residential Estate District | (11) RMH – Residential Manufactured Home Legacy District |
| (3) RS1 – Residential Single-Family Low-Density District | (12) OL – Office Low Intensity District |
| (4) RS2 – Residential Single-Family Medium-Density District | (13) OM – Office Medium Intensity District |
| (5) RS3 – Residential Single-Family High-Density District | (14) LC – Local Commercial District |
| (6) RD – Residential Duplex District | (15) CS – Commercial Shopping Center District |
| (7) RTH – Residential Townhouse District | (16) CG – General Commercial District |
| (8) RM1 – Residential Multifamily Low Density District | (17) DC – Downtown Core District |
| (9) RM2 – Residential Multifamily Medium Density District | (18) RTC – Riverfront Tourist Commercial District |
| | (19) IL – Industrial Light and Research and Development District |
| | (20) IM – Industrial Moderate Legacy District |

(B) Overlay Zoning Districts.

- (1) PUD – Planned Unit Development Overlay District
- (2) DT – Downtown Transition Overlay District

16-2-2. Purpose and Intent of Base Zoning Districts.

- (A) **AG – Agricultural District.** The AG District is designed to encourage and protect agricultural land until an orderly transition to urban development may be accomplished; discourage wasteful scattering of development in rural areas; and obtain economy of public fund expenditures for improvements and services.
- (B) **Residential Districts.**
- (1) **General Purposes.** The residential districts are designed to:
 - (a) Achieve the residential objectives of the Comprehensive Plan,
 - (b) Protect the character of residential areas by excluding inharmonious commercial and industrial activities,
 - (c) Achieve a suitable environment for families by permitting in residential areas appropriate neighborhood facilities, such as places of worship, schools, and certain cultural and recreational facilities,
 - (d) Preserve openness of the living areas and avoid overcrowding by requiring minimum yards, open spaces, lot areas, and by limiting the bulk of structures,
 - (e) Permit a variety of dwelling types and densities to meet the varying needs of Jenks families, and
 - (f) Control the density of residential development to facilitate the planning for an economical provision of streets, utilities, and other public facilities.
 - (2) **RE – Residential Estate District.** The RE District is designed to provide and preserve areas for large lot, estate style homes.
 - (3) **RS1 – Residential Single-Family Low-Density District.** The RS1 District is designed to provide and preserve areas for residential neighborhoods with primarily single-family detached dwellings in a low-density environment.
 - (4) **RS2 – Residential Single-Family Medium Density District.** The RS2 District is designed to provide and preserve areas for residential neighborhoods with primarily single-family detached dwellings in a medium density environment.
 - (5) **RS3 – Residential Single-Family High-Density District.** The RS3 District is designed to provide and preserve areas for residential neighborhoods with primarily single-family detached dwellings in a high-density environment.
 - (6) **RD – Residential Duplex District.** The RD District is designed to provide and preserve areas for residential neighborhoods with a compatible combination of residential housing types including single-family dwellings and duplexes in a mixed low to medium density environment.
 - (7) **RTH – Residential Townhouse District.** The RTH District is designed to provide and preserve areas for residential neighborhoods with a compatible combination of residential housing types including single-family dwellings, duplexes, and townhomes in a mixed medium to high density environment.
 - (8) **RM1 – Residential Multifamily Low-Density District.** The RM1 District is designed to provide and preserve areas for residential neighborhoods with a compatible combination of residential housing types including small lot single-family dwellings, duplexes, and townhomes in a mixed low to medium density environment.
 - (9) **RM2 – Residential Multifamily Medium Density District.** The RM2 District is designed to provide and preserve areas for residential neighborhoods with a compatible combination of residential housing types including duplexes, townhomes, and multifamily buildings in a mixed medium to high density environment.
 - (10) **RM3 – Residential Multifamily High-Density District.** The RM3 District is designed to provide and preserve areas for master planned residential developments allowing a compatible combination of multifamily and senior housing complexes in a high-density environment.

- (11) **RMH – Residential Manufactured Home Legacy District.** The RMH Legacy District is designed to account for those properties that have been previously zoned RMH. Properties zoned in the RMH Legacy District will continue to operate under the base district specific standards established in this UDO. No property may be rezoned into the RMH Legacy District after the date of the adoption of this UDO.

(C) **Office Districts.**

- (1) **General Purposes.** The Office Districts are designed to preserve and promote the development of efficient office facilities and to maximize the compatibility with other land uses by:
- (a) Establishing bulk and area controls,
 - (b) Requiring off-street parking and loading facilities,
 - (c) Establishing the several districts necessary to meet the need for a variety of office types, and
 - (d) Controlling the number, area, location, and types of signs.
- (2) **OL – Office Low Intensity District.** The OL District is designed to provide and preserve areas for standalone office buildings in proximity to the LC and CG Districts. The bulk and massing of development within the OL District is meant to be compatible with the bulk and massing of adjacent development in the LC or CG Districts.
- (3) **OM – Office Medium Intensity District.** The OM District is designed to provide and preserve areas for business parks or corporate campuses in a master planned setting.

(D) **Commercial Districts.**

- (1) **General Purposes.** The Commercial Districts are designed to:
- (a) Achieve the commercial objectives of the Comprehensive Plan,
 - (b) Meet the needs for the commercial services and goods of the trade area,
 - (c) Preserve and promote the development of efficient commercial facilities and encourage a compatible relationship between commercial facilities and other land uses and thoroughfares by:
 - (I) Differentiating the types and purposes of commercial activities,
 - (II) Establishing bulk and area controls,
 - (III) Requiring off-street loading and parking facilities,
 - (IV) Controlling the number, area, location, and types of signs, and
 - (V) Protecting the character of commercial districts and their suitability for commercial uses.
- (2) **LC – Local Commercial District.** The LC District is designed to provide and preserve areas at key high-traffic intersections in close proximity to residential neighborhoods to accommodate smaller-scale City serving retail and service uses that serve the daily shopping needs of nearby residents in a primarily pedestrian-oriented environment.
- (3) **CS – Commercial Shopping Center District.** The CS District is designed to provide and preserve areas along highly visible and accessible road corridors to accommodate larger-scale City serving retail and service uses that serve the daily shopping needs of Jenks residents in a primarily auto-oriented environment.
- (4) **CG – General Commercial District.** The CG District is designed to provide and preserve areas for destination retailers that serve a regional function. Development in this district should be configured with groupings of large lot and outlot commercial buildings around shared parking areas.

- (5) **DC – Downtown Core District.** The DC District is designed to accommodate Downtown Jenks including a wide variety of commercial, office, entertainment, institutional, and multifamily uses in primarily mixed-use developments with residential uses above the ground floor in a pedestrian-oriented environment.
- (6) **RTC – Riverfront Tourist Commercial District.** The RTC District shall be limited to areas located within the Riverfront Subarea of the Jenks Comprehensive Plan. The District shall include those uses which make use of and provide waterfront amenities and riverfront activities. The type of use and site design should harmonize with the intended character of the waterfront area as established in the Riverfront Subarea Plan.

(E) **Industrial Districts.**

- (1) **General Purposes.** The Industrial Districts are designed to:
 - (a) Achieve the industrial objectives of the Comprehensive Plan,
 - (b) Meet the needs for industrial services and goods of the City of Jenks trade area.
 - (c) Preserve and promote the development of efficient industrial areas and to minimize the adverse effects of industrial uses on other land uses and thoroughfares by:
 - (I) Differentiating the types and purposes of industrial activities,
 - (II) Establishing bulk and area controls,
 - (III) Requiring off-street loading and parking facilities,
 - (IV) Controlling the number, area, location, and types of signs, and
 - (V) Protecting the character of industrial districts and their peculiar suitability for industrial uses.
- (2) **IL – Industrial Light and Research and Development District.** The IL District is designed to provide an environment conducive to the development and conservation of modern industrial and scientific research facilities and to provide areas suitable for manufacturing, wholesaling, warehousing, and other industrial activities which have no objectionable environmental influences.
- (3) **IM – Industrial Moderate Legacy District.** The IM Legacy District is designed to account for those properties that have been previously zoned as IM – Industrial Moderate. Properties zoned in the IM Legacy District will continue to operate under the base district specific standards established in this UDO. No property may be rezoned into the IM Legacy District after the date of the adoption of this UDO.

16-2-3. Purpose and Intent of Overlay Zoning Districts

- (A) **General Purposes.** Overlay Zoning Districts are established, designed, and intended to accommodate special situations or accomplish special planning and zoning goals. Overlay Zoning Districts are applied over a base zoning district classification to alter some or all regulations that apply in the underlying base zoning district.
- (B) **PUD – Planned Unit Development Overlay District.** The PUD Overlay District is created to visually represent areas of the community that are governed by Planned Unit Development Ordinances as detailed in Section 16-9-7 of this UDO.
- (C) **DT – Downtown Transition Overlay District.** The DT Overlay District is designed to accommodate the Old Town Jenks neighborhood on the periphery of the DC District and is intended to allow for a mix of residential and nonresidential uses that support the vibrancy of Downtown Jenks.

16-2-4. Official Zoning Map Established

The locations and boundaries of the various districts as defined herein shall be established by ordinance and shall be known and delineated on the Official Zoning Map of the City of Jenks, Oklahoma. The Official Zoning Map shall be maintained by the Planning Director and may be divided into parts, and such parts may be separately employed for identification purposes when adopting or amending the Official Zoning Map or for any reference to the Official Zoning Map.

16-2-5. District Boundary Description and Interpretation

District boundary lines shall be described by legal description or by a map. When a legal description is used, the boundary line shall be deemed to extend to the centerline or abutting streets and shall be so designated on the Official Zoning Map. When a map is used, district boundary lines shall be established by dimensions, property lines, recorded lot lines, or the centerline of abutting street, alley, or railroad right-of-way, as the same were of record at the time of adoption. In all cases where there is doubt as to the exact location of district boundary lines, the same shall be determined by the Board of Adjustment.

16-2-6. Limitation on Land Use

No land or building shall be used, and no building, structure, or improvement shall be made, erected, constructed, moved, altered, enlarged, or rebuilt which is designed, arranged, or intended to be used or maintained for any purpose or any manner except in accordance with the use, height, area, yard, space, and other requirements established in the district in which such land, building, structure, or improvement is located except as provided by Article 10. Nonconformities. In order to avoid undue hardship:

- (A) Nothing in this UDO shall be deemed to require a change in the plans, construction, or designated use of any building, where a building permit was lawfully issued prior to the effective date of this UDO, and pursuant to such permit, construction is diligently carried to completion. Upon completion such building, or use shall be deemed nonconforming and may continue as regulated by Article 10. Nonconformities.
- (B) At any time within two (2) years after the effective date of this UDO, a building permit and zoning clearance permit may be issued, or a use of land commenced in accordance with the terms and conditions of a special exception or variance granted by the Board of Adjustment prior to the effective date of this UDO.
- (C) At any time within two (2) years after the effective date of this UDO, a building permit and zoning clearance permit may be issued, or a use of land commenced in accordance with the terms and conditions set forth by the City Council prior to the effective date of this UDO. After the expiration of this two (2) year time period, no buildings or zoning clearance permit shall be issued for any use of land, building, or combination thereof except in accordance with the provisions and requirements of that applicable use district in which proposed use is located.

Article 3. Base District Specific Standards

16-3-1. Bulk and Dimensional Standards	1
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16-3-5. Downtown Core District Specific Standards	13
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16-3-1. Bulk and Dimensional Standards

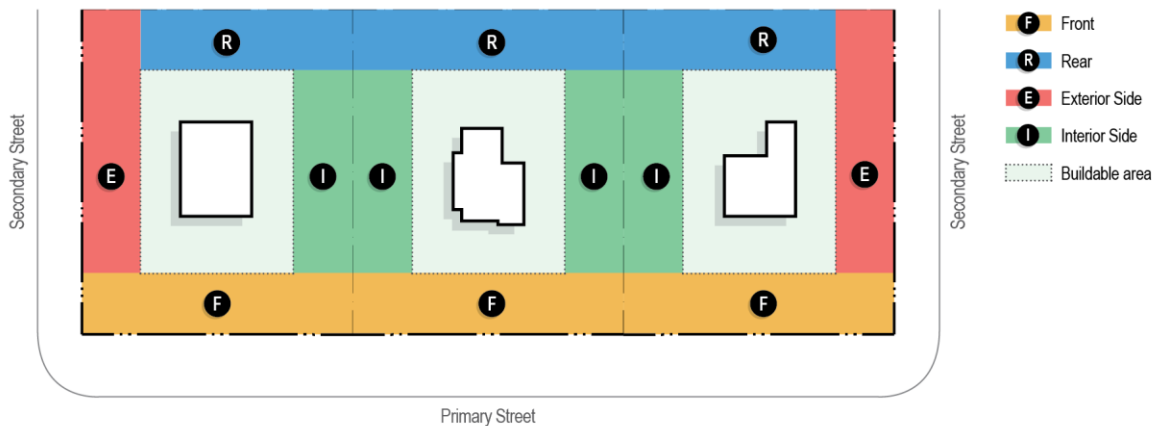
(A) Table 16-3-1(A) addresses the requirements applicable to development or use of a lot in a residential zoning district.

Table 16-3-1(A): Residential District Bulk and Dimensional Standards									
Standard	RE	RS1	RS2	RS3	RD	RTH	RM1	RM2	RM3
<i>Lot Standards (Minimum)</i>									
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
<i>Yard Setbacks (Minimum)</i>									
Front (ft)	35	35	20 (3)	20 (3)	20	15	10	10	10
Exterior Side (ft)	35	35	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
<i>Building Standards (Maximum)</i>									
Height (ft)	35	35	35	35	35	35	40	45	45
Impervious Surface Coverage	15%	30%	35%	40%	40%	60%	70%	70%	70%
<i>Notes</i>									
(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.									

- (B) Table 16-3-1(B) addresses the requirements applicable to development or use of a lot in an agriculture, office, commercial, or industrial zoning district.

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)	2.5	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Lot Width (ft)	300	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 (2)
Rear (ft) (3)	40	10 (1)	20	10 (1)	10 (1)	10 (1)	0	0	25 (2)	50 (2)
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.										

Figure 3.1: Yard Setback Locations



- (C) **Compliance with Yard Requirements.** Except as otherwise provided, required yards shall be open and unobstructed from the ground to the sky, unless otherwise permitted in this UDO. Yards provided for a building for the purpose of complying with the provisions of this UDO shall not be considered the yard for any other building, and yards provided for a lot shall not be considered the yard of any other lot.

16-3-2. Calculating Dimensions

- (A) **Lot Width.** All lots shall abut upon a public or private street, and each lot shall have a minimum lot width measured at the property line.
- (B) **Lot Widths for Lots that Abut a Cul-de-Sac.** The lot width of all lots which abut a cul-de-sac may be reduced by a maximum of fifty (50) percent of the required lot width for the district in which it is located, as measured from the property line. The required lot width for the district shall be met at the front yard setback line.

Figure 3.2: Calculating Lot Width

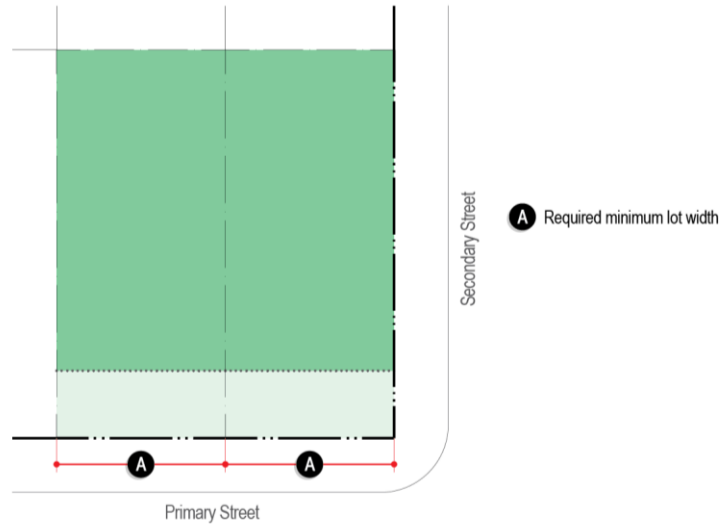
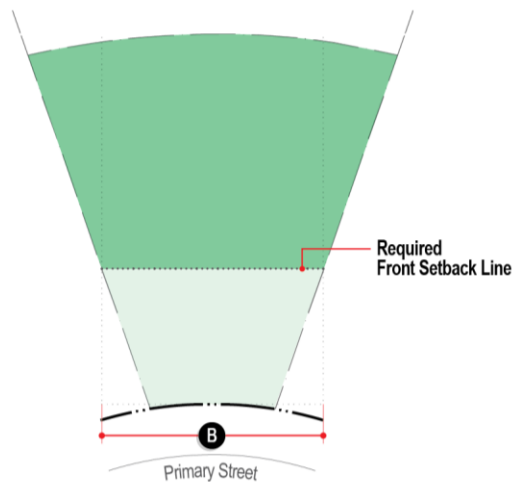
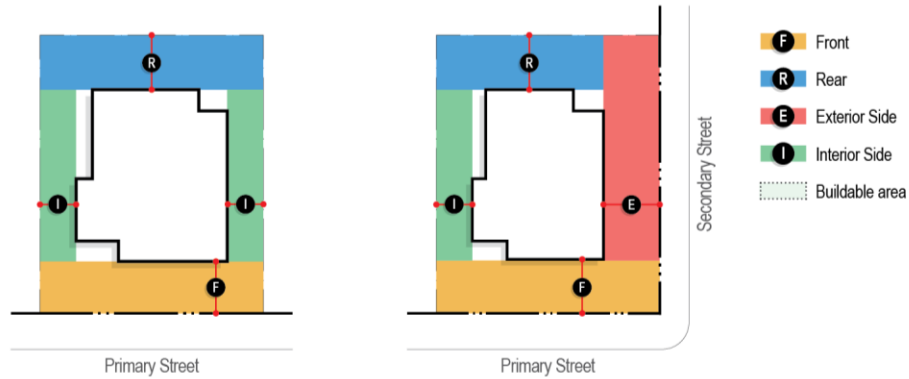


Figure 3.3: Calculating Lot Width for Lots That Abut a Cul-de-Sac



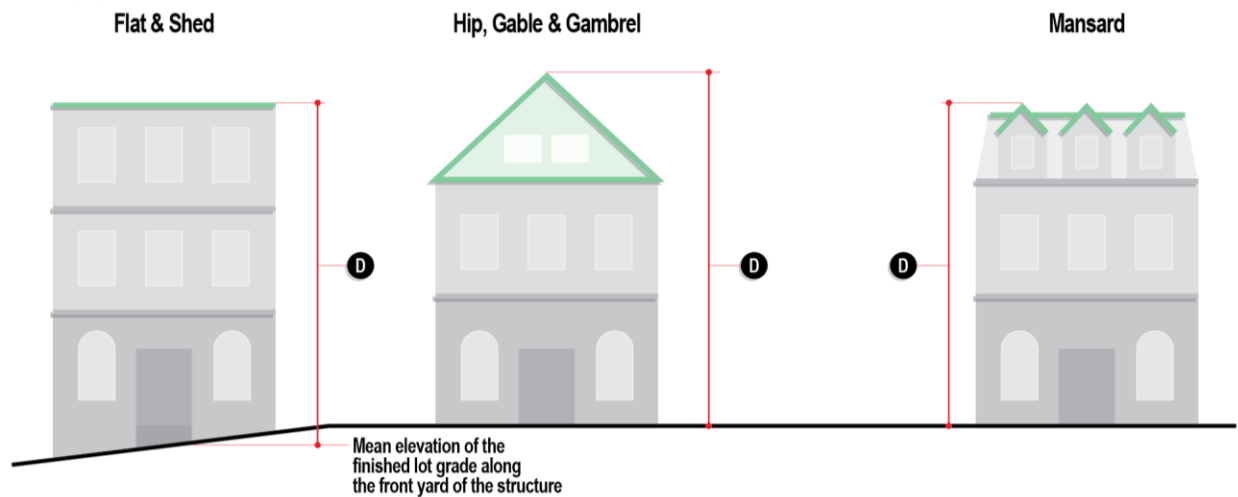
- (C) **Yard Setbacks.** A required yard setback shall be measured by the shortest distance between the principal building and the applicable lot line.

Figure 3.4: Calculating Setbacks



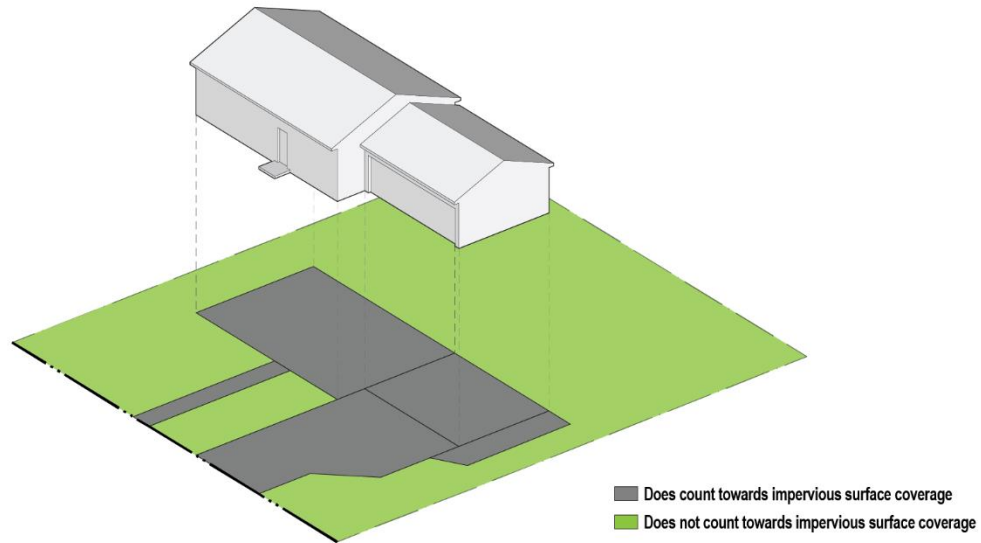
- (D) **Height.** Building height shall be the vertical distance measured from the mean elevation of the finished lot grade along the front yard of the structure to the highest elevation of the roof.

Figure 3.5: Calculating Building Height



- (E) **Impervious Surface Coverage.** That portion of a lot that is covered by hard surfaces that impede infiltration of rainfall into the underlying soil profile.

Figure 3.6: Calculating Impervious Surface Coverage

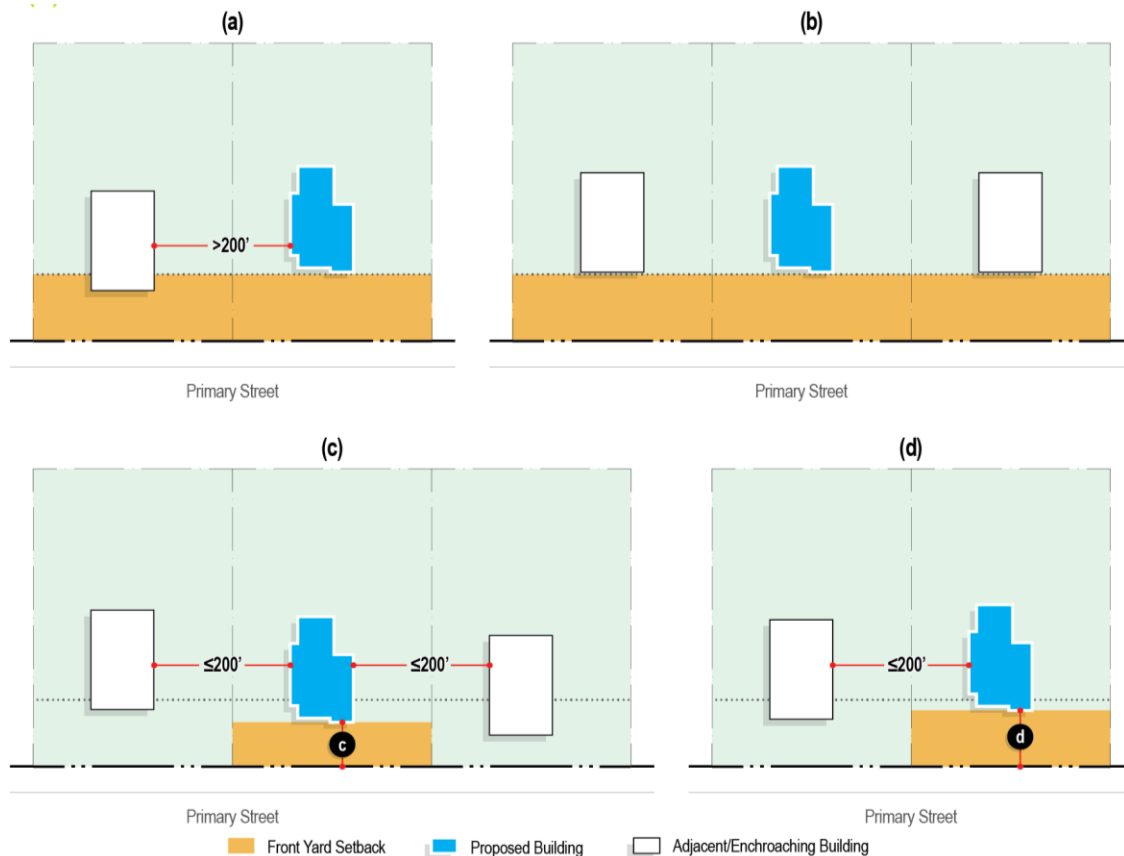


16-3-3. Exceptions to Bulk and Dimensional Standards

- (A) **Height Exceptions.** The following structures, except where preempted by other government regulations, shall not be subject to the height limitations of the district in which they are located:
- (1) Farm buildings and structures.
 - (2) Aerials, antennas, belfries, chimneys, cupolas, domes, elevators, mechanical equipment penthouses, flagpoles, masts, monitors, smokestacks, spires, towers (cooling, fire hose), and ventilators, provided they are not intended for human occupancy and do not exceed the height limitations of the district in which they are located by more than twenty (20) percent unless approved as a Specific Use as detailed in Section 16-9-6.
- (B) **Lot Area and Width Exceptions.** Except for fire protection and ambulance service, lot area and width requirements shall not apply to indoor or outdoor governmental uses or temporary uses as detailed in Section 16-3-2(G).
- (C) **Permitted Yard Obstructions.** Obstructions are permitted in required yards as follows:
- (1) Architectural projections, including roofs covering porches, windowsills, belt courses, cornices, eaves, flues and chimneys, and ornamental features may project a maximum of three (3) 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 (3) feet from an adjacent side or rear lot line, and twenty (20) feet from any front lot line.
 - (2) Terraces, patios, uncovered decks, and ornamental features, which have no structural element more than three (3) feet above or below the adjacent ground level, may project ten (10) feet into a required yard. However, all such projections must be set back at least three (3) feet from an adjacent side or rear lot line, and twenty (20) feet from any front lot line.
 - (3) Fire escapes, fireproof outside stairways, egress window wells, and balconies may project a maximum of three (3) 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 (3) feet from an adjacent side or rear lot line, and twenty (20) feet from any front lot line.
 - (4) Lamp posts with a maximum height of ten (10) feet, and flag poles up to thirty-five (35) feet in height may be located within required yards, provided they are set back at least five (5) feet from property lines.
 - (5) Temporary ADA ramps may extend into a required front yard provided that the ramp is setback at least three (3) feet from the side property line(s).

(D) Existing Building Encroachment on Front Yard Setbacks.

- (1) Where an existing building or buildings on the same side of the street and within the same block encroach on the required front yard setback, the required front yard setback for new construction shall be established as follows:
 - (a) If the proposed building is to be located more than two hundred (200) feet from an encroaching building, the proposed building shall conform to the front yard or setback established for the district in which the proposed building is to be located.
 - (b) If the proposed building is to be located between adjacent buildings which conform to the required front yard setback, or between a conforming building and an intersecting street, the proposed building shall conform to the front yard setback established for the district in which the proposed building is to be located.
 - (c) If the proposed building is to be located within two hundred (200) feet of encroaching buildings on both sides and there are no intervening buildings, the front yard or building setback shall be the average of the front yard setback of the two nearest front corners of the encroaching buildings.
 - (d) If the proposed building is to be located within two hundred (200) feet of an encroaching building on one side, but not both sides, and there are no intervening buildings, the front yard or building setback shall be the average of the front corner of the encroaching building and the front yard setback established for the district in which the proposed building is to be located.
- (2) Provided, however, that in the application of subsections (c) and (d) of this Subsection, the front yard or building setback shall not be reduced by more than twenty (20) percent of the minimum requirement.

Figure 3.7: Existing Building Encroachment in Front Yard Setbacks

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

(A) The following key is to be used in the interpretation of Table 16-3-4(B) and Table 16-3-4(C) below.

- (1) **Permitted Uses.** Uses which are marked as “P” in the tables shall be allowed subject to all applicable regulations of this UDO.
- (2) **Conditional Uses.** Uses which are marked as “C” in the tables shall be allowed upon the approval of a conditional use permit as detailed in Section 16-9-2(C).
- (3) **Special Exception Uses.** Uses which are marked as “SE” in the tables shall be allowed upon the approval of a Special Exception Use Permit as detailed in Section 16-9-5.
- (4) **Specific Uses.** Uses which are marked as “S” in the tables shall be allowed upon the approval of a Specific Use Permit as detailed in Section 16-9-6.
- (5) **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 16-9-2(G).
- (6) **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.
- (7) **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.
- (8) **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.
- (9) **Site Plan Review Requirements.** The site plan review requirements shall be required for applications as specified in Section 16-9-2(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
<i>Agricultural Uses</i>		<i>RE</i>	<i>RS1</i>	<i>RS2</i>	<i>RS3</i>	<i>RD</i>	<i>RTH</i>	<i>RM1</i>	<i>RM2</i>	<i>RM3</i>
Community Garden	16-5-1(A)	P	P	P	P	P	P	P	P	P
Passive Agriculture		P								
<i>Residential Uses</i>		<i>RE</i>	<i>RS1</i>	<i>RS2</i>	<i>RS3</i>	<i>RD</i>	<i>RTH</i>	<i>RM1</i>	<i>RM2</i>	<i>RM3</i>
Duplex	16-5-2(A)					P	P	P	P	
Community Group Home	16-5-2(B)	S	S	S	S	S	S	P	P	P
Multifamily Building, all units	16-5-2(C)							P	P	
Multifamily Building, less than 8 units	16-5-2(C)						S	P	P	
Multifamily Complex	16-5-2(D)									P
Re-Entry Facility		S	S	S	S	S	S	S	S	S
Residential Clubhouse			C	C	C	C	C	C	C	C
Residential Treatment Center	16-5-2(E)	S	S	S	S	S	S	S	S	S
Senior Housing, Dependent								S	S	P
Senior Housing, Independent								S	S	P

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Single-Family Detached		P	P	P	P	P	P	P	P	
Townhome	16-5-2(F)					S	P	P	P	
Transitional Living Center	16-5-2(G)	S	S	S	S	S	S	S	S	S
<i>Institutional Uses</i>		<i>RE</i>	<i>RS1</i>	<i>RS2</i>	<i>RS3</i>	<i>RD</i>	<i>RTH</i>	<i>RM1</i>	<i>RM2</i>	<i>RM3</i>
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
Place of Assembly		S	S	S	S	S	S	S	S	S
Place of Worship		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
<i>Retail Uses</i>		<i>RE</i>	<i>RS1</i>	<i>RS2</i>	<i>RS3</i>	<i>RD</i>	<i>RTH</i>	<i>RM1</i>	<i>RM2</i>	<i>RM3</i>
General Retail, less than 10,000 sq ft	16-5-4(B)					S	S	SE	SE	P
<i>Service Uses</i>		<i>RE</i>	<i>RS1</i>	<i>RS2</i>	<i>RS3</i>	<i>RD</i>	<i>RTH</i>	<i>RM1</i>	<i>RM2</i>	<i>RM3</i>
General Service, less than 10,000 sq ft	16-5-5(C)					S	S	SE	SE	P
<i>Lodging Uses</i>		<i>RE</i>	<i>RS1</i>	<i>RS2</i>	<i>RS3</i>	<i>RD</i>	<i>RTH</i>	<i>RM1</i>	<i>RM2</i>	<i>RM3</i>
Bed and Breakfast	16-5-6(A)	S	S							
Short-Term Rental	16-5-6(B)	C	C	C	C	C	C			
<i>Eating / Drinking Uses</i>		<i>RE</i>	<i>RS1</i>	<i>RS2</i>	<i>RS3</i>	<i>RD</i>	<i>RTH</i>	<i>RM1</i>	<i>RM2</i>	<i>RM3</i>
Coffee / Tea Shop	16-5-7(A)					S	S	SE	SE	P
<i>Accessory Uses</i>		<i>RE</i>	<i>RS1</i>	<i>RS2</i>	<i>RS3</i>	<i>RD</i>	<i>RTH</i>	<i>RM1</i>	<i>RM2</i>	<i>RM3</i>
Accessory Building	16-5-12(A)	P	P	P	P	P	P	P	P	P
Accessory Dwelling	16-5-12(B)		P	P	P					
Accessory Structure	16-5-12(D)	P	P	P	P	P	P	P	P	P
Home Based Business	16-5-12(G)	S	S	S	S	S	S	S	S	S
Solar Energy Collection System, ground	16-5-12(L)	P	P	P	P					
Solar Energy Collection System, roof	16-5-12(M)	P	P	P	P	P	P	P	P	P
Urban Garden	16-5-12(N)	P	P	P	P	P	P			
<i>Temporary Uses</i>		<i>RE</i>	<i>RS1</i>	<i>RS2</i>	<i>RS3</i>	<i>RD</i>	<i>RTH</i>	<i>RM1</i>	<i>RM2</i>	<i>RM3</i>
Construction Related		T	T	T	T	T	T	T	T	T
Farmers Market		T						T	T	T
Food Truck	16-5-13(A)		T	T	T			T	T	T
Garage / Estate Sale		T	T	T	T	T				
Outdoor Dining	16-5-13(B)					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, 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
Passive Agriculture		P									
Urban Agriculture, indoor		S								P	
Urban Agriculture, outdoor		P									
Residential Uses		AG	OL	OM	LC	CS	CG	DC	RTC	IL	IM
Community Group Home	16-5-2(B)		P	P	P	P	P	P	P		
Multifamily Building, 8 units or more	16-5-2(C)		SE	SE	SE	SE	SE	S	S		
Multifamily Building, less than 8 units	16-5-2(C)		SE	SE	SE	SE	SE	S	S		
Multifamily Complex	16-5-2(D)		S	S	S	S	S		S		
Re-Entry Facility			S	P	S	S	S	S	S		
Residential, above ground floor			SE	SE	SE	P	P	P	SE		
Residential Treatment Center	16-5-2(E)		S	P	S	S	S	S	S		
Senior Housing, dependent			S	S	S	S	S				
Senior Housing, independent			S	S	S	S	S				
Single-Family Detached		P									
Transitional Living Center	16-5-2(G)		S	P	S	S	S	S	S		
Institutional 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
Retail Uses		AG	OL	OM	LC	CS	CG	DC	RTC	IL	IM
Adult Uses	16-5-4(A)						S				
Convenience Store					S	P	P				
General Retail, less than 10,000 sq ft	16-5-4(B)		P	P	P	P	P	P	P		
General Retail, 10,000 sq ft – 49,999 sq ft	16-5-4(C)				S	P	P	S	P		
General Retail, 50,000 sq ft or more	16-5-4(D)					P	P	S	S		
Multitenant Shopping Center					S	P	P				
Pawn Shop							S				
Service Uses		AG	OL	OM	LC	CS	CG	DC	RTC	IL	IM
Acute Care Center			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)	S				P	P				
General Service, less than 10,000 sq ft	16-5-5(C)		P	P	P	P	P	P	P		
General Service, 10,000 – 49,999 sq ft	16-5-5(D)				S	P	P	S	P		
General Service, 50,000 sq ft or more	16-5-5(E)					P	P	S	S		
Hospital				S		S	S			S	
Massage Parlor							S				
Medical / Dental Office			P	P	P	P	P	P	S		

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Personal Storage Facility	16-5-5(F)					S	S			P	
Professional Office			P	P	P	P	P	S	S		
Professional Office, above ground floor			SE	SE	SE	P	P	P	SE		
Tattoo Parlor							S				
Veterinary Clinic / Animal Hospital		S	S		S	P	P			P	
Lodging Uses		AG	OL	OM	LC	CS	CG	DC	RTC	IL	IM
Hotel						P	P	P	P		
Motel						S	S				
Eating / Drinking Uses		AG	OL	OM	LC	CS	CG	DC	RTC	IL	IM
Brewery / Winery / Distillery, micro					S	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	
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 sq ft	16-5-8(A)	S			P	P	P	P	P		
General Entertainment, indoor, 10,000 sq ft - 49,999 sq ft	16-5-8(B)	S			S	P	P	S	P		
General Entertainment, indoor, 50,000 sq ft or more	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						S	P				
Fuel Sales	16-5-9(A)					P	P			P	P
Gas Station With Mini-Mart						P	P			P	P
Service Station						P	P				
Trucking Establishment	16-5-9(B)									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		S								S	S
Self Storage										P	P
Warehouse, distribution										S	P
Warehouse, office	16-5-10(A)			S			S			S	P
Warehouse, storage										S	P

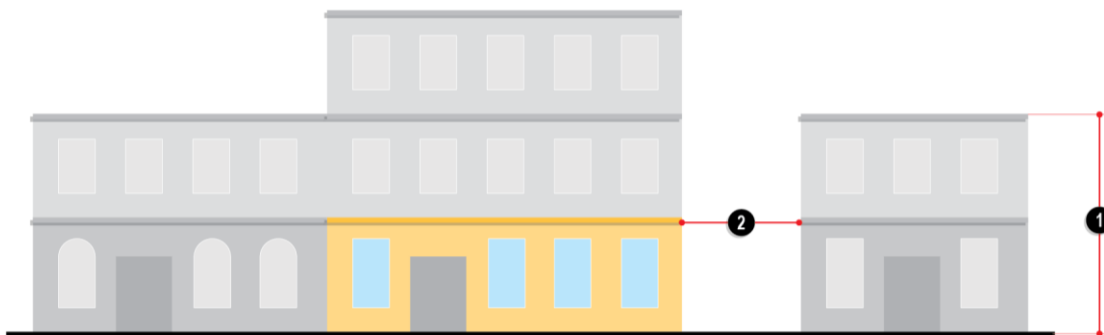
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<i>Medical Marijuana Uses</i>		<i>AG</i>	<i>OL</i>	<i>OM</i>	<i>LC</i>	<i>CS</i>	<i>CG</i>	<i>DC</i>	<i>RTC</i>	<i>IL</i>	<i>IM</i>
Medical Marijuana Commercial Grower	16-5-11(A)	P					S			P	P
Medical Marijuana Education Facility	16-5-11(A)	S	P	P			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)						S				P
Medical Marijuana Processing Facility, Light	16-5-11(A)									P	P
<i>Accessory Uses</i>		<i>AG</i>	<i>OL</i>	<i>OM</i>	<i>LC</i>	<i>CS</i>	<i>CG</i>	<i>DC</i>	<i>RTC</i>	<i>IL</i>	<i>IM</i>
Accessory Building	16-5-12(A)		P	P	P	P	P	P	P	P	P
Accessory Dwelling	16-5-12(B)										
Accessory Retail	16-5-12(C)									P	
Accessory Structure	16-5-12(D)		P	P	P	P	P	P	P	P	P
Donation Drop Box	16-5-12(E)					P	P				
Drive Through	16-5-12(F)					S	S				
Home Based Business	16-5-12(G)		S	S	S	S	S	S	S		
Outdoor Activity / Operation, permanent	16-5-12(H)					S	S			SE	P
Outdoor Display / Sale of Merchandise, permanent	16-5-12(I)					S	S	S	S		
Outdoor Storage, permanent	16-5-12(J)									SE	P
Solar Energy Collection System, canopy	16-5-12(K)	P	P	P	P	P	P	P	P	P	P
Solar Energy Collection System, ground	16-5-12(L)	P	P	P	P	P	P	P	P	P	P
Solar Energy Collection System, roof	16-5-12(M)	P	P	P	P	P	P	P	P	P	P
<i>Temporary Uses</i>		<i>AG</i>	<i>OL</i>	<i>OM</i>	<i>LC</i>	<i>CS</i>	<i>CG</i>	<i>DC</i>	<i>RTC</i>	<i>IL</i>	<i>IM</i>
Carnival / Fair						T	T	T			
Construction Related			T	T	T	T	T	T	T	T	T
Farmers Market					T	T	T	T			
Flea Market						T	T	T			
Food Truck	16-5-13(A)				T	T	T	T	T		
Outdoor Dining	16-5-13(B)		T	T	T	T	T	T	T		
Outdoor Activity / Operation, temporary						T	T	T	T	T	T
Outdoor Display / Sale of Merchandise, temporary	16-5-13(C)					T	T	T	T		
Outdoor Storage, temporary										T	T
Seasonal Sales	16-5-13(E)					T	T	T	T		

16-3-5. Downtown Core District Specific Standards

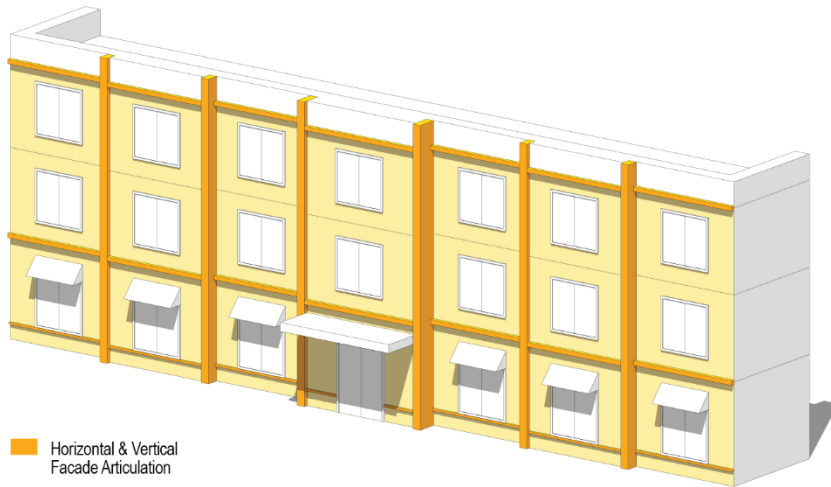
- (A) **Development Plan.** Prior to the construction or reconstruction of any building or structure, exterior remodeling, placement of exterior lighting or signs, or any proposed construction requiring the issuance of a building permit other than a small job permit for a property located within the DC – Downtown Core District, an application for Site Plan Review, as detailed in Section 16-9-2(B), shall be made and shall be subject to the DC – Downtown Core District Specific Standards established in this Section.
- (B) **Exterior Building Materials.** Exterior building materials shall be traditional, time and weather tested materials and techniques.
 - (1) **Ground Floor.** Exterior building materials utilized on the ground floor shall be limited to wood, masonry, stucco, fiber cement, or stone veneer systems. Stone veneer systems utilized on the ground floor shall have a minimum thickness of three (3) inches.
 - (2) **Upper Floors.** Exterior building materials utilized on upper floors may include all materials permitted on the ground floor as well as EIFS or precast panels with inlaid or stamped brick texture. All materials utilized on upper floors shall have a minimum thickness of one (1) inch and shall be structurally integrated into the façade of the building.
- (C) **Type of Construction.** Manufactured, mobile, and metal units shall be prohibited unless otherwise expressly permitted by this UDO.
- (D) **Rooftop Equipment.** All rooftop equipment shall be screened from view from any public street or sidewalk right-of-way by a parapet wall(s).
- (E) **Alley Access.** Where a lot abuts an existing alley, access shall be maintained or established and utilized to access off-street parking, loading, and service areas.
- (F) **Orientation.** Main entrances to buildings shall be oriented towards the primary street to which it abuts. Secondary entrances are encouraged along secondary streets.
- (G) **Parking Location.** Private off-street parking spaces and lots shall be located to the rear of buildings.
- (H) **Proportion, Size, and Scale.**
 - (1) Buildings shall be a minimum of two (2) stories.
 - (2) The height of the first floor of new development shall be consistent with the height of the first floor of existing adjacent development and shall be emphasized using storefronts and decorative cornices.

Figure 3.8: Building Proportion, Size, and Scale



- (I) **Articulation.** All development shall include architectural details such as bulkheads, masonry piers, transoms, cornices, window hoods, and other similar details to provide horizontal and vertical façade articulation.

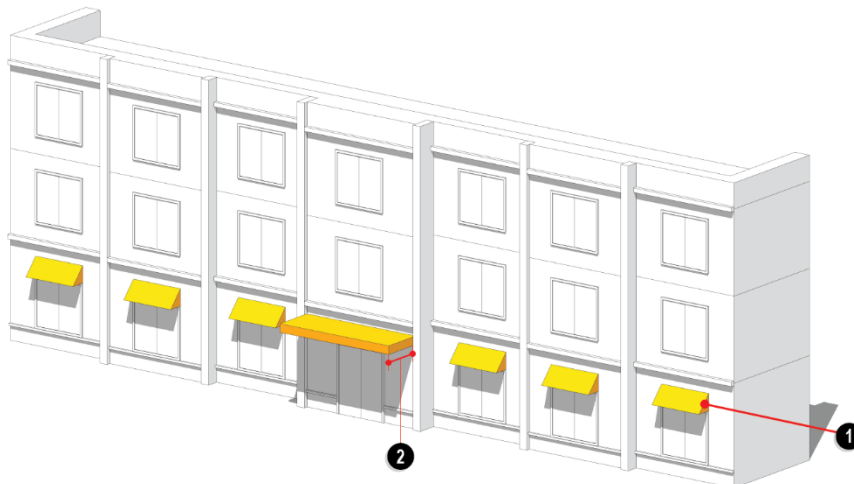
Figure 3.9: Articulation



(J) **Awnings.**

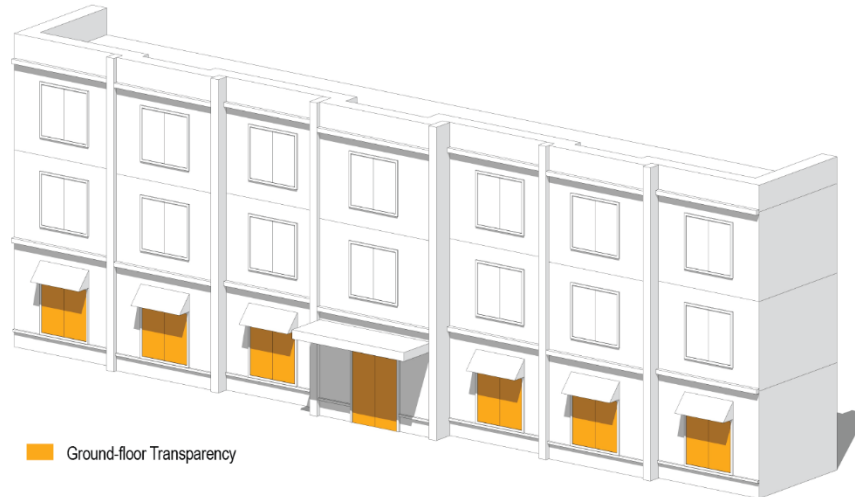
- (1) Building canopies, awnings, or similar weather protection devices are encouraged on the first floor all buildings.
- (2) If provided shall project a minimum of three (3) feet and a maximum of five (5) feet from the façade.

Figure 3.10: Awnings



- (K) **Transparency.** The ground level of all buildings must offer pedestrian interest along sidewalks and pedestrian paths. Therefore, the first floor of any building façade facing a public right-of-way, with the exception of alleys, shall include transparent windows and / or doors arranged so that the uses inside are visible from and / or accessible to the street on at least fifty (50) percent of the façade. The City Planner may waive transparency requirements by up to twenty (20) percent for medical and dental office uses.

Figure 3.11: Ground-Floor Transparency



16-3-6. Riverfront Tourist Commercial District Specific Standards

- (A) **Development Plan.** Prior to the construction or reconstruction of any building or structure, exterior remodeling, placement of exterior lighting or signs, or any proposed construction requiring the issuance of a building permit other than a small job permit for a property located within the RTC – Riverfront Tourist Commercial District, an application for Site Plan Review, as detailed in Section 16-9-2(B), shall be made and shall be subject to the RTC – Riverfront Tourist Commercial District Specific Standards established in this Section.
- (B) **Exterior Building Materials.** Exterior building materials shall be traditional, time and weather tested materials and techniques.
- (1) **Ground Floor.** Exterior building materials utilized on the ground floor shall be limited to wood, masonry, stucco, fiber cement, or stone veneer systems. Stone veneer systems utilized on the ground floor shall have a minimum thickness of three (3) inches.
 - (2) **Upper Floors.** Exterior building materials utilized on upper floors may include all materials permitted on the ground floor as well as EIFS or precast panels with inlaid or stamped brick texture. All materials utilized on upper floors shall have a minimum thickness of one (1) inch and shall be structurally integrated into the façade of the building.

Article 4. Overlay District Specific Standards

16-4-1. General Overlay District Requirements	1
16-4-2. Downtown Transition Overlay District Specific Standards.....	1

16-4-1. General Overlay District Requirements

- (A) **Development Plan.** Prior to the construction or reconstruction of any building or structure, exterior remodeling, placement of exterior lighting or signs, or any proposed construction requiring the issuance of a building permit other than a small job permit for a property located within an Overlay District, an application for Site Plan Review, as detailed in Section 16-9-2(B), shall be made and shall be subject to the applicable Overlay District Specific Standards.
- (B) **PUD Overlay District.** The PUD Overlay District is created to visually represent areas of the community that are governed by approved Planned Unit Developments as detailed in Section 16-9-7 of this UDO. Overlay district specific standards are therefore not established for the PUD Overlay District.

16-4-2. Downtown Transition Overlay District Specific Standards

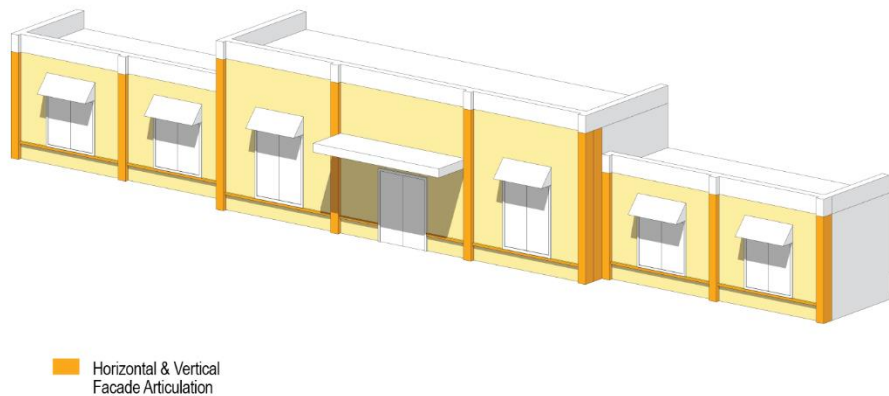
- (A) **Exterior Building Materials.** Exterior building materials shall be traditional, time and weather tested materials and techniques.
 - (1) **Ground Floor.** Exterior building materials utilized on the ground floor shall be limited to wood, masonry, stucco, fiber cement, or stone veneer systems. Stone veneer systems utilized on the ground floor shall have a minimum thickness of three (3) inches.
 - (2) **Upper Floors.** Exterior building materials utilized on upper floors may include all materials permitted on the ground floor as well as EIFS or precast panels with inlaid or stamped brick texture. All materials utilized on upper floors shall have a minimum thickness of one (1) inch and shall be structurally integrated into the façade of the building.
- (B) **Type of Construction.** Manufactured, mobile, and metal units shall be prohibited unless otherwise expressly permitted by this UDO.
- (C) **Alley Access.** Where a lot abuts an existing alley, access shall be maintained or established and utilized to access off-street parking, loading, and service areas.

(D) **Yard Setbacks.** Required yard setbacks shall be as detailed in Table 16-4-2(D) below.

Table 16-4-2(D): Downtown Transition Overlay District Yard Setbacks	
<i>Yard Setbacks (Minimum, unless otherwise stated)</i>	
Front (ft)	10
Front, maximum (ft)	25
Exterior Side (ft)	10
Exterior Side, maximum (ft)	25
Interior Side (ft)	15 (1)
Rear (ft)	25
Notes	
(1) The cumulative interior side yard setback shall be 15 feet. No interior side yard setback shall be less than 5 feet.	

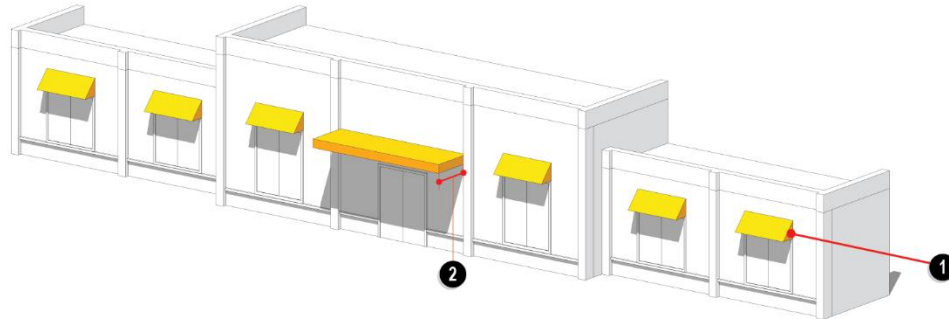
- (E) **Parking Location.** Private off-street parking spaces and lots shall be located to the side and/or rear of buildings.
- (F) **Orientation.** Main entrances to buildings shall be oriented towards the primary street to which it abuts. Secondary entrances are encouraged along secondary streets.
- (G) **Articulation.** All non-single family detached development shall include architectural details such as bulkheads, masonry piers, transoms, cornices, window hoods, and other similar details to provide horizontal and vertical façade articulation.

Figure 4.1: Façade Articulation

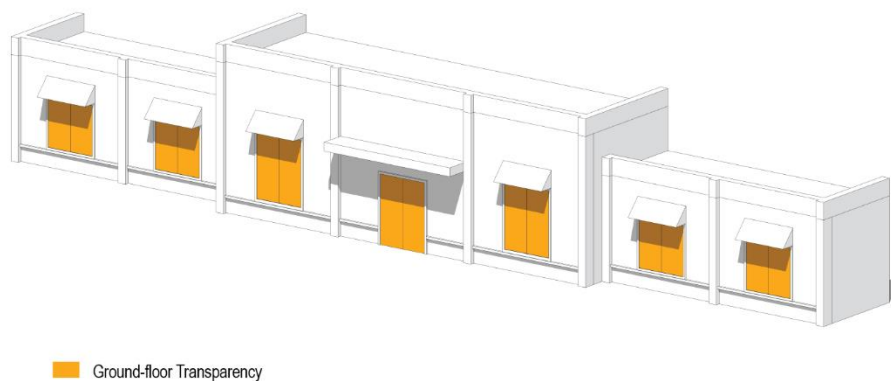


(H) **Awnings.**

- (1) Building canopies, awnings, or similar weather protection devices are encouraged on the first floor of mixed use and nonresidential development.
- (2) If provided shall project a minimum of three (3) feet and a maximum of five (5) feet from the façade.

Figure 4.2: Awnings

- (I) **Transparency.** The ground level of mixed use and nonresidential development must offer pedestrian interest along sidewalks and pedestrian paths. Therefore, the first floor of any building façade facing a public right-of-way with the exception of alleys shall include transparent windows and / or doors arranged so that the uses inside are visible from and / or accessible to the street on at least twenty (20) percent of the façade. The City Planner may waive transparency requirements by up to twenty (20) percent for medical and dental office uses.

Figure 4.3: Ground-Floor Transparency

(J) The following key is to be used in the interpretation of Table 16-4-2(K) below.

- (1) **Permitted Uses.** Uses which are marked as "P" in the tables shall be allowed subject to all applicable regulations of this UDO.
- (2) **Conditional Uses.** Uses which are marked as "C" in the tables shall be allowed upon the approval of a conditional use permit as detailed in Section 16-9-2(C).
- (3) **Special Exception Uses.** Uses which are marked as "SE" in the tables shall be allowed upon the approval of a Special Exception Use Permit as detailed in Section 16-9-5.
- (4) **Specific Uses.** Uses which are marked as "S" in the tables shall be allowed upon the approval of a Specific Use Permit as detailed in Section 16-9-6.
- (5) **Temporary Uses.** Uses which are marked "T" in the tables shall be allowed upon the approval of a temporary 16-9-2 (G).
- (6) **Prohibited Uses.** A blank space in the table 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.
- (7) **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.
- (8) **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. Where use specific standards conflict with overlay district specific standards, the overlay district specific standards shall be followed. Food trucks shall be subject to the policies established by City Council for the food trucks in the Riverfront, Downtown Transition, and Downtown Core Districts.
- (9) **Site Plan Review Requirements.** The site plan review requirements shall be required for applications as specified in Section 16-9-2(B).

(K) **Downtown Overlay District Permitted, Special Exception, and Specific Uses.**

Table 16-4-2(K): DT Overlay District Permitted, Conditional, Special Exception, and Specific Uses		
Use	Additional Regulation	DT
<i>Residential Uses</i>		<i>DT</i>
Duplex	16-5-2(A)	P
Community Group Home	16-5-2(B)	S
Multifamily, 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)	C
Multifamily Complex	16-5-2(D)	
Senior Housing, dependent		S
Senior Housing, independent		S
Single-Family Detached		P
Townhome	16-5-2(F)	P
<i>Institutional Uses</i>		<i>DT</i>
Government Uses, indoor		P
Government Uses, outdoor	16-5-3(A)	

Table 16-4-2(K): DT Overlay District Permitted, Conditional, Special Exception, and Specific Uses

Use	Additional Regulation	DT
Retail Uses		DT
General Retail, less than 10,000 sq ft	16-5-4(B)	C
General Retail, 10,000 sq ft - 49,999 sq ft	16-5-4(C)	
General Retail, 50,000 sq ft or more	16-5-4(D)	
Service Uses		DT
General Service, less than 10,000 sq ft	16-5-5(C)	C
General Service, 10,000 - 49,999 sq ft	16-5-5(D)	
General Service, more than 50,000 sq ft or more	16-5-5(E)	
Medical / Dental Office		C
Medical / Dental Office, above ground floor		
Professional Office		C
Professional Office, above ground floor		
Lodging Uses		DT
Hotel		S
Eating / Drinking Uses		DT
Brewery / Winery / Distillery, micro		C
Brewery / Winery / Distillery, tasting room		C
Coffee / Tea Shop	16-5-7(A)	C
Restaurant, delivery / carry out only		C
Restaurant, fast casual		C
Restaurant, sit down		C
Entertainment Uses		DT
General Entertainment, indoor, less than 10,000 sq ft	16-5-8(A)	C
General Entertainment, indoor, 10,000 sq ft - 49,999 sq ft	16-5-8(B)	
General Entertainment, indoor, 50,000 sq ft or more	16-5-8(C)	
General Entertainment, outdoor	16-5-8(D)	
Industrial Uses		DT
Manufacturing, Artisan		S
Medical Marijuana Uses		DT
Medical Marijuana Dispensary	16-5-11(A)	S
Accessory Uses		DT
Accessory Building	16-5-12(A)	P
Accessory Structure	16-5-12(D)	P
Home Based Business	16-5-12(G)	P
Outdoor Display / Sale of Merchandise, permanent	16-5-12(I)	
Solar Energy Collection System, canopy	16-5-12(K)	
Solar Energy Collection System, ground	16-5-12(L)	P
Solar Energy Collection System, roof	16-5-12(M)	P
Temporary Uses		DT
Carnival / Fair		
Construction Related		T

Table 16-4-2(K): DT Overlay District Permitted, Conditional, Special Exception, and Specific Uses

Use	Additional Regulation	DT
Farmers Market		T
Flea Market		T
Food Truck	16-5-13(A)	
Outdoor Dining	16-5-13(B)	T
Outdoor Activity / Operation, temporary		
Outdoor Display / Sale of Merchandise, temporary	16-5-13(C)	
Seasonal Sales	16-5-13(E)	

Article 5. Use Specific Standards

16-5-1. Agricultural Use Specific Standards	1
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16-5-3. Institutional Use Specific Standards	9
16-5-4. Retail Use Specific Standards	9
16-5-5. Service Use Specific Standards	14
16-5-6. Lodging Use Specific Standards	18
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16-5-9. Vehicle Related Use Specific Standards	20
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16-5-12. Accessory Use Specific Standards	22
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16-5-1. Agricultural Use Specific Standards

(A) Community Garden.

- (1) The name and contact information of the responsible person or organization shall be clearly posted and maintained for the duration of the existence of the community garden.
- (2) Accessory structures shall be limited in gross floor area to ten (10) percent of the of the lot used for the community garden, shall have a maximum height of twelve (12) feet including any pitched roof, and shall be limited to the following accessory structure types:
 - (a) Storage sheds,
 - (b) Hoop houses, and
 - (c) Cold frames.
- (3) All compost and/or organic matter on the site:
 - (a) Shall not cover more than ten (10) percent of the total area of the property,
 - (b) Shall be screened from view from adjacent property and the public right-of-way,
 - (c) Shall be managed to prevent the harborage of rodents and pests,
 - (d) Shall be maintained to prevent odors, and

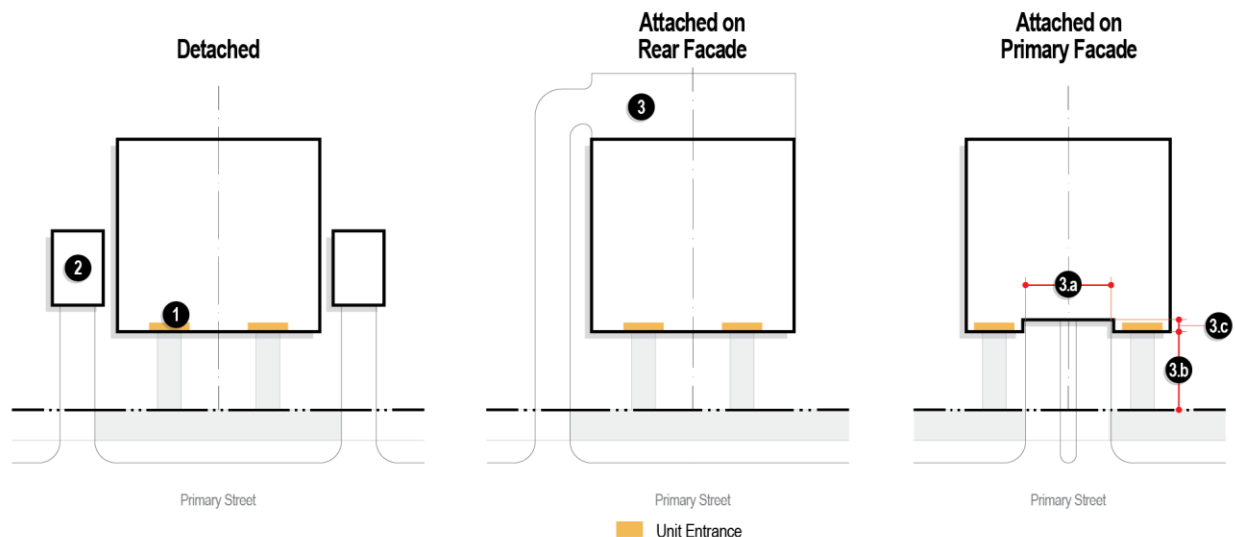
- (e) Shall be located to prevent leachate from flowing onto adjacent property or into natural or human-made storm channels.
- (4) The site shall be designed and maintained to prevent water from irrigation and/or other activities and/or fertilizer from draining onto adjacent property
- (5) Trash areas shall be provided and screened from view from adjacent property and the public right-of-way.

16-5-2. Residential Use Specific Standards

(A) Duplex.

- (1) Duplexes shall be oriented with their primary façades toward the public street. For corner lots, the primary façade must be oriented toward the designated front lot line.
- (2) A minimum of one (1) of the parking spaces, as required in Section 16-6-1(E) of this UDO, shall be provided in an attached or detached garage.
- (3) Attached garages are encouraged to be located on rear façades. If attached garages are located on the primary façade they shall:
 - (a) Not exceed forty-five (45) percent of the façade's total width,
 - (b) Be setback a minimum of twenty-five (25) feet from the property line, and
 - (c) Be recessed from the primary front façade (excluding porches) of the duplex a minimum of five (5) feet.
- (4) Exterior building materials shall be time- and weather- tested materials and techniques such as but not limited to masonry, stone veneer systems, stucco, precast panels with inlaid or stamped brick texture, and those included in the City of Jenks Preferred Building Materials List.

Figure 5.1: Duplex Allowed Garage Location



(B) Community Group Home.

- (1) The occupancy of a community group home may not exceed fifteen (15) inhabitants. Consideration of approval must, at least in part, be based upon a showing that, but for the economic need associated with the number of inhabitants requested to be permitted in the proposed group home:
 - (a) The dwelling would otherwise be available to the applicant, and
 - (b) The requested number of inhabitants is reasonably calculated to offset the increased economic costs associated with the Group Home use.
- (2) Community group homes must have all licenses required by the state. A Specific Use permit granted for a community group home use will immediately become void upon final revocation of any required state license.
- (3) To avoid over-concentration, community group homes in RE, RS or RD zoning districts may not be located within one-thousand three hundred (1,300) feet of any other community group home. This separation requirement is established, not on the basis of any disability status, but on the basis of the non-family status of the groups. The required separation distance must be measured in a straight line from the nearest lot lines of the lots occupied by the community group home uses.
- (4) In order to allow for special accommodations for inhabitants of community group homes, the City is authorized, by Specific Use permit approval, to reduce or eliminate the separation distance requirement upon a finding that the federal Fair Housing Amendments Act, as amended, requires it, or that the grant of the Specific Use permit will not be injurious to the neighborhood or detrimental to the public welfare and will be in harmony with the spirit and intent of this UDO. In consideration of granting this Specific Use permit, the City must specifically consider the following factors:
 - (a) Traffic and parking congestion given the capacity of nearby streets,
 - (b) The likelihood that any other applicable group home use will impact traffic and parking congestion,
 - (c) Traffic hazards,
 - (d) Availability of off-street parking,
 - (e) Availability of public transit and the likelihood of its use,
 - (f) Feasibility of traffic mitigation measures, and
 - (g) Impacts on public utilities, including water and sanitary sewer capacities.

(C) Multifamily Building, All Units.

- (1) Multifamily buildings shall be oriented with their primary facades toward the public street. For corner lots, the primary façade must be oriented toward the designated front lot line.
- (2) Multifamily buildings shall incorporate design elements that create visual interest and avoid large blank facades. Such elements should be used to create a façade rhythm that is consistent with surrounding attached or detached single-family buildings. Appropriate elements include protruding or recessed patios, vertical and horizontal design elements, planar variations, varied roof lines, dormers, and others.
- (3) When a multifamily building is located at the end of a block, the building shall be oriented toward the intersecting side street. Where existing alleys exist and intersect with the side street, the alley must either be accommodated by new development, or reconfigured and dedicated as part of the new development in order to preserve alley access to other properties on the block.
- (4) All off-street parking, as required in Section 16-6-1(E) of this UDO, shall be located in the rear and/or interior side yard. Off-street parking located in the interior side yard shall be set back a minimum of one (1) foot from the front elevation of the primary building.
- (5) A maximum of one (1) curb cut shall be permitted per street frontage unless otherwise approved by the City Planner due to site specific constraints.
- (6) ADA compliant pedestrian walkways shall be provided to all building entries and parking areas and shall connect to the sidewalk at the street frontage.
- (7) Exterior building materials shall be time- and weather- tested materials and techniques such as but not limited to masonry, stone veneer systems, stucco, precast panels with inlaid or stamped brick texture, and those included in the City of Jenks Preferred Building Materials List.

(D) Multifamily Complex.

(1) The façades of buildings in multifamily complexes shall be improved as detailed below.

(a) Primary Façade.

(I) The primary façade shall include the primary building entrance and shall be oriented towards the following (listed in priority order):

- (i) Perimeter Streets,
- (ii) Primary Internal Streets,
- (iii) Parks or other common open space, or
- (iv) Secondary internal streets.

Primary façades shall not be oriented towards off-street parking lots, garages, or carports.

(II) Building materials of primary façades shall be masonry, stone veneer systems, or stucco on the first level. Precast panels with stamped or inlaid brick texture, EIFS acrylic finishes, or quik-brik concrete masonry units may be utilized above the first level. However, in no instance shall the finish of the non-natural materials utilized mimic or match the texture of the natural materials utilized. A maximum of three (3) building materials may be used on a primary façade.

(i) When two (2) or more building materials are used on a façade, the material used on the first level shall be visually heavier than the material used above the first level to give a sense of support and grounding. For example, masonry on the first level and EIFS acrylic stucco above.

(III) In order to provide for primary façade articulation, primary façades shall step back a maximum of two (2) feet and shall step forward a maximum of one (1) foot from the build-to-line for a minimum of forty (40) percent and maximum of seventy (70) percent of the primary façade.

(b) Secondary Façade.

(I) The secondary façade shall be any façade not including the primary building entrance that is oriented towards the following:

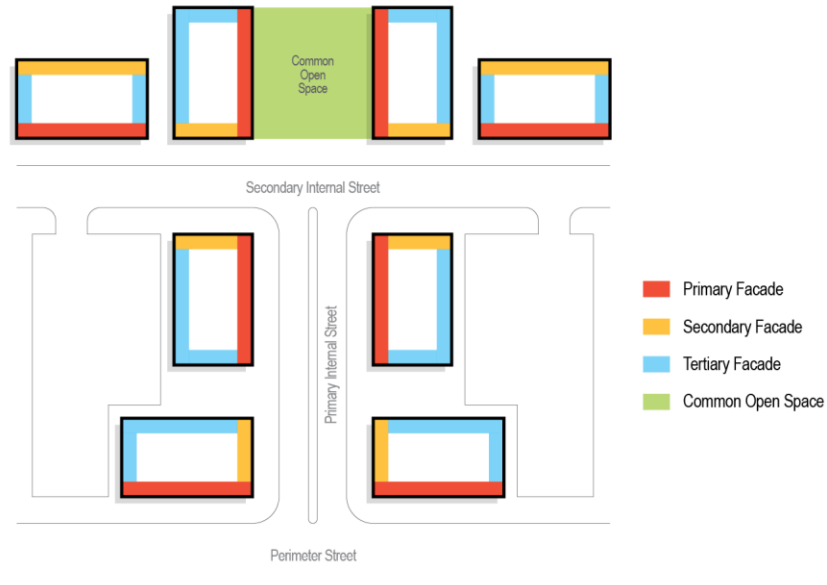
- (i) Perimeter streets,
- (ii) Primary internal streets,
- (iii) Parks or other common open space, or
- (iv) Secondary internal streets.

(II) Building materials of secondary facades shall be a combination of masonry, stone veneer systems, stucco, precast panels with stamped or inlaid brick texture, EIFS acrylic finishes, or quik-brik concrete masonry units. Natural materials shall consist of a minimum of forty (40) percent of the façade. In no instance shall the finish of the non-natural materials utilized mimic or match the texture of the natural materials utilized. The type and design of materials utilized on the secondary façade shall complement those utilized on the primary façade.

(III) In order to provide for secondary façade articulation, secondary façades shall step back a maximum of two (2) feet and shall step forward a maximum of one (1) foot from the build-to-line for a minimum of thirty (30) percent and maximum of seventy (70) percent of the secondary façade. Articulation of the secondary façade shall be complimentary to the articulation of the primary façade.

(c) Tertiary Façade.

- (I) The tertiary façade shall be any façade not considered a primary or secondary façade.
- (II) Building materials of tertiary façades may consist wholly of precast panels with stamped or inlaid brick texture, EIFS acrylic finishes, or quik-brik concrete masonry units, however, a combination of non-natural and natural materials is encouraged. The type and design of materials utilized on the tertiary façade shall complement those utilized on the primary and secondary façades.

Figure 5.2: Multifamily Complex Façade Locations

- (2) Parking shall be integrated into the overall site design to minimize visual impact, reduce the loss of trees, and be visually concealed from public rights-of-way.
- (3) ADA compliant pedestrian walkways shall be provided to all building entries and parking areas and shall connect to the sidewalk at the street frontage.

(E) Residential Treatment Center.

- (1) To avoid over-concentration, all residential treatment centers shall be separated from one another by a minimum distance of two thousand six hundred and forty (2,640) feet, as measured in a straight line from the nearest point on the lot line of the property occupied by one of these uses to the nearest point on a lot line of the other property occupied by one of the subject uses. The separation distance requirements of this subsection may be reduced if approved through the Specific Use approval process.

(F) Townhome.

- (1) Townhomes shall be oriented with their primary facades toward the public street. For corner lots, the primary façade must be oriented toward the designated front lot line.
- (2) Individual townhome units should be articulated through the exterior design of the townhome cluster. This can be accomplished through dormers, porches, vertical design elements, varying roof forms, or other appropriate techniques
- (3) When townhomes are located at the end of a block, they shall be oriented toward the intersecting side street. Where existing alleys exist and intersect with the side street, the alley must either be accommodated by new development, or reconfigured and dedicated as part of the new development in order to preserve alley access to other properties on the block.
- (4) A minimum of one (1) of the parking spaces, as required in Section 16-6-1(E) of this UDO, shall be provided in an attached or detached garage. Detached garages shall be exclusively accessed from rear alleys where rear alleys exist. Where rear alleys do not exist, it is encouraged that they be established and that detached garages be exclusively accessed from them.
- (5) Attached garages are encouraged to be located on rear façades. If attached garages are located on the primary façade they shall:
 - (a) Not exceed thirty-five (35) percent of the façade's total width,
 - (b) Be setback a minimum of twenty-five (25) feet from the property line, and
 - (c) Be recessed from the primary front façade (excluding porches) of the townhome a minimum of five (5) feet.

- (6) Exterior building materials shall be time- and weather- tested materials and techniques such as but not limited to masonry, stone veneer systems, stucco, precast panels with inlaid or stamped brick texture, and those included in the City of Jenks Preferred Building Materials List.

Figure 5.3: Townhome Allowed Garage Locations



(G) Transitional Living Center.

- (1) To avoid over-concentration, all transitional living center uses must be separated from one another by a minimum distance of two thousand six hundred and forty (2,640) feet, as measured in a straight line from the nearest point on the lot line of the property occupied by one of these uses to the nearest point on a lot line of the other property occupied by one of the subject uses. The separation distance requirements of this subsection may be reduced if approved through the Specific Use approval process.

16-5-3. Institutional Use Specific Standards

(A) Government Uses, Outdoor.

- (1) Outdoor storage and/or activity areas shall be located a minimum of fifty (50) feet from any residentially zoned property. All outdoor storage and/or activity areas adjoining a residentially zoned property shall comply with the requirements for outdoor storage and/or outdoor activity area screening as specified in Section 16-5-12(J) of this UDO.
- (2) All buildings and structures shall be located a minimum of twenty (20) feet from any residentially zoned property.
- (3) Buildings shall be similar in character to abutting properties including roof pitch, eaves, building materials, windows, and colors.

16-5-4. Retail Use Specific Standards

(A) Adult Uses.

- (1) **Purpose.** The purpose of this Section is to provide specific regulations for adult uses, in order to accommodate constitutionally-protected non-obscene sexual expression, while protecting the public health, safety, and general welfare of the City. The City Council finds that:
 - (a) Adult uses require special supervision from the City's law enforcement and public safety agencies to protect and preserve the public health, safety, morals, and welfare of the patrons and employees of businesses as well as the City's citizens.
 - (b) Adult uses are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature.
 - (c) Sexually transmitted diseases are a legitimate health concern for the City that demands reasonable regulation of adult uses by the City in accordance with this Ordinance.
 - (d) This Ordinance's regulations are a legitimate and reasonable means of accountability to ensure that operators of adult uses comply with reasonable regulations and to ensure that operators do not allow their establishments to be used as places of illegal sexual activity or solicitation.
 - (e) There is convincing documented evidence that adult uses, because of their outward appearance and very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, cause increased crime, particularly during the overnight hours, and reduce property values.
 - (f) The City Council desires to minimize and control these adverse effects by regulating adult uses in accordance with this Ordinance.
 - (g) By minimizing and controlling these adverse effects, the City Council seeks to protect the health, safety, and welfare of the citizenry; protect citizens from increased crime; preserve quality of life; preserve property values and the character of the City's neighborhoods; and deter the spread of urban blight.
 - (h) The City Council does not enact this Ordinance to suppress or authorize the suppression of any speech activities protected by the First Amendment; rather, this Ordinance establishes content-neutral regulations that address the secondary effects of adult uses.
 - (i) The City Council does not enact this Ordinance to restrict, deny, or authorize the restriction or denial of access by adults to sexually oriented materials protected by the First Amendment, or to deny, or authorize denial of, access by the distributors and exhibitors of adult entertainment and adult materials to their intended market.
 - (j) Evidence concerning adult uses' adverse secondary effects on communities is readily available in many court decisions, including, but not limited to: *Township of Littleton, Colorado v. Z.J. Gifts D-4, LLC*, 541 U.S. 774 (2004); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *Township of Erie v. Pap's A.M.*, 529 U.S. 277

- (2000); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *Township of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 426 U.S. 50 (1976); *California v. LaRue*, 409 U.S. 109 (1972); *Illinois One News, Inc. v. City of Marwill*, 477 F.3d 461 (7th Cir. 2007); *Andy's Restaurant & Lounge, Inc. v. City of Gary*, 466 F.3d 550 (7th Cir. 2006); *Joelner v. City of Washington Park*, 378 F.3d 613 (7th Cir. 2004); *G.M. Enterprises, Inc. v. Town of St. Joseph*, 350 F.3d 631 (7th Cir. 2003); *Pleasureland Museum, Inc. v. Beutter*, 288 F.3d 988 (7th Cir. 2002); *Shultz v. City of Cumberland*, 288 F.3d 831 (7th Cir. 2000); *Genusa v. City of Peoria*, 619 F.2d 1203 (7th Cir. 1980); *Excalibur Group, Inc. v. City of Minneapolis*, 116 F.3d 1216 (8th Cir. 1997); and *XLP Corporation v. County of Lake*, 359 Ill. App. 3d 239 (2d Dist. 2005) (collectively, the "Cases").
- (k) Many cities and other units of government throughout the country have studied and found significant adverse secondary effects associated with adult uses, including, but not limited to: Phoenix, Arizona (1984); Minneapolis, Minnesota (1980); Indianapolis, Indiana (1984); Amarillo, Texas (1977); Whittier, California (1978); St. Croix County, Wisconsin (1993); Bellevue, Washington (1998); Beaumont, Texas (1982); and Des Moines, Iowa (1984) (collectively, the "Studies").
 - (l) The United States Congress has heard testimony detailing the negative secondary effects associated with adult uses on numerous occasions, including 136 Cong. Rec. S. 8987; 135 Cong. Rec. S. 14519; 135 Cong. Rec. S. 5636; 134 Cong. Rec. E. 3750 (collectively, the "Testimony").
 - (m) Based on secondary effects discussed and found to exist in the Cases, Studies, and Testimony, as well as all evidence presented and matters discussed during all public hearings and meetings conducted by the City, and all other relevant information, including the City Council's own knowledge and experience, the City Council finds that:
 - (I) Adult uses can contribute to increased crime in the area where such businesses are located and burden local law enforcement and public safety efforts. Crimes associated with adult uses include, but are not limited to:
 - (i) Prostitution and other sex related offenses,
 - (ii) Drug use and dealing, and
 - (iii) Money laundering.
 - (II) Adult uses can contribute to significant public health concerns, including the spread of HIV/AIDS and other sexually transmitted diseases.
 - (III) Adult uses and their outward appearance can significantly:
 - (i) Contribute to the deterioration of residential neighborhoods,
 - (ii) Increase neighborhood blight,
 - (iii) Impair the character and quality of residential housing in the surrounding area, and
 - (iv) Reduce overall housing appeal for potential residents.
 - (IV) The concentration of adult uses in any one area can greatly impact the area by causing blight, decreasing property values, reducing the City's tax base, making the area less attractive to non-adult uses (i.e., marketability), and increasing crime.
 - (V) Adult uses can produce higher levels of noise, traffic, and glare as compared to other businesses by virtue of adult uses' hours of operation.
 - (VI) Serving or otherwise allowing the consumption of alcoholic liquor at adult uses can lead to increased criminal activity and exacerbate neighborhood deterioration.
 - (VII) The findings set forth in this Section 16-5-4(m)(I) through (VI) above constitute substantial governmental concerns.

- (VIII) Adult uses have operational characteristics that require reasonable governmental regulation to address those substantial governmental concerns.
- (IX) Passing this Ordinance will promote and protect the public health, safety, and welfare.
- (2) **Conditions.** All adult uses will be subject to the following conditions in order to prevent or minimize substantial or undue adverse effects upon neighboring and adjacent properties and improvements, and substantial or undue or upon public facilities and services:
- (a) Adult uses will only be permitted in the CG District.
 - (b) No adult use may be located within one thousand (1,000) feet of any existing school, religious institution, day care center, public park, residentially zoned property, agriculturally zoned property, or other adult use.
 - (c) No adult use may have more than one (1) outdoor sign.
 - (d) No adult use may have an outdoor sign exceeding ten (10) feet in length or three (3) feet in width.
 - (e) No adult use may display the stock in trade of adult entertainment establishments to the public from view outside the establishment, including graphics, decorations, or displays.
 - (f) No adult use may paint the exterior of the premises any other color than a single neutral, earth tone color.
 - (g) No adult use offering live performance of adult entertainment will allow exposed or uncovered specified anatomical areas.
 - (h) No adult use will permit persons under the age of eighteen (18) on the property subject to the adult use, and all adult uses will post a notice at the door that entry by persons under the age of eighteen (18) is prohibited.
 - (i) All adult uses will maintain a buffer measuring at least six (6) feet wide between all patrons and any individual conducting live performance of adult entertainment.
 - (j) No adult use will allow or permit the occurrence of any specified sexual activities or permit the occurrence of any act constituting the offense of obscenity under Oklahoma law on property subject to the adult use.
 - (k) No adult use will allow, permit, or authorize physical contact between any adult use personnel and any patron.
 - (l) Adult entertainment employees may not receive tips from patrons except as follows:
 - (I) An adult use that desires to provide for tips from its patrons for adult entertainment employees will establish one or more boxes or other containers to receive tips.
 - (II) All tips for adult entertainment employees must be placed by the patron into the tip box.
 - (III) An adult use that provides tip boxes for adult entertainment employees must post one or more signs to be conspicuously visible to the patrons on the premises in letters at least one inch high to read as follows: "All tips are to be placed in tip box and not handed directly to the entertainer. Any physical contact between the patron and the entertainer is strictly prohibited."
 - (m) No adult use offering adult entertainment on the premises may open before 11:30 a.m. or close after 1:00 a.m., except that cleaning and maintenance activities necessary for the property's operation may occur before or after the hours specified in this subsection.
 - (n) No adult use offering adult entertainment on the premises will open or operate on Sunday, on any federal holiday, or on any state holiday.
 - (o) No animals, excluding animals trained and used to assist a person with a disability, are permitted at any time on property subject to an adult use, and any animal assisting a person with a disability must remain with that person at all times.

- (p) No adult entertainment will occur in any restroom located on a property subject to an adult use.
- (q) Patrons will not enter any non-public portions of a property subject to an adult use, including, without limitation, any storage areas, dressing rooms, or other rooms provided for the primary benefit and use of adult use personnel.
- (r) No adult use will utilize loudspeakers or other sound equipment that is audible outside of the structure in which the adult use is conducted.
- (s) Each adult use will have at least one manager's station allowing direct, unobstructed, and uninterrupted view from the manager's station to every part of the premises accessible to patrons, excluding restrooms.
- (t) All adult uses will comply with all provisions of this Code and all federal, state, and local laws, rules, and regulations, as amended.
- (u) Upon the City's request, permittee will allow the City to inspect the adult use's books, records, and payroll information to allow the City to verify compliance with this Code, state law, and federal law, as amended.

(3) **Penalty.**

- (a) Every act or omission constituting a violation of this Code by any adult use, adult use personnel, or patron will be deemed to be an act or omission by the adult use operator, and the adult use operator will be punished in accordance with the provisions of this subsection.
- (b) Nothing in this Section will prohibit the City or any person or entity from pursuing any claims at law or in equity, against any person or entity that violates this Section or any other City ordinance, rule, or regulation.
- (c) Any adult use established, operated, or maintained in violation of any of the provisions or requirements of this Code will be, and the same is, declared to be unlawful and a public nuisance. The City may, in addition to or in lieu of any other remedies set forth in this Subsection, commence an action to enjoin, remove, or abate such nuisance in the manner provided by law and may take such other steps and apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such public nuisance, and restrain and enjoin any person from establishing, operating, or maintaining an adult use contrary to the provisions of this Code.

- (4) **Severability.** If any part, subsection or clause of this Section will be deemed to be unconstitutional or otherwise invalid, the remaining section, subsection and clauses will not be affected thereby.

(B) **General Retail, less than 10,000 square feet.**

- (1) The main entrance shall be oriented towards the primary street.
- (2) All off-street parking, as required in Section 16-6-1(E) of this UDO, shall be located in the rear and/or interior side yard. Off-street parking located in the interior side yard shall be set back a minimum of one (1) foot from the front elevation of the primary building.
- (3) A maximum of one (1) curb cut shall be permitted per street frontage unless otherwise approved by the City Planner due to site specific constraints.
- (4) ADA compliant pedestrian walkways shall be provided to all building entries and parking areas and shall connect to the sidewalk at the street frontage.
- (5) Exterior building materials shall be time- and weather- tested materials and techniques such as but not limited to masonry, stone veneer systems, stucco, precast panels with inlaid or stamped brick texture, and those included in the City of Jenks Preferred Building Materials List.

(C) General Retail, 10,000 – 49,999 square feet.

- (1) All off-street parking, as required in Section 16-6-1(E) of this UDO, is encouraged to be located in the rear and/or interior side yard. Any portion of an off-street parking located in the front yard shall meet the requirements for Type B interior and perimeter parking lot landscaping.
- (2) Façades greater than one hundred (100) feet in length, measured horizontally, shall incorporate surface articulation every fifty (50) feet.
- (3) Ground floor facades that face public streets shall have arcades, clear glass display windows, entry areas, awnings, or other such features along no less than sixty (60) percent of their horizontal length.
- (4) ADA compliant pedestrian walkways shall be provided to all building entries and parking areas and shall connect to the sidewalk at the street frontage.
- (5) Exterior building materials shall be time- and weather- tested materials and techniques such as but not limited to masonry, stone veneer systems, stucco, precast panels with inlaid or stamped brick texture, and those included in the City of Jenks Preferred Building Materials List.

(D) General Retail, 50,000 square feet or more.

- (1) Façades greater than one hundred (100) feet in length, measured horizontally, shall incorporate surface articulation every one hundred (100) feet.
- (2) Ground floor facades that face public streets shall have arcades, clear glass display windows, entry areas, awnings, or other such features along no less than sixty (60) percent of their horizontal length.
- (3) ADA compliant pedestrian walkways shall be provided to all building entries and parking areas and shall connect to the sidewalk at the street frontage.
- (4) Exterior building materials shall be time- and weather- tested materials and techniques such as but not limited to masonry, stone veneer systems, stucco, precast panels with inlaid or stamped brick texture, and those included in the City of Jenks Preferred Building Materials List.
- (5) The property owner(s) shall enter into a "Vacant Building Agreement" with the City including provisions for vacant building and property maintenance and vacant building demolition.

16-5-5. Service Use Specific Standards

(A) Business Park.

- (1) Uses allowed within a business park shall be as allowed in the base zoning district.
- (2) The façades of buildings in business parks shall be improved as detailed below.

(a) Primary Façade.

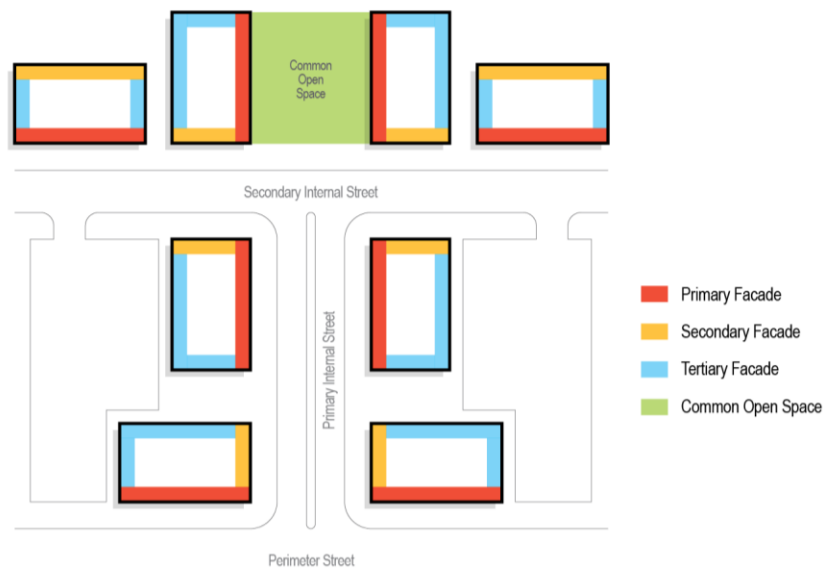
- (I) The primary façade shall include the primary building entrance and shall be oriented towards the following (listed in priority order). Primary façades shall not be oriented towards off-street parking lots, garages, or carports.
 - (i) Perimeter streets,
 - (ii) Primary internal streets,
 - (iii) Parks or other common open space, or
 - (iv) Secondary internal streets.
- (II) Building materials of primary façades shall be masonry, stone veneer systems, or stucco on the first level. Precast panels with stamped or inlaid brick texture, EIFS acrylic finishes, or quik-brik concrete masonry units may be utilized above the first level. However, in no instance shall the finish of the non-natural materials utilized mimic or match the texture of the natural materials utilized. A maximum of three building materials may be used on a primary façade.
 - (i) When two (2) or more building materials are used on a façade, the material used on the first level shall be visually heavier than the material used above the first level to give a sense of support and grounding. For example, masonry on the first level and EIFS acrylic stucco above.
- (III) In order to provide for primary façade articulation, primary façades shall step back a maximum of two (2) feet and shall step forward a maximum of one (1) foot from the build-to-line for a minimum of forty (40) percent and maximum of seventy (70) percent of the primary façade.

(b) Secondary Façade.

- (I) The secondary façade shall be any façade not including the primary building entrance that is oriented towards the following:
 - (i) Perimeter streets,
 - (ii) Primary internal streets,
 - (iii) Parks or other common open space, or
 - (iv) Secondary internal streets.
- (II) Building materials of secondary façades shall be a combination of masonry, stone veneer systems, stucco, precast panels with stamped or inlaid brick texture, EIFS acrylic finishes, or quik-brik concrete masonry units. Natural materials shall consist of a minimum of forty (40) percent of the façade. In no instance shall the finish of the non-natural materials utilized mimic or match the texture of the natural materials utilized. The type and design of materials utilized on the secondary façade shall complement those utilized on the primary façade.
- (III) In order to provide for secondary façade articulation, secondary façades shall step back a maximum of two (2) feet and shall step forward a maximum of one (1) foot from the build-to-line for a minimum of thirty (30) percent and maximum of seventy (70) percent of the secondary façade. Articulation of the secondary façade shall be complimentary to the articulation of the primary façade.

(c) Tertiary Façade.

- (I) The tertiary façade shall be any façade not considered a primary or secondary façade.
- (II) Building materials of tertiary façades may consist wholly of precast panels with stamped or inlaid brick texture, EIFS acrylic finishes, or quik-brik concrete masonry units, however, a combination of non-natural and natural materials is encouraged. The type and design of materials utilized on the tertiary façade shall complement those utilized on the primary and secondary façades.

Figure 5.4: Business Park Façade Locations

- (3) Parking shall be integrated into the overall site design to minimize visual impact, reduce the loss of trees, and be visually concealed from public rights-of-way.
- (4) ADA compliant pedestrian walkways shall be provided to all building entries and parking areas and shall connect to the sidewalk at the street frontage.

(B) Commercial Animal Boarding.

- (1) Outdoor exercise areas shall not be located within three hundred (300) feet of a residentially zoned property.
- (2) Outdoor exercise areas shall be fully enclosed with a fence or wall with a minimum height of six (6) feet.
- (3) The hours of operation for outdoor areas shall be limited daily from 7:00 a.m. to 7:00 p.m.
- (4) The animals shall be boarded in appropriate kennel units with insulation to further abate noise.
- (5) All litter and waste must be contained and controlled on site by having appropriate flushing drains and other physical elements to properly dispose of cleaning waste from the boarding area.
- (6) The boarding area must be air-conditioned and heated so that any windows, doors, or other openings can be closed at all times, with the exception of ingress and egress into the area.

(C) General Service, less than 10,000 square feet.

- (1) The main entrance shall be oriented towards the primary street.
- (2) All off-street parking, as required in Section 16-6-1(E) of this UDO, shall be located in the rear and/or interior side yard. Off-street parking located in the interior side yard shall be set back a minimum of one (1) foot from the front elevation of the primary building.
- (3) A maximum of one (1) curb cut shall be permitted per street frontage unless otherwise approved by the City Planner due to site specific constraints.
- (4) ADA compliant pedestrian walkways shall be provided to all building entries and parking areas and shall connect to the sidewalk at the street frontage.
- (5) Exterior building materials shall be time- and weather- tested materials and techniques such as but not limited to masonry, stone veneer systems, stucco, precast panels with inlaid or stamped brick texture, and those included in the City of Jenks Preferred Building Materials List.

(D) General Service, 10,000 – 49,999 square feet.

- (1) All off-street parking, as required in Section 16-6-1(E) of this UDO, is encouraged to be located in the rear and/or interior side yard. Any portion of an off-street parking located in the front yard shall meet the requirements for Type B interior and perimeter parking lot landscaping.
- (2) Façades greater than one hundred (100) feet in length, measured horizontally, shall incorporate surface articulation every fifty (50) feet.
- (3) Ground floor facades that face public streets shall have arcades, clear glass display windows, entry areas, awnings, or other such features along no less than sixty (60) percent of their horizontal length.
- (4) Curb cuts and site vehicular access shall be minimized in frequency and width and shall not dominate the site plan or property and street frontage.
- (5) ADA compliant pedestrian walkways shall be provided to all building entries and parking areas and shall connect to the sidewalk at the street frontage.

- (6) Exterior building materials shall be time- and weather- tested materials and techniques such as but not limited to masonry, stone veneer systems, stucco, precast panels with inlaid or stamped brick texture, and those included in the City of Jenks Preferred Building Materials List.

(E) General Service, 50,000 square feet or more.

- (1) Façades greater than one hundred (100) feet in length, measured horizontally, shall incorporate surface articulation every one hundred (100) feet.
- (2) Ground floor facades that face public streets shall have arcades, clear glass display windows, entry areas, awnings, or other such features along no less than sixty (60) percent of their horizontal length.
- (3) Curb cuts and site vehicular access shall be minimized in frequency and width and shall not dominate the site plan or property and street frontage.
- (4) ADA compliant pedestrian walkways shall be provided to all building entries and parking areas and shall connect to the sidewalk at the street frontage.
- (5) Exterior building materials shall be time- and weather- tested materials and techniques such as but not limited to masonry, stone veneer systems, stucco, precast panels with inlaid or stamped brick texture, and those included in the City of Jenks Preferred Building Materials List.
- (6) The property owner(s) shall enter into a "Vacant Building Agreement" with the City including provisions for vacant building and property maintenance and vacant building demolition.

(F) Personal Storage Facility.

- (1) A personal storage facility shall consist of a single building. Outdoor storage shall be prohibited.
- (2) Personal storage facilities shall be set back a minimum of three hundred (300) feet from the front lot line. Outlot development shall be allowed in the required setback with uses permitted in the base zoning district.
- (3) A minimum of thirty (30) percent of the primary façade shall contain transparent window and/or doors.
- (4) The storing of hazardous or toxic materials is prohibited.
- (5) No storage space shall be used for residential occupancy, business sales or operation, the storage of commercial or industrial inventory or raw materials, or the operation of machinery.
- (6) Exterior building materials shall be time- and weather-tested materials and techniques such as but not limited to masonry, stone veneer systems, stucco, precast panels with inlaid or stamped brick texture, and those included in the City of Jenks Preferred Building Materials List.

16-5-6. Lodging Use Specific Standards

(A) Bed and Breakfast.

- (1) The host family must be the operator and resident of the property proposed to be used as a Bed and Breakfast.
- (2) Bed and Breakfasts shall provide a minimum of one (1) bathroom for every three (3) guest rooms.
- (3) The property must be developed, maintained, and operated so that the principal building, accessory buildings, yards, drive, and street frontage have the appearance and character of its adjacent neighborhood and does not detract from abutting properties.
- (4) The operator shall maintain a register of all bed and breakfast guests for each calendar year and shall make such register available to the City upon request. The maximum length of stay for any guest shall be limited to thirty (30) days per calendar year.
- (5) The Specific Use permit shall establish the number of guest rooms permitted provided, however, the Board of Adjustment shall not approve more than three (3) guest rooms.
- (6) Cooking facilities shall not be permitted in any of the guest rooms.
- (7) A public restaurant is not permitted. Meals may only be served to overnight guests.
- (8) No signage is allowed for bed and breakfast uses.
- (9) The Board of Adjustment may require a bed and breakfast to be screened from the abutting residential properties by the erection and maintenance of a landscape yard in accordance with the Transition Area Type A requirements as detailed in Section 16-6-3(F)(3) of this UDO.
- (10) A Site Plan (plot plan) showing the location and size of structures including driveways and off-street parking open spaces; setbacks from property lines; number of guest rooms; proposed location, and any required landscape shall be submitted at the time of application for a Special Exception.
- (11) Bed and Breakfasts shall meet the minimum standards of the City of Jenks building, electrical, plumbing and fire codes, and Tulsa City-County Health Department regulations. Off-street parking surfacing drainage and earth-change permits shall be approved by the City Engineer.
- (12) The operator shall file an application for a City of Jenks license and registration and a Sales Tax Permit issued by the State of Oklahoma Tax Commission upon approval of the required Special Exception. 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 an accommodations tax of five (5) percent on gross receipts of any Bed and Breakfasts and similar businesses.

(B) Short-Term Rental.

- (1) All applications for short-term rentals shall be filed under the conditional use permit procedures and subject to the conditional use permit review criteria in Section 16-9-2(C).
- (2) Short-term rentals shall be subject to the City of Jenks lodging tax rate.
- (3) Private covenants enacted by homeowners associations or other private entities may further restrict the establishment short-term rentals beyond the regulations of this UDO.

16-5-7. Eating / Drinking Use Specific Standards

- (A) **Coffee / Tea Shop.** The following standards shall apply to Coffee / Tea Shop uses in any residential district or the LC District and in any district when the subject lot abuts a residential zoning district.
- (1) The main entrance shall be oriented towards the primary street.
 - (2) All off-street parking, as required in Section 16-6-1(E) of this UDO, shall be located in the rear and/or interior side yard. Off-street parking located in the interior side yard shall be set back a minimum of one (1) foot from the front elevation of the primary building.
 - (3) A maximum of one (1) curb cut shall be permitted per street frontage unless otherwise approved by the City Planner due to site specific constraints.
 - (4) ADA compliant pedestrian walkways shall be provided to all building entries and parking areas and shall connect to the sidewalk at the street frontage.
 - (5) Exterior building materials shall be time- and weather- tested materials and techniques such as but not limited to masonry, stone veneer systems, stucco, precast panels with inlaid or stamped brick texture, and those included in the City of Jenks Preferred Building Materials List.

16-5-8. Entertainment Use Specific Standards

- (A) **General Entertainment, Indoor, less than 10,000 square feet.**
- (1) The main entrance shall be oriented towards the primary street.
 - (2) All off-street parking, as required in Section 16-6-1(E) of this UDO, shall be located in the rear and/or interior side yard. Off-street parking located in the interior side yard shall be set back a minimum of one (1) foot from the front elevation of the primary building.
 - (3) A maximum of one (1) curb cut shall be permitted per street frontage unless otherwise approved by the City Planner due to site specific constraints.
 - (4) ADA compliant pedestrian walkways shall be provided to all building entries and parking areas and shall connect to the sidewalk at the street frontage.
 - (5) Exterior building materials shall be time- and weather- tested materials and techniques such as but not limited to masonry, stone veneer systems, stucco, precast panels with inlaid or stamped brick texture, and those included in the City of Jenks Preferred Building Materials List.
- (B) **General Entertainment, Indoor, 10,000 – 49,999 square feet.**
- (1) All off-street parking, as required in Section 16-6-1(E) of this UDO, is encouraged to be located in the rear and/or interior side yard. Any portion of an off-street parking located in the front yard shall meet the requirements for Type B interior and perimeter parking lot landscaping.
 - (2) Façades greater than one hundred (100) feet in length, measured horizontally, shall incorporate surface articulation every fifty (50) feet.
 - (3) Ground floor facades that face public streets shall have arcades, clear glass display windows, entry areas, awnings, or other such features along no less than sixty (60) percent of their horizontal length.
 - (4) Curb cuts and site vehicular access shall be minimized in frequency and width and shall not dominate the site plan or property and street frontage.

- (5) ADA compliant pedestrian walkways shall be provided to all building entries and parking areas and shall connect to the sidewalk at the street frontage.
- (6) Exterior building materials shall be time- and weather- tested materials and techniques such as but not limited to masonry, stone veneer systems, stucco, precast panels with inlaid or stamped brick texture, and those included in the City of Jenks Preferred Building Materials List.

(C) General Entertainment, indoor, 50,000 square feet or more.

- (1) Façades greater than one hundred (100) feet in length, measured horizontally, shall incorporate surface articulation every one hundred (100) feet.
- (2) Ground floor facades that face public streets shall have arcades, clear glass display windows, entry areas, awnings, or other such features along no less than sixty (60) percent of their horizontal length.
- (3) Curb cuts and site vehicular access shall be minimized in frequency and width and shall not dominate the site plan or property and street frontage.
- (4) Service areas, dumpsters, utilities, and the required screening thereof shall not be visible from rights-of-way.
- (5) ADA compliant pedestrian walkways shall be provided to all building entries and parking areas and shall connect to the sidewalk at the street frontage.
- (6) Exterior building materials shall be time- and weather- tested materials and techniques such as but not limited to masonry, stone veneer systems, stucco, precast panels with inlaid or stamped brick texture, and those included in the City of Jenks Preferred Building Materials List.
- (7) The property owner(s) shall enter into a "Vacant Building Agreement" with the City including provisions for vacant building and property maintenance and vacant building demolition.

(D) General Entertainment, Outdoor.

- (1) All buildings associated with the Outdoor General Entertainment use shall meet the use specific standards for the applicable indoor general entertainment use based on the size of the building.
- (2) Outdoor activity areas shall not be located closer than three hundred (300) feet to a property in a RE, RS, or RD district.
- (3) Hours of operation shall be limited to between 7:00 am and 9:00 pm weekly between Sunday and Thursday and between 7:00 am and 11:00 pm weekly between Fridays and Saturday.

16-5-9. Vehicle Related Use Specific Standards

(A) Fuel Sales.

- (1) All fuel pumps shall be set back a minimum of twenty-five (25) feet from the street right-of-way and side or rear lot lines.
- (2) All fuel pump canopies shall be located a minimum of twenty (20) feet from the street right-of-way and side or rear lot lines.
- (3) All fuel pumps and fuel pump canopies shall be located a minimum of fifty (50) feet from any RE, RS, or RD district boundary line.
- (4) Fuel pump canopies shall maintain a uniform and consistent roofline with the building to which the fuel pump canopy is associated. The Planning Commission may approve additional fuel pump canopy height to accommodate fuel pump

canopies that serve commercial vehicles; however, in no instance shall a fuel pump canopy exceed seventeen (17) feet.

- (5) Fuel pump canopies shall be lit with only fully recessed lighting.

(B) Trucking Establishment.

- (1) **Locational Standards.** A trucking establishment is a unique and specialized land use. Given the distinctive nature of this particular use, the locational standards identified below are of paramount importance for the health, safety and general welfare of the public. As such, the Planning Commission, before recommending approval to City Council, will carefully consider the following provisions of the Specific Use permit.
 - (a) No trucking establishment shall be located within five (5) miles of any other trucking establishment or gasoline service provider. For the purpose of this section, all measurements of distance shall be along a straight airline route from the nearest point on any gasoline sales establishment property line to the nearest point on any other gasoline sales property line.
 - (b) No trucking establishment shall be located closer than twenty-five hundred (2,500) feet from property designated Residential on the Land Use Plan Map or land zoned Residential pursuant to the Zoning Code. For the purpose of this section, all measurements of distance shall be along a straight airline route from the nearest point on any trucking establishment property line to the nearest point on any property line zoned or designated Residential.
- (2) **Minimum Parcel Dimensions.**
 - (a) The minimum parcel size for consideration of trucking establishment is twenty (20) acres.
 - (b) The minimum lot frontage for a parcel used for a trucking establishment shall be four hundred (400) feet.
- (3) **Minimum Required Yards.**
 - (a) The perimeter setback for all yards adjacent to major roadways shall be at least one hundred (100) feet from the respective property line.
 - (b) Transitional yard setback required where a property line or lease line abuts service stations, truck service (major repair) every adjacent structure shall be set back one hundred (100) feet. This requirement would not apply to structures containing convenience stores or other uses if part of the service station use.
- (4) **Maximum Building Height.** For all permitted uses within a trucking establishment, thirty-five (35) feet, hotels, motels and similar lodging are prohibited.
- (5) **Maximum Building Coverage.** Forty (40) percent of site area
- (6) **Minimum Open Space.** Twenty (20) percent of site area. One half (½) of the area required to be devoted to Open Space may be comprised of water bodies.
- (7) **Minimum Building Separation.** No two (2) buildings on the same parcel within trucking establishment shall be located closer to one (1) another than a distance equal to the height of the lower building.
- (8) **Prohibited uses.** The following are the prohibited uses and structures in trucking establishments:
 - (a) Any permitted use, accessory use, restricted use or structure not specifically or by reasonable implication permitted herein,
 - (b) Adult uses,
 - (c) Sales of alcoholic beverages for consumption off the premises. This prohibition does not include the sale of beer and wine accessory to a convenience store, and

- (d) Sales, Wholesale. This prohibition does not include the sales of tires, batteries and vehicle parts and bulk storage of petroleum products for sales on-site but does include the bulk sale of petroleum products.

16-5-10. Industrial Uses

- (A) **Warehouse, Office.** A maximum of eighty (80) percent of the floor area of the structure may comprise warehouse uses and at least twenty (20) percent of the floor area of the structure shall comprise office uses.

16-5-11. Medical Marijuana Use Specific Standards

- (A) **All Medical Marijuana Uses.**

- (1) Uses shall be located a minimum of three hundred (300) feet from any parcel designated in the RE, RS, or RD districts or from a habitable structure.
- (2) Uses located three hundred (300) feet from any parcel designated in the RE, RS, or RD districts or from a habitable structure shall be conducted within an enclosed building(s).

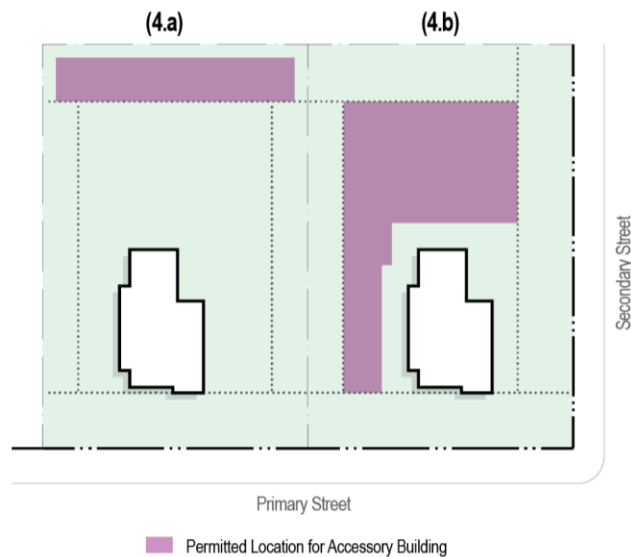
16-5-12. Accessory Use Specific Standards

- (A) **Accessory Building.**

- (1) One (1) accessory building shall be permitted per lot.
- (2) On lots less than or equal to twenty thousand (20,000) square feet, an accessory building shall be a maximum of seven hundred (700) square feet or seventy-five (75) percent of the gross floor area of the principal building, whichever is more.
- (3) On lots greater than twenty thousand (20,000) square feet, an accessory building shall be a maximum of one thousand two hundred (1,200) square feet or seventy-five (75) percent of the gross floor area of the primary building, whichever is more.
- (4) An accessory building shall be located either:
 - (a) Completely within the required rear yard and a minimum of five (5) feet from lot lines, or
 - (b) Completely within the buildable area of the lot and to the interior side or rear of the principal building.

- (5) An accessory building shall be located a minimum of ten (10) feet from the primary building unless it is constructed with a one (1) hour fire rating in which case the minimum separation from the primary building shall be five (5) feet.

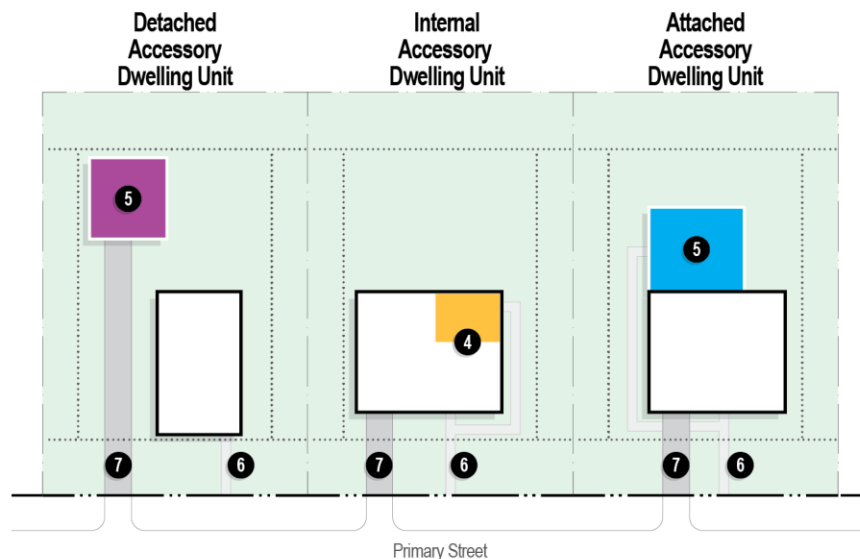
Figure 5.5: Accessory Building Permitted Locations



- (6) Private covenants enacted by homeowners associations or other entities may apply and may further restrict the allowed number, size, and location of accessory buildings.

(B) Accessory Dwelling.

- (1) One (1) accessory dwelling unit shall be permitted per lot.
- (2) The primary residence of the owner of the property shall be either the primary building on the lot or the accessory dwelling.
- (3) Internal accessory dwelling units shall not be greater than twenty (20) percent of the size of the primary building, whichever is less.
- (4) Detached and attached accessory dwelling units shall not be greater than eighty (80) percent of the size of the primary building.
- (5) Only one (1) entrance shall be located on the front façade of the primary building. Entrances to accessory dwelling units must be located on the interior side or rear façade.
- (6) Both the primary building and the accessory dwelling unit shall be served by the driveway established for the primary building.
- (7) Parking for the accessory dwelling unit, as required by Section 16-6-1(E) of this UDO, shall be in addition to the parking space(s) required for the primary building. The parking for the accessory dwelling unit shall not be located in the required front yard setback. A tandem parking space, where one (1) car is parked behind another, with the spaces required for the primary structure shall be prohibited.
- (8) Accessory dwelling units shall be similar in character to the primary structure and to abutting properties including roof pitch, eaves, building materials, windows, trim, color, and landscaping.

Figure 5.6: Accessory Dwelling Types

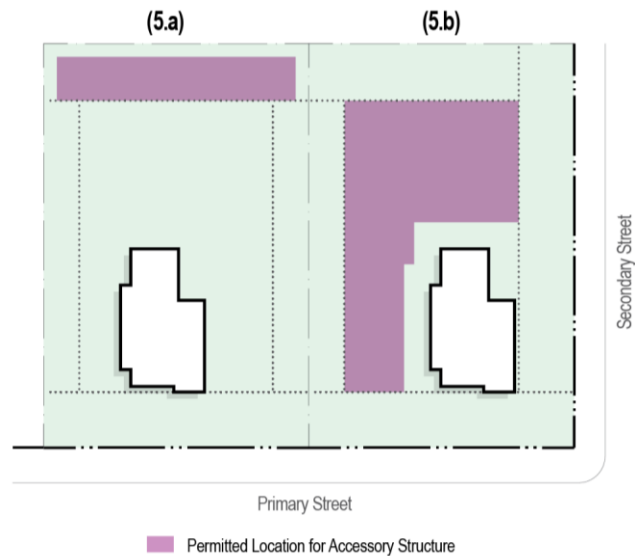
- (9) Private covenants enacted by homeowners associations or other entities may apply and may further restrict the allowed number, size, or location, of accessory dwelling units.

(C) Accessory Retail.

- (1) The total area devoted to retail activity shall not exceed twenty-five (25) percent of the total area of the building in which the accessory retail activity shall take place.
- (2) Restroom facilities shall be provided and shall be directly accessible from the accessory retail sales area.
- (3) Accessory retail sales areas shall be physically separated from other activity areas by a wall.

(D) Accessory Structure.

- (1) Two (2) accessory structures shall be permitted per lot.
- (2) An accessory structure shall not exceed two hundred (200) square feet.
- (3) An accessory structure shall not have a permanent foundation.
- (4) An accessory structure shall have a maximum height of eight (8) feet.
- (5) An accessory structure shall be located either:
 - (a) Completely within the required rear yard and a minimum of five (5) feet from rear yard lot lines, or
 - (b) Completely within the buildable area of the lot and to the interior side or rear of the principal building.
- (6) An accessory structure shall be located a minimum of ten (10) feet from the primary building unless it is constructed with a one (1) hour fire rating in which case the minimum separation from the primary building shall be five (5) feet.

Figure 5.7: Accessory Structures Permitted Locations

(E) Donation Drop Box.

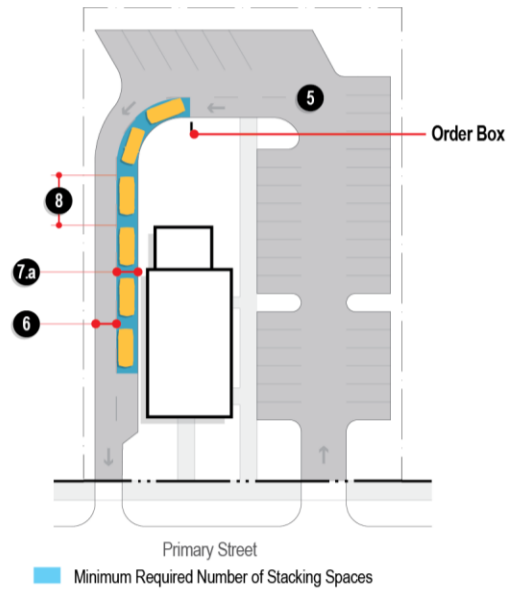
- (1) Donation drop boxes shall be on properties that contain a legally existing and operating use.
- (2) No more than two (2) donation drop boxes shall be permitted on a lot less than or equal to two (2) acres.
- (3) No more than three (3) donation drop boxes shall be permitted on a lot greater than two (2) acres.
- (4) Each donation drop box shall not exceed seven (7) feet in height and twenty-five (25) square feet in ground area.
- (5) Donation drop boxes shall only be located in side or rear yards. No donation drop box shall be located in a front yard.
- (6) Donation drop boxes shall be located on an asphalt or concrete paved surface.
- (7) Donation drop boxes shall not be located in a driveway or drive aisle and shall not reduce the width of paved clear space for the passage of pedestrians to less than five (5) feet. Boxes shall not be located in such a way as to disrupt the flow of vehicular or pedestrian traffic.
- (8) Donation drop boxes shall not be located nearer than forty (40) feet from an adjoining lot in a RE, RS, or RD District.
- (9) Donation drop boxes shall be located to the side or rear of the primary façade of the building.
- (10) A notice must be permanently affixed to each donation drop box in a highly visible location prohibiting the placement of items outside of the box. The name and twenty-four (24) hour telephone number of the owner/operator must be permanently affixed to each donation drop box.

(F) Drive Through.

- (1) Drive-throughs shall be permitted a maximum of four (4) total menu boards and pre-order boards with a combined maximum area of one hundred (100) square feet. Each menu board or pre-order board shall not exceed sixty (60) square feet in area and ten (10) feet in height. Menu boards and pre-order boards may utilize electronic message boards for one hundred (100) percent of the permitted menu board or pre-order board area and must follow all regulations of Section 16-7-7(B) of this UDO.
- (2) Any speaker or intercom associated with a drive-through shall not be audible beyond the boundaries of the property.
- (3) Drive-through canopies shall maintain a uniform and consistent roofline with the building to which the drive-through is associated.
- (4) Stacking spaces and lanes for drive through stations shall not impede on- and off-street traffic movement, are not to cross or pass through off-street parking areas or drive aisles and are not to impede pedestrian access to a public entrance of a building.
- (5) Drive-through lanes are to be separated from off-street parking areas. Individual lanes are to be striped, marked, or otherwise distinctly delineated.
- (6) Drive-through facilities shall be provided with a bypass lane with a minimum width of ten (10) feet.
- (7) Stacking lanes shall have a minimum depth of twenty (20) feet per stacking space and the following minimum lane widths:
 - (a) One (1) lane: Twelve (12) feet,
 - (b) Two (2) or more lanes: Ten (10) feet per lane.
- (8) Drive-through facilities shall be required to provide a minimum number of stacking spaces as detailed in Table 16-5-11(F)(8).

Table 16-5-11(F)(8): Drive-Through Stacking Space Requirements		
Use	Minimum Stack	Measure From
<i>Automated Teller Machine</i>	2 per machine	teller machine
<i>Bank Teller Lane</i>	2 per lane	teller or window
<i>Restaurant</i>	6 per order box	order box
<i>Carwash Stall, Automatic</i>	5 per stall	stall entrance
<i>Carwash Stall, Manual</i>	2 per stall	stall entrance
<i>Oil Change Shop</i>	2 per service bay	service bay entrance
<i>Pharmacy</i>	4 per lane	machine or window
<i>Other</i>	at the discretion of the Planning Commission	

Figure 5.8: Drive Through Requirements



(G) Home Based Business.

- (1) All home based businesses shall be required to receive a Specific Use permit, as detailed in Section 16-9-6 of this UDO.
- (2) The primary use of the lot shall be residential in nature.
- (3) No person other than a resident of the dwelling unit shall be engaged or employed in the home based business on the premises.
- (4) No additional sign area, beyond what is permitted in residential districts in Sections 16-7-2, 16-7-5, and 16-7-6 of this UDO shall be granted to home based businesses.
- (5) No mechanical equipment shall be utilized except that which is necessarily, customarily, or ordinarily used for household or leisure purposes.
- (6) No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive, or other restricted materials shall be used or stored on the site except those which are necessarily, customarily, or ordinarily used for household or leisure purposes.
- (7) There shall be no outside operations, storage, or display of materials or products.
- (8) No alteration of the residential appearance of the premises shall occur, including the creation of a separate entrance for the home based business.
- (9) No process shall be used which is hazardous to public health, safety, morals, or welfare.
- (10) Visitors, customers, or deliveries shall not exceed that normally and reasonably occurring for a residence.
- (11) The home based business shall not displace or impede use of required parking spaces, including any business storage in required garage parking areas.
- (12) No advertisement shall be placed in any media containing the address of the property.

(H) Outdoor Activity / Operation, Permanent.

- (1) Any property with permanent outdoor activity or operations shall have a minimum lot size of five (5) acres.
- (2) Outdoor activities and operations shall be conducted between the hours of 7:00 am and 9:00 pm.
- (3) Outdoor activities and operations shall be located to the rear or interior side of the principal building on the lot.
- (4) Outdoor activities and operations shall be prohibited in front or exterior side yards.
- (5) Outdoor activities and operations shall be setback a minimum of fifty (50) feet from all property lines when adjacent properties are zoned OL, OM, or LC.
- (6) Outdoor activities and operations shall be setback a minimum of one hundred (100) feet from all property lines when adjacent properties are zoned RE, RS, RD, RTH, RM, CH, or RTC.
- (7) The following minimum screening requirements shall apply to permanent outdoor activities and operations visible from the right-of-way of an existing or proposed arterial or collector roadway or a property zoned RE, RS, RD, RTH, RM, OL, OM, LC, CH, or RTC.
 - (a) A solid wall constructed from materials identical to those used on the exterior of the principal building and not less than six (6) feet and not more than eight (8) feet in height shall be erected to screen those portions of permanent outdoor activity and operations areas visible from an existing or proposed arterial or collector roadway or a property zoned RE, RS, RD, RTH, RM, OL, OM, LC, CH, or RTC.
 - (b) A landscape strip, not less than five (5) feet wide shall be located in front of the wall. A minimum of four (4) canopy or evergreen trees shall be planted and evenly spaced per every one hundred (100) lineal feet. A minimum of ten (10) shrubs shall be planted and evenly spaced per every one hundred (100) lineal feet. All landscape maintenance requirements of Section 16-6-3(l) of this UDO shall apply.

(I) Outdoor Display / Sale of Merchandise, Permanent.

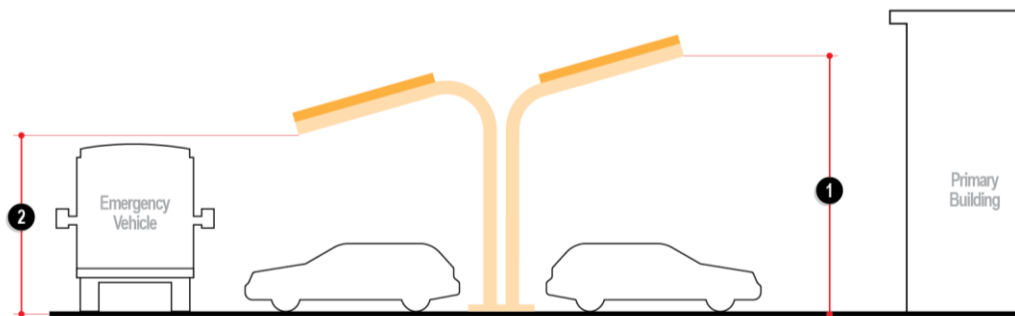
- (1) Only those goods and materials associated with the existing on-site use may be displayed or sold.
- (2) Permanent outdoor display or sales areas shall not be located within any required yard or parking area.
- (3) Permanent outdoor display or sales areas shall be surfaced with an approved hard surface material. Partially paved or unpaved outdoor display or sales areas shall be prohibited.
- (4) Permanent outdoor display or sales areas shall not exceed ten (10) percent of the gross floor area of the primary building on the property unless approved as a Specific Use.

(J) Outdoor Storage, Permanent.

- (1) Permanent outdoor storage areas shall be surfaced with an approved hard surface material. Partially paved or unpaved outdoor storage areas shall be prohibited.
- (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 from a property zoned RE, RS, RD, RTH, RM, OL, OM, LC, CH, or RTC.
 - (a) A solid wall constructed from materials identical to those used on the exterior of the primary building and not less than six (6) feet and not more than eight (8) feet in height shall be erected to screen those portions of permanent outdoor storage areas visible from an existing or proposed arterial roadway or from a property zoned RE, RS, RD, RTH, RM, OL, OM, LC, CH, or RTC.
 - (b) A landscape strip, not less than five (5) feet wide shall be located in front of the wall. A minimum of four (4) canopy or evergreen trees shall be planted and evenly spaced per every one hundred (100) lineal feet. A minimum of ten (10) shrubs shall be planted and evenly spaced per every one hundred (100) lineal feet. All landscape maintenance requirements of Section 16-6-3(l) 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 thirty (30) days shall be considered outdoor storage. Any shipping containers considered outdoor storage shall be subject to the regulations of this section.

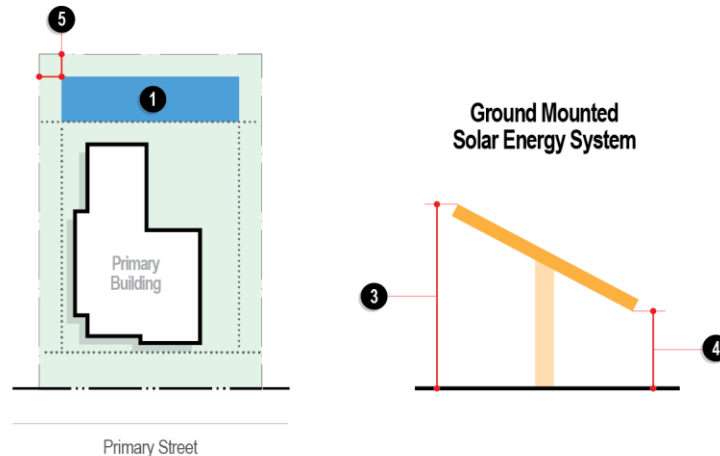
(K) Solar Energy Collection System, Canopy.

- (1) The height of canopy solar energy collection systems shall not exceed the height of the primary building that the parking area serves.
- (2) The minimum height of solar energy collection systems shall allow clearance for emergency and service vehicles.

Figure 5.9: Canopy Solar Energy Collection Systems

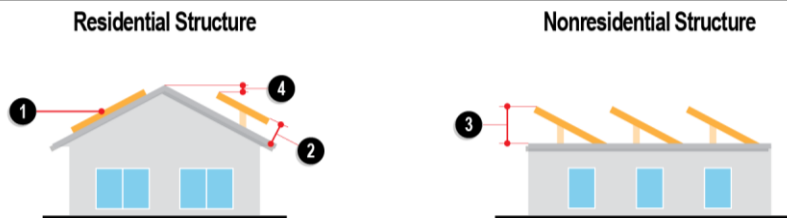
(L) Solar Energy Collection System, Ground Mounted.

- (1) Ground mounted solar energy collection systems shall be permitted in the rear yard only.
- (2) An unlimited quantity of panels is permitted on all zoning lots with the exception of any lot in a RS, or RD district ten thousand (10,000) square feet or less in size, which are limited to a total of one hundred (100) square feet in area of panels.
- (3) The maximum height of ground mounted solar energy collection systems shall be five (5) feet in height, measured from the grade at the base of the pole to the highest edge of the system.
- (4) Minimum clearance between the lowest point of the system and the surface on which the system is mounted is twelve (12) inches.
- (5) All parts of the freestanding system shall be set back ten (10) feet from the side and rear lot lines and shall not be located in a public utility easement.

Figure 5.10: Ground Mounted Solar Energy Collection Systems

(M) Solar Energy Collection System, Roof Mounted.

- (1) Roof mounted solar energy collection systems may be located on any roof face of principal or accessory buildings. Systems should be flush mounted when possible.
- (2) Systems on residential structures shall not extend beyond twelve (12) inches parallel to the roof surface of a pitched roof or flat roof.
- (3) Systems on nonresidential structures shall not extend beyond thirty-six (36) inches parallel to the roof surface of a pitched roof or flat roof.
- (4) Systems on all structures shall not extend above the highest peak of a pitched roof. Height is measured from the roof surface on which the system is mounted to the highest edge of the system.
- (5) All materials used for racking, mounts, mounting clamps, and flashings shall be of a color consistent with the color of the roof surface to minimize visibility.

Figure 5.11: Roof Mounted Solar Energy Collection Systems**(N) Urban Garden.**

- (1) Urban gardens shall not exceed twenty (20) percent of the area of the lot.
- (2) Urban gardens located in front or exterior side yards shall:
 - (a) Not utilize hoop houses, cold frames, or other structures.
 - (b) Not have any plant material which exceeds four (4) feet in height.
 - (c) Not have any dead plant materials present with the exception of dead plant materials utilized for ground cover, mulch, or compost.
 - (d) Not include any plant material that could interfere with a public sidewalk.
 - (e) Be setback a minimum of three (3) feet from all applicable property lines.
- (3) Urban gardens located in interior side or rear yards may utilize hoop houses, cold frames, or other structures if they are setback a minimum of three (3) feet from all property lines.

16-5-13. Temporary Use Specific Standards

(A) Food Truck.

(1) Location.

- (a) A stand-alone food truck may locate on a semi-regular or one-time basis in the CG, (Commercial General) Zoning Districts through the issuance of a Temporary Use permit in Section 16-9-2(G).
- (b) A stand-alone food truck may locate on a one-time basis in a RS1, RS2, RS3, RM1, RM2, RM3 District through the issuance of a Temporary Use permit in Section 16-9-2(G).
- (c) In the Downtown Core and Downtown Transition Districts, food carts or trucks are prohibited except within the "Downtown Commons" park area or during approved special events.
- (d) In the Riverfront Tourist Commercial District, food carts or trucks are prohibited except within a planned unit development or food truck court or during approved special events.

(2) Criteria For Food Truck Operation.

- (a) The owner or operator of the food cart or truck shall maintain all required licenses, including but not limited to, any license required by the Oklahoma Department of Health.
 - (b) The Temporary Use permit shall be displayed to the public in a visible location on the food truck.
 - (c) Operations shall not be located in a driveway or drive aisle except within a residentially zoned parcel, in which case staff approval is required.
 - (d) The establishment of a food truck on a one-time basis shall not restrict the number of times the HOA or other entity can go through the Temporary Use permit process for each individual event.
 - (e) Operations shall not obstruct parking lot circulation or block access to a public street, alley, or sidewalk.
 - (f) The operation of the food truck shall not block a pedestrian walkway or public sidewalk in a manner which reduces its width to less than five (5) feet or causes damage to improvements within the public right-of-way.
 - (g) Operations of any food cart or truck shall be at least one hundred (100) feet from any eating and drinking establishment existing unless written permission is granted by the eating or drinking establishment(s).
 - (h) Food trucks on any privately owned lot or parcel without written permission of the owner.
 - (i) Trash receptacles shall be provided on-site, and the owner/operator shall be responsible for keeping the area surrounding the food cart or truck clear of litter and properly cleaned.
 - (j) Signs, except for a-frame/sandwich board signs shall be permanently affixed to the food truck.
 - (l) Each food truck may have one (1) temporary sign which may not be located in any right-of-way or impede pedestrian or vehicular traffic. The sign shall be within twenty-five (25) feet of the food truck.
- (3) Canopies, umbrellas, and outdoor tables and chairs shall not block a pedestrian walkway in a manner that reduces its width to less than five (5) feet or creates a visual obstruction to traffic. Tables and chairs (furniture) shall be permitted and shall be located on improved and/or paved surfaces and shall not be stored on-site overnight.
- (a) Food carts or trucks may locate on the same lot or parcel so long as each vendor has the property owner's written permission and all other provisions contained herein may be met.
 - (b) When not in operation, a food cart or truck shall be stored on private property.

- (c) Food carts or trucks may not operate within any City right-of-way outside of a special event.
 - (I) No merchandise shall be offered, displayed or sold and no customers served except from the sidewalk,
 - (II) Only non-motorized carts may be located on sidewalks.
 - (III) Carts or trucks shall be located at least twenty-five (25) feet from any intersection (measured from the edge of sidewalk to the cart or truck) and fifteen (15) feet from any driveway.
- (d) No food cart or truck shall be located within fifty (50) feet of the outer boundary of any City-permitted or licensed event where the sale of merchandise and food is allowed, unless it is part of the event.
- (e) Food carts or trucks shall comply with the City's traffic and parking ordinances as amended.
- (f) Any location in a City right-of-way, including sidewalks, may be subject to temporary suspension or revocation without cause, but for reasons that may include construction, repairs, maintenance or emergencies.
- (g) Sites for food trucks are required to have full public improvements (curb, gutter, sidewalk, access drive, etc.).
- (h) Food trucks shall locate on paved surfaces. Unimproved surfaces, landscaping areas, and required setback areas are prohibited.
- (i) **Exceptions.**
 - (I) In residential districts, a food truck may locate in the right-of-way. No permit is required for a private catered event occurring on private property such as private parties, reunions, or weddings or for a mobile vendor pursuant to Subsection II below.
 - (II) A food truck may locate on Jenks School District property with written permission from the owner. Food carts or trucks may locate in the right-of-way adjacent to Jenks Public School District property with a special event application approval.
 - (III) No permit is required for a private, catered event occurring on private property) or for a mobile vendor.
- (4) **Special Districts.**
 - (a) In the Downtown Core food trucks are prohibited except within the Downtown Commons area or with special events.
 - (b) Downtown Commons regulation are subject to change by Council.
 - (c) Food carts and trucks shall not stay overnight
 - (d) In the Downtown Commons, food carts or trucks may locate if:
 - (I) Invited by a Main Street merchant,
 - (II) Written consent from restaurants and/or bars within a two (2) block radius is received and provided to the City,
 - (III) Restricted to three (3) days per week, and
 - (IV) Must be located within dedicated food truck spaces.
 - (V) Said parking spaces may be reserved the morning of the arrival of the food cart or truck but shall not be reserved or occupied for more than twenty-four (24) hours.

- (5) **Additional Requirements.** These permit requirements do not apply to food carts or trucks that are:
- (a) Part of a City-permitted event, or
 - (b) For a private, catered event occurring on private property (private parties, reunions, weddings and the like) in any district.
- (6) A street closure permit may be required to locate on any city street or right-of-way where the provisions of this section cannot be met. Food carts or trucks may not cater private events from either the sidewalk or road right-of-way without registering with the City of Jenks.

(B) Outdoor Dining.

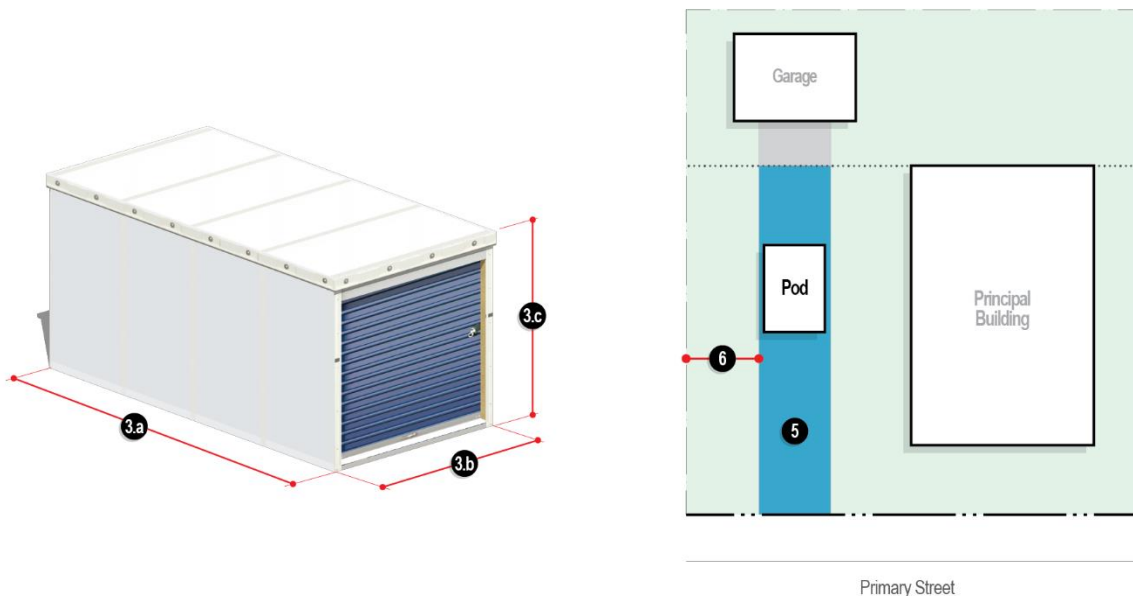
- (1) The outdoor dining area shall be located on an approved hard paved surface.
- (2) Outdoor dining areas may utilize a maximum of twenty (20) percent of the parking spaces required for the operation of the principal use or two thousand (2,000) square feet, whichever is less.
- (3) Outdoor dining areas shall not block a pedestrian walkway or public sidewalk in a manner which reduces the width of that walkway or sidewalk to less than five (5) feet.
- (4) A fence, landscape hedge, or wall with a height of four (4) feet shall be utilized to segregate the outdoor dining area.
- (5) Use of outdoor dining areas shall be limited to the posted operational hours of the associated eating and drinking use.

(C) Outdoor Display / Sale of Merchandise, Temporary.

- (1) Only those goods and materials associated with the existing on-site use may be displayed or sold.
- (2) Temporary outdoor display / sale of merchandise shall be permitted for a period not to exceed ninety (90) days per calendar year.
- (3) Temporary outdoor display / sale of merchandise areas shall occur:
 - (a) On the sidewalk area at the foundation of the principal building, not including a five (5) foot wide pedestrian walkway.
 - (b) In a portion of the parking lot, which shall not exceed twenty (20) percent of the parking spaces required for the operation of the primary use, or two thousand (2,000) square feet, whichever is less.

(D) Portable Outdoor Storage Device.

- (1) One (1) portable outdoor storage device shall be permitted per lot.
- (2) A Temporary Use permit, as detailed in Section 16-9-2(G) of this UDO, shall be obtained prior to the setting of the portable outdoor storage device on the property. A site drawing shall be submitted showing the location on the property where the unit will be placed, size of the unit, and distance to all applicable property lines and all other buildings and structures.
- (3) No portable outdoor storage device shall be greater than:
 - (a) Twenty (20) feet in length,
 - (b) Eight (8) feet in width, or
 - (c) Eight (8) feet in height.
- (4) The portable outdoor storage device shall not encroach on City property, City right-of-way, neighboring property, sidewalk, or be placed in the street.
- (5) The unit must be sited on an approved hard paved surface between the front property line and the rear building line of the principal building.
- (6) The minimum distance between the portable outdoor storage device and the interior side yard property line is four (4) feet or upon the approval by the City Planner and as agreed upon by written consent by the neighboring property owner.
- (7) Temporary portable outdoor storage units may be placed for no more than thirty (30) days in any consecutive twelve (12) month period. Extensions beyond the thirty (30) day limit may be granted by the City Planner.

Figure 5.12: Portable Outdoor Storage Devices

(E) **Seasonal Sales.**

- (1) A Temporary Use permit, as detailed in Section 16-9-2(G) of this UDO, shall be obtained prior to the commencement of any seasonal sales activity.
- (2) Seasonal sales shall include the outdoor display or sale of seasonal merchandise not otherwise associated with the principal use of the lot such as holiday tree, firework, or pumpkin sales.
- (3) Seasonal sales shall be permitted for a period not to exceed forty-two (42) days per calendar year.
- (4) Seasonal sales areas may utilize a maximum of twenty (20) percent of the parking spaces required for the operation of the principal use or two thousand (2,000) square feet, whichever is less.
- (5) Seasonal sales areas shall not block pedestrian walkways in a manner which reduces the width of that walkway to less than five (5) feet.

Article 6. Development Standards

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16-6-1. Off-Street Parking and Loading

(A) **Applicability of Requirements.** Off-street parking and off-street loading facilities, whether they are principal uses, accessory uses, or a minimum requirement for the initiation, enlargement, or change of use, shall meet the requirements of this Section as follows:

- (1) For all buildings and structures erected after the effective date of this UDO, parking and loading facilities shall be provided as required by the applicable use or combination of uses.
- (2) When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, floor area, seating capacity, or other units of measurement specified for required parking or loading facilities, parking, and loading facilities as required in this Section shall be provided for such increase in intensity of use. However, if due to site constraints and the inability to share parking with adjoining properties, the City Planner may waiver up to twenty (20) percent of the required parking.
- (3) Whenever the existing use of a building or structure is changed to a new use, with the exception of multitenant shopping centers, parking and/or loading facilities shall be provided as required for such new use. However, if due to site constraints and the inability to share parking with adjoining properties, the City Planner may waiver up to twenty (20) percent of required parking.

(B) **General Requirements.**

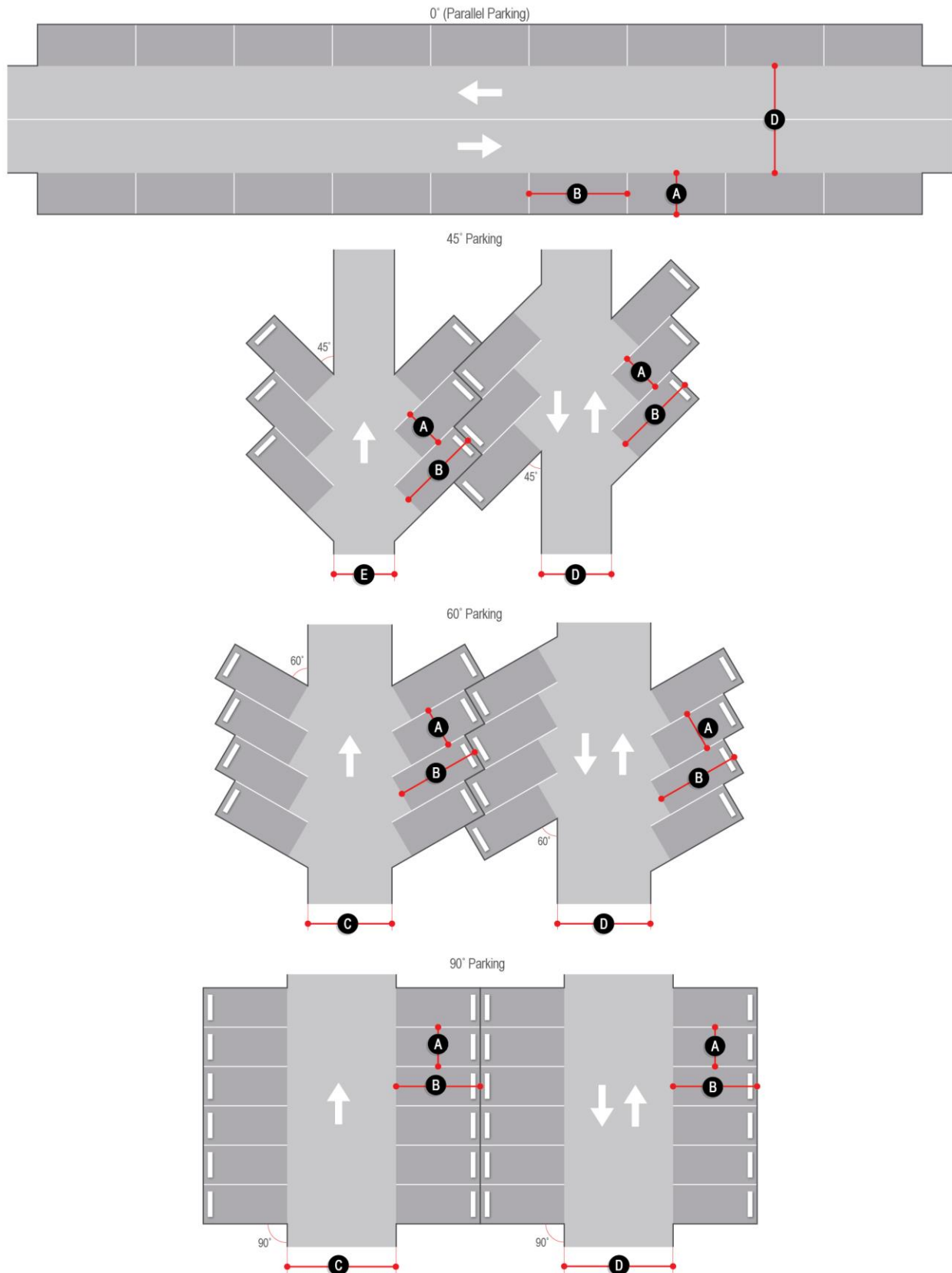
- (1) Space allocated to any off-street loading berth shall not be used to satisfy the space requirements for any off-street parking facilities. Space allocated to any required off-street parking shall not be used to satisfy the space requirements of any off-street loading facilities.
- (2) Within the front and exterior side yards in the RM-1 and RM-2 districts, not more than one vehicle shall be parked for each six hundred (600) square feet of area contained in the front or exterior side yards.
- (3) Required off-street parking spaces and off-street loading berths shall not be used for the storage, sales, dismantling, or servicing of any vehicle, equipment, materials, or supplies.

- (4) Required off-street parking spaces and off-street loading berths shall be located on the lot containing the use for which the required spaces or berths are to be provided unless a shared parking agreement is approved by the City in accordance with Section 16-6-1(F)(7).
- (C) **Setbacks.** Off-street loading areas shall not be located within fifty (50) feet of any abutting property which is within an R district unless it is wholly within an enclosed building or screened on all sides abutting the R district by a screening wall or fence.
- (D) **Design Standards for Off-Street Parking Areas.**
 - (1) **Access.** Each required parking space shall be accessible from a public street without passing through another required space, except in the RE and RS Districts.
 - (2) **Cross Access.** To facilitate vehicular access between adjoining developments and to minimize off-street parking area access points along streets and alleys, non-single-family development shall comply with the following standards:
 - (a) Internal vehicular circulation systems shall be designed to allow for vehicular cross-access between the development's off-street parking areas and off-street parking areas in an adjoining non-single-family development, or to the boundary of adjoining vacant land.
 - (b) Required vehicular cross access between the adjoining off-street parking areas shall be provided through the use of a single two-way maneuvering lane or two one-way maneuvering lanes that are sufficiently wide to accommodate traffic by automobiles, service vehicles, loading vehicles, and emergency vehicles.
 - (c) The City Planner may waive or modify the requirement for vehicular cross access on determining that such cross access is impractical or undesirable because it would require crossing a significant physical barrier or environmentally sensitive area, would create unsafe conditions, or there exists an inability to connect to adjacent property.
 - (d) Easements allowing cross access to and from properties served by a vehicular cross-access, along with agreements defining maintenance responsibilities of property owners, shall be recorded with Tulsa County before issuance of a building permit for the development.
 - (3) **Lighting.** Lighting used to illuminate an off-street parking area, if any, shall meet all requirements for outdoor lighting as detailed in Section 16-6-7.
 - (4) **Surfacing.** Off-street parking areas shall be surfaced with a dust free all-weather material including but not limited to concrete, bituminous pavement, pavers, or an equivalent material as approved by the City Engineer.
 - (5) **Drainage.** Off-street parking areas shall require submittal of stormwater drainage plans in compliance with City of Jenks Stormwater Management program and Design Criteria to the City Engineer for review and approval prior to installation.
 - (6) **Curb and Gutter.** Combination concrete curb and gutter or concrete barrier curb is required around the perimeter of all parking areas, except for residential parking areas with fewer than eight (8) spaces. Where alternatives to concrete curb and gutter are demonstrated to be more appropriate and recommended by the City Engineer, the alternatives may be approved by the City Planner.
 - (7) **Wheel Guards.** Parking spaces adjacent to sidewalks, pedestrian circulation areas, or landscape areas shall be provided with wheel guards or bumper guards to prevent the encroachment of parked vehicles in these areas. Wheel guards or bumper guards are not required for interior stalls. Wheel guards shall be located to ensure a minimum of four (4) feet of clearance is maintained between the front of a vehicle and a pedestrian circulation area.

- (8) **Parking Space and Drive Aisle Dimensions.** Plans for the layout of off-street parking areas shall be in accordance with Table 16-6-1(D)(8). If wheel guards are used, stall lengths shall be measured from the internal face of the wheel guard.

Table 16-6-1(D)(8): Parking Stall and Aisle Dimensional Standards				
Parking Angle (degrees)	Minimum (feet)			
	Stall Width	Stall Length	One-Way Aisle Width	Two-Way Aisle Width
0	8	20	11	12
45	9	19	16	20
60	9	20	16	20
90	9	18	20	24

Figure 6.1: Dimensional Requirements of Parking Spaces and Maneuvering Lanes



(E) Off-Street Parking Requirements.

- (1) **Minimum Requirements.** Except as otherwise expressly stated, off-street parking spaces shall be provided in accordance with the parking ratio requirements established in Table 16-6-1(E). Parking spaces reserved for specific user groups other than ADA compliant spaces and spaces with electric vehicle charging stations shall not count towards the minimum requirement.
- (2) **Maximum Requirements.** To minimize excessive areas of pavement, no off-street parking area shall exceed the required minimum number of parking spaces by more than twenty (20) percent for multifamily, mixed-use, and nonresidential uses only, except as approved by the City Planner. In approving additional spaces above the maximum, the City Planner shall determine that the parking is needed based on documented evidence of actual use and demand provided by the applicant.
- (3) **Parking in the DC District.** Nonresidential uses in the DC – Downtown Core District shall be exempted from providing off-street parking.
- (4) **Calculations.** The following rules shall apply when calculating the required minimum number of parking spaces:
 - (a) **Fractions.** When measurements of the number of required spaces result in a fractional number, any fraction of less than 0.5 is rounded down to the next lower whole number, and any fraction of 0.5 or more is rounded up to the next higher whole number.
 - (b) **Area Measurements.** Unless otherwise expressly stated, all area-based (square footage) parking standards must be computed on the basis of gross floor area (GFA).
 - (c) **Occupancy or Capacity-Based Standards.** For the purpose of computing parking requirements based on employees, students, residents or occupants, calculations must be based on the largest number of persons working on any single shift, the maximum enrollment, or the maximum fire-rated capacity, whichever is applicable as determined by the City Planner and the Fire Department.
 - (d) **Unlisted Uses.** In the case of uses not listed in Table 16-6-1(E), the number of spaces for a similar use, as determined by the City Planner, shall apply.

Table 16-6-1(E): Off-Street Parking Requirements	
Use	Minimum Parking Requirement
<i>Agricultural Uses</i>	
Community Garden	n/a
Passive Agriculture	n/a
Urban Agriculture, indoor	1/1,500 sq ft GFA
Urban Agriculture, outdoor	n/a
<i>Residential Uses</i>	
Duplex	2/unit
Community Group Home, Re-entry Facility, Residential Treatment Center, Transitional Living Center	As determined by the Planning Commission
Multifamily, above ground floor	1.5/efficiency-1 bedroom unit 2/2+ bedroom unit
Multifamily Building, 8 units or more	
Multifamily Building, less than 8 units	
Multifamily Complex	
Residential Clubhouse	1/300 sq ft GFA
Senior Housing, dependent	.5/unit
Senior Housing, independent	1.5/unit

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Single-Family Detached	2/unit
Townhome	1.5/efficiency-1 bedroom unit 2/2+ bedroom unit
Institutional Uses	
Government Uses, indoor	As determined by the Planning Commission
Government Uses, outdoor	
Place of Assembly	1/40 sq ft of chapel, sanctuary, or auditorium area
Place of Worship	
School, elementary / middle	1/800 sq ft GFA
School, high	1/400 sq ft GFA
Retail Uses	
Adult Uses	
Convenience Store	
General Retail, less than 10,000 sq ft	
General Retail, 10,000 sq ft - 49,999 sq ft	
General Retail, 50,000 sq ft or more	
Multitenant Shopping Center	1/250 sq ft GFA
Pawn Shop	1/300 sq ft GFA
Pawn Shop	1/250 sq ft GFA
Service Uses	
Acute Care Center	1/300 sq ft GFA
Business Park	
Check Cashing / Pay Day Loan Store	
Commercial Animal Boarding	
General Service, less than 10,000 sq ft	
General Service, 10,000 - 49,999 sq ft	
General Service, 50,000 sq ft or more	
Hospital	1/250 sq ft GFA
Hospital	1/bed
Massage Parlor	1/250 sq ft GFA
Medical / Dental Office	1/300 sq ft GFA
Personal Storage Facility	1/storage unit
Professional Office	1/300 sq ft GFA
Professional Office, above ground floor	
Tattoo Parlor	1/250 sq ft GFA
Veterinary Clinic / Animal Hospital	1/300 sq ft GFA
Lodging Uses	
Bed and Breakfast	1/sleeping room plus 1/200 sq ft of accessory facilities such as restaurants
Hotel	
Motel	
Short Term Rental	
Eating / Drinking Uses	
Brewery / Winery / Distillery, micro	1/100 sq ft GFA
Brewery / Winery / Distillery, tasting room	
Coffee / Tea Shop	
Restaurant, delivery / carry out only	

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Restaurant, fast casual	
Restaurant, sit down	
Entertainment Uses	
Archery / Gun Range	1/firing line plus 1/250 sq ft of accessory retail space
General Entertainment, indoor, less than 10,000 sq ft	As determined by parking demand study
General Entertainment, indoor, 10,000 sq ft - 49,999 sq ft	
General Entertainment, indoor, 50,000 sq ft or more	
General Entertainment, outdoor	
Vehicle Related Uses	
Autobody Repair	1/200 sq ft GFA
Car Wash	1/carwash stall plus 1/employee
Fuel Sales	1/fuel pump plus 1/250 sq ft of accessory retail space plus 1/100 sq ft of accessory restaurant space
Gas Station With Mini Mart	
Service Station	1/200 sq ft GFA
Trucking Establishment	1/200 sq ft GFA
Vehicle Sales and Rental	1/600 sq ft GFA plus 1/1,000 sq ft of open air display, storage, or service area
Industrial Uses	
Brewery / Winery / Distillery	1/500 sq ft GFA
Laboratory	
Manufacturing, Artisan	1/1,000 sq ft GFA
Manufacturing, Heavy	
Manufacturing, Light	
Mining and Mineral Processing	
Self Storage	1/storage unit
Warehouse, distribution	1/500 sq ft GFA
Warehouse, storage	
Medical Marijuana Uses	
Medical Marijuana Commercial Grower	1/800 sq ft GFA
Medical Marijuana Education Facility	1/500 sq ft GFA
Medical Marijuana Dispensary	1/200 sq ft GFA
Medical Marijuana Research Facility	1/500 sq ft GFA
Medical Marijuana Testing Laboratory	
Medical Marijuana Processing Facility, heavy	1/800 sq ft GFA
Medical Marijuana Processing Facility, light	

(F) Shared Parking Facilities.

- (1) **Purpose.** Shared parking is encouraged as a means of conserving land resources, reducing stormwater runoff, reducing the heat island effect caused by large, paved areas, and improving community appearance.
- (2) **Authorization.** Shared parking facilities for off-street parking of two (2) or more buildings or uses may be approved by the Planning Commission subject to compliance with this Section.
- (3) **Location.** Shared parking facilities shall be located within three hundred (300) linear feet of the primary entrance of the main residential building and within five hundred (500) linear feet of the primary entrance of the main nonresidential building.
- (4) **General Requirements.**
 - (a) The number of parking spaces provided shall not be less than the sum of the separate requirements for each such building or use. Where a mix of two (2) or more land uses creates staggered peak periods of parking demand, shared parking agreements that have the effect of reducing the total amount of required parking may be approved.
 - (b) Required accessible parking spaces for persons with disabilities may not be shared and shall be located on-site.
 - (c) Adjacent lots that are subject to a shared parking agreement shall be interconnected by the provision of a cross-access easement for vehicular and pedestrian passage.
- (5) **Shared Parking for Uses with Different Hours of Operation.**
 - (a) For purposes of this Section, the following uses are considered daytime uses:
 - (I) Office Uses,
 - (II) Commercial Service Uses,
 - (III) Commercial Retail Uses,
 - (IV) Industrial Uses, and
 - (V) Other similar primarily daytime uses, as determined by the City Council.
 - (b) For purposes of this Section, the following uses are considered evening or weekend uses:
 - (I) Physical Health and Entertainment Uses,
 - (II) Public/Semi-Public Uses,
 - (III) Eating and Drinking Uses, and
 - (IV) Other similar primarily nighttime or weekend uses, as determined by the City Council.
- (6) **Shared Parking Study.** The applicant(s) shall demonstrate, through a professionally prepared shared parking study, that there is no substantial conflict in the peak periods of parking demand of the uses for which shared parking is proposed. The shared parking analysis shall include, at minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover and the anticipated hourly and peak parking and traffic loads for all uses that will be sharing parking spaces. If existing land uses are to be included in the shared parking agreement, the study shall also include parking counts that document parking occupancy during weekday, weekend, daytime, and evening periods of peak and off-peak parking demand.

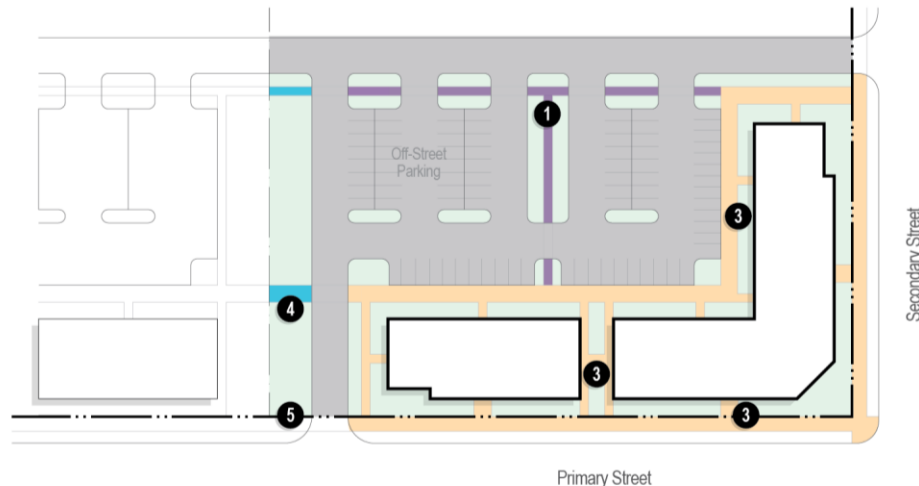
- (7) **Agreement.** The applicant(s) shall provide a copy of the executed shared parking agreement prior to the City Council's authorization of a shared parking facility permit.
- (a) Shared parking agreements shall have a term of not less than five (5) years, including any renewals at the option of the lessee.
 - (b) Authorization of the shared parking facility will continue in effect only as long as the agreement, binding on all parties, remains in force. Should the agreement cease to be in force, parking must be provided as otherwise required by this Section.
- (G) **Adjustments to Required Parking.** The purpose of this Section is to allow adjustments to the minimum number of parking spaces required to avoid constructing unneeded and excessive off-street parking areas. Reducing the amount of excess off street parking areas is intended to provide for more cost-efficient site development, to eliminate constructing more impervious surface than necessary, to minimize storm water runoff, to avoid construction of unnecessarily large storm water management facilities, and to provide more landscape areas and open space on commercial and industrial sites. To achieve these purposes, the Planning Commission or Board of Adjustment may reduce the minimum number of required off-street parking spaces in specific cases as described in this Section.
- (1) **Adjustments.** In all districts, the minimum number of required parking spaces may be adjusted on a case-by-case basis. The petitioner for such an adjustment shall show to the satisfaction of the Planning Commission or Board of Adjustment that adequate parking will be provided for residents, customers, clients, visitors, and employees. The following provisions and factors shall be used as a basis to adjust parking requirements:
- (a) **Procedures.** The petitioner shall submit the requested parking reduction with the Planning Commission when the request is to be approved as part of a site plan review or other Planning Commission permit process. The petitioner shall submit the requested parking reduction to the Board of Appeals if the request is an amendment to a previously approved site plan or not otherwise part of a Planning Commission permit process.
 - (b) **Evidence That Actual Parking Demands Will Be Less Than Ordinance Requirements.** The petitioner shall submit written documentation and data to the satisfaction of the Planning Commission or Board of Adjustment that the operation will require less parking than required in Table 16-6-1(E).
 - (c) **Use of Optional Modes of Transportation.** Upon demonstration to the Planning Commission that effective alternative transportation to the automobile will occur within twelve (12) months following the issuance of the certificate of occupancy, the Planning Commission may reduce parking requirements. Optional modes of transportation may include, but are not limited to, bus transit, van pool operations, car pool/ride sharing, and bicycles. Parking management plans/operations may also be used as a basis to reduce required parking. Parking management plans may include, but are not limited to, flexible working hours or shifts, preferential parking for car pools/van pools, transit/van pool fare subsidy, and establishment of a transportation coordinator to implement car pool, van pool, and transit programs. Proposals for adjustments of parking requirements under this Section shall show how the alternative transportation modes will be implemented, the permanency of such modes, extent of the program, the number of vehicles the mode will replace, and other pertinent information as requested by the Planning Commission.
 - (d) **Bicycle Parking and Credit.** Any use which provides bicycle parking beyond the minimum requirement as detailed in Section 16-6-1(I)(4)(c) may be granted a credit toward one (1) required parking space for every four (4) additional bicycle parking spaces.
- (2) **Space to be Set Aside for Reduced Parking.** The Planning Commission may require the site plan for the commercial or industrial use be designed to provide sufficient open space on the subject site to accommodate the additional parking spaces otherwise required by this Article. Such open space shall be in addition to required yards, setbacks, driveways, private streets, loading and service areas. Sufficient open space shall be provided which, if converted to off-street parking areas, would provide off street parking to meet the full requirements of this Article at the time of application.

- (a) **Planning Commission Review and Verification.** Upon the receipt of a complaint, the Planning Commission shall review the adequacy of parking where an adjustment to parking requirements has been granted and set aside space has been required. If the parking is found to be inadequate, the Planning Commission shall order the use of the property to comply with the parking requirements set forth in Table 16-6-1(E).

(H) **Pedestrian Circulation Standards.**

- (1) Off-street parking areas shall include on-site pedestrian circulation systems to ensure the safety of pedestrians, bicyclists, and motorists.
- (2) The on-site pedestrian circulation system shall comply with all ADA standards.
- (3) The on-site pedestrian circulation system shall be marked and must connect all buildings on the site to one another and provide connections to the required vehicle and bicycle parking spaces.
- (4) The on-site pedestrian circulation system must connect building entrances to adjacent public rights-of-way along direct routes that do not require significant out-of-direction travel.
- (5) The on-site pedestrian circulation system shall provide at least one (1) connection to all adjacent properties along a shared street frontage. Connections must provide access to existing walkways on adjacent properties, or to the likely future location of walkways on those properties. The City Planner may waive this requirement upon determining that no walkway exists, a future walkway is unlikely to exist, or such connection would create a safety hazard.

Figure 6.2: Pedestrian Circulation Standards



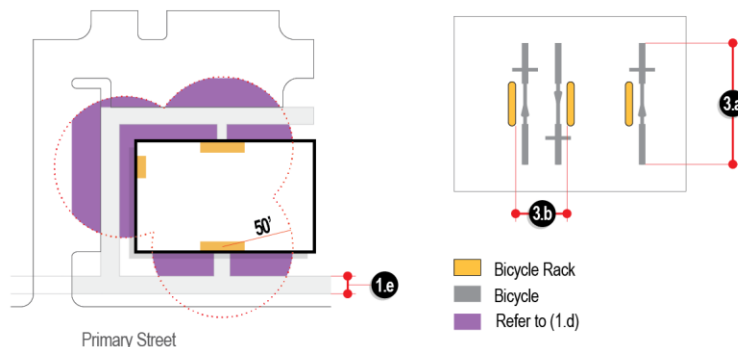
(I) **Off-Street Bicycle Parking.**

(1) **Location.**

- (a) Required bicycle parking shall be provided on the same lot as the use for which it is intended to serve.
- (b) Bicycle parking spaces shall be adequately lit and located such that they are highly visible from the street and/or building entrance(s) from where bicyclists approach.
- (c) The location of bicycle parking shall not conflict with pedestrian and/or vehicle circulation.
- (d) Bicycle parking shall be sited within fifty (50) feet of a building's main entrance. If provided indoors, bicycle parking shall be located within a common area designated for secure bicycle storage.
- (e) Bicycle parking adjacent to a pedestrian walkway shall be sited to ensure that a minimum five (5) foot walkway clearance is maintained.

- (2) **Design Criteria.** All bicycle parking facilities shall be designed in accordance with standards established by the National Association of City Transportation Officials.
- (3) **Dimensional Standards.**
- (a) Each bicycle parking space shall be a minimum of six (6) feet in length.
 - (b) Bicycle racks shall be located at least three (3) feet in all directions from any obstruction, including but not limited to other bicycle racks, walls, doors, posts, columns, or landscaping.
 - (c) A minimum vertical clearance of seven (7) feet shall be maintained above all bicycle parking facilities.
- (4) **Off-Street Bicycle Parking Requirements.**
- (a) **Exemption.** The bicycle parking requirements of this Section shall apply to all uses other than the following:
 - (I) All vehicle related uses,
 - (II) Single-family detached, duplex, and townhome uses, and
 - (III) Uses in the DC District.
 - (b) When the required amount of bicycle parking is two (2) spaces or less, the use shall provide a minimum of two (2) spaces in a bicycle parking area.
 - (c) Unless otherwise specified herein, the number of required bicycle parking spaces shall be equal to five (5) percent of required vehicle parking spaces, up to ten (10) bicycle parking spaces.

Figure 6.3: Off-Street Bicycle Parking Location and Dimensional Standards



(J) Off-Street Loading Requirements.

- (1) **Purpose.** The purpose of this Section is to prevent congestion of public rights-of-way and private lots to promote the safety and general welfare of the public by establishing minimum requirements for the provision of loading facilities on various sites.
- (2) **Applicability.** Any use which has a gross floor area of six thousand (6,000) square feet or more, and which requires deliveries or makes shipments, shall provide off-street loading facilities in accordance with the regulations of this Section except for uses within the DC and RTC Districts.
- (3) **Location.** All loading berths shall be located twenty-five (25) feet or more from the intersection of two (2) street right-of-way lines. Loading berths shall not be located within any required front yard or corner yard setback area and shall be oriented away from the primary road. All loading areas shall be located on the private lot and shall not be located within, or so as to interfere with, any public right-of-way, off-street parking area, or pedestrian circulation area.
- (4) **Size of Off-Street Loading Area.** Adequate space for standing, turning, loading, and unloading services shall be provided in a manner that does not interfere with required off-street parking areas, pedestrian circulation areas, and with the public use of streets or alleys.
- (5) **Access to Off-Street Loading Area.** Each loading berth shall be located to facilitate access to a public street or alley and shall not interfere with other vehicular or pedestrian traffic and shall not interfere with the function of parking areas. In no instance shall loading areas rely on backing movements into public rights-of-way. Users of shared loading areas are encouraged to coordinate loading activities to minimize off-site impacts.
- (6) **Surfacing and Marking.** All required loading areas shall be paved and maintained in a dust-free condition at all times. Said surface shall be marked in a manner that demarcates the loading areas.
- (7) **Use of Off-Street Loading Areas.** The use of all off-street loading areas shall be limited to the loading and unloading of vehicles. Said area shall not be used to provide minimum required parking spaces.
- (8) **Lighting.** Lighting used to illuminate an off-street loading area, if any, shall meet all requirements for outdoor lighting as detailed in Section 16-6-7.
- (9) **Required Loading Spaces.** The number of loading spaces provided shall be determined by the developer and shall provide for adequate space for standing, turning, loading, and unloading services. These spaces shall be provided in a manner that does not interfere with internal site circulation, ingress or egress to the site, access to or use of required off-street parking areas and pedestrian circulation areas, and with the public use of streets or alleys.

16-6-2. Driveways

(A) **Single-Family Driveway Standards.** A single slab or ribbon driveway from the property line to legal, on-site parking shall be provided and shall be in conformance with the following criteria.

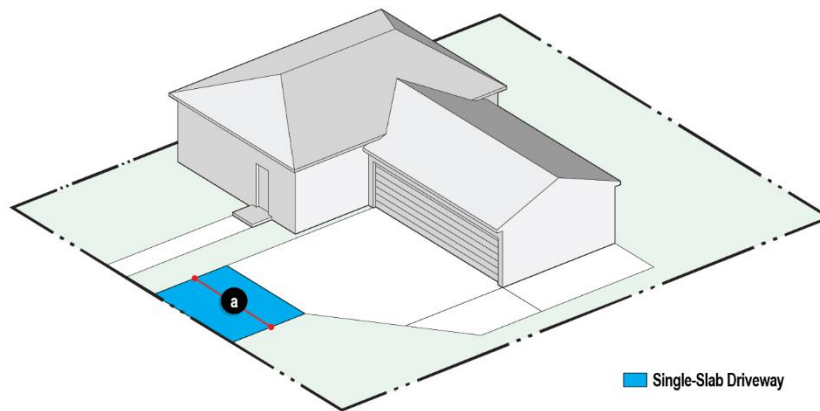
(1) **Limit of One.**

- (a) One (1) single slab or ribbon driveway and one (1) curb cut shall be permitted per every seventy-five (75) feet of frontage of a single-family residential lot.
- (b) New residential parcels taking access from collector or arterial streets, as identified by INCOG, shall share driveways in order to protect public safety by limiting curb cuts, unless otherwise approved as an administrative exception as detailed in Section 16-9-2(D).

(2) **Single-Slab Driveway Design Standards.**

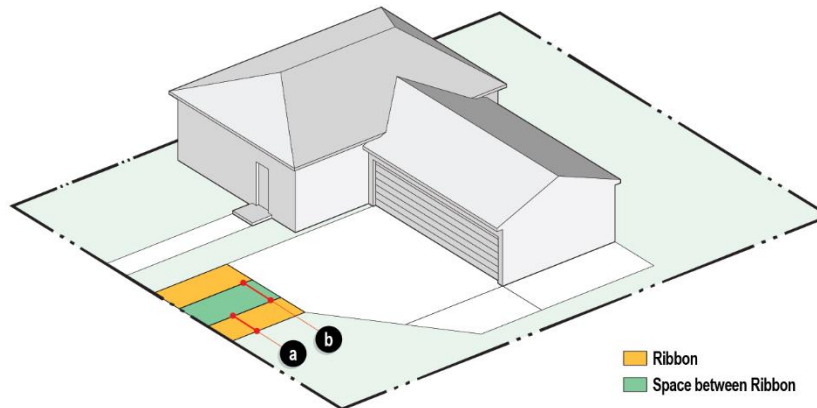
- (a) Single-slab driveways shall not exceed twenty (20) feet in width at the property line.
- (b) Single-slab driveways shall be surfaced with concrete including decorative concrete, patterned concrete, and exposed aggregate concrete, concrete pavers, paving blocks, or similar materials approved by the City Engineer. Porous asphalt may only be used on lots three (3) acres or larger.

Figure 6.4: Single-Slab Driveway Design Standards

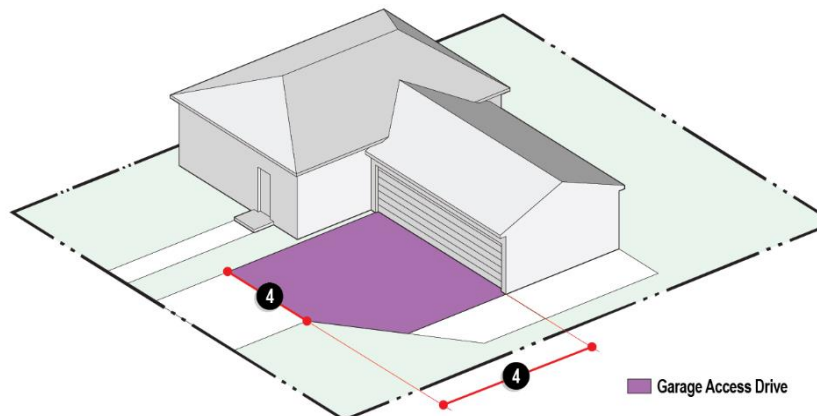


(3) Ribbon Driveway Design Standards.

- (a) Ribbons shall be a minimum of two (2) feet wide and a maximum of three (3) feet wide.
- (b) Ribbons shall be a minimum of three (3) feet apart measured from their nearest edges. The space between ribbons shall be planted in turf grass or other ground cover used in the front yard.
- (c) Ribbons shall be concrete including decorative concrete, patterned concrete, and exposed aggregate concrete, and concrete pavers, paving blocks, or similar materials approved by the City Engineer. Porous asphalt may only be used on lots three (3) acres or larger.

Figure 6.5: Ribbon Driveway Design Standards

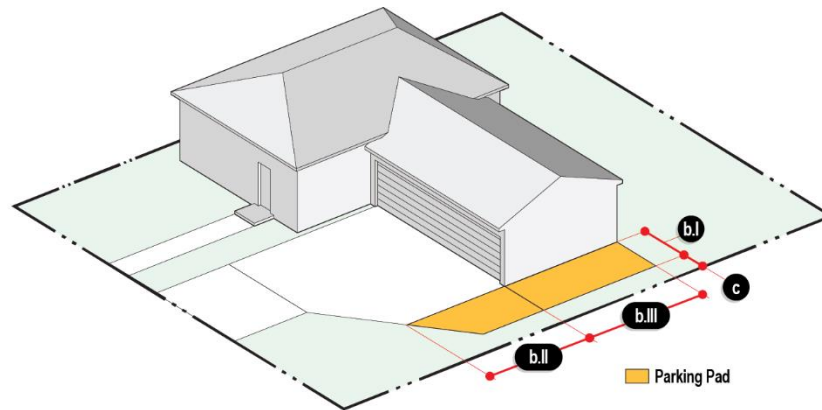
- (4) **Garage Access Drive.** A garage access drive, the width of the garage, as measured from the garage door(s) plus an additional three (3) feet on either side of the garage door(s), is permitted to extend for a distance of sixteen (16) feet from the garage doors before tapering, within ten (10) feet, back to the maximum driveway width.

Figure 6.6: Single-Family Garage Access Drive Design Standards

- (5) **Porte Cochère and Courtyard.** If a porte cochère is utilized, a courtyard in the rear of the porte cochère for the purpose of accessing the garage(s) may be allowed. The dimensions of the courtyard shall be as approved by the City Planner to ensure compliance with maximum impervious surface requirements as established in Section 16-3-1. The driveway leading to the porte cochère shall comply with the requirements established in Section 16-6-2(A)(1-3) and shall terminate directly at the porte cochère without being subject to the tapering requirements for garage access drives in Section 16-6-2(A)(4).

(6) Parking Pad.

- (a) **Limit of One.** A single-family driveway may be extended to include one (1) parking pad.
- (b) **Configuration.**
 - (I) A parking pad shall be a maximum of ten (10) feet in width.
 - (II) The portion of the parking pad adjacent to the driveway shall have a maximum length of twenty (20) feet, as measured from the front façade line of the garage. A minimum seven (7) foot taper shall be included in the twenty (20) foot maximum.
 - (III) The portion of the parking pad adjacent to the garage shall have a maximum length equal to the depth of the garage, as measured from the front façade line of the garage.
- (c) **Location.** The parking pad shall be set back a minimum of five (5) feet from any side property line.

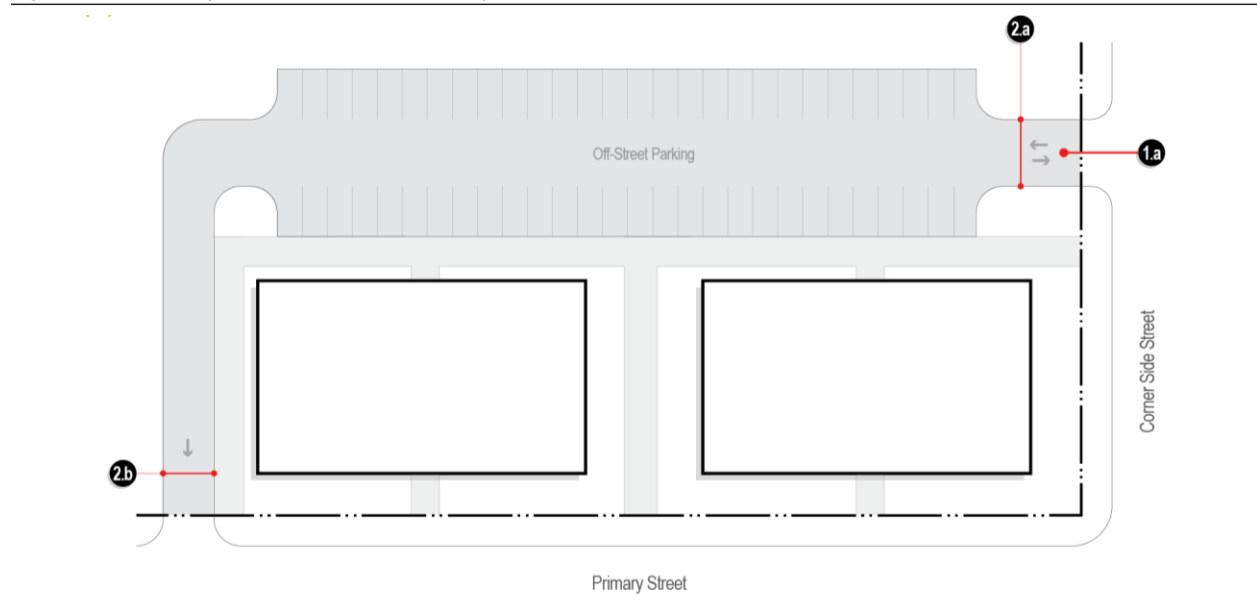
Figure 6.7: Parking Pad Design Standards

(B) Multifamily and Nonresidential Driveway Standards.**(1) Location.**

- (a) Where an off-street parking area of a corner lot abuts an alley or a corner side street, access to the off-street parking area shall be obtained from a driveway off the alley or corner side street.
- (b) No lot can have multiple driveways for purposes of vehicular ingress and egress without a minimum of three hundred (300) foot separation between such curb cuts along a street.

(2) Driveway Design Standards.

- (a) Two-way driveways for multifamily and nonresidential uses shall be a minimum of twenty (20) feet and a maximum of thirty-six (36) feet at the property line.
- (b) One-way driveways for multifamily and nonresidential uses shall be a minimum of sixteen (16) feet and a maximum of twenty (20) feet at the property line.
- (c) Driveways for multifamily and nonresidential uses shall be surfaced with an asphaltic concrete or portland cement concrete pavement.

Figure 6.8: Multifamily and Nonresidential Driveway Standards

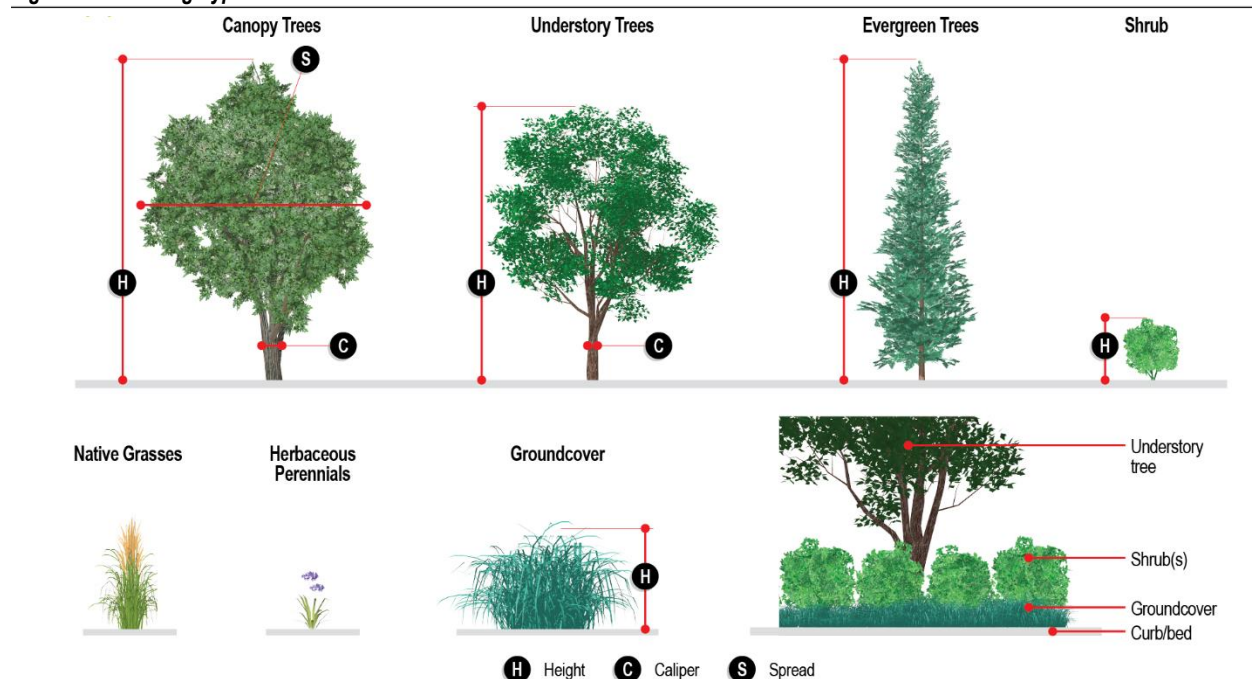
16-6-3. Landscape

Landscape improvements required by this Section shall apply to all non-single-family development and consist of living plants in a combination of trees, shrubs, native grasses and/or groundcover. Unless otherwise stated in this Section, all size specifications for plant materials shall be based upon the time of planting. When caliper is specified for tree planting, the caliper of the tree trunk shall be measured at six (6) inches above the soil level. Any plant materials used to meet the requirements of this Section shall not include any plant material identified as a Regulated Invasive Plant by the Oklahoma Department of Agriculture, Food, and Forestry.

(A) Planting Types.

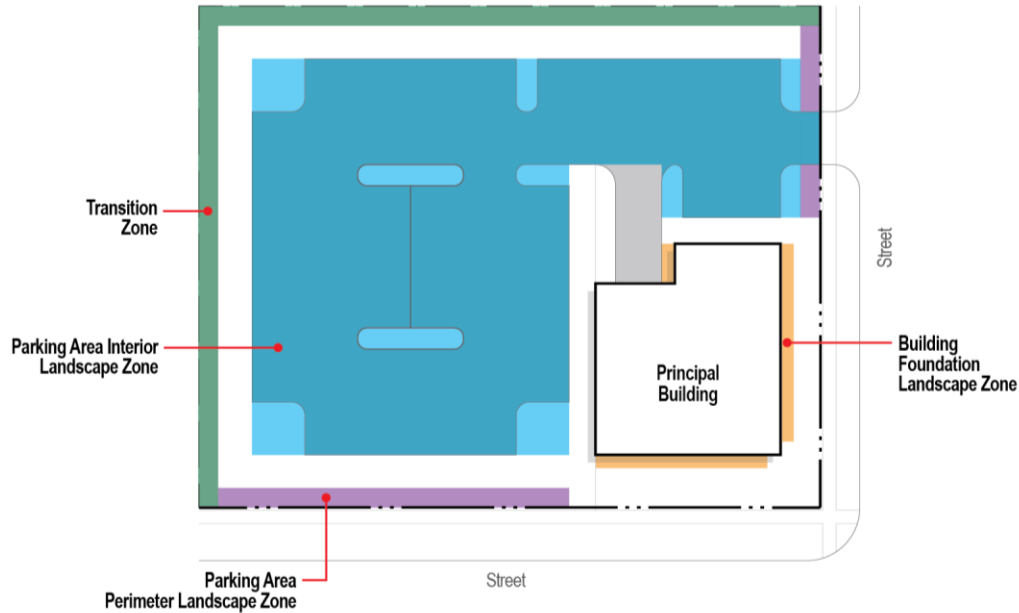
- (1) **Canopy Trees.** A woody plant (deciduous or evergreen) having not less than a two and one-half (2.5) inch caliper with single central axis which typically reaches a mature height of not less than forty (40) feet and a mature spread of not less than fifteen (15) feet.
- (2) **Understory Trees.** A woody plant having not less than a one and one-half (1.5) inch caliper, or six (6) feet tall for multiple stem species, that normally attains a mature height of at least fifteen (15) feet.
- (3) **Evergreen Trees.** A tree having foliage that persists and remains green throughout the year and has a height of not less than six (6) feet at installation and maturing to a height of not less than twenty (20) feet.
- (4) **Shrub.** A woody plant (deciduous or evergreen) of low to medium height characterized by multiple stems continuous from its base and having a height of not less than two (2) feet.
- (5) **Native Grasses.** Grasses that are native to, or adapted to, the State of Oklahoma, not including noxious weeds.
- (6) **Herbaceous Perennials.** Plants with non-woody stems whose above-ground growth largely or totally dies back during winter months but whose underground plant parts (roots, bulbs, etc.) survive.
- (7) **Groundcover.** Herbaceous plants, other than turf grass, or prostrate shrubs normally reaching an average maximum height of eighteen (18) inches at maturity.

Figure 6.9: Planting Types



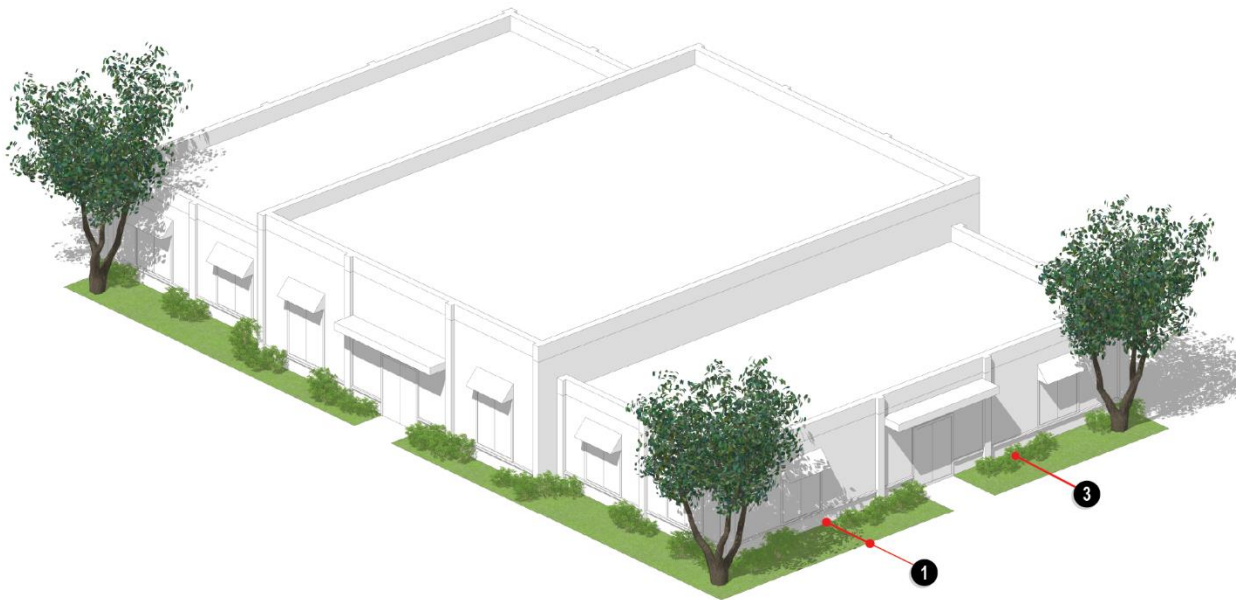
- (B) **Required Landscape Zones.** Figure 6.10 illustrates the location of the required landscape zones as detailed in the following Sections. The City Planner may approve up to a twenty-five (25) percent reduction in the overall required amount of landscape material for properties in the IL District or IM District not visible from properties in commercial or residential districts or from major thoroughfares.

Figure 6.10: Required Landscape Zones



- (C) **Building Foundation Landscape Zone.** All nonresidential, mixed use, and multifamily development where a front yard setback is required, with the exception of food processing facilities regulated by the FDA, shall include landscape located at the building foundation as required by this Section. Landscape required by this Section shall be in addition to landscape required under other sections of this UDO. It is the objective of this Section to provide a softening effect at the base of buildings.
- (1) Applicable development is required to maintain a building foundation area at front and exterior side yards with a minimum width of seven (7) feet at a minimum.
 - (2) Foundation plantings shall be designed to supplement buffer yard plantings to frame important views, while visually softening long expanses of walls.
 - (3) Foundation plantings shall be installed across eighty (80) percent of the length of the façade of the building.
 - (4) Foundation plantings may include trees, shrubs, native grasses, and groundcover.
 - (5) Where the area between the building and parking lot or street curb is entirely paved for pedestrian use, landscaping may consist of canopy trees planted in structural soils beneath tree grates or permeable pavement, at the rate of one (1) tree per fifty (50) linear feet of building facade. Minimum structural soil volume shall be six hundred (600) cubic feet.
 - (6) Above-ground stormwater planter boxes along building facades may be substituted for foundation plantings.

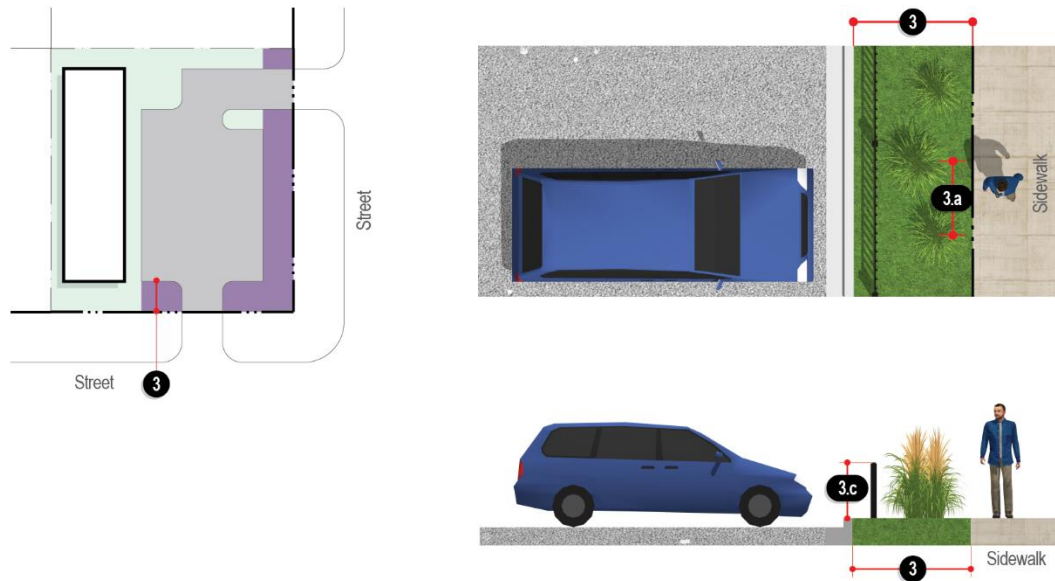
Figure 6.11: Building Foundation Landscape Zone



(D) **Parking Area Perimeter Landscape Zone.** Landscape required by this Section shall be in addition to landscape required under other Sections of this UDO. It is the objective of this Section to provide screening between off-street parking areas and rights-of-way, and to provide for the integration of stormwater management with required landscaping.

- (1) **Location.** All off-street parking areas which abut a public or private right-of-way, excluding alleys, shall include landscape and trees as required by this Section located between the back of curb of the off-street parking area and the right-of-way.
- (2) **Applicability.** The parking lot perimeter landscape regulations of this Section apply to the following:
 - (a) The construction or installation of any new off-street parking area, and
 - (b) The expansion of any existing off-street parking area, in which case the requirements of this Section apply only to the expanded area.
- (3) **Requirements.** Perimeter landscape shall be established along the edge of the off-street parking area and have a minimum width of seven (7) feet as measured from the back of curb of the off-street parking area, to accommodate vehicle bumper overhang and ensure planting areas that are adequate in size.
 - (a) One (1) shrub or native grasses the height of which shall not be less than three (3) feet nor greater than five (5) feet, shall be planted for every three (3) feet of landscape area length.
 - (b) Landscaped areas outside of shrubs/native grasses and tree masses shall be planted in live groundcover.
 - (c) A low masonry wall or fence the height of which provides effective screening to a maximum height of three (3) feet may be used in conjunction with required landscaping as detailed above. Plant materials shall be installed between the sidewalk and the fence or wall to provide a softening effect.

Figure 6.12: Parking Area Perimeter Landscape Zone



(E) **Parking Area Interior Landscape Zone.** All off-street parking areas shall include landscape and trees located within the off-street parking area as required by this Section. Trees and landscape required by this Section shall be in addition to trees and landscape required under other Sections of this UDO. It is the objective of this Section to provide shade within parking areas, break up large expanses of parking area pavement, support stormwater management where appropriate, improve the appearance of parking lots as viewed from rights-of-way, and provide a safe pedestrian environment.

(1) **Applicability.** The parking area interior landscape zone regulations of this Section apply to the following:

- (a) The construction or installation of any new off-street parking lot containing fifteen (15) or more parking spaces, and
- (b) The expansion of any existing off-street parking area if the expansion would result in fifteen (15) or more new parking spaces, in which case the requirements of this Section apply only to the expanded area.

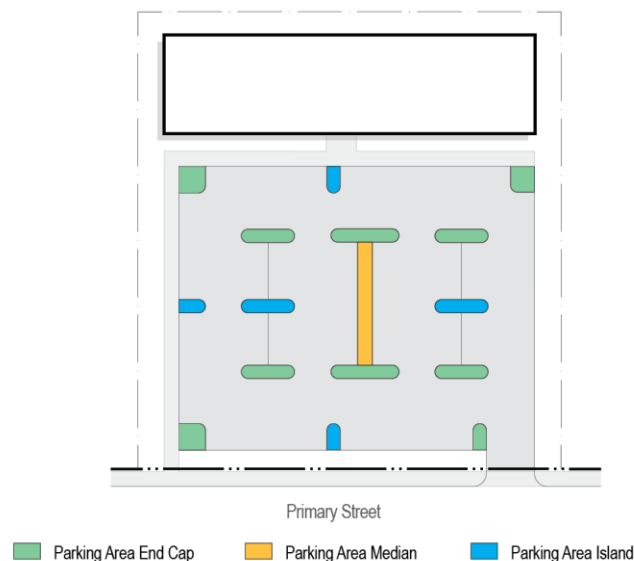
(2) **Requirements.** For off-street parking areas consisting of fifteen (15) or more continuous spaces, interior parking area landscape as described in this Section shall be required. Off-street parking areas consisting of fewer than fifteen (15) continuous spaces that are located in front, exterior side, or interior side yards shall be required to terminate all rows of parking with a landscape area, as approved by the City Planner. Off-street parking areas consisting of fewer than fifteen (15) continuous spaces that are located in rear yards shall be exempt from parking area interior landscape zone requirements.

(3) **Amount.** The amount of required parking area interior landscape shall be determined by the yard in which the off-street parking area is located as detailed below.

(a) **Off-Street Parking Areas in Front or Side of Principal Buildings.**

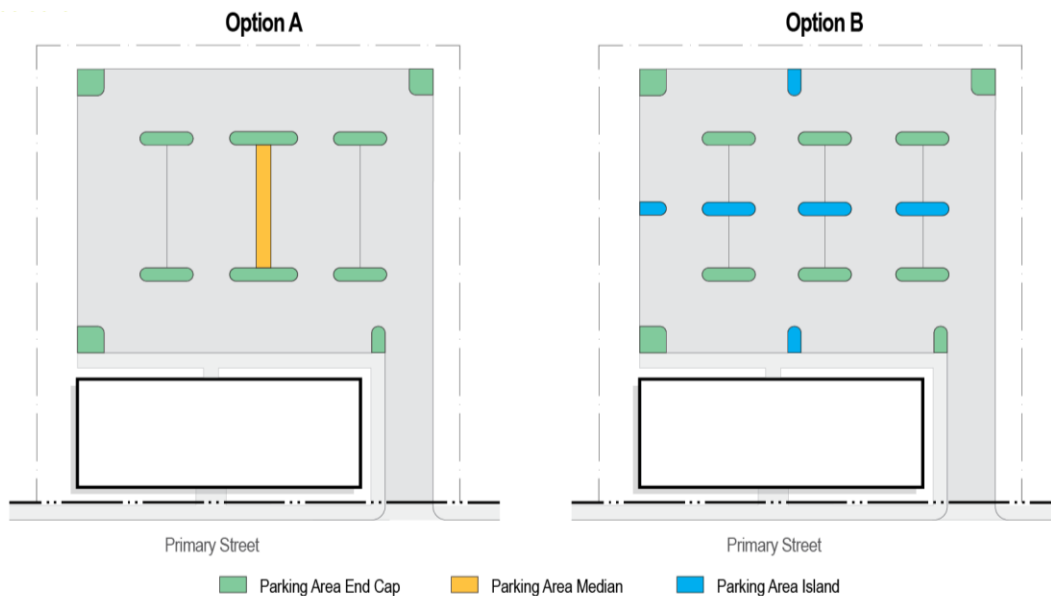
- (I) **Parking Area End Caps.** A parking area end cap shall be located at the end of any bay of parking bordered by a drive aisle, public or private street, or pedestrian circulation system.
- (II) **Parking Area Median Amount Requirement.** Parking area medians shall be placed between every third bay of parking.
- (III) **Parking Area Island Amount Requirement.** Parking area islands shall be located on parking bays which are not required to have parking area medians. Parking area islands shall be spaced not more than one hundred thirty-five (135) feet or more than fifteen (15) continuous spaces apart.

Figure 6.13: Interior Parking Area Landscape Zone Requirements for Parking Areas in Front or Side of Principal Building



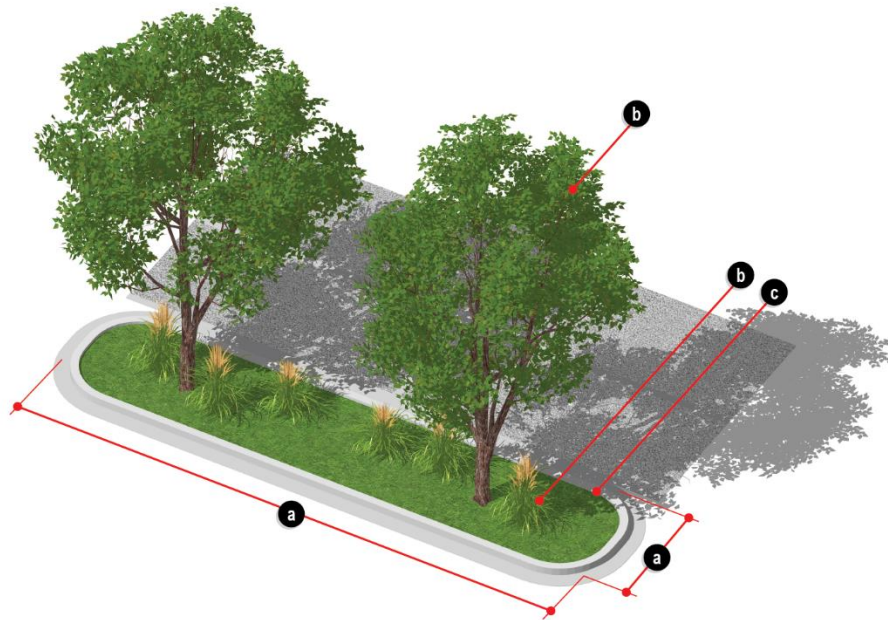
(b) **Off-Street Parking Areas in Rear of Principal Building.**

- (I) **Parking Area End Caps.** A parking area end cap shall be located at the end of any bay of parking bordered by a drive aisle, public or private street, or pedestrian circulation system.
- (II) **Parking Area Median or Parking Area Island Amount Requirement.** The developer may choose to install either parking area medians or parking area islands. If the developer chooses to install parking area medians, they shall be placed between every third bay of parking. If the developer chooses to install parking area islands, they shall be located on parking bays which are not required to have parking area medians. Parking area islands shall be spaced not more than one hundred thirty-five (135) feet or more than fifteen (15) continuous spaces apart.

Figure 6.14: Interior Parking Area Landscape Requirements For Parking Areas Located In Rear of Principal Building

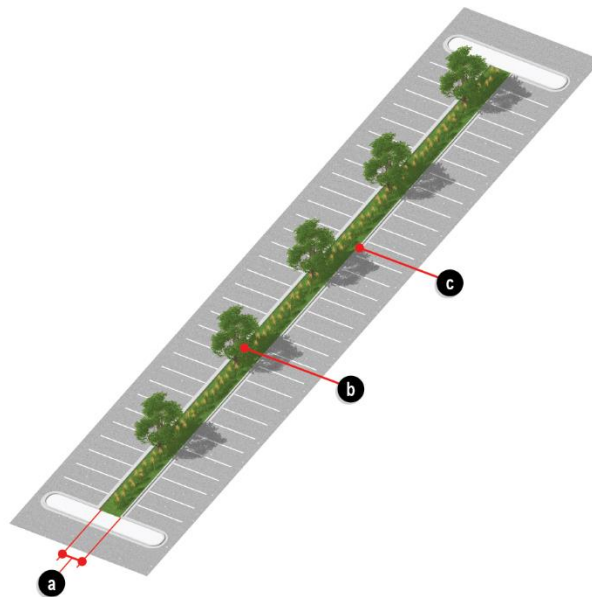
(4) Parking Area End Cap Standards.

- (a) **Size.** Parking area end caps shall be a minimum nine (9) feet wide by eighteen (18) feet long and shall have a minimum soil depth of thirty-six (36) inches. Double rows of parking shall provide parking area end caps opposite one another to form continuous single end cap.
- (b) **Planting.** A minimum of one (1) canopy tree and three (3) shrubs or native grasses shall be provided for every parking area end cap. If the end cap extends the width of a double bay, then two (2) canopy trees shall be provided.
- (c) **Design.** Parking area end caps shall be protected with concrete curbing or other suitable barriers approved by the City Planner. Such end caps shall be properly drained or irrigated as appropriate to the site conditions to ensure survivability of plant materials or proper stormwater management function.

Figure 6.15: Parking Area End Cap Standards

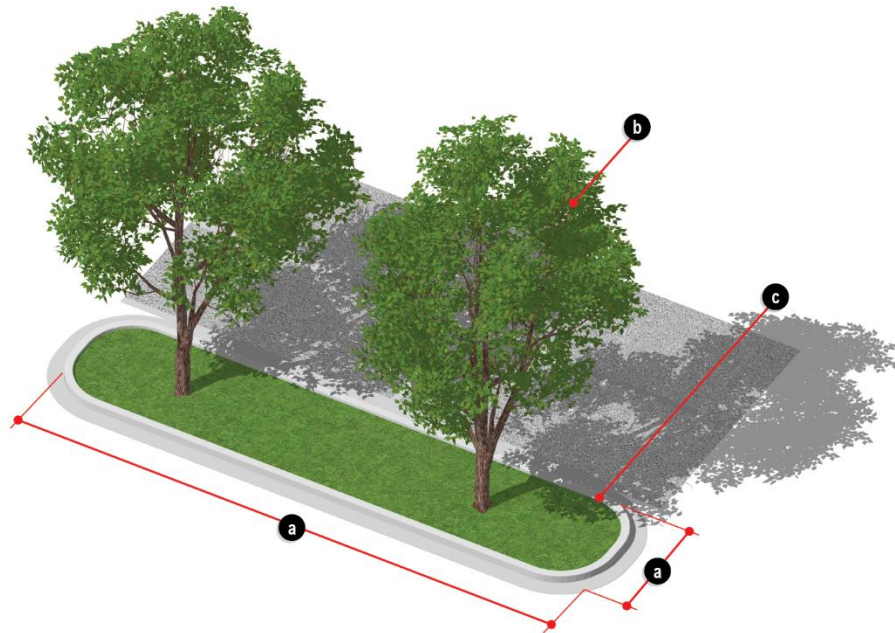
(5) **Parking Area Median Standards.**

- (a) **Size.** Parking area medians shall have a minimum width of nine (9) feet and minimum soil depth of thirty-six (36) inches.
- (b) **Planting.** A minimum of one (1) canopy tree and fifteen (15) shrubs or native grasses shall be planted for each fifty (50) linear feet of parking area median.
- (c) **Design.** Parking area medians shall be protected with concrete curbing unless the parking area median is designed to be utilized for stormwater management in which case the perimeter shall be protect by wheel stops, or other suitable barriers approved by the City Planner. Such medians shall be properly drained or irrigated as appropriate to the site conditions to ensure survivability of plant materials and proper stormwater management function.

Figure 6.16: Parking Area Median Standards

(6) Parking Area Island Standards.

- (a) **Size.** Parking area islands shall be a minimum nine (9) feet wide by eighteen (18) feet long and shall have a minimum soil depth of thirty-six (36) inches. Double rows of parking shall provide parking area islands opposite one another to form continuous single islands.
- (b) **Planting.** A minimum of one (1) canopy tree shall be provided for every parking area island. If the island extends the width of a double bay, then two (2) canopy trees shall be provided.
- (c) **Design.** Parking area islands shall be protected with concrete curbing or other suitable barriers approved by the City Planner. Such islands shall be properly drained or irrigated as appropriate to the site conditions to ensure survivability of plant materials or proper stormwater management function.

Figure 6.17: Parking Area Island Standards

- (7) **Pedestrian Circulation Systems.** Pedestrian circulation systems, as required in the interior of off-street parking areas in Section 16-6-1(H), shall be located along parking area medians. The City Planner may waive or modify this requirement on determining that locating pedestrian circulation systems along parking area medians is impractical due to site conditions or undesirable because it would create unsafe conditions.
- (8) **Type of Landscape Material.** Except where areas are designed as vegetated stormwater management areas, canopy trees shall be the primary plant materials used in parking area islands and canopy trees and shrubs or native grasses shall be the primary plant materials used in parking area medians. Understory trees, evergreen trees, shrubs, native grasses, groundcover, and other plant materials may be used to supplement the required plantings but shall not create visibility concerns for automobiles and pedestrians. If medians or islands are designed as stormwater management areas, deviations from required plantings may be approved by the City Planner.
- (9) **Groundcover.** A minimum of seventy-five (75) percent of the surface area of every parking area island and median shall be planted with living groundcover.

(F) **Transition Zone Landscape Requirements.** Transition zone landscape shall be required along interior property lines of all nonresidential, mixed use, and multifamily development. It is not expected that the transition area will totally screen such uses but rather will minimize land use conflicts and enhance aesthetics. Landscape required by this Section shall be in addition to landscape required under other Sections of this UDO.

(1) **Applicability.** Transition zone landscaping is required as follows:

- (a) The construction or installation of any new primary building or primary use; and
- (b) The expansion of any existing primary building or primary use that results in an increase in gross floor area by more than five (5) percent or one thousand (1,000) square feet, whichever is greater. In the case of expansions that trigger compliance with transition zone requirements, transition zone landscaping is required only in proportion to the degree of expansion. The City Planner is authorized to allow the transition zone to be established adjacent to the area of expansion or to disperse transition zone landscaping along the entire site transition zone.

(2) **Application of Transition Zone Types.** Transition zones shall be provided based on Table 16-6-3(F)(2), except where adjacent uses are of a similar nature, scale, and intensity as determined by the City Planner. As per Table 16-6-3(F)(2), the type of required transition zone is dependent upon the land use type of the subject lot and the land use type of the adjacent lot(s).

Table 16-6-3(F)(2): Application of Transition Zone Types											
Subject Lot Land Use	Adjacent Lot Land Use										
	Agricultural	Single-Family Residential	All Other Residential	Institutional	Retail	Service	Lodging	Eating/Drinking	Entertainment	Vehicle Related	Industrial
<i>Agricultural</i>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<i>Single-Family Residential</i>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<i>All Other Residential</i>	n/a	C	A	B	B	B	B	B	B	C	D
<i>Institutional</i>	n/a	C	B	A	B	B	B	B	B	C	D
<i>Retail</i>	n/a	C	B	B	A	A	A	A	A	B	C
<i>Service</i>	n/a	C	B	B	A	A	A	A	A	B	C
<i>Lodging</i>	n/a	C	B	B	A	A	A	A	A	B	C
<i>Eating/Drinking</i>	n/a	C	B	B	A	A	A	A	A	B	C
<i>Entertainment</i>	n/a	C	B	B	A	A	A	A	A	B	C
<i>Vehicle Related</i>	n/a	C	B	B	A	A	A	A	A	B	C
<i>Industrial</i>	n/a	D	D	D	D	D	D	D	D	D	D

- (3) **Transition Zone Types.** Four (4) transition zone types are established in recognition of the different contexts that may exist, as shown in Table 16-6-3(F)(3). Transition zones may include a combination of elements including setback distances for separation, planting types, solid fencing, green walls, vegetated stormwater management areas, living groundcover, or turf.

Table 16-6-3(F)(3): Transition Zone Types					
Specification		Type A	Type B	Type C	Type D
(a)	Minimum Zone Width (1)	5 feet	10 feet	15 feet	20 feet
(b)	Minimum Fence/Wall Height (2)	optional	optional	6 feet	6 feet
<i>Minimum Number of Landscape Elements per 100 Linear Feet</i>					
(c)	Understory Tree	optional	3	4	5
(d)	Canopy/Evergreen Tree	4	3	4	5
(e)	Shrubs/Native Grasses	optional	15	25	35
Notes:					
(1) Required yard setbacks may be utilized for transition zone landscape.					
(2) Fence or wall requirements may be satisfied by a solid evergreen or arborvitae hedge with a maximum height of six (6) feet, as approved by the City Planner.					

Figure 6.18: Transition Zone Type A

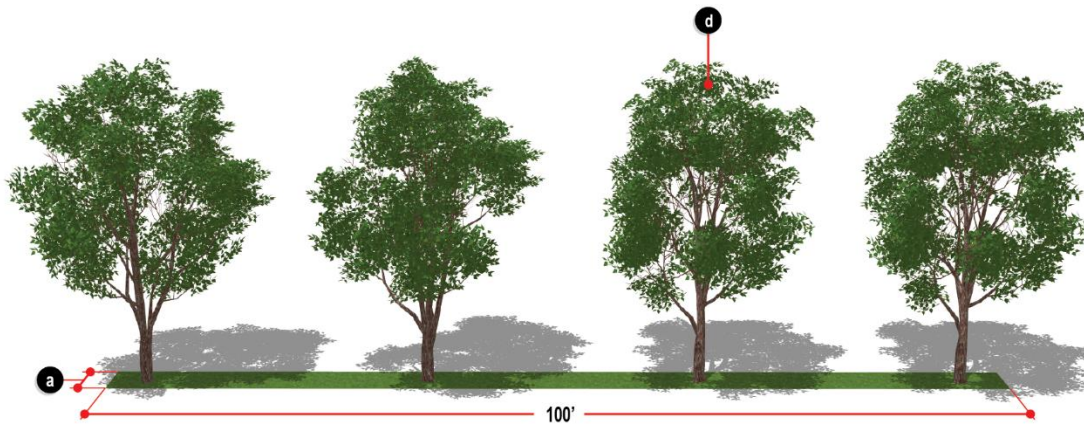


Figure 6.19: Transition Zone Type B

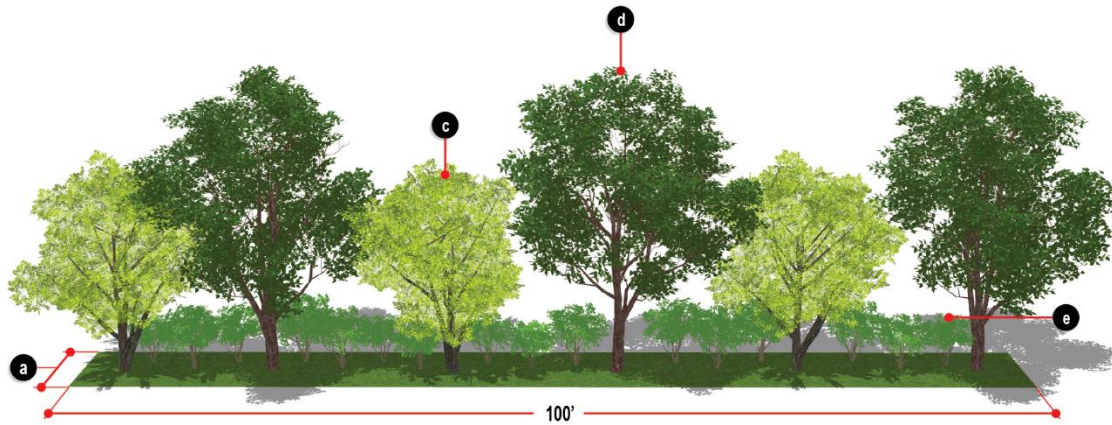


Figure 6.20: Transition Zone Type C

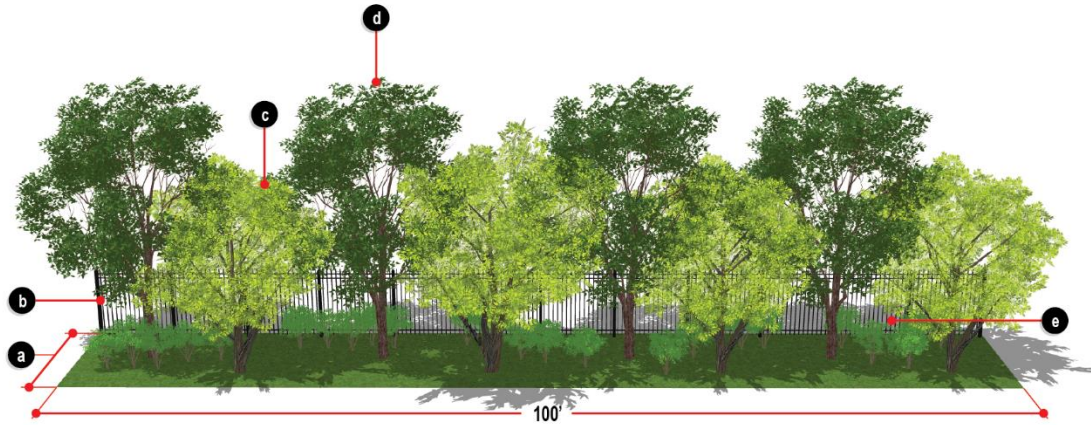


Figure 6.21: Transition Zone Type D

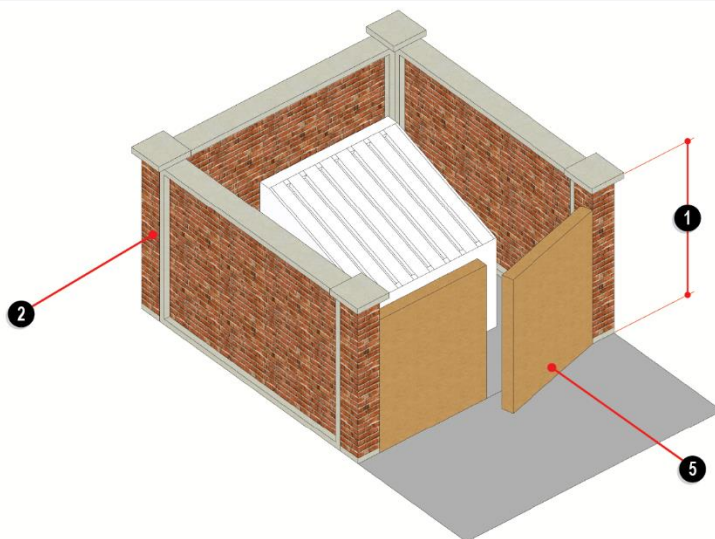


- (G) **Species Diversity Requirements.** The following species diversity requirements shall be required for all developments, unless otherwise approved by the City Planner in conjunction with approval of vegetated stormwater management areas.
- (1) A minimum of fifty (50) percent of the landscape elements utilized on a parcel that is less than one-half (0.5) acre shall be drought tolerant native species.
 - (2) A minimum of sixty (60) percent of the landscape elements utilized on a parcel that is between one-half (0.5) and five (5) acres shall be drought tolerant native species. Total landscape elements, excluding turf, shall not be comprised of more than thirty (30) percent of any single species or fifty (50) percent of any genus.
 - (3) A minimum of seventy-five (75) percent of the landscape elements utilized on a parcel that is greater than five (5) acres shall be drought tolerant native species. Total landscape elements, excluding turf, shall not be comprised of more than twenty (20) percent of any single species or twenty-five (25) percent of any genus.
- (H) **Tree Preservation.** Preservation of existing high-quality trees within a new development or redevelopment site is highly encouraged. Preserved trees may fulfill a portion of the landscape requirements established in this Section. Should the developer propose to maintain existing high-quality trees to count toward satisfying certain landscape requirements of this UDO, the City Planner may, upon receipt of a tree preservation plan, waive certain landscape requirements if mature, high-quality trees on a lot are proposed to be preserved. If, upon inspection at the conclusion of the project, trees identified for preservation have been removed, damaged, or are otherwise in declining condition, all waived required landscape shall be installed.
- (I) **Installation and Maintenance of Landscape Zones.**
- (1) Immediately upon planting, all landscape shall conform to the American Standard for Nurserymen, published by the American Association of Nurserymen, Inc., as revised from time to time.
 - (2) Dead plant materials shall be replaced within sixty (60) days upon notification from the City, taking into consideration the season of the year, and shall have at least the same quantity and quality of landscape elements as initially approved. If the particular project is constructed in more than one (1) phase, the sixty (60) day timeframe shall apply to each individual phase.
 - (3) All landscape shall be maintained in a healthy, clean, and weed-free condition. The ground surface of landscape areas shall be covered with either turf and/or other types of pervious groundcover or mulch.
 - (4) All landscape zones shall be irrigated as follows:
 - (a) For stormwater management areas where irrigation is not specified, all installed plantings shall be guaranteed for a period of eighteen (18) months following municipal approval of installation. During this guarantee period, the landowner shall supply water as necessary to promote successful establishment and growth.
 - (b) Any required landscaped zone not intended for stormwater management, greater than one hundred and fifty (150) square feet in area, shall be provided with an underground irrigation system or be provided with a portable water supply within fifty (50) feet of said landscaped areas. No part of an irrigation system may be installed in City right-of-way.

16-6-4. Screening

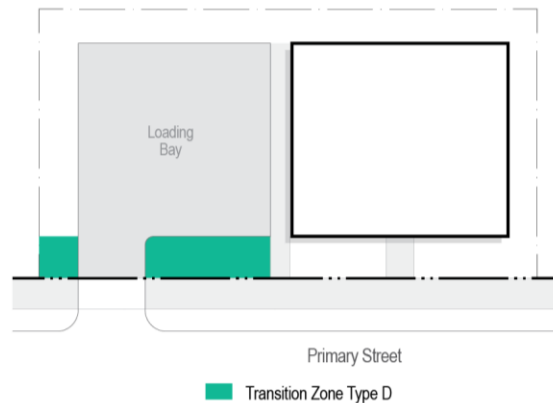
- (A) **Trash and Recycling Receptacles.** The following requirements shall apply to all nonresidential, mixed use, and multifamily development.
- (1) Trash and recycling receptacles shall be screened on three (3) sides with a solid, opaque material with a minimum height of six (6) feet and a maximum height of eight (8) feet. The use of materials that are not solid, such as slats in chain-link, shall only be used to meet this requirement in the Industrial district.
 - (2) Materials used for screening shall complement the architecture of the primary building.
 - (3) Materials and elevations for enclosures that are attached to buildings shall be designed to be integrated into the primary building.
 - (4) If enclosures are to be attached to buildings, they shall comply with applicable fire and building codes.
 - (5) Enclosure openings shall be gated with an opaque material and shall not be directly visible from a public right-of-way and/or adjoining residential areas.
 - (6) Enclosure openings shall be kept closed at all times except for when the receptacle is being accessed by a service truck or person authorized to place refuse in the enclosure.
 - (7) Property owners shall be responsible for ensuring that trash and recycling receptacles be placed in the enclosure at all times other than when it is being emptied by a service truck.
 - (8) Access drives shall be constructed of material and thickness to accommodate truck loading. Year-round accessibility to the enclosure area for service trucks shall be maintained by the property owner or tenant.
 - (9) Enclosures shall be of an adequate size to accommodate expected containers. It is recommended that the enclosure be designed to be expandable to accommodate future additional containers.
 - (10) Enclosure structures shall be designed to protect the walls from damage by containers. Such protection may be provided by use of barrier curbing, reinforced masonry walls, bollards, or other similar means.
 - (11) Trash and recycling receptacle enclosures shall not occupy area used for required parking spaces.

Figure 6.22: Trash and Recycling Receptacle Screening Standards



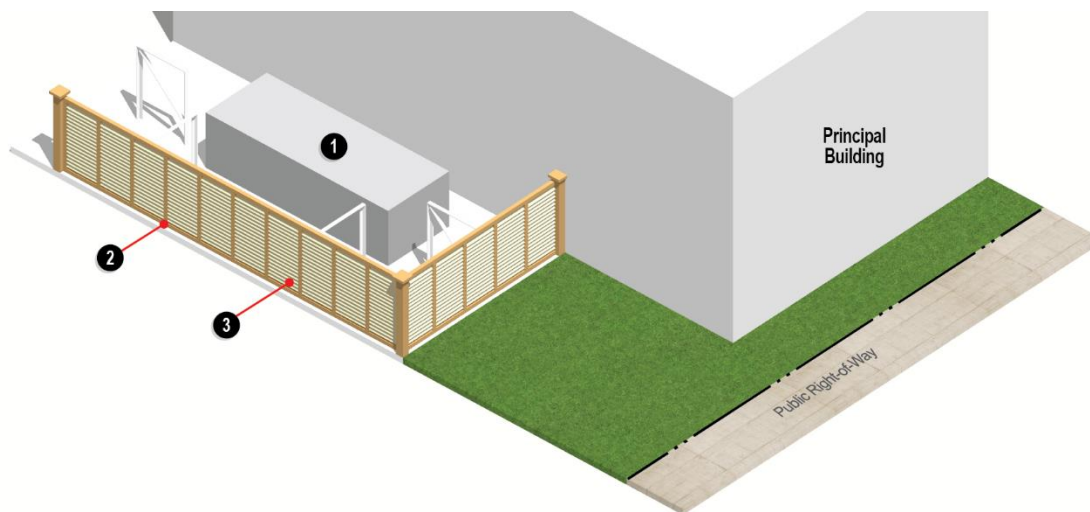
- (B) **Loading Docks and Truck-Parking Areas.** Loading docks and truck-parking areas that are visible from any property in a residential district shall be completely screened from view with a Type D transition zone as specified in Table 16-6-3(F)(3).

Figure 6.23: Loading Dock and Truck Parking Area Screening Standards



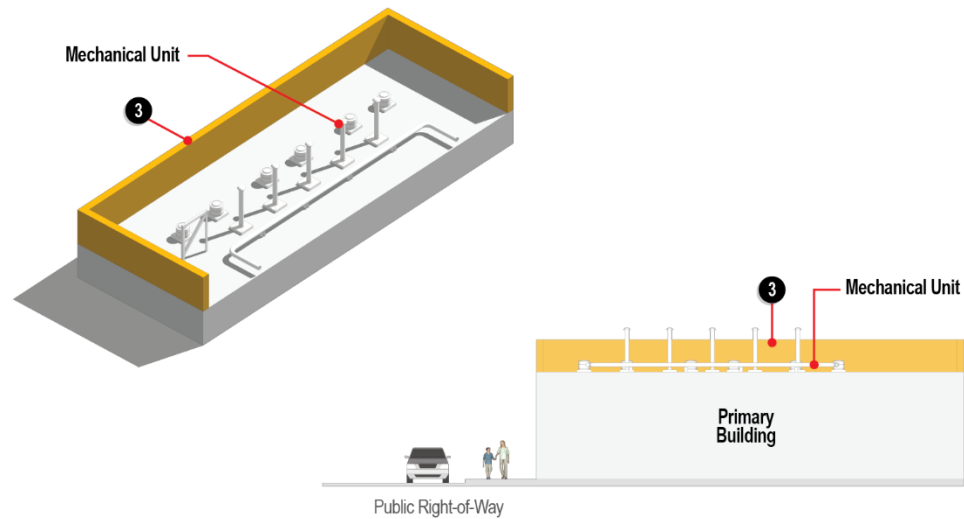
- (C) **Ground/Wall Mounted Mechanical Units.** The following requirements shall apply to all nonresidential, mixed use, and multifamily development ground-mounted and wall-mounted mechanical units, including but not limited to generators, air-conditioning condensers, heat pumps, ventilation units, computer cooling equipment, storage silos, tanks etc., and any related utility structures and equipment.
- (1) Locating mechanical units within the principal building is strongly encouraged in order to minimize exterior visual impacts. Ground/wall mounted mechanical units are prohibited within the front or exterior side yard, regardless of whether screening is provided, unless operationally necessary and approved by the City Planner.
 - (2) Ground/wall mounted mechanical units that are visible from any public right-of-way or adjacent property in a residential district shall be screened from public view.
 - (3) Materials used for screening shall be designed to be architecturally integrated with the building and established so that the area or element being screened is no more than twenty (20) percent visible through the screen.
 - (4) Chain-link fence or slats in chain-link fence shall not be used to meet this requirement.

Figure 6.24: Ground/Wall Mounted Mechanical Unit Screening Standards



- (D) **Roof Mounted Mechanical Units.** The following requirements shall apply to all roof mounted mechanical units, including but not limited to air-conditioning condensers, heat pumps, ventilation units, computer cooling equipment, etc., and any related utility structures and equipment which service nonresidential, mixed use, or multifamily developments.
- (1) Locating mechanical units within the principal building is strongly encouraged in order to minimize exterior visual impacts.
 - (2) Roof mounted mechanical units that are visible from any public right-of-way or adjacent property in a residential district shall be completely screened from public view.
 - (3) Materials used for screening shall be architecturally integrated with the building in the form of a parapet wall and shall be continuous, permanent, and sound attenuating.
 - (4) Screening shall be required when new equipment is installed and shall be provided around both new and existing roof mounted mechanical units in order to provide visual continuity. Normal maintenance of roof mounted mechanical units shall not trigger the screening requirements.
 - (5) Additional screening may be required due to topographic differences in the adjoining properties.

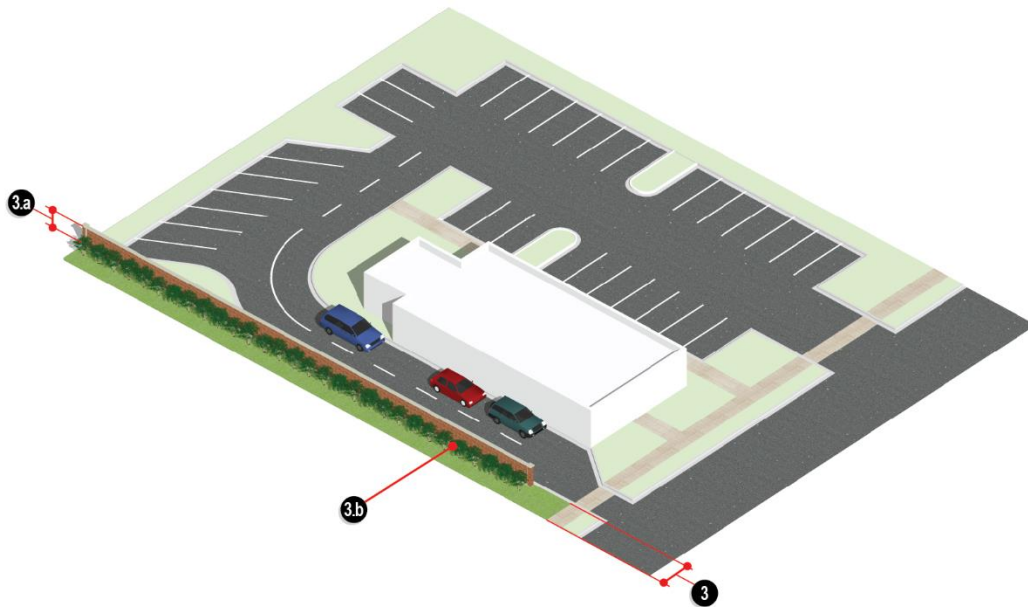
Figure 6.25: Roof Mounted Mechanical Unit Screening Standards



(E) **Drive Throughs.** The following requirements shall apply to all drive throughs regardless of the use to which it is accessory.

- (1) Drive aisles of drive throughs must be effectively screened from view at the edges of sites adjacent to property in a residential district to minimize the impact of exterior site lighting, headlight glare and any menu boards and intercom systems.
- (2) Screening must be approved during the specific use permitting process.
- (3) The screening area shall be a minimum of six (6) feet in width, unless otherwise approved by the Planning Commission during the special use permitting process, and must consist of:
 - (a) An opaque masonry wall or wood fence with a minimum height of four (4) feet and a maximum height of six (6) feet, and
 - (b) Shrubs or native grasses installed every three (3) feet along the exterior of the wall or fence to provide a softening effect.

Figure 6.26: Drive Through Screening Standards

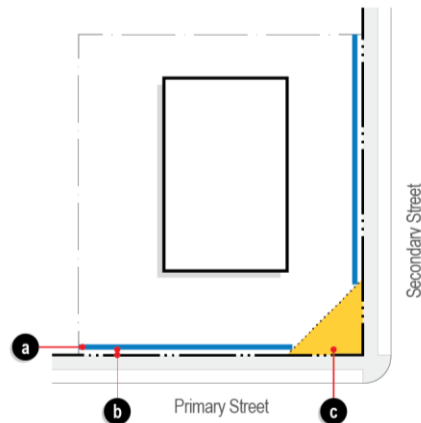


16-6-5. Fences

(A) General Provisions.

- (1) **Permit Required.** Prior to the erection of any fence, a fence permit shall be required as detailed in Section 16-9-2(F).
- (2) **Location.** All fences allowed in this Section shall be located:
 - (a) Wholly within property lines,
 - (b) A minimum of one (1) foot from any right-of-way,
 - (c) Outside of a clear sight triangle as detailed in Section 16-6-6,
 - (d) A minimum of eighteen (18) inches from an underground utility access structure; drainage structure; telephone, electric, cable television or gas pedestal or in any manner that would interfere with the maintenance for these utilities,
 - (e) In a manner which does not block access to underground utility access structures or fire hydrants,
 - (f) A minimum of two (2) inches above finished grade if located in a drainage swale or a drainage easement, and
 - (g) In a manner which does not inhibit the function of stormwater drainage structures.
- (3) **Construction Standards.** Fences shall be designed and constructed to resist a horizontal wind pressure of not less than thirty-five (35) pounds per square foot, in addition to all other forces to which they may be subjected. Fences that are leaning at an angle of fifteen (15) degrees or greater are considered dangerous and shall be in violation of this UDO.

Figure 6.27: General Fence Location Standards



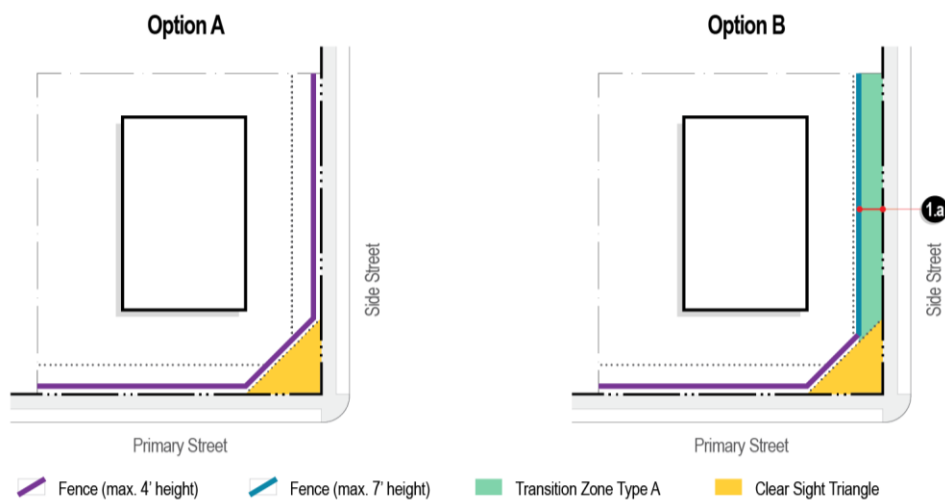
- (4) **Private Covenants.** Private covenants enacted by homeowners associations or other private entities may apply and may further restrict the construction or location of fences beyond the regulations of this UDO.

(B) **Fences on Lots with Single-Family Uses.** Fences on lots with single-family uses shall meet the requirements established below. Barbed wire, razor wire, or makeshift materials such as plywood or tarps shall be prohibited on lots with single-family uses. All fences shall be erected so that the posts and all other supporting members face inward toward the owner's property.

(1) **Fences in Front and/or Exterior Side Yards.**

- (a) **Height.** Fences in front and/or exterior side yards shall not exceed four (4) feet in height. Fences in exterior side yards may have a maximum height of seven (7) feet if located a minimum of ten (10) feet from the property line and improved with a landscape area between the fence and right-of-way including the landscape elements required for a Transition Zone Type A as detailed in Table 16-6-3(F)(3).
- (b) **Materials.** Fences in front yards and/or exterior side yards shall be of non-sight barrier construction and have a maximum opacity of fifty (50) percent. Fence materials utilized in front yards and/or exterior side yards shall complement fence materials utilized in other yards. Permitted fence materials in front yards and/or exterior side yards shall be only those materials which are designed and intended for use in fence installations and shall be limited to:
 - (I) Vegetation,
 - (II) Wood, chemically treated or naturally resistant to decay,
 - (III) Wood Composites,
 - (IV) Aluminum,
 - (V) Vinyl/PVC,
 - (VI) Wrought Iron, and
 - (VII) As approved by the City Planner.

Figure 6.28: Fences on Lots with Single-Family Uses in Front and/or Street Side Yard Standards



(2) **Fences in Interior Side and Rear Yards.**

- (a) **Height.** The maximum height of a fence in interior side yards and rear yards shall be seven (7) feet.
- (b) **Materials.** Fence materials utilized in interior side yards and rear yards shall complement fence materials utilized in other yards. Permitted fence materials in interior side yards and rear yards shall be only those materials which are designed and intended for use in fence installations and shall be limited to:
 - (I) Masonry,
 - (II) Wood, chemically treated or naturally resistant to decay,
 - (III) Wood Composites,
 - (IV) Aluminum,
 - (V) Vinyl/PVC,
 - (VI) Wrought Iron,
 - (VII) Coated Chain Link without inserts, and
 - (VIII) As approved by the City Planner.
- (c) **Location.** Fences in interior side yards and rear yards shall be located no closer to the front yard than the established front face of the principal building on the lot or the principal building on the adjacent lot.

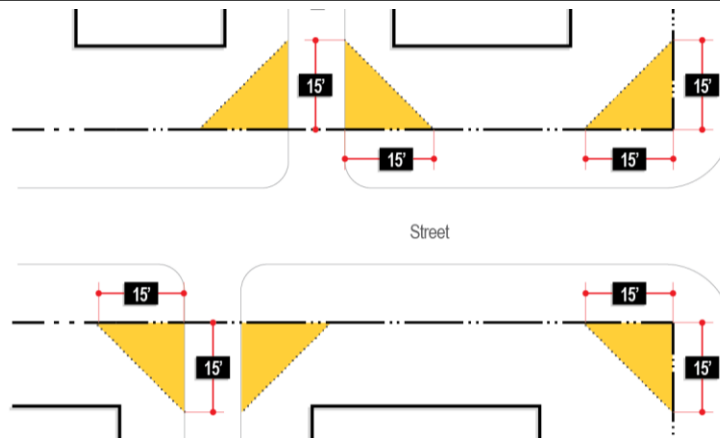
(C) **Fences on Lots with Nonresidential, Mixed Use, or Multifamily Uses.**

- (1) **Height.** The maximum height of fences on a lot with nonresidential, mixed use, or multifamily uses shall not exceed eight (8) feet.
- (2) **Location.** Fences on lots with nonresidential, mixed use, or multifamily uses shall be located in rear and interior side yards only, with the exception of fences on lots in the IL District or IM District which may be located in exterior side, interior side, and rear yards only.
- (3) **Materials.** Permitted fence materials on lots with nonresidential, mixed use, or multifamily uses shall be only those materials which are designed and intended for use in fence installations and shall be limited to:
 - (a) Masonry,
 - (b) Wood, chemically treated or naturally resistant to decay,
 - (c) Wood Composites,
 - (d) Aluminum,
 - (e) Vinyl/PVC,
 - (f) Wrought Iron,
 - (g) Coated Chain Link without inserts, and
 - (h) As approved by the City Planner.
- (4) **Barbed Wire.** In the IM and AG Districts, barbed wire may be utilized in interior side and rear yard fences and shall be limited to a maximum height of one (1) foot, and a maximum of three (3) strands of wire. The barbed wire shall not be included in the determination of fence height.

16-6-6. Visibility Standards

Clear sight distance shall be maintained at the intersection of a driveway and any right-of-way, and at the intersection of two (2) or more streets. No building or structure shall be permitted that creates a visual obstruction taller than three (3) feet in the area of the lot measured as a distance of fifteen (15) feet from the center of the intersection of the driveway and street, or from the center of the intersection of two (2) or more streets. This area shall be referred to as a clear sight triangle.

Figure 6.29: Visibility Standards Fence A



16-6-7. Outdoor Lighting

- (A) **Fixture Classification.** All outdoor lighting fixtures, with the exception of wall mounted accent lighting and outdoor lighting in the AG District, shall either have a fixture cutoff classification of "Full Cutoff" or be fully shielded, unless otherwise expressly permitted in this UDO.
- (B) **LED Fixtures.** All outdoor lighting utilizing a light-emitting diode (LED) fixture shall meet the following standards:
 - (1) **Color Rendering.** Outdoor LED fixtures shall be rated a minimum Color Rendering Index (CRI) value of seventy (70) or higher.
 - (2) **Color Temperature.** Outdoor LED fixtures shall have a correlated color temperature between four thousand (4,000) and five thousand (5,000) degrees Kelvin.
- (C) **Pole Mounted Outdoor Lighting.**
 - (1) **Pole Placement.** Pole-mounted outdoor lighting shall be located outside of utility easements, designed in coordination with required landscape zones in Section 16-6-3(B).
 - (2) **Maximum Pole Height.** Pole-mounted fixtures shall be mounted at heights no greater than thirty-seven (37) feet above grade.
- (D) **Wall Mounted Accent Lighting.** Wall mounted accent lighting shall be integrated with the architectural character of the building and shall use low-luminosity lamps, with two thousand (2,000) source lumens or less. The illumination on any vertical surface shall not exceed one-half (0.5) maintained foot candle and shall not spill over roof lines or building edges.
- (E) **Outline Lighting Prohibited.** Outline lighting shall be prohibited from signs, buildings, and structures.
- (F) **Maximum Light Level at Property Line.** All outdoor lighting fixtures shall be designed and located so that the maximum light level shall be one-half (0.5) maintained foot candles at any property line.
- (G) **Light Level Measurement.**
 - (1) **Location.** Light level measurements shall be made at the property line of the property upon which the light to be measured is being generated. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the public street right-of-way that adjoins the property of the complainant or at any other location on the property of the complainant. Measurements shall be made at finished grade (ground level), with the sensor in the horizontal position and not mounted more than six (6) inches above ground level, and with the light-registering portion of the meter held parallel to the ground and pointing upward.
 - (2) **Light Meter Specifications.** Light levels shall be measured in foot candles with a direct-reading portable light meter. The meter shall:
 - (a) Have cosine and color correction,
 - (b) Have an accuracy tolerance of no greater than plus or minus five (5) percent, and
 - (c) Have been calibrated within the last two (2) years.

16-6-8. Flood Damage Prevention

- (A) **Statutory Authorization.** The Legislature of the State of Oklahoma has in (statutes) 82 O.S., §§ 1601—1620 delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the City of Jenks, Oklahoma, City Council does ordain as is set out in the provisions of this Section.
- (B) **Findings of Fact.**
- (1) The flood hazard areas of the City of Jenks are subject to periodic inundation that results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
 - (2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.
- (C) **Statement of Purpose.** It is the purpose of this Section to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
- (1) Protect human life and health,
 - (2) Minimize expenditure of public money for costly flood control projects,
 - (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public,
 - (4) Minimize prolonged business interruptions,
 - (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains,
 - (6) Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize future flood blight areas, and
 - (7) Ensure that potential buyers are notified that property is in a flood area.
- (D) **Methods of Reducing Flood Loss.** In order to accomplish its purposes, this Section uses the following methods:
- (1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities,
 - (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction,
 - (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters,
 - (4) Control filling, grading, dredging and other development which may increase flood damage, and
 - (5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters, or which may increase flood hazards to other lands.
- (E) **Lands to Which This Section Applies.** This Section shall apply to all areas of special flood hazard within the jurisdiction of the City of Jenks, Oklahoma.

(F) Basis For Establishing the Areas of Special Flood Hazard.

- (1) The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Tulsa County, Oklahoma and Incorporated Areas" dated August 3, 2009, with accompanying Flood Insurance Rate Map (FIRM) are hereby referenced to be effective on August 3, 2009 and before, along with any future revisions thereof that are individually adopted by the Jenks City Council are hereby adopted by reference and declared to be a part of this Section.
- (2) That all provisions of the flood management regulations of Section 60.3(d) of the National Flood Insurance Program (44 CFR 59 et seq.) as amended are hereby incorporated by reference and will determine standards for development unless existing Jenks ordinances or state requirements impose a higher standard, in which event the higher or restrictive standard shall apply.

(G) Establishment of Development Permit. A development permit shall be required to ensure conformance with the provisions of this Article.**(H) Compliance.** No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this Article and other applicable regulations.**(I) Abrogation and Greater Restrictions.** This Article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Article and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.**(J) Interpretation.** In the interpretation and application of this Article, all provisions shall be:

- (1) Considered as minimum requirements,
- (2) Liberally construed in favor of the governing body, and
- (3) Deemed neither to limit nor repeal any other powers granted under State statutes.

(K) Warning and Disclaimer of Liability. The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by manmade or natural causes. This Section does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Section shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this Section or any administrative decision lawfully made hereunder.**(L) General Standards.** In all areas of special flood hazards, the following provisions are required for all new construction and substantial improvements:

- (1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy,
- (2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage,
- (3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage,
- (4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding,
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system,

- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters, and
 - (7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (M) **Specific Standards.** In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 16-6-8(F) or 16-6-8(N)(3), the following provisions are required:
- (1) **Residential construction.** New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated one foot above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Section 16-6-8(M)(2) is satisfied.
 - (2) **Nonresidential construction.** New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is water-tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. The Floodplain Administrator shall maintain records of all certifications including the specific elevation (in relation to mean sea level) to which any structure is floodproofed. Also, the minimum development criteria for projects outside the levee and within the boundaries of the Arkansas River Floodplain, but not within the river channel or floodway, is all structures shall be built at a height one foot above the 1986 flood event (approximately 350-year floodplain or a three hundred six thousand [306,000] cfs release from Keystone Dam) along with the requirement for zero rise to the 100-year floodplain allowing the same conveyance for floodwaters.
 - (3) **Enclosures.** New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - (a) A minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided,
 - (b) The bottom of all openings shall be no higher than one (1) foot above grade, and
 - (c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - (4) **Manufactured Homes.**
 - (a) Require that all manufactured homes to be placed within Zone A on a community's FHB or FIRM shall be installed using methods and practices, which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
 - (b) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites that are:
 - (I) Outside of a manufactured home park or subdivision,

- (II) In a new manufactured home park or subdivision,
- (III) In an expansion to an existing manufactured home park or subdivision, or
- (IV) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement,
- (c) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of this subsection be elevated so that either:
 - (I) The lowest floor of the manufactured home is at the base flood elevation; or
 - (II) Placed on reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement support the manufactured home chassis.
- (5) **Recreational Vehicles.** Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:
 - (a) Be on the site for fewer than one hundred eighty (180) consecutive days,
 - (b) Be fully licensed and ready for highway use, or
 - (c) Meet the permit requirements of Section 16-6-8(M)(2), and the elevation and anchoring requirements for "manufactured homes" in subsection (M)(4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(N) Standards For Subdivision Proposals.

- (1) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Section 16-6-8(B), (C), and (D) of this Section.
- (2) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet development permit requirements of Section 16-6-8(G) and Section 16-9-4 and the provisions of this Section.
- (3) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than fifty (50) lots or five (5) acres, whichever is lesser, if not otherwise provided pursuant to Section 16-6-8(F).
- (4) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- (5) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(O) Standards For Areas of Shallow Flooding.

- (1) Located within the areas of special flood hazard established in 16-6-8(F), are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flows may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- (a) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).
- (b) All new construction and substantial improvements of nonresidential structures;
 - (I) Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or
 - (II) Together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is water-tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
- (c) A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Section 16-9-4(B)(2), are satisfied.
- (d) Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

(P) Floodways.

- (1) Floodways located within areas of special flood hazard established in Section 16-6-8(F), are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris, potential projectiles and erosion potential, the following provisions shall apply:
 - (a) Encroachments are prohibited, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 - (b) If subsection (1)(a) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Section 16-6-8.
 - (c) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision through FEMA.

Article 7. Sign Standards

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16-7-1. Purpose and Intent

- (A) **Purpose.** The purpose of this Article is to set out regulations for the erection and maintenance of signs visible from the public right-of-way while preserving the right of free speech and expression.
- (B) **Scope.** The regulations of Article shall provide a balanced and fair legal framework for design, construction, and placement of signs that:
- (1) Promotes the safety of persons and property by ensuring that signs do not create a hazard by:
 - (a) Collapsing, catching fire, or otherwise decaying,
 - (b) Confusing or distracting motorists, or
 - (c) Impairing drivers' ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs.
 - (2) Promotes the efficient communication of messages, and ensures that persons exposed to signs:
 - (a) Are not overwhelmed by the number of messages presented, and
 - (b) Are able to exercise freedom of choice to observe or ignore said messages according to the observer's purpose.
 - (3) Protects the public welfare and enhances the appearance and economic value of the community by protecting scenic views and avoiding sign clutter that can compromise the character, quality, and viability of commercial corridors,
 - (4) Ensures that signs are compatible with their surroundings, and prevents the construction of signs that are a nuisance to occupants of adjacent and contiguous property due to brightness, reflectivity, bulk, or height,
 - (5) Promotes the use of signs that are aesthetically pleasing, of appropriate scale, and integrated with the built environment, in order to meet the objectives related to the quality and character of development set forth in the Comprehensive Plan of the City of Jenks,

- (6) Enhances property values and business opportunities,
- (7) Assists in wayfinding, and
- (8) Provides fair and consistent permitting and enforcement.

(C) **Authority.** The City Council finds that:

- (1) This Article advances important and substantial governmental interests,
- (2) The regulations set out in this Article are unrelated to the suppression of constitutionally-protected free expression and do not involve the content of protected messages which may be displayed on signs, nor do they involve the viewpoint of individual speakers,
- (3) The incidental restriction on the freedom of speech is no greater than is essential to the furtherance of the interests protected by this Article, and
- (4) Certain types of speech are not protected by the First Amendment due to the harm that they cause to individuals or the community, and speech that is harmful to minors may be prohibited in places that are accessible to minors.

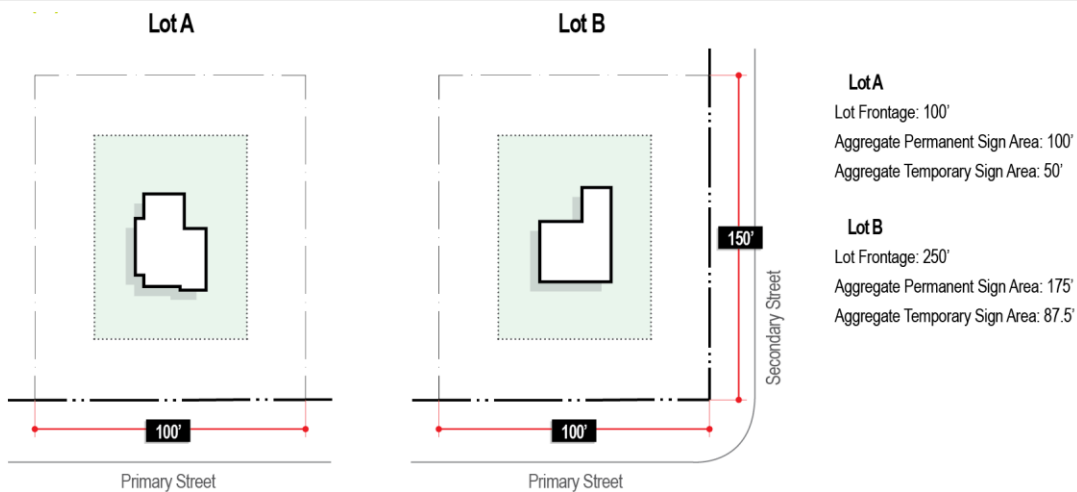
(D) **General Findings of Fact.** The City Council finds that:

- (1) The ability to display signs of reasonable size and dimensions is vital to the health and sustainability of many businesses, and the display of signs with noncommercial messages is a traditional component of the freedom of speech, but the constitutional guarantee of free speech may be limited by appropriate and constrained regulation that is unrelated to the expression itself,
- (2) The City has an important and substantial interest in preventing sign clutter (which is the proliferation of signs of increasing size and dimensions as a result of competition among property owners for the attention of passing motorists), because sign clutter degrades the character of the community, makes the community a less attractive place for commerce and private investment, and dilutes or obscures messages displayed along the City's streets by creating visual confusion and aesthetic blight,
- (3) Sign clutter can be prevented by regulations that balance the legitimate needs of individual property owners to convey their commercial and noncommercial messages against the comparable needs of adjacent and nearby property owners and the interest of the community as a whole in providing for a high-quality community character,
- (4) Temporary signs that are not constructed of weather-resistant materials are often damaged or destroyed by wind, rain, and sun, and after such damage or destruction, degrade the aesthetics of the City's streets if they are not removed,
- (5) The City has an important and substantial interest in keeping its rights-of-way clear of obstructions and litter,
- (6) The City has an important and substantial interest in protecting the health of its tree canopy, which contributes to the character and value of the community, and
- (7) The uncontrolled use of billboard signs and their location, density, size, shape, motion, illumination, and demand for attention can be injurious to the purposes of this UDO, and destructive to community character and property values, and that, as such, restrictions on the display of off-premises commercial messages are necessary and desirable.

16-7-2. Limit on Sign Area

- (A) **Permanent Sign Area Limit.** Each lot shall be allowed aggregate permanent sign area equal to one (1) square feet of sign area per linear foot of lot frontage.
- (B) **Temporary Sign Area Limit.** Each lot shall be allowed aggregate temporary sign area equal to one-half (0.5) square foot of sign area per linear foot of lot frontage.
- (C) **Premises Having Frontage on More Than One Dedicated Street.** Premises having frontage on more than one (1) dedicated street will be allowed an additional one-half (0.5) square foot of aggregate sign area for each lineal foot of the secondary lot frontage; however additional sign area shall only be displayed on the secondary frontage.
- (D) **Irregularly Shaped Lots.** Irregularly shaped lots with minimal lot frontage, relative to more typically shaped lots in the district, may petition for additional aggregate sign area through the Comprehensive Sign Plan process as detailed in Section 16-7-9.

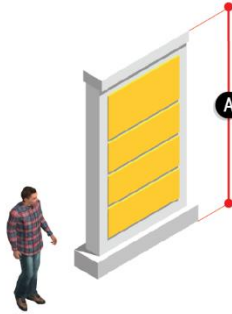
Figure 7.1: Limit on Sign Area



16-7-3. Sign Measurement

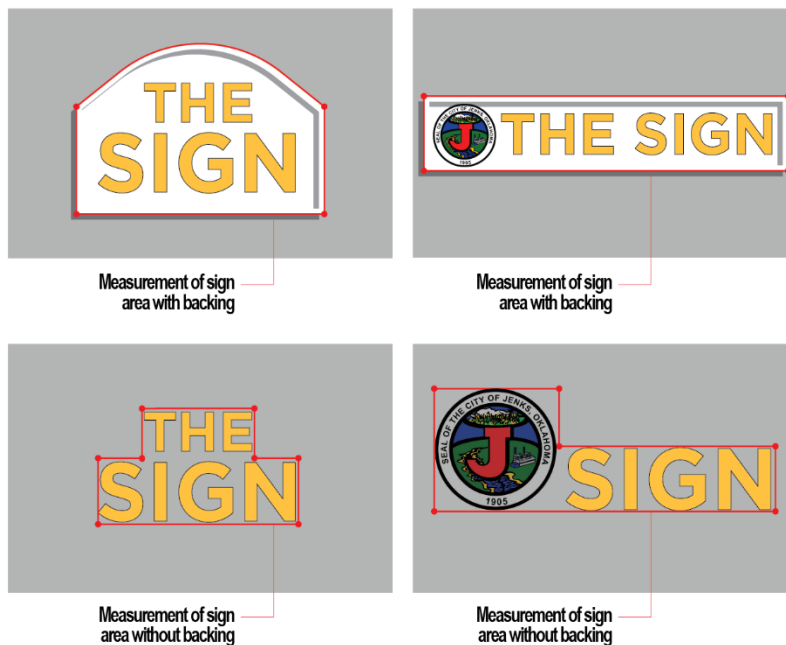
- (A) **Sign Height.** Sign height shall be measured by the total distance between the highest point on the sign to the average elevation of the ground upon which the sign supports are placed, except when the sign supports rest upon a berm or other area elevated above the surrounding ground or when the sign supports rest upon a ditch or other area lower than the surrounding ground. In such cases, the elevation of the centerline of the adjacent roadway shall be considered as the ground level.

Figure 7.2: Sign Height Measurement



- (B) **Sign Area.** Unless otherwise defined, sign area is determined by the total area enclosed by a continuous perimeter along the edges of a sign, including any frame or border. The area of a sign composed of individually-affixed letters is determined by the total area of the smallest geometric shape enclosing the copy. A maximum of two (2) geometric shapes may be utilized. The calculation for a double-faced sign shall be the area of one (1) face only.

Figure 7.3: Sign Area Measurement



16-7-4. Permitted Sign Types

The following key is to be used in the interpretation of Table 16-7-4.

- (A) **Permitted Sign Types.** Sign types marked as “P” in the table shall be permitted subject to all applicable regulations of this UDO and only after the issuance of a Sign Permit as detailed in Section 16-9-2(E).
- (B) **Allowed Sign Types.** Sign types marked as “A” in the table shall be allowed subject to all applicable regulations of this UDO.
- (C) **Prohibited Sign Types.** A blank space in the table indicates that a sign type is not allowed in the respective zoning district.
- (D) **Unlisted Sign Types.** Sign types that are not included in Table 16-7-4 shall be considered prohibited.

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
<i>Permanent Signs</i>												
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	P
Multi-Tenant Monument Sign			P	P	P	P	P		P	P	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
Projecting Sign					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)
<i>Temporary Signs</i>												
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	A	A	A	A	A	A	A			A	A	A
Yard Sign	A	A	A	A	A	A	A				A	A
<i>Notes:</i>												
(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.												

16-7-5. Permanent Sign Standards

(A) Wall Signs.

(1) Sign Area.

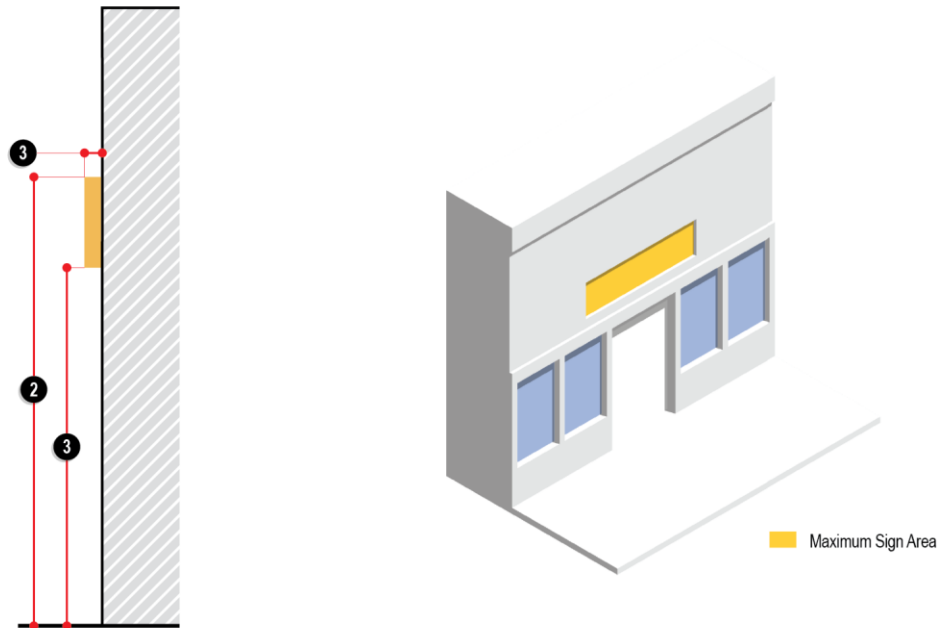
- (a) The maximum sign area of wall signs in the R, OL, LC, and DC Districts shall not exceed five (5) percent of the total area of the face of the wall to which the sign is to be affixed.
- (b) The maximum sign area of wall signs in the OM, CS, RTC, and IL Districts shall not exceed ten (10) percent of the total area of the face of the wall to which the sign is to be affixed.
- (c) The maximum sign area of wall signs in the CG and IM Districts shall not exceed fifteen (15) percent of the total area of the face of the wall to which the sign is to be affixed.

(2) Sign Height. No wall sign shall protrude above the highest roofline or the top of the parapet wall or mansard roof.

(3) Projection.

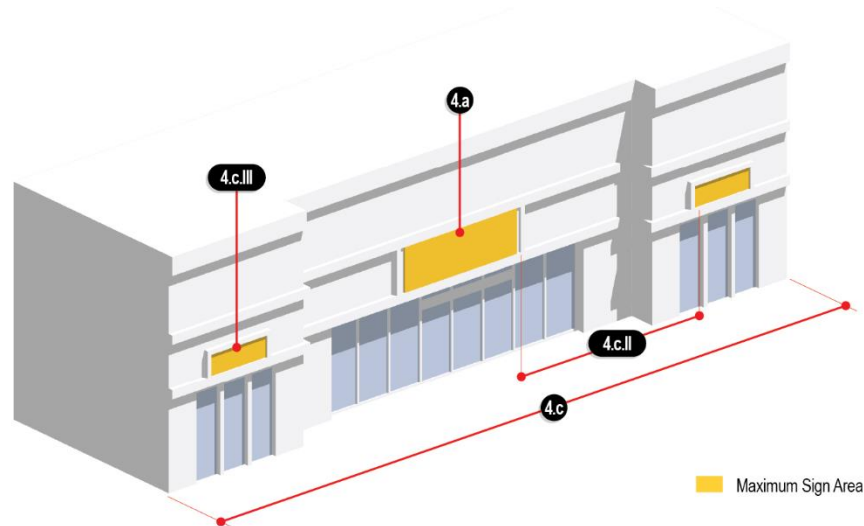
- (a) A wall sign shall not extend more than six (6) inches from the wall of the building or structure to which it is attached.
- (b) A wall sign shall maintain a minimum vertical clearance of ten (10) feet from grade.

Figure 7.4: Wall Sign Area, Height, and Projection



(4) Number of Signs.

- (a) Single tenant buildings shall be permitted a total of two (2) wall signs; however only one (1) wall sign shall be displayed on any single building façade.
- (b) Multi-tenant buildings shall be permitted one (1) wall sign per unit.
- (c) A maximum of two (2) secondary wall signs may be authorized for buildings with lineal frontage in excess of seventy-five (75) feet by the City Planner provided such additional signage is:
 - (I) In keeping with the overall design and architecture of the building,
 - (II) A minimum of twenty (20) feet from the primary wall sign and other secondary wall signs,
 - (III) A maximum of fifty (50) percent of the size of the primary wall sign,
 - (IV) Less visually prominent on the site than the building's primary wall sign, and
 - (V) The total area of all primary and secondary wall signs does not exceed the maximum wall sign area as established in Section 16-7-5(A)(1).

Figure 7.5: Secondary Wall Signs

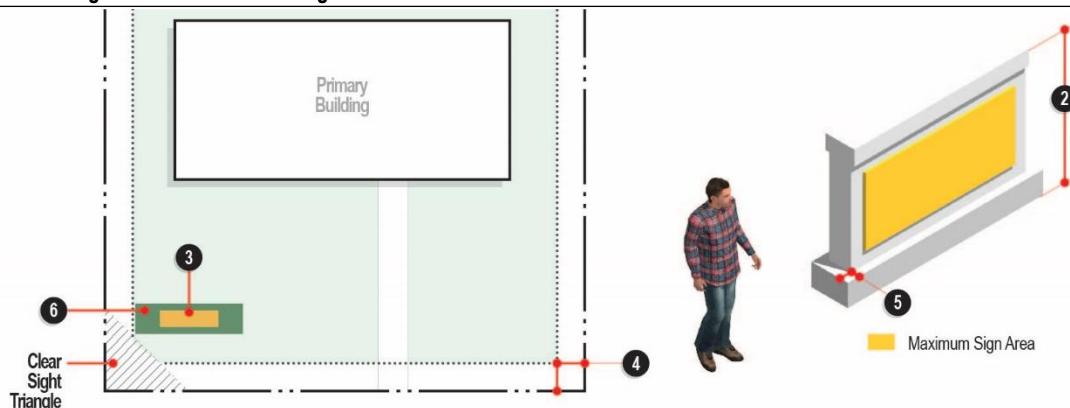
- (5) **Sign Copy.** If the sign copy utilized on a wall sign is either individually affixed letters, raceway letters, applied vinyl, or printed, etched, or otherwise incorporated directly on the sign's backing plate, the City Planner may approve an increase in sign area up to an additional five (5) percent of the total area of the face of the wall to which the sign is to be affixed. Box/cabinet signs shall be prohibited in the Downtown Commercial District.
- (6) **Other Provisions.**
 - (a) No wall sign shall cover any architectural features (architectural features shall include but not be limited to, pediment, cornice, belt course, pier, windows, pilaster, roof, decorative stone or inlay, kick plate/bulkhead, raised or colored brick pattern, and corbel) of the building to which it is affixed.
 - (b) No wall sign shall be affixed to HVAC screening, elevator overrun, or other features protruding from the roof of the structure.

(B) Single-Tenant Monument Signs.**(1) Sign Area.**

- (a) The maximum sign area of single-tenant monument signs in the AG, R, OL, LC, and DT Districts shall not exceed fifteen (15) square feet.
- (b) The maximum sign area of single-tenant monument signs in the OM, CS, RTC, and IL Districts shall not exceed thirty (30) square feet.
- (c) The maximum sign area of single-tenant monument signs in the CG and IM Districts shall not exceed forty-five (45) square feet.

(2) Sign Height.

- (a) The maximum sign height of single-tenant monument signs in the R, OL, LC, and DT Districts shall not exceed five (5) feet.
- (b) The maximum sign height of single-tenant monument signs in the OM, CS, RTC, and IL Districts shall not exceed seven (7) feet.
- (c) The maximum sign height of single-tenant monument signs in the CG and IM Districts shall not exceed ten (10) feet.

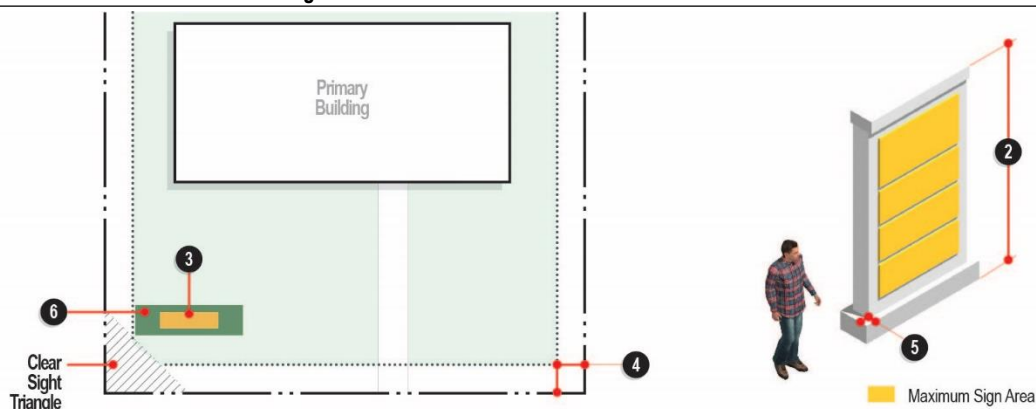
(3) Number of Signs. A maximum of one (1) single-tenant monument sign shall be permitted per lot frontage.**(4) Location.** Single-tenant monument signs shall be located a minimum of five (5) feet from all property lines, rights-of-way, and utility easements; shall not block points of ingress or egress; be placed in any sidewalk or pedestrian circulation system, and shall not be located in a clear sight triangle as detailed in Section 16-6-6.**(5) Sign Base.** The base of single-tenant monument signs, including all structural components, shall extend horizontally from the sign face a minimum of ten (10) percent and a maximum of twenty-five (25) percent of the width of the sign face. The base of single-tenant monument signs shall be constructed from masonry, stone, or similar high-quality materials in keeping with the materials and design of the principal building of the lot.**(6) Landscape Requirement.** All single-tenant monument signs shall be required to plant and maintain a landscape area at the base of the sign. The minimum area of the landscape area shall be equal to half of the square footage of the sign area of the associated sign. Landscape areas shall be planted with one (1) shrub or native grass per every three (3) square feet of required landscape area.**(7) Other Provisions.** A single-tenant monument sign shall not be permitted on a lot frontage with an existing monument sign or pole/pylon sign.**Figure 7.6: Single-Tenant Monument Sign Standards**

(C) Multi-Tenant Monument Signs.**(1) Sign Area.**

- (a) The maximum sign area of multi-tenant monument signs in the R, OL, LC, and DT Districts shall not exceed thirty (30) square feet.
- (b) The maximum sign area of multi-tenant monument signs in the OM, CS, RTC, and IL Districts shall not exceed sixty (60) square feet.
- (c) The maximum sign area of multi-tenant monument signs in the CG and IM Districts shall not exceed ninety (90) square feet.

(2) Sign Height.

- (a) The maximum sign height of multi-tenant monument signs in the R, OL, LC, and DT Districts shall not exceed ten (10) feet.
- (b) The maximum sign height of single-tenant monument signs in the OM, CS, RTC, and IL Districts shall not exceed fourteen (14) feet.
- (c) The maximum sign height of single-tenant monument signs in the CG and IM Districts shall not exceed twenty (20) feet.

(3) Number of Signs. A maximum of one (1) multi-tenant monument sign shall be permitted per lot frontage.**(4) Location.** Multi-tenant monument signs shall be located a minimum of five (5) feet from all property lines, rights-of-way, and utility easements; shall not block points of ingress or egress; be placed in any sidewalk or pedestrian circulation system and shall not be located in a clear sight triangle as detailed in Section 16-6-6.**(5) Sign Base.** The base of multi-tenant monument signs, including all structural components, shall extend horizontally from the sign face a minimum of ten (10) percent and a maximum of twenty-five (25) percent of the width of the sign face. The base of single-tenant monument signs shall be constructed from masonry, stone, or similar high-quality materials in keeping with the materials and design of the principal building of the lot.**(6) Landscape Requirement.** All multi-tenant monument signs shall be required to plant and maintain a landscape area at the base of the sign. The minimum area of the landscape area shall be equal to half of the square footage of the sign area of the associated sign. Landscape areas shall be planted with one (1) shrub or native grass per every three (3) square feet.**(7) Other Provisions.** A multi-tenant monument sign shall not be permitted on a lot frontage with an existing monument sign or pole/pylon sign.**Figure 7.7: Multi-Tenant Monument Sign Standards**

- (1) **Sign Area.** The sign area of pole/pylon signs shall not exceed thirty (30) square feet in any district.
- (2) **Sign Height.** The sign height of pole/pylon signs shall not exceed forty (40) feet in any district.
- (3) **Number of Signs.** A maximum of one (1) pole/pylon sign shall be permitted per lot.
- (4) **Location.** Pole/pylon signs shall be located a minimum of five (5) feet from all property lines, rights-of-way, and utility easements; shall not block points of ingress or egress; be placed in any sidewalk or pedestrian circulation system, and shall not be located in a clear sight triangle as detailed in Section 16-6-6.
- (5) **Landscape Requirement.** All pole/pylon signs shall be required to plant and maintain a landscape area at the base of the sign. The minimum area of the landscape area shall be equal to the square footage of the sign area of the associated sign. Landscape areas shall be planted with one (1) shrub or native grass per every three (3) square feet.
- (6) **Other Provisions.** A pole/pylon sign shall not be permitted on a lot frontage with an existing monument sign or pole/pylon sign.

Primary Building

3

4

5

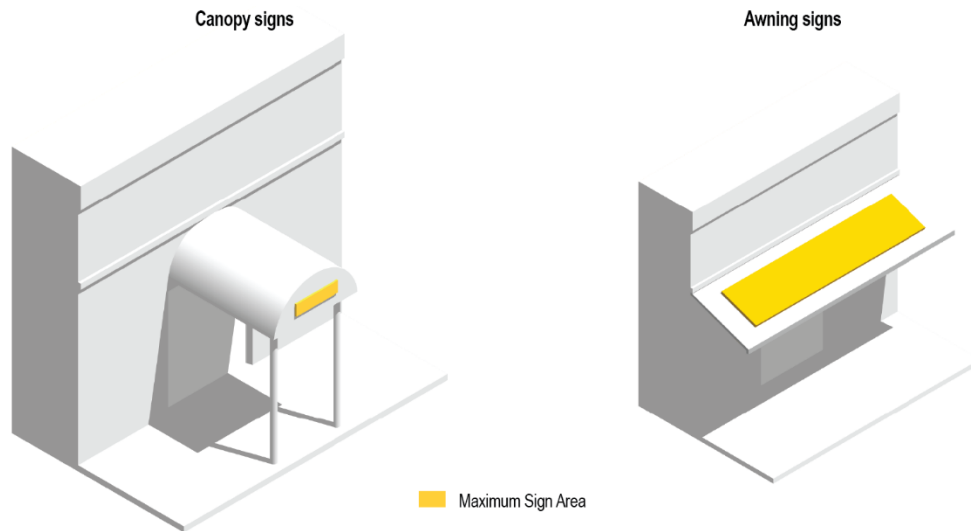
Clear Sight Triangle

2

Maximum Sign Area

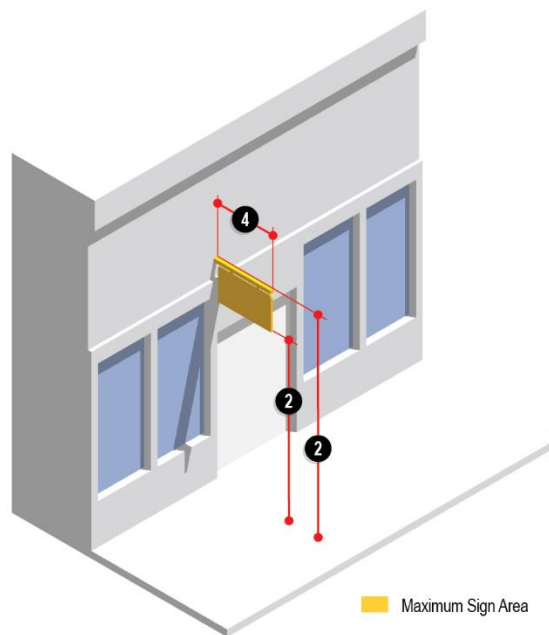
(E) Awning/Canopy Signs.

- (1) **Sign Area.** The maximum sign area of awning/canopy signs shall be fifty (50) percent of the face of the awning or canopy upon which the sign shall be printed or affixed. The area of the awning or canopy sign shall count towards the maximum amount of sign area permitted for wall signs as detailed in Section 16-7-5(A)(1).
- (2) **Other Provisions.** Awning/canopy signs shall only be permitted on awnings/canopies extending above ground floor entrances or windows.

Figure 7.9: Awning-Canopy Sign Standards

(F) Projecting Signs.

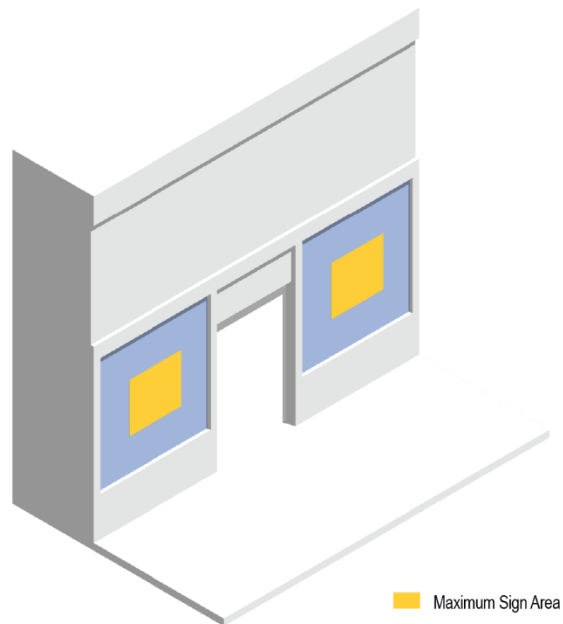
- (1) **Sign Area.** The maximum permitted sign area of projecting signs shall be four (4) square feet.
- (2) **Height.** Projecting signs shall not extend above the roofline of the building to which it is attached, or a maximum of twelve (12) feet, whichever is less, and shall maintain a minimum vertical clearance of ten (10) feet.
- (3) **Number of Signs.** A maximum of one (1) projecting sign shall be permitted per ground floor nonresidential tenant space. A projecting sign and a wall sign may be displayed on the same building frontage. A projecting sign and an awning or canopy sign shall not be displayed on the same building frontage.
- (4) **Projection.** Projecting signs shall horizontally project a maximum of four (4) feet from the mean elevation of the building to which it is attached.
- (5) **Other Provisions.**
 - (a) Projecting signs shall not be internally illuminated.
 - (b) Projecting 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.

Figure 7.10: Projecting Sign Standards

(G) **Window Signs, Permanent.**

- (1) **Sign Area.** The maximum permitted sign area of a permanent window sign shall be twenty-five (25) percent of the square footage of the individual window on which the sign shall be located. Permanent window sign area shall be counted in aggregate with temporary window sign area.

Figure 7.11: Permanent Window Sign Standards

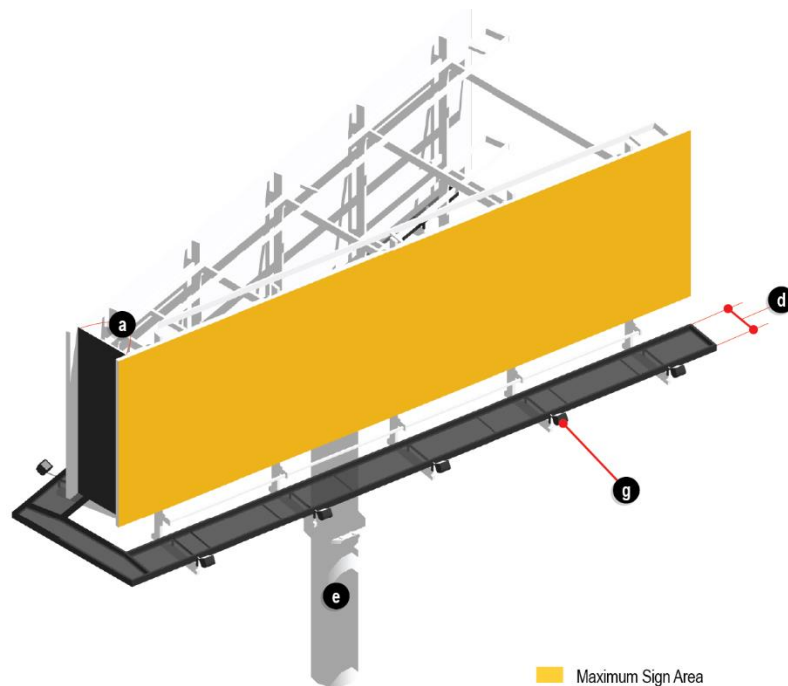


(H) Billboard Signs.

- (1) **Sign Area.** The maximum sign area of billboard signs shall not exceed fourteen (14) feet by forty-eight (48) feet and may include an additional three (3) foot by forty-eight (48) foot marquee located at the base of the sign face.
- (2) **Sign Height.** The maximum height of billboard signs shall not exceed fifty (50) feet.
- (3) **Sign Separation.**
 - (a) A minimum distance of one thousand two hundred (1,200) 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.
 - (b) Billboard signs shall maintain a minimum separation of fifty (50) feet from any monument sign or pole/pylon sign. The separation requirement shall be measured in a straight line from the nearest point on the sign to the nearest point of any monument sign or pole/pylon sign.
- (4) **Location.**
 - (a) No billboard sign shall be located within three hundred (300) feet of a public park. The setback requirement shall be measured in a straight line from the nearest point on the sign to the nearest point on the property of the park.
 - (b) Billboard signs, if visible from an R district or if visible from a designated residential development area, shall be setback from such district or area a minimum linear distance equal to the area of the billboard sign. The setback requirement shall be measured in a straight line from the nearest point on a sign to the nearest point of an R district or residential development area boundary line.
 - (c) No portion of a billboard sign shall be located within ten (10) feet of a freeway right-of-way. The setback requirement shall be measured in a straight line from the nearest point on a sign to the nearest point of the freeway right-of-way boundary line.
 - (d) No billboard sign shall be permitted to be located upon or constructed within a required landscape zone, off-street parking area, or off-street loading area, nor to otherwise obstruct vehicular or pedestrian access or circulation, or pose any other hazard to motor vehicle traffic exiting, entering, or traveling within the site on which the sign is located.

(5) Other Provisions.

- (a) No billboard sign shall contain more than two (2) sides, and only one (1) side shall be included in the computation of display surface area. The two (2) sides shall face in opposite directions. "Opposite" shall, in addition to its ordinary meaning, include V-shaped signs when the angle of separation of the display surfaces does not exceed thirty (30) degrees.
- (b) A billboard sign shall be oriented to be primarily visible from the freeway.
- (c) No billboard sign shall contain flashing, blinking, or traveling lights or reflective glitter.
- (d) Cutouts or extensions shall be permitted, in addition to the display surface area permitted in this Section, so long as the cutouts or extensions do not exceed fifteen (15) percent of the display surface area.
- (e) No billboard sign shall be supported by more than one post or column unless required by site engineering considerations and is certified as such by a registered professional engineer.
- (f) Billboard signs which have animation, revolving or rotating components or movement shall be prohibited.
- (g) Illumination on the face of billboard signs shall not exceed seventy (70) foot candles measured at a two (2) foot distance.
- (h) Any illumination shall be by constant light.
- (i) Billboard signs may include electronic message boards for a maximum of one hundred (100) percent of the permitted sign area subject to compliance with all standards of Section 16-7-7(B).

Figure 7.12: Billboard Sign Standards

16-7-6. Temporary Sign Standards

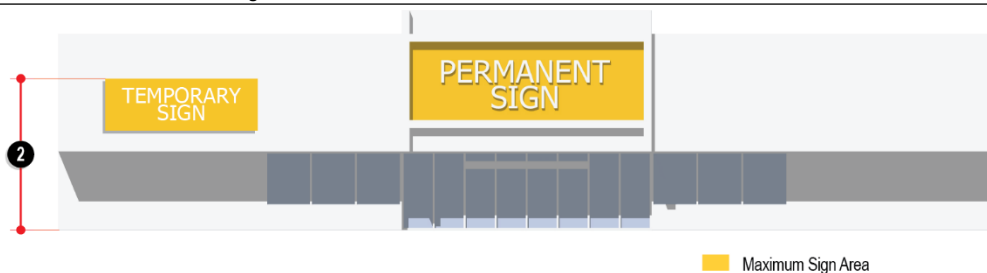
(A) General Standards for Permitted Temporary Signs.

- (1) **Concurrent Display.** A maximum of two (2) permitted temporary signs, as permitted per district, may be displayed on a lot concurrently.
- (2) **Display Period.** The permitted display period of a permitted temporary shall be a maximum of thirty (30) days. A total of three (3) nonconcurrent display periods shall be permitted per single-tenant building or unit of a multi-tenant building per calendar year. Nonconcurrent display periods shall be separated by a minimum of thirty (30) days.

(B) Wall Mounted Banner Signs.

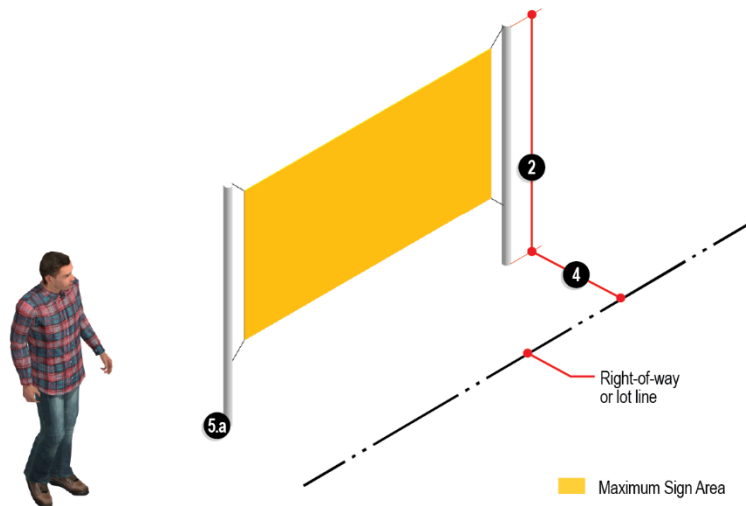
- (1) **Sign Area.**
 - (a) The maximum sign area of wall mounted banner signs in the R, OL, LC, and DC Districts shall not exceed two and one-half (2.5) percent of the total area of the face of the wall to which the sign is to be affixed.
 - (b) The maximum sign area of wall mounted banner signs in the OM, CS, RTC, and IL Districts shall not exceed five (5) percent of the total area of the face of the wall to which the sign is to be affixed.
 - (c) The maximum sign area of wall mounted banner signs in the CG and IM Districts shall not exceed seven and one-half (7.5) percent of the total area of the face of the wall to which the sign is to be affixed.
- (2) **Sign Height.** No wall mounted banner sign shall protrude above the highest roofline or above the top of the parapet wall or mansard roof.
- (3) **Number of Signs.** A maximum of one (1) wall mounted banner sign shall be permitted per lot frontage of a single-tenant building or unit of a multi-tenant building.
- (4) **Location.** Wall mounted banner signs shall be affixed to a building.
- (5) **Projection.** Wall mounted banner signs shall be affixed flat against the building to which they are mounted.

Figure 7.13: Wall Mounted Banner Sign Standards



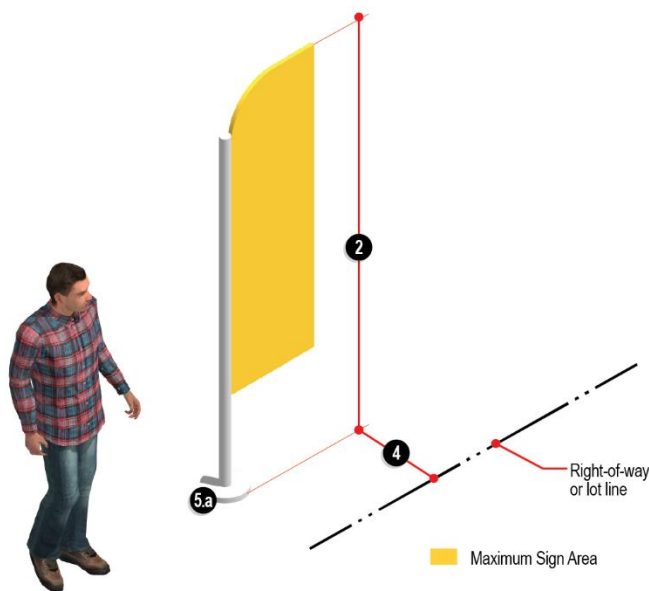
(C) Ground Mounted Banner Signs.

- (1) **Sign Area.** The maximum sign area of a ground mounted banner sign shall not exceed thirty-two (32) square feet.
- (2) **Sign Height.** The maximum height of a ground mounted banner sign shall not exceed six (6) feet.
- (3) **Number of Signs.** A maximum of one (1) ground mounted banner sign shall be permitted per lot frontage.
- (4) **Location.** Ground mounted banner signs shall be located a minimum of five (5) feet from all property lines, rights-of-way, and utility easements; shall not block points of ingress or egress; be placed in any sidewalk or pedestrian circulation system and shall not be located in a clear sight triangle as detailed in Section 16-6-6.
- (5) **Other Provisions.**
 - (a) Ground mounted banner signs shall be securely anchored into the ground or secured in a portable base designed for such function.
 - (b) Ground mounted banner signs shall be maintained in good condition and shall not sag, lie on the ground, be torn, or otherwise kept in a disorderly state.

Figure 7.14: Ground Mounted Banner Sign Standards

(D) Feather Sign.

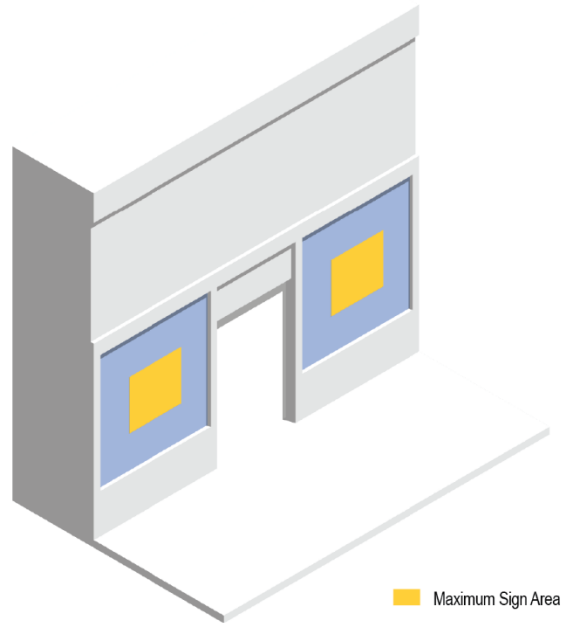
- (1) **Sign Area.** The maximum sign area of feather signs shall not exceed sixteen (16) square feet.
- (2) **Sign Height.** The maximum height of a feather sign shall not exceed eight (8) feet.
- (3) **Number of Signs.** A maximum of one (1) feather sign shall be permitted per twenty-five (25) feet of linear lot frontage.
- (4) **Sign Separation.** Each feather sign shall be separated from another feather sign by at least twenty-five (25) feet.
- (5) **Location.** Feather signs shall be located a minimum of five (5) feet from all property lines, rights-of-way, and utility easements; shall not block points of ingress or egress; be placed in any sidewalk or pedestrian circulation system, and shall not be located in a clear sight triangle as detailed in Section 16-6-6.
- (6) **Other Provisions.**
 - (a) Feather signs shall be securely anchored into the ground or secured in a portable base designed for such function.
 - (b) Feather signs shall be maintained in good condition and shall not sag, lie on the ground, be torn, or otherwise kept in a disorderly state.

Figure 7.15: Feather Sign Standards

(E) **Window Sign, Temporary.**

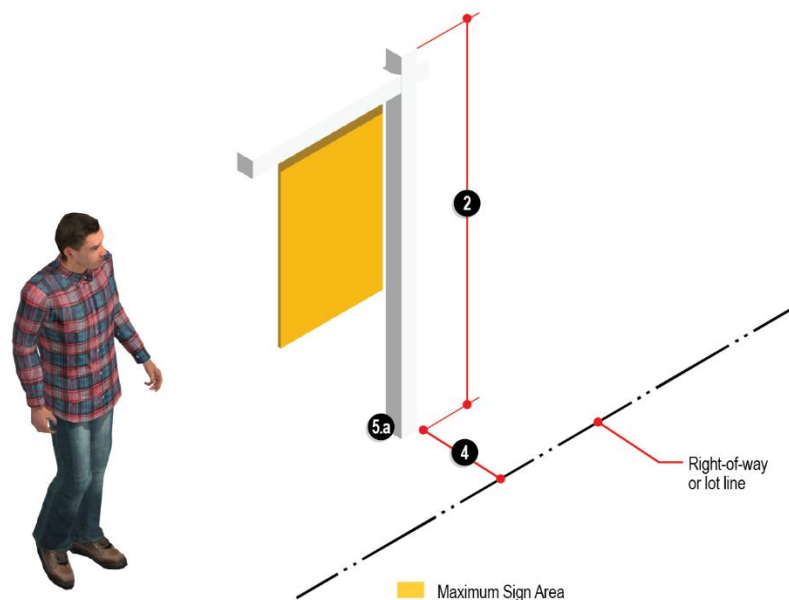
- (1) **Sign Area.** The maximum sign area of a temporary window sign shall be thirty (30) percent of the square footage of the individual window on which the sign shall be located. Temporary window sign area shall be counted in aggregate with permanent window sign area.

Figure 7.16: Temporary Window Sign Standards



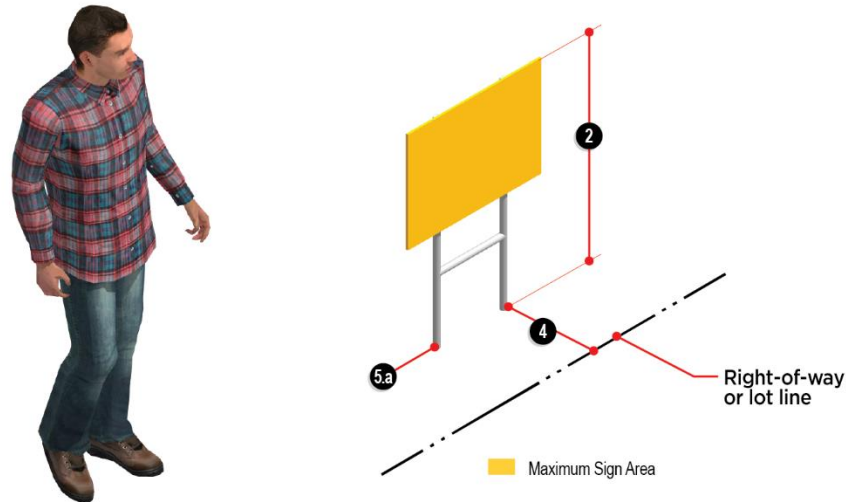
(F) Post Signs.

- (1) **Sign Area.** The maximum sign area of a post sign shall not exceed six (6) square feet.
- (2) **Sign Height.** The maximum height of a post sign shall not exceed six (6) feet.
- (3) **Number of Signs.** A maximum of one (1) post sign shall be allowed per lot frontage.
- (4) **Location.** Post signs shall be located a minimum of five (5) feet from all property lines, rights-of-way, and utility easements; shall not block points of ingress or egress; be placed in any sidewalk or pedestrian circulation system, and shall not be located in a clear sight triangle as detailed in Section 16-6-6.
- (5) **Other Provisions.**
 - (a) Post signs shall be securely anchored into the ground or secured in a portable base designed for such function.
 - (b) Post signs shall be maintained in good condition and shall not sag, lie on the ground, be torn, or otherwise kept in a disorderly state.

Figure 7.17: Post Sign Standards

(G) Yard Signs.

- (1) **Sign Area.** The maximum sign area of a yard sign shall not exceed four (4) square feet.
- (2) **Sign Height.** The maximum height of a yard sign shall not exceed three and one-half (3.5) feet.
- (3) **Number of Signs.** A maximum of two (2) yard signs may be displayed concurrently.
- (4) **Location.** Yard signs shall be located a minimum of five (5) feet from all property lines, rights-of-way, and utility easements; shall not block points of ingress or egress; be placed in any sidewalk or pedestrian circulation system, and shall not be located in a clear sight triangle as detailed in Section 16-6-6.
- (5) **Other Provisions.**
 - (a) Yard signs shall be securely anchored into the ground or secured in a portable base designed for such function.
 - (b) Yard signs shall be maintained in good condition and shall not sag, lie on the ground, be torn, or otherwise kept in a disorderly state.

Figure 7.18: Yard Sign Standards

16-7-7. General Sign Standards

(A) Illumination.

- (1) **Location and Design of Light Source.** Whenever an external artificial light source is used for a sign, such source shall be located, shielded, and directed so as not to be directly visible from any public street or private residence. No receptacle or device housing a permitted light source for a sign shall protrude more than twelve (12) inches from the face of the sign or building to which it is attached except if such light source is ground mounted, locked in place, and cannot be redirected.
- (2) **Level of Illumination.** In no event shall the illumination of any sign, resulting from any internal or external artificial light source, exceed the outdoor lighting standards established in Section 16-6-7. All artificial illumination shall be so designed, located, shielded, and directed as to prevent the casting of glare or direct light upon adjacent property or streets.
- (3) **Signs Adjacent to Residential Areas.** Any illuminated sign located on a lot abutting or across a street from, and visible from, any residentially zoned area shall not be illuminated between the hours of ten 10:00 p.m. and 7:00 a.m. except that such sign may remain illuminated during such time as the activity to which the sign pertains is open for business so long as such sign is not a public or private nuisance.

(B) Electronic Message Boards. Single-tenant and multi-tenant monument signs, pole/pylon signs, and billboard signs may incorporate electronic message boards in accordance with the following.

- (1) Streaming video and audio prohibited except during times when a special event permit has been issued for activities on or adjacent to the location of the sign through a Staff Administrative Process.
- (2) Each message must be displayed for a minimum of eight (8) seconds.
- (3) Change of message must be accomplished in two (2) seconds.
- (4) Change of message must occur simultaneously on the entire sign.
- (5) No flashing, dimming, or brightening may occur except to accommodate a message change.
- (6) Electronic message boards must contain a default mechanism that freezes an image in case of malfunction.
- (7) Electronic message boards shall automatically adjust intensity of display based on natural ambient light conditions. No such sign shall display an illuminative brightness exceeding five hundred (500) NITs at any time between one half (0.5) hour after sunset until one half (0.5) hour before sunrise or six thousand five hundred (6500) NITs between one half (0.5) hour before sunrise until one half (0.5) hour after sunset.
- (8) Electronic message boards shall be able to display multicolor high quality images based on display size. Multi-color display shall be able to show a minimum of two hundred eighty one (281) trillion color shades.
- (9) Electronic message boards shall comply with Table 16-7-7(B)(9).

Table 16-7-7(B)(9): Resolution to Size Matrix	
Size of Electronic Message Board	Maximum Pixel Size
10 sqft - 25 sqft	10 mm
26 sqft - 75 sqft	16 mm
76 sqft - 125 sqft	19 mm
126 sqft and larger	23 mm

- (10) Electronic message boards shall be turned off between the hours of 10:00 p.m. and 7:00 a.m. Monday through Friday and 2:00 a.m. and 8:00 a.m. on Saturday and Sunday when located within three hundred (300) feet of a residential lot.

- (11) Operators must be able to respond to a malfunction or safety issue within one (1) hour of notification.
- (12) Applications shall be reviewed by the City Engineer and determined that the sign placement does not interfere with traffic control devices within three hundred (300) feet of the sign or traffic circulation upon roadways, if determination is not approved by City Engineer a report from a traffic engineer certifying that the proposed sign does not interfere with the design characteristics of the traffic circulation and traffic control devices shall be required.

16-7-8. Prohibited Signs and Content

(A) **Prohibited Signs.** The following sign types shall be prohibited in all zoning districts:

- (1) Roof Signs,
- (2) Outline Lighting,
- (3) Signs with flashing lights,
- (4) Snipe Signs,
- (5) Pennants,
- (6) Streamers,
- (7) Spinners,
- (8) Propellers,
- (9) Inflatable Shapes, and
- (10) Signs which encroach on the public right-of-way.

(B) **Prohibited Content.**

- (1) The following content is prohibited without reference to the viewpoint of the individual speaker:
 - (a) Text or graphics of an indecent or immoral nature and harmful to minors,
 - (b) Text or graphics that advertise unlawful activity,
 - (c) Text or graphics that are obscene, fighting words, defamation, incitement to imminent lawless action, or true threats, or
 - (d) Text or graphics that present a clear and present danger due to their potential confusion with traffic control signs or signs that provide public safety information (for example, signs that use the words "Stop," "Yield," "Caution," or "Danger," or comparable words, phrases, symbols, or characters in such a manner as to imply a safety hazard that does not exist).
- (2) The narrow classifications of content that are prohibited by this subsection are either not protected by the United States or Oklahoma Constitutions, or are offered limited protection that is outweighed by the substantial governmental interests in protecting the public safety and welfare. It is the intent of the City Council that each paragraph of this Subsection be individually severable in the event that a court of competent jurisdiction were to hold one or more of them to be inconsistent with the United States or Oklahoma Constitutions.

16-7-9. Comprehensive Sign Plan

- (A) **Intent.** The intent of the comprehensive sign program is to set forth a theme as to the placement, lettering style, color, materials, mounting method, and other related design considerations of signs.
- (B) **Applicability.** Any building or development on an irregularly shaped lot may elect to submit a comprehensive sign plan to receive additional aggregate sign area beyond the maximum established in Section 16-7-2. After the approval of a comprehensive sign plan, no permanent sign shall be erected, placed, or maintained except in conformance with the Comprehensive Sign Plan.
- (C) **Conditions.** The City Planner may attach conditions, requirements, or standards necessary to assure that the signs covered by the Comprehensive Sign Plan will not be materially detrimental to persons or property in the vicinity. In making its determination, the City Planner shall not base any condition on the content of a sign.
- (D) **Evaluation Criteria.**
 - (1) **Placement.** All signs shall be placed where they are visible and legible. Factors to be considered include the location of a sign relative to traffic movement and access points, site features, other structures, and orientation relative to viewing distances and viewing angles. Wall Signs may be approved on building walls other than the wall of a unit of a multi-tenant building in which some units have little or no visibility from the street.
 - (2) **Quantity.** The number of signs that may be approved within any development shall be sufficient to provide necessary facilitation of internal circulation of vehicular and pedestrian traffic and wayfinding for safety of the occupants of vehicles and pedestrians. Factors to be considered shall be those that impact safety considerations such as the size of the development and the number of development sub-areas.
 - (3) **Size.** All signs shall be no larger than necessary for visibility and legibility but in no instance shall the sign area or sign height exceed the maximum established per sign type per district. Factors to be considered in determining appropriate size include topography, volume, and speed of traffic, viewing distances and angles, proximity to adjacent uses, and placement of display.
- (E) **Application.** A comprehensive sign plan shall be submitted on a form established by the City Planner. The application shall contain the following information as well as all other information required by the City Planner to ensure compliance with the comprehensive sign plan evaluation criteria.
 - (1) Name, address, and telephone number of the applicant.
 - (2) Location of building, structure, or lot to which or upon which the comprehensive sign plan shall apply.
 - (3) Name of person, firm, corporation, or association developing the comprehensive sign plan.
 - (4) Written consent of the owner or lessee of the building, structure, or land to which the proposed comprehensive sign plan is applicable.
 - (5) Scale drawing of all signs included in the comprehensive sign plan indicating the dimensions, the materials to be used, the type of illumination, if any, and the method of construction and attachment. Said drawings shall be drawn at a scale no smaller than one-eighth (1/8) inch equals one (1) foot and shall be prepared, signed, and sealed by a registered professional engineer when required by City Planners or City Engineers.
 - (6) A scale drawing indicating the location and position of all signs included in the comprehensive sign plan in relation to nearby buildings or structures. Said drawing shall be at a scale no smaller than one (1) inch equals fifty (50) feet.
- (F) **Review and Action.** The City Planner shall review the comprehensive sign plan application and approve, approve with conditions, or deny the application based on the evaluation criteria. A written decision including the findings on the evaluation criteria shall be rendered to the applicant.

- (G) **Appeals.** Any applicant who receives a notice of denial from the City Planner may, within thirty (30) days after receipt of such decision, appeal such decision to the Board of Adjustment by filing a written notice of appeal with the City Planner with an explanation as to why said decision was not warranted according to the applicant.
- (1) **Criteria.** The Board of Adjustment shall find that the City Planner misapplied or erroneously interpreted one of the evaluation criteria in item (D) of this Section to determine that the denial decision was not warranted. A written decision including the findings on the evaluation criteria shall be rendered to the applicant.
- (H) **Amendments to Comprehensive Sign Plans.**
- (1) **Minor Amendments.** Minor amendments may be approved by the City Planner and shall include any change in the site plan or design details of an approved Comprehensive Sign Plan which is consistent with the standards and conditions applied to the Plan. A minor amendment shall not:
- (a) Increase the sign area or sign height of any sign,
 - (b) Allow for additional signs to be erected, constructed, and/or displayed,
 - (c) Replace an approved sign type with another sign type, including electronic message boards, and
 - (d) Alter the square footage of associated landscape areas.
- (2) **Major Amendments.** Major amendments shall require the resubmittal of a Comprehensive Sign Plan application and shall include any change in the site plan or design details of an approved Comprehensive Sign Plan which is not consistent with the standards and conditions applied to the Plan and not considered a minor amendment.

16-7-10. Safety, Maintenance, and Abandonment

- (A) Every sign and all parts thereof, including framework, supports, background, anchors and wiring systems shall be constructed and maintained in compliance with the applicable codes of the City.
- (B) All signs, together with all supports, braces, guys, and anchors shall be kept in proper repair in accordance with the provisions of this UDO. When not galvanized or constructed of approved corrosion resistive, noncombustible materials, signs shall be painted when necessary, to prevent corrosion, rust, peeling paint, and excessive fading. Failure of owners to keep signs maintained in good mechanical and visual repair shall be deemed a violation of this UDO.
- (C) It shall be the duty and responsibility of the owner or lessee of every sign to maintain the immediate premises occupied by the sign in a clean condition, free of rubbish. Any landscaping surrounding the sign shall be kept trimmed and in good repair. If the landscaping installed at the time of sign approval dies, said landscaping shall be replaced immediately or as soon as weather permits.
- (D) Every existing sign shall be subject to an inspection whenever the City Planner deems it necessary. In the event an inspection demonstrates that repairs, and/or maintenance is necessary, the sign owner shall be notified and required to complete said repairs and/or maintenance within thirty (30) days of notification. The City Planner is authorized to grant one (1) thirty (30) day extension, if, upon written request, it is deemed necessary due to extenuating circumstances.
- (E) If the City Planner shall find that any sign is unsafe or unsecure, or is a threat to the public safety, or was, after the adoption of this UDO constructed, erected, or maintained in violation of the provisions of this title, he or she shall give written notice per the provisions of this UDO. Such notice shall specify the manner in which the sign is unsafe or in violation of this UDO.
- (F) Sign copy shall be removed and in the case of a wall sign, the building façade shall be repaired, by the owner or lessee of the premises upon which the sign is located when the use which the sign is associated is no longer conducted on the premises. The sign copy shall be removed within thirty (30) days of when the use ceases to operate. If the owner or lessee fails to remove the sign copy, the City Planner shall give the owner thirty (30) days written notice to remove it. Failure to comply with the notice shall be deemed a violation of this UDO.

Article 8. Subdivision Standards

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16-8-1. Purpose

The purpose of this Article is:

- (A) To establish reasonable rules and regulations governing the subdivision, development and platting of land, the preparation of plats, the location and extension of streets and highways, the installation of utilities and the provision of necessary public grounds for parks, playgrounds and public open space,
- (B) To promote and protect the public health, safety and general welfare, to conserve, protect and enhance property values and to secure the efficient use of land,
- (C) To discourage scattered development beyond existing public utilities and to facilitate the adequate provision of public improvements,
- (D) To assure the development of land for optimum use with necessary protection against deterioration and obsolescence,
- (E) To limit and control the pollution of the environment that can be caused by inadequate or incomplete urban development,
- (F) To provide common grounds of understanding and a sound working relationship between the City and the subdivider, and
- (G) To implement the goals and objectives of the Comprehensive Plan.

16-8-2. General Subdivision Standards

(A) Land Suitability.

- (1) **General Land Suitability.** Land which the Planning Commission finds to be unsuitable for subdivision or because of flooding, improper drainage and erosion, adverse topography, steep slopes, or rock formations, shall not be subdivided or developed unless adequate steps are taken by the subdivider and approved by the Planning Commission to resolve the hazards created by the unsuitable land conditions.
- (2) **Unsuitable Land for Subdivision.** Land which the Planning Commission finds to be unsuitable for development within a proposed subdivision because of flooding, improper drainage and erosion, adverse topography, steep slopes, or rock formations, and not detrimental to the development of the subdivision, shall be set aside for uses as permitted by the Planning Commission.

(B) Zoning District Compliance.

No subdivision shall be approved unless it conforms to all of the requirements of this UDO. Whenever there is a discrepancy between minimum standards or dimensions noted in this Article and those contained in other chapters of this UDO, building codes or other adopted regulations, codes or ordinances, the most restrictive shall apply.

(C) Comprehensive Plan Conformance.

- (1) All proposed subdivisions shall conform to the most recently adopted Comprehensive Plan.
- (2) The arrangement, character, extent, width, grade, and location of all streets shall conform to all the elements of the Comprehensive Plan and shall be designed in accordance with sound planning and engineering principles as well as the improvement provisions outlined in this Article.

(D) Street Names.

- (1) Street names shall not:
 - (a) Exceed fourteen characters in length, excluding street-type designation,
 - (b) Contain hyphens, apostrophes or other non-letter characters,
 - (c) Exceed two (2) words in length, excluding street-type designation,
 - (d) Contain directional prefixes or suffixes (i.e., north, south, east, and west),
 - (e) Be phonetically similar to other street names in the City of Jenks (i.e., Shadow – Chateau, Parakeet – Park Heat, Grade – Grate),
 - (f) Have the same name but different street type designation (i.e. Willow Drive – Willow Court), or
 - (g) Duplicate facilities or geographic locations (i.e. Basketball Court, Bowling Alley).
- (2) Street names within a subdivision shall have a consistent theme (i.e. tree species, names of artists, bird species).
- (3) **Permanent Markers and Monuments.**
 - (a) Permanent reference markers shall be placed at the intersection of the centerlines of rights-of-way. There shall be in each subdivision a minimum of two (2) such monuments. If no two (2) of the intersection monuments are within line-of-sight to each other, an additional marker shall be placed on right-of-way centerline so as to establish a straight line which can be seen line-of-sight from one end to the other. An additional such marker shall be placed at the center point of the turn-around in each cul-de-sac. These markers shall be in the form of a non-corrosive metal plate and each shall be stamped with a cross at the point of the intersection and the elevation to the tenth (0.1) of a foot.

- (b) Permanent reference markers shall be placed at each turning point in the boundary of the subdivision. These markers shall be a twenty-four (24) inch long iron pipe or bar of at least one-half (1/2) inch diameter, to be set in concrete.
 - (c) Permanent reference markers shall be placed at a minimum of two (2) corners of each lot in an addition. The markers shall be at least twenty-four (24) inches long and at least one-half (1/2) inch in diameter made of iron pipe or bar and driven into unexcavated soil.
 - (d) Permanent reference markers shall be placed at the points of curvature and points of tangency of all inside and outside rights-of-way lines, and at the point of intersection of the outside line of a curve in street right-of-way. These markers shall be a twenty-four (24) inch long iron pipe or bar of at least one-half (1/2) inch diameter to be driven into unexcavated soil.
 - (e) The location of all permanent markers shall be shown on the face of the record plat.
- (4) **Definitions of Thoroughfare Designations.** The use of thoroughfare designations as a locational device is probably the simplest method of street naming. In such a system, thoroughfares with specific physical characteristics are defined and certain street-name suffixes are consistently applied. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
- (a) **Avenue:** A North-South road longer than five hundred (500) feet.
 - (b) **Boulevard:** A street divided by a landscaped center island and generally is designated by a name, not a number used as a name.
 - (c) **Circle:** A short street that begins and circles back to terminate on the same road.
 - (d) **Court:** A cul-de-sac or permanent dead-end road.
 - (e) **Drive:** A curvilinear street of more than five hundred (500) feet in length, generally designed by a name.
 - (f) **Highway:** A designated state or federal highway.
 - (g) **Interstate:** A road of the highest order, characterized by limited access and wide right-of-way.
 - (h) **Lane:** A minor or dead-end street that lies between numbered thoroughfares.
 - (i) **Loop:** A short drive that begins and ends on the same street.
 - (j) **Place:** A cul-de-sac or permanent dead-end road. Also indicates a minor or dead-end street lying between numbered thoroughfares.
 - (k) **Street:** An East-West road longer than five hundred (500) feet.
- (E) **Subdivision Review Criteria and Procedures.** The review criteria and procedures for Minor Subdivisions are specified in Section 16-8-4(C). The review criteria and procedures for Major Subdivisions are specified in Section 16-8-4(D).

16-8-3. General Design Standards

- (A) **Design Criteria Manual.** The City Engineer is authorized to develop, adopt, and amend from time to time, Engineering and Design Standards for the design, installation, and construction of public utilities. All subdivisions and the installation of all public utilities within any development shall comply with the requirements established in the Engineering Design Criteria, as amended from time to time.

16-8-4. Subdivision Procedures

(A) **Platting.**

- (1) **Platting Requirement.** For any land which has been rezoned upon application, no building permit shall be issued until that portion of the tract on which the permit is sought has been included within a subdivision plat or replat, as the case may be, submitted to the Planning Commission for their review and recommendation, approved by the City Council, and filed of record in the office of the County Clerk where the property is situated.

(2) **Lot Split and Plat Review Checklists.**

(a) **Lot Split Checklist.**

- (I) Lot split application is complete.
- (II) Lot split fees paid.
- (III) Scaled drawing of lot split(s) provided.
- (IV) Drawing shows all existing and proposed lot lines.
- (V) Drawing shows adjacent streets and street widths.
- (VI) Drawing shows existing access limitations.
- (VII) Drawing shows a north arrow and map scale.
- (VIII) Lot dimensions and area either conform with UDO requirements of variance of zoning code requirements have been obtained by Jenks Board of Adjustment.
- (IX) Public water and/or sanitary sewer is not available (appropriate tests shall be conducted by health department of its assigns to determine the proposed lots' suitability for a private sewer disposal device).
- (X) If the lot split results in inadequate access to utility easements, dedication of easement has been provided.
- (XI) If the lot split results in inadequate access to public street, dedication of right-of-way has been provided.

(b) **Preplatting Conference Development Plan Checklist.** The development plan shall show or be accompanied by the following:

- (I) General topography of the tract,
- (II) Existing adjoining developments,
- (III) Existing streams, floodplains, and storm drainage (if any),
- (IV) Existing public and private utilities and easements,
- (V) Proposed land use (i.e. residential, commercial, parks, schools, drainage detention facilities).
- (VI) Proposed layout of streets, lots and blocks,

- (VII) Proposed subdivision name,
 - (VIII) Name, address and telephone of tract landowner and subdivider,
 - (IX) Any other pertinent information, including a statement or a layout describing or depicting how proposed utilities are to be handled.
- (c) **Preliminary Plat Review Checklist.** The preliminary plat shall show or be accompanied by the following:
- (I) 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,
 - (II) The date of preparation of the plat, north arrow, and scale (written and graphic presentation),
 - (III) Key or location map showing location of subdivisions within the mile section,
 - (IV) An accurate legal description of the property,
 - (V) The location and dimensions of all boundary lines of the proposed subdivision to the nearest one-hundredth foot,
 - (VI) 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,
 - (VII) The locations and widths of easements of all oil, gas and petroleum products pipelines and of existing utilities on or adjacent to the property,
 - (VIII) The location and description of all existing structures, water bodies and watercourses,
 - (IX) The areas subject to flooding based upon the regulatory floor,
 - (X) The names, locations and widths of all proposed streets,
 - (XI) The location and dimension of all proposed streets, drainage ways, pedestrian ways, bike paths, parks, playgrounds, public ways, or other public or private reservations,
 - (XII) All proposed lots progressively numbered and building setback lines,
 - (XIII) Blocks progressively numbered,
 - (XIV) A topographic map of the subdivided area with contour lines having two (2) feet contour intervals based on United States Coastal and Geodetic Survey datum,
 - (XV) Any other information as may be deemed by the Planning Commission as reasonably necessary for the full and proper consideration of the proposed subdivision,
 - (XVI) Conforms to Subdivision Regulations for design and layout,
 - (XVII) Minimizes likely development cost for Owner's development goals,
 - (XVIII) Connects with current and anticipated future abutting development(s),
 - (XIX) Lot dimensions and shapes facilitate private use and infrastructure placement,
 - (XX) Takes advantage of existing environmental features of the property,
 - (XXI) Additional Engineering Checklist Items:
 - (i) Are all lots serviced with public street access?

- (ii) Are off-site access requirements and/or Limits of Access (LA/LNA) shown for driveways and streets onto an arterial street?
- (iii) Is there conformity to the Major Street and Highway Plan, including street names and connection to existing and/or future street.
- (iv) Are all lots serviced with water and are adequate easements dedicated for water?
- (v) Are all lots serviced with sanitary sewer and are adequate easements dedicated for SS?
- (vi) Is the detention area identified as a separate area within the plat? It may consist of one or more platted lots, a separate block, or it may be identified as a reserve area.
- (vii) Does the dedication of the detention facility appear among the plat's restrictive covenants? (it should not) Is the format of the dedication consistent with the dedication of public streets?
- (viii) Does the plat dedication contain an ownership reverter provision? Whether the reverter shall run in favor of the subdivider, an identified third party, or to a designated abutting property shall be determined as follows:
 - (1) If the detention area meets all applicable subdivision regulation/zoning requirements (area, street frontage, etc.), to permit its subsequent redevelopment upon reverter of ownership, at the option of the subdivider, reverter may be in favor of any designated party or one or more abutting properties.
 - (2) If the detention area fails to meet all applicable subdivision regulation/zoning requirements and appropriate variances/special exceptions are not approved by the Jenks Planning Commission or Jenks Board of Adjustment which would permit its proper redevelopment upon reverter of ownership, reverter shall run only in favor of an identified abutting property or properties; if all deficiencies receive variance/special exception approval, reverter shall be governed by paragraph "a" (above).
 - (3) Does the plat provide an accessway at least twenty (20) feet wide to the required detention area? Access may be provided by frontage on a dedicated public street to the detention area.
 - (4) If the detention facility is approved by the City to serve areas outside the subdivision in which it is located, have the additional areas been specifically identified in the dedication?
 - (5) Does the ownership and maintenance responsibility for detention facility remain with the private sector if the facility is an integral usable part of the development? In all other cases, the detention facility will be dedicated to the public and the public will be responsible for the maintenance thereof. In the event the detention facility, as a result of drainageway improvements, becomes unnecessary, the facility by action of the City of Jenks shall revert to the person firm or corporation making such dedication or his heirs, successor or assignees.

(d) **Final Plat Review Checklist.** The final plat shall contain the following:

- (I) The plat title which shall include the name of the subdivision, "An addition to the City of Jenks, Tulsa County, Oklahoma", the section, township, and range in which the addition is located, and an accurate legal description of the property.
- (II) The location and description of all section corners and permanent survey monuments in or near the tract, to at least one of which the subdivision shall be referenced.
- (III) The date of preparation of the plat, the scale which shall be written and graphically presented and north arrow.

- (IV) The name and address of the owner(s) of land to be platted, the name and address of the subdivider if other than the owner and the name and address of the land surveyor.
- (V) The key or location map showing in a small scale including: the subdivision location, other subdivisions in the area, and major streets in the area.
- (VI) The size in acres and total number of lots in the subdivision.
- (VII) The names and boundaries of abutting subdivisions or boundaries of abutting properties if not platted.
- (VIII) Required dimensions shall be in feet and decimals thereof and in degrees and minutes, as follows:
 - (i) The radii, arcs, points of tangency, points of intersection and central angles for curvilinear streets and radii for all property returns,
 - (ii) The boundary lines of the land being subdivided fully dimensioned,
 - (iii) The boundary lines and widths of all proposed streets and alley fully dimensioned,
 - (iv) 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,
 - (v) The boundary lines of any property which is offered for dedication to public use fully dimensioned by lengths and bearings with the area marked as to its intended public use,
 - (vi) The locations of easements for public utilities and building setback lines with dimensions and widths and clearly identified,
 - (vii) Easements, if already of record, shall be shown as above with dimensions to locate it with respect to the subdivision,
 - (viii) Blocks progressively numbered and all lots within such blocks progressively numbered,
 - (ix) The location of the base line and base line monuments,
 - (x) Any other information as may be deemed by the Planning Commission and City Council as reasonably necessary for the full and proper consideration of the proposed subdivision,
 - (xi) Conforms to Subdivision Regulations for design and lay-out,
 - (xii) Minimizes likely development cost for Owner's development goals,
 - (xiii) Connects with current and anticipated future abutting development(s),
 - (xiv) Lot dimensions and shapes facilitate private use and infrastructure placement,
 - (xv) Takes advantage of existing environmental features of the property.

(IX) **Additional Engineering Checklist Items:**

- (i) Are all lots serviced with public street access?
- (ii) Are off-site access requirements and/or Limits of Access (LA/LNA) shown for driveways and streets onto an arterial street?
- (iii) Is there conformity to the Major Street and Highway Plan, including street names and connection to existing and/or future streets?

- (iv) Are all lots serviced with water and are adequate easements dedicated for water?
- (v) Are all lots serviced with sanitary sewer and are adequate easements dedicated for SS?
- (vi) Is the detention area identified as a separate area within the plat? It may consist of one or more platted lots, a separate block, or it may be identified as a reserve area.
- (vii) Does the dedication of the detention facility appear among the plat's restrictive covenants? (it should not) Is the format of the dedication consistent with the dedication of public streets?
- (viii) Does the plat dedication contain an ownership reverter provision? Whether the reverter shall run in favor of the subdivider, an identified third party, or to a designated abutting property shall be determined as follows:
 - (1) If the detention area meets all applicable subdivision regulation/zoning requirements (area, street frontage, etc.), so as to permit its subsequent redevelopment upon reverter of ownership, at the option of the subdivider, reverter may be in favor of any designated party or one or more abutting properties.
 - (2) If the detention area fails to meet all applicable subdivision regulation/zoning requirements and appropriate variances/special exceptions are not approved by the Jenks Planning Commission/Jenks Board of Adjustment which would permit its proper redevelopment upon reverter of ownership, reverter shall run only in favor of an identified abutting property or properties; if all deficiencies receive variance/special exception approval, reverter shall be governed by paragraph "a" (above).
- (ix) Does the plat provide an accessway at least twenty (20) feet wide to the required detention area? Access may be provided by frontage on a dedicated public street to the detention area.
- (x) If the detention facility is approved by the City to serve areas outside the subdivision in which it is located, have the additional areas been specifically identified in the dedication?
- (xi) Does the ownership and maintenance responsibility for detention facility remain with the private sector if the facility is an integral usable part of the development? In all other cases, the detention facility will be dedicated to the public and the public will be responsible for the maintenance thereof. In the event the detention facility, as a result of drainageway improvements, becomes unnecessary, the facility by action of the City of Jenks shall revert to the person firm or corporation making such dedication or his heirs, successor or assignees.

(e) Record Plat Document Review Checklist.

- (I) The record plat shall be an original drawing made with India ink on a good grade linen tracing cloth, or a suitable black acetate base ink on a stable polyester base film coated upon completion with a suitable plastic material to prevent flaking and to assure permanent legibility, or a print on a stable polyester base film made by photographic process from a film scribing tested for residual hypo with an approved testing solution to assure permanency.
- (II) Marginal lines, standard certificates and approval forms may be printed or legibly stamped on the plat with permanent opaque black ink.
- (III) The following certifications shall be shown on the record plat:
 - (i) The owner's(s') certificate and dedication of all public ways, parks, public facilities and easements.
 - (ii) The certificate for release of mortgage for land dedicated to the public.

- (iii) Reference to any separate instruments which directly affect the land being subdivided, including restrictive covenants filed in the office of the County Clerk.
 - (iv) The certificate of the City Council approving the plat and accepting dedications of public ways, public lands and easements.
 - (v) The certificate by as bonded abstractor, attorney, or title insurance company of the last grantees of record owning the entire interest in the property being subdivided plus holders of mortgages and liens filed of record.
 - (vi) The certificate of notice of the platting of the property to the holders of mortgages and liens against the property.
 - (vii) The certificate by the County Treasurer that all land taxes have been paid on the property.
 - (3) **Platting Waiver.** The City Council, pursuant to their exclusive jurisdiction of subdivision plats, may remove the platting requirement upon a determination that the above-stated purposes have been achieved by the previous platting or could not be achieved by a plat or replat.
 - (4) **Vacated Plats.** The vacation of a plat by District Court action as provided by State Statute shall remove the obligation to construct required improvements.
- (B) **Lot Splits.** Subdivisions containing three (3) or fewer lots defined as “lot splits” in these regulations, may be excepted by the Planning Commission and City Council from all or part of the procedural provisions applicable for major or minor subdivisions. The number of lots for purposes of determination of status as a lot split shall be counted cumulatively from the date of adoption of these regulations with respect to each parcel, provided that for the preservation of the spirit of these regulations, any and all parcels that have been similarly divided upon review of the Planning Commission under the provisions of previous subdivision regulations shall be counted into the cumulative total for the determination of eligibility for consideration of a request for treatment as a lot split.
- (1) **Procedure.**
 - (a) **Application for Lots Splits.** A request for a lot split shall be submitted to the Planning Commission secretary on forms provided by the secretary. The application shall be accompanied by a fee as prescribed by ordinance and by a scaled drawing showing all existing and proposed lot lines, all existing buildings and improvements and their distances from lot lines, adjacent streets and street widths, existing access limitations, a north arrow and map scale.
 - (b) **City Action on Lot Splits.** The secretary of the Planning Commission upon receiving a lot split application shall visually inspect the tract being split, notify the Planning Commission of the proposed lot split, review the proposed lot split in regard to the requirements of this UDO, prepare a recommendation concerning the proposed lot split and submit the matter for Planning Commission review and approval. If the lot split is approved by the Planning Commission and if a conveyance of interest of the created parcels is presented, the “Lot Split Approval Stamp” shall be affixed to the instrument of the transfer of interest and signed by the mayor or vice mayor of the City of Jenks. Should the Planning Commission recommend that a lot split proposal be denied, the applicant may appeal to the Board of Adjustment for relief. Such appeal shall be by written petition and shall be accompanied by a fee as prescribed by ordinance.
 - (2) **Approval Guidelines.** Approval or denial of lot splits shall be based on the following conditions:
 - (a) **Lot Characteristics.**
 - (i) Lot dimensions and area shall either conform with UDO requirements or a variance must be obtained from the Board of Adjustment.

- (II) Where public water and/or public sanitary sewer is not available, appropriate tests shall be conducted by the health department or its assigns to determine the proposed lots suitability for a private sewage disposal device. Each proposed lot shall meet the minimum standards of the health department.
 - (b) **Easements.** Where a lot split will result in a lot having inadequate access to utility easements, dedication of easements will be required in accordance with the requirements of the and the Planning Commission.
 - (c) **Access and Streets.**
 - (I) Where a tract to be split is controlled by non-access provisions, no lot shall be approved where such provision will preclude access for said lot.
 - (II) The splitting of land shall provide each lot with access to a public street or highway, so that the convenience of the lot owner or user is assured.
 - (III) Where land to be split contains, within its boundaries, areas designated for street right-of-way on the Jenks City-County Major Street and Highway Plan, the split shall not be approved where street rights-of-way fail to conform to said plan except, upon a finding that:
 - (i) All utilities are in place and the additional right-of-way is not required for utility placement and,
 - (ii) The public has, by virtue of statutory easement suitable roadway dedication, right-of-way sufficient to allow the placement of pavement of a width necessary to meet the standards of the street plan for the particular street involved.
- (C) **Minor Subdivisions.**
- (1) **Purpose.** A minor subdivision is a subdivision in which any of the following conditions exist:
 - (a) Subdivisions resulting in more than three (3) but less than six (6) lots and the entire property to be subdivided is ten (10) acres or less,
 - (b) Subdivision solely for the creation of public right of way or other public tracts,
 - (c) Consolidation of two (2) or more lots into fewer lots on an approved final plat,
 - (d) Lot line or boundary adjustments to an approved final plat, or
 - (e) Correction of errors or omissions on an approved final plat, such as legal description errors, typographical and mapping errors, lot identification errors, and surveyor corrections.
 - (2) **Minor Subdivision Review Criteria.**
 - (a) **Lot Characteristics.**
 - (I) Lot dimensions and area shall either conform with the requirements of this UDO or a Variance of such requirements must be obtained from the Board of Adjustment.
 - (II) Where public water and/or public sanitary sewer is not available, appropriate tests shall be conducted by the health department or its assigns to determine the proposed lots suitability for a private sewage disposal device. Each proposed lot shall meet the minimum standards of the health department.
 - (3) **Easements.** Where a Minor Subdivision will result in a lot having inadequate access to utility easements, dedication of easements will be required in accordance with the requirements of the City Planner and the Planning Commission.

(4) Access and Streets.

- (a) Where a tract to be split is controlled by non-access provisions, no lot shall be approved where such provision will preclude access for said lot.
- (b) The splitting of land shall provide each lot with access to a public street or highway, so that the convenience of the lot owner or user is assured.
- (c) Where land to be split contains, within its boundaries, areas designated for street right-of-way on the Jenks City-County Major Street and Highway Plan, the split shall not be approved where street rights-of-way fail to conform to said plan except, upon a finding that:
 - (I) All utilities are in place and the additional right-of-way is not required for utility placement and,
 - (II) The public has, by virtue of statutory easement suitable roadway dedication, right-of-way sufficient to allow the placement of pavement of a width necessary to meet the standards of the street plan for the particular street involved.
- (d) **Action by the Planning Commission.** The Planning Commission shall evaluate the proposed Minor Subdivision, and after consideration of the City planner report shall approve, approve with modifications, or deny the Minor Subdivision based on the applicable review criteria and in accordance with applicable state law.

(D) Major Subdivisions.

- (1) **Purpose.** A major subdivision is a subdivision which does not meet the criteria for a Minor Subdivision as detailed in Section 16-8-4(C)(1).
- (2) **Major Subdivision Review Criteria.**
 - (a) **Comprehensive Plan Alignment.** The major subdivision is consistent with the goals, objectives, and policies set forth in the Comprehensive Plan and other adopted plans and policy documents of the City.
 - (b) **UDO Compliance.** The major subdivision is consistent with the provisions of the UDO and the governing district.
- (3) **Preplatting Conference.** An applicant for a major subdivision may choose to request a preplatting conference. The purpose of the preplatting conference plan is two-fold. First, it provides the City the opportunity to describe the community's vision to the applicant. Second, it gives the applicant an opportunity to discuss their development plans, explain how the plans will further the community's vision, and obtain input and direction from the Planning Commission and, optionally, the City Council early in the process. The ultimate goal of this process is to help the applicant develop a plan that fosters the community's vision, while minimizing the cost to the applicant.
- (4) **Preliminary Plat.** The purpose of the preliminary plat application is to provide the City with an overall plan for the proposed development.
 - (a) **Recommendation by the Planning Commission.** The Planning Commission shall evaluate the proposed major subdivision preliminary plat, and after consideration of the City planner report, make a recommendation to the City Council to approve, approve with modifications, or deny the major subdivision preliminary plat based on the applicable review criteria. The Planning Commission shall transmit a report containing its recommendation to approve, approve with modifications, or deny the major subdivision preliminary plat to the City Council.
 - (b) **Action by the City Council.** The City Council shall evaluate the proposed major subdivision preliminary plat, and after consideration of the Planning Commission's recommendation, the City planner report, and the applicable review criteria, may approve, approve with modifications, or deny the major subdivision preliminary plat in accordance with applicable state law.

- (5) **Final Plat.** The purpose of the final plat application is to complete the major subdivision of land consistent with the approved Preliminary Plat.
- (a) After the determination of completeness by the City Planner the major subdivision final plat application shall be reviewed by City Council to ensure the application conforms to the approved preliminary plat, addresses all conditions of approval required by the City Council as part of the preliminary plat approval, and meets all applicable review criteria. Based upon their review, City Council shall approve or deny the final plat.
 - (b) If denied, the City Council shall report the deficiencies to the applicant. The applicant shall have six (6) months from the date of notification of the deficiencies to correct the deficiencies; otherwise, the major subdivision final plat will be considered abandoned without further notice from the City.
- (6) **Construction or Installation.** Following the approval of the major subdivision final plat by the City Planner, the subdivider shall complete in a manner satisfactory with the City all required improvements and said improvements shall be free and clear of all liens, claims and encumbrances. No building construction shall be permitted on any lot to or on which improvements have not been completed in accordance with the provisions of these regulations and no municipal utility service will be furnished to such lot. In lieu of requiring the completion of all subdivision improvements before issuance of any building permits, the City Council, at its discretion, may accept surety from the subdivider whereby the subdivider shall guarantee to complete all improvements required by these regulations and other ordinances in a manner satisfactory to the City. To secure this surety, the subdivider shall provide, subject to the approval of the City Council, one of the following guarantees:
- (a) **Commercial Surety Performance and Payment Bond.** The subdivider shall be required to obtain a security bond from a surety bonding company authorized to do business in the state of Oklahoma. The bond shall be filed with the City Clerk and shall be payable to the City of Jenks. The amount of the Bond shall be a one hundred (100) percent surety and sufficient to cover one and one-half (1½) times the entire cost, as estimated by the subdivider and approved by the City Engineer, of installing all specified improvements. The duration of the bond shall be until such time as the improvements are accepted by the City in accordance with Section 16-8-4(D)(7) Inspection and Certification.
 - (b) **Cash Escrow Account.** The subdivider shall deposit cash, or other instrument readily convertible into cash at face value, either with the City, or in escrow with a bank. The use of any instrument other than cash, and, in the case of an escrow account, the bank with which the funds are to be deposited, shall be subject to the approval of the City Council. The amount of the deposit shall be at least equal to one and one-half (.5) time cost, as estimated by the subdivider and approved by the City Engineer, of installing all required improvements. The subdivider shall also file with the City Clerk an agreement between the financial bank and himself guaranteeing the following:
 - (I) That the funds of said escrow account shall be held in trust until released by the City Council when the obligation is complete, and may not be used or pledged by the subdivider as security in any other matter during that period; and,
 - (II) That in the case of a failure, as determined by the City Council, on the part of the subdivider to complete said improvements, then the bank shall immediately make the funds in said account available to the City for use in the completion of those improvements.
 - (c) In those cases where improvement guarantees have been made under this section, the amount of the guarantee may be reduced in proportion to improvements completed and accepted by the City in compliance with Section 16-8-4(D)(7) Inspection and Certification. In no case, however, shall the guarantee be reduced to less than fifteen (15) percent of the original guaranteed amount.

(7) **Inspection and Certification.**

- (a) City staff, including the City Planner, Public Works Director, City Engineer, or their designee, shall inspect for defects the construction of the required improvements. Upon completion of the improvements, the City Staff shall file with the City Council a statement either certifying that the improvements have been completed in accordance with the City of Jenks Design Criteria and Technical Specifications or that the improvements are defective, listing the defects. Upon completion of the improvements, the subdivider and their engineer shall file with the City Council "as built construction plans" and a statement stipulating the following:
 - (I) That all required improvements are complete.
 - (II) That these improvements are in compliance with these regulations and the City of Jenks Design Criteria and Technical Specifications.
 - (III) That the subdivider knows of no defects in the improvements.
 - (IV) That these improvements are free and clear of any encumbrance or lien (except development loans).
 - (b) The City Council may, at its discretion, accept any portion of the required improvements, provided that all statements and agreements specified above have been received for that portion of the improvements and that "as built plans" have been submitted.
 - (c) If any portion of the required improvements shall fail to be accepted for dedication as outlined above within the allocated time period (two [2] years from date of final plat approval), either for reasons of incompleteness or for reason of substandard construction, then the City Council shall take the following action: The Council shall declare whatever security has been pledged as a guarantee to be forfeited. Where the Council is not already in possession of said guarantee, it shall immediately take the actions necessary to obtain it. Upon receipt of these securities, the Council shall use them, or the proceeds from their sale, to finance the completion of subject improvements or the rebuilding of such improvements to the proper specifications. Any unused portion of these securities shall be returned to the subdivider, bonding company, or crediting institution, as is appropriate.
- (8) **Maintenance Bond.** Regardless of the guarantee chosen by the subdivider to secure the contract, prior to acceptance of required improvements by the City Council, the developer shall be required to obtain a maintenance bond from a surety bonding company authorized to do business in the state of Oklahoma. The bond shall be filed with the City Clerk and shall be payable to the City. The amount of the bond shall be equal to fifty (50) percent of the entire cost of materials for all water lines, sewer lines, paving, grading and drainage improvements. The duration of the maintenance bond shall be one (1) year from the date of acceptance of said improvements by City Council.
- (9) **Time Limit.** The required improvements shall be completed within two (2) years from the approval of the record plat by the City Council unless extended by the City Council for cause.
- (10) **Vacated Plats.** The vacation of a plat by District Court action or by written instrument as provided by Title 11, § 42-101 et seq. of the Oklahoma statutes, shall remove the obligation to construct required improvements.

16-8-5. Circulation and Connectivity

(A) Major Street and Highway Plan.

(1) Conformity.

- (a) The street layout in any development shall conform to the arrangement, width, and location of public streets indicated on the INCOG Major Street and Highway plan. Whenever a tract of land included within a proposed subdivision includes any part of the arterial or collector systems as designated on the INCOG Major Street and Highway plan, the subdivider shall be required to dedicate and plat the arterial or collector right-of-way. Improvements to arterial or collector rights-of-way shall be as determined by the City Engineer for the protection of public health, safety, and welfare.
- (b) Developments that embrace only one (1) side of an existing or planned arterial or collector right-of-way will only be required to dedicate and plat additional right-of-way for that portion of street with which the development has frontage. Improvements to arterial or collector rights-of-way shall be as determined by the City Engineer for the protection of public health, safety, and welfare.

(2) Street Stubs.

- (a) New developments are required to stub streets to the outer perimeter boundaries of the development based on the criteria below. If the street in question meets at least two (2) of the criteria, then the street must be built to an appropriate collector street standard:
 - (I) The street intersects directly with any street designated as an arterial street and provides access to an area with an overall density of ten (10) dwelling units per acre or provides access to more than one hundred fifty (150) dwelling units.
 - (II) The street by its general configuration, in relationship to the existing development of the area, in effect serves any collector function.
 - (III) The street extends into an undeveloped area in such a manner as to serve any future collector function.
 - (IV) The street serves as the primary access to a significant nonresidential, institutional, or recreational land as well as an access to a residential area of twenty (20) or more acres.
- (b) Street stubs shall be clearly demarcated and identified for future street extension through street signage.
- (c) All stub streets shall conform to the City's adopted version of the International Fire Code, as amended.

(3) **Street Standard.** New developments that provide new streets that are not identified on the INCOG Major Street and Highway Plan but meet any of the following criteria must be built to an appropriate collector street standard.

- (a) The street intersects directly with an arterial street and provides access to an area with an overall density of ten (10) dwelling units per acre or provides access to more than one hundred fifty (150) dwelling units.
- (b) The street by its general configuration, in relationship to the existing development of the area, in effect serves a collector function.
- (c) The street extends into an undeveloped area in such a manner as to serve a future collector function.
- (d) The street serves as the primary access to a significant nonresidential, institutional, or recreational land, as well as an access to a residential area of twenty (20) or more acres.

(B) **Right-of-Way Widths.** The minimum right-of-way widths of proposed streets shall be as detailed in Table 16-8-5(B).

Table 16-8-5(B): Minimum Right-of-Way Widths	
Type of Street	Minimum Right-of-Way Widths
<i>Freeway or Expressway</i>	As required by the ODOT
<i>Primary Arterial</i>	120 feet
<i>Secondary Arterial</i>	100 feet
<i>Commercial (CBD) Collector</i>	80 feet
<i>Minor Industrial Street</i>	70 feet
<i>Residential Collector</i>	60 feet
<i>Minor Residential Street</i>	50 feet
<i>Minor Street Cul-de-sac Radius</i>	50 feet

(C) **Paving Widths.** The minimum paving widths from curb face shall be as detailed in Table 16-8-5(C).

Table 16-8-5(C): Minimum Paving Widths	
Type of Street	Minimum Paving Width
<i>Freeway or Expressway</i>	As required by the ODOT
<i>Primary Arterial</i>	6 12-foot lanes (72 feet)
<i>Secondary Arterial</i>	4 12-foot lanes (48 feet)
<i>Commercial (CBD) Collector</i>	2 12-foot lanes (24 feet) + parking if any
<i>Minor Industrial Street</i>	40 feet
<i>Residential Collector</i>	36 feet
<i>Minor Residential Street</i>	26 feet
<i>Service Street</i>	32 feet

(D) Private Street Entrance Requirements.

- (1) All private street entrances shall be on arterial or collector streets only.
- (2) All private street entrances (at the gate) shall have entrance and exit lanes, with lanes being at least twenty (20) feet wide. (Ord No. 3219 adopted 12-18-12).
- (3) All private street entrances (at the gate) shall have entrance and exit lanes, with lanes being at least fourteen (14) feet wide.
- (4) The call box shall be a minimum of three (3) car lengths (sixty [60] feet) from the ultimate curb of the adjacent arterial street.
- (5) All private street exits on arterial streets shall have two (2) lanes for outbound traffic and one (1) lane for inbound traffic.
- (6) All pedestrian access shall be provided near the main entrance and be part of the site plan.
- (7) If private street entrances have a structure (or cover) over the driving lane, the vertical clearance shall be at least fourteen (14) feet.
- (8) Private streets intersecting with any public street shall have a turn-around before the gate entrance that provides thirty-eight (38) foot minimum from the entrance face of curb on the control panel island to the face of curb on the outside of the exit lane. The turn-around shall provide space between control panel-island and gate or gate-island for at least a 'P' design vehicle (full size passenger vehicle) to make the turn-around in one fluid motion.
- (9) Access to all emergency and service delivery vehicles shall be guaranteed at all entrances by the homeowners association. These vehicles include, but are not limited to, the following agencies: Police, Fire, Ambulance, Street/Stormwater, Utilities and General Services, refuse pickup, mail delivery, municipal and county inspections (code) departments, other municipal and government agencies, utility companies (electric, gas, telephone, cable TV, water, sewer), etc. The Developer and the homeowners association shall provide insurance indemnification for any loss to any government vehicles.
- (10) All current security codes, passwords/numbers and devices necessary to allow instant access shall comply with the requirements set out in subsection

(E) Traffic Impact Analysis (TIA).

- (1) **Purpose.**
 - (a) TIAs are used to evaluate whether or not the scale of subdivision 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. It is an essential part of the subdivision review process to assist subdividers and the City in making land use decisions involving subdivisions.
 - (b) As a specialized study that evaluates the effects of a subdivision's traffic on the surrounding transportation infrastructure, the TIA helps identify where the subdivision may have a significant impact on safety, traffic, and transportation operations, and provides a means for the subdivider and City to mitigate these impacts.
- (2) **Threshold.** A subdivider is required to provide a TIA and is responsible for all associated costs in the following instances:
 - (a) If the nature of the proposed subdivision is such that the number of trips it can be expected to generate equals or exceeds one hundred fifty (150) new peak hour trips, or
 - (b) When the City Planner or City Engineer determines:

- (I) That traffic generated by the proposed subdivision will substantially impact an intersection or a roadway segment already identified as operating at a failing level of service (LOS),
- (II) That traffic generated by the proposed subdivision may create a hazard to public safety, or
- (III) That traffic generated by the proposed subdivision will substantially change the off-site transportation system or connections to it.

(F) **Vehicular Connectivity.**

(1) **General Street Layout.**

- (a) In general, streets should be designed and located so that they relate to the topography, preserve natural features such as streams and tree growth, and provide adequate public safety and convenience for motorists, cyclists, and pedestrians alike.
- (b) The proposed street layout shall also be coordinated with the existing street system of the surrounding area. Where a through street or a series of streets establishes a connection between two (2) public streets, such street shall be a public street.

(2) **Continuation of Adjoining Street Systems.** Vehicular connections from adjacent property (street stub-outs) must be utilized unless the City Planner or City Engineer deems the connection impractical due to topographic conditions, environmental constraints, property shape or property accessibility.

(3) **Border Streets.**

- (a) Where a plat borders or contains a railroad right-of-way, drainage way, open space area or limited access highway right-of-way, the Planning Commission and City Council may require a service or access street parallel to and on each side of such right-of-way or areas.
- (b) Whenever a plat borders or contains an existing or proposed arterial street, the Planning Commission and City Council may require service streets, deep lots or other treatment as may be necessary for adequate protection of residential properties and to separate through and local traffic.

(4) **Through Traffic.**

- (a) Minor streets shall be planned so as to discourage their use by non-local traffic.
- (b) Residential collector streets shall be planned so as to discourage their use by non-residential traffic.

(5) **Cul-de-sacs.** Cul-de-sacs shall not exceed five hundred (500) feet in length, measured from the entrance to the center of the turn-around, shall have a turn-around radius at the property line of not less than fifty (50) feet and shall have a curb radius of not less than forty (40) feet.

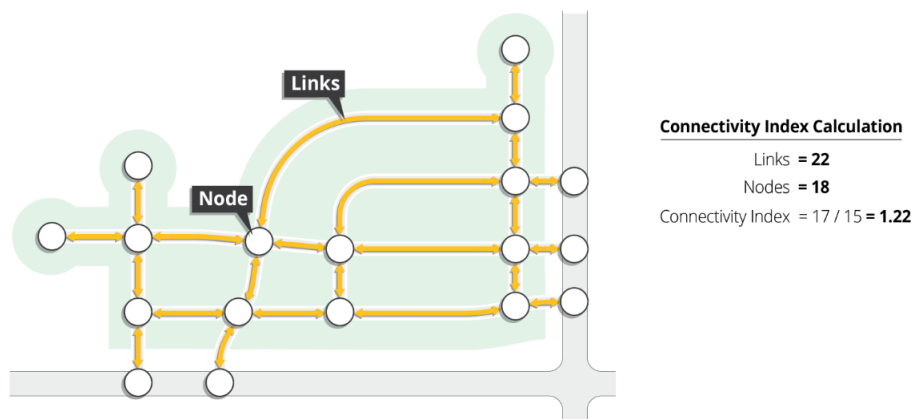
(6) **Base Line.** The subdivider shall form a base line from which future surveys are to be made. The point or points where the base line may be found shall be distinguished on the plat or map.

(7) **Intersections.**

- (a) Streets shall be designed to intersect at right angles.
- (b) Property lines at minor street intersections shall be rounded with a minimum radius of twenty-five (25) feet. Property lines at street intersections involving major streets and highways shall be rounded with a minimum radius of thirty (30) feet.

- (8) **Half Streets.** The dedication of half streets shall not be permitted.
- (9) **Dead End Streets.** Dead end streets shall not be permitted except where same will be eventually extended in adjacent unplatted areas. Such temporary dead-end streets shall terminate with a turn-around.
- (10) **Blocks.**
- (a) **Length.**
 - (I) Blocks in residential subdivisions shall not exceed eight hundred (800) feet in length.
 - (II) Blocks in nonresidential subdivisions shall not exceed one thousand three hundred twenty (1,320) feet in length.
 - (b) **Width.** Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth, except on the boundaries of a proposed subdivision, or where required to separate and discourage through traffic between residential subdivisions and nonresidential subdivisions.
- (11) **Connectivity Index.** A connectivity index shall be used to determine the adequacy of street layout design. A connectivity index is calculated as the ratio of the number of street links (road sections between intersections) in the subdivision street layout divided by the number of street nodes (intersections and cul-de-sac heads). Streets within a subdivision shall have a minimum connectivity index measurement of one and two-tenths (1.2).

Figure 8.1: Connectivity Index Calculation



(G) **Light Pole Layout.**

- (1) Light poles shall be located with the dedicated right-of-way.
- (2) Each intersection shall have a light on one of the corners.
- (3) Mid-block light poles shall be located near the mid-point locations on blocks six hundred (600) to eight hundred (800) feet in length. For blocks nine hundred (900) feet or longer, light poles shall be located at a minimum distance of every three hundred (300) feet.
- (4) Cul-de-sac shall have a light pole if the street length is at least three hundred (300) feet.
- (5) A light pole layout plan for the subdivision shall comply with the above spacing requirements and be provided to the City Engineer for approval at least one week in advance of the TAC meeting in which the plat will be reviewed.
- (6) Upon approval, the City Engineer will submit the light pole layout plan to the appropriate electrical utility provider.

16-8-6. Street Design Standards

- (A) **Traffic Calming Devices.** The use of traffic calming devices such as raised intersections, landscaping bulb-outs, and traffic circles are encouraged as alternatives to conventional traffic control measures.
- (B) **Street Markers and Traffic Control Signs.** All street markers and traffic control signs posted in accordance with the Manual of Uniform Traffic Control Devices shall be installed by the subdivider prior to the issuance of any certificates of occupancy for any building on that street.
- (C) **Sidewalk.**
 - (a) A sidewalk with a minimum width of five (5) feet shall be required on both sides of all streets.
 - (b) If the parkway is utilized as a rain garden, the sidewalk shall be a minimum of three (3) inches higher than the height of the curb.
- (D) **Street Verge.** A street verge with a minimum width of five (5) feet shall be located between the back of curb and the sidewalk along both sides of all streets. Street verges shall be planted with turf grass or utilized as a rain garden.
- (E) **Setback and Stacking of Gates.** Gates for gated communities shall be setback as follows.
 - (1) Forty (40) feet from the edge of the paving to the keypad.
 - (2) Forty (40) feet from the keypad to the gate.
- (F) **Landscape Strip.** A landscape strip with a minimum width of five (5) feet shall be located between the sidewalk and the property line along both sides of all streets. Landscape strips shall be planted with either street trees or utilized as a rain garden as detailed below.
 - (1) **Street Trees.**
 - (a) A minimum of one (1) canopy tree shall be planted every forty (40) feet.
 - (b) Where overhead utility line conflicts are present, a minimum of one (1) understory tree shall be planted every twenty (20) feet.
 - (c) The spacing of street trees shall take into consideration local conditions and clear vision triangles.
 - (2) **Rain Garden.** Requirements for street trees may be waived if the landscape strip is designed as a rain garden as approved by the City Engineer.
- (G) **Utility Location.** Utilities shall be located in the street verge along both sides of all streets.
- (H) **On-Street Parking.**
 - (1) On-street parking shall be parallel.
 - (2) On-street parking spaces shall have the following minimum dimensions:
 - (a) Width: Eight (8) feet.
 - (b) Length: Twenty-three (23) feet.
 - (3) On-street parking spaces shall be delineated with striping with a minimum width of four (4) inches.
 - (4) The surfacing material of on-street parking spaces shall be textured to visually delineate parking spaces from drive aisles.

(I) Medians.

- (1) Medians shall be improved with a mountable curb with a minimum height of nine (9) inches and a gutter with a minimum width of nine (9) inches.
- (2) Medians shall taper to a minimum of four (4) feet at intersections.
- (3) The minimum width of medians shall be as established per street type in Table 16-8-6(I).

Table 16-8-6(I): Minimum Median Width	
Type of Street	Minimum Median Width
<i>Freeway or Expressway</i>	As required by the ODOT
<i>Primary Arterial</i>	16 feet
<i>Secondary Arterial</i>	16 feet
<i>Commercial (CBD) Collector</i>	10 feet
<i>Minor Industrial Street</i>	10 feet
<i>Residential Collector</i>	8 feet
<i>Minor Residential Street</i>	n/a

(J) Median Landscaping.

- (1) Medians that are equal to or less than ten (10) feet wide shall be planted with a minimum of fifteen (15) shrubs or native grasses every fifty (50) linear feet.
- (2) Medians that are greater than ten (10) feet wide shall be planted with a minimum of one (1) canopy tree and fifteen (15) shrubs or native grasses every fifty (50) linear feet.

(K) Bicycle Facilities.

- (1) Bicycle lanes, with a minimum width of four (4) feet.
- (2) Shared bicycle and vehicle lanes and bike lanes shall be delineated in accordance with NACTO standards.

- (L) Required Street Design Elements.** Required street design elements shall be as established per street type in Table 16-8-6(L). A “•” indicates a required element. If options are provided for a street type, the City Council shall determine which option is required.

Table 16-8-6(L): Required Street Design Elements						
Type of Street	Required Street Design Element					
	<i>Sidewalk</i>	<i>Street Verge</i>	<i>On-Street Parking</i>	<i>Median</i>	<i>Bicycle Lane</i>	<i>Shared Bicycle & Vehicle Lane</i>
<i>Freeway or Expressway</i>	As required by the ODOT					
<i>Primary Arterial</i>	•	•		•	•	
<i>Secondary Arterial</i>	•	•		•	•	
<i>Commercial (CBD) Collector Option 1</i>	•	•	•			•
<i>Commercial (CBD) Collector Option 2</i>	•	•		•	•	
<i>Minor Industrial Street Option 1</i>	•	•	•			•
<i>Minor Industrial Street Option 2</i>	•	•		•	•	
<i>Residential Collector Option 1</i>	•	•	•			•
<i>Residential Collector Option 2</i>	•	•		•	•	
<i>Minor Residential Street</i>	•	•				

(M) Alleys.

- (1) **Commercial and Industrial.** Alleys may be required by the Planning Commission and City Council in commercial and industrial zoned properties to provide service access, off-street loading and unloading, parking and access for police and firefighting services. Alleys serving commercial and industrial zoned properties shall not be less than thirty (30) feet in width of right-of-way.
- (2) **Residential.** Alleys are encouraged in residentially zoned properties and when provided shall be not less than twenty (20) feet in width of right-of-way.
- (3) **Alignment.** Horizontal changes in alignment shall be gradual and at intersection corners shall have a radius of twenty (20) feet to permit safe vehicular turning movements.
- (4) **Dead End.** Dead end alleys shall be avoided where possible, but where unavoidable, shall be provided with an adequate vehicle turn-around at the terminus as determined by the City Engineer or Fire Department.
- (5) **Obstructions.** No obstructions shall be permitted in areas reserved for alleys.

(N) Access.

- (1) Each lot, tract, or parcel shall be provided with access to a public street, approved private street, or highway.
- (2) Non-access provisions controlling ingress and egress to streets may be required by the Planning Commission and City Council to assure traffic safety and to relieve congestion at intersections.
- (3) The minimum distance between access points are as specified in Table 16-8-6(N) unless otherwise approved by the City Engineer.

Table 16-8-6(N): Access Separation Requirements	
Type of Street	Minimum Distance Between Access Points
<i>Freeway or Expressway</i>	As limited by ODOT
<i>Primary Arterial</i>	600 feet
<i>Secondary Arterial</i>	300 feet
<i>Commercial (CBD) Collector</i>	No access limits
<i>Minor Industrial Street</i>	No access limits
<i>Residential Collector</i>	No access limits
<i>Minor Residential Street</i>	No access limits

16-8-7. Cluster Development

Cluster development is allowed in residential subdivisions in the RS1, RS2, RS3, and RD districts to encourage and accommodate, in a unified project, creative and imaginative approaches to development that preserve sensitive natural areas.

- (A) **Resources to be Conserved.** To qualify for cluster development any land located in a special flood hazard area, as determined by the Federal Emergency Management Agency, shall be placed in a conservation easement.
- (B) **Maximum Density per Acre.** The gross density of a cluster development shall not exceed the maximum dwelling units per acre detailed in Table 16-8-7(B).

Table 16-8-7(B): Maximum Density per Acre	
District	Maximum Density
RS1	4.5 dwelling units/acre
RS2	5.5 dwelling units/acre
RS3	9 dwelling units/acre
RD	12 dwelling units/acre

- (C) **Maximum Dimensional Standards Reduction.** The dimensional standards established in Table 16-3-1(A) may be reduced by thirty (30) percent or by the cumulative total land area to be placed in a conservation easement, whichever is less.
- (D) **Density Bonus.** The maximum gross density per acre, per district may be exceeded by a maximum of thirty (30) percent if a minimum of one (1) of the following sensitive natural areas are placed in a conservation easement. The maximum allowed density bonus shall be as determined by the City Council and shall be directly tied to the amount of land area placed in a conservation easement.
 - (1) Wetlands,
 - (2) Native landscapes,
 - (3) Mature tree stands,
 - (4) Prime farmland,
 - (5) Critical habitat, and/or
 - (6) Other as approved by the City Planner.

16-8-8. Anti-Monotony Standards

No single family detached house or duplex in a residential subdivision in the RS1, RS2, RS3, or RD districts shall have the same configuration or exterior building cladding materials package, excluding roof materials, as any other single family detached house or duplex within three (3) houses on either of the subject property or on any of the five (5) single family detached houses or duplexes directly across the street from the subject property.

16-8-9. Parkland Provision

Residential subdivisions with a dwelling unit density greater than one (1) unit per acre shall be required to provide, improve, and privately maintain parkland or pay a fee in lieu to the City of Jenks in accordance with the standards established in this Section. The City, at the discretion of the City Council, may require the payment of a fee in lieu.

(A) **Private Parkland Provision.**

- (1) Five and one-half (5.5) acres of parkland shall be provided per every one thousand (1,000) persons projected to occupy the fully developed subdivision. To determine the number of persons projected to occupy the fully developed subdivision the following persons per housing type shall be utilized unless the subdivider submits a projected persons study based on occupancy data of similar housing types in subdivisions in communities approved by the City Planner.
- (2) Parkland shall be located outside of special flood hazard areas, wetlands, and areas of steep slope, and shall not be used for on site stormwater management or other utility functions. Parkland may be located within reserve areas as approved by the City Planner and City Engineer.
- (3) All areas to be reserved for private parkland shall be indicated on the preliminary plat in order that it may be determined that the requirements of this Subsection have been met.

(B) **Private Parkland Improvement.** Private parkland shall be graded, seeded, and improved with curb, gutter, sidewalks, and recreational equipment. The subdivider shall be required to spend a minimum of \$##### per acre on private parkland improvements.

(C) **Private Parkland Maintenance.** A homeowner's association or similar legal entity shall be established and responsible for the maintenance of the private parkland in perpetuity.

(D) **Fee in Lieu.** The subdivider may choose to pay a fee in lieu of providing and improving parkland. The fee for the provision of parkland shall be calculated by multiplying the fair market value of land in the City of Jenks at the time of preliminary plat approval with the number of acres of required parkland dedication detailed in Subsection (A) above. The fee for the improvement of parkland shall be the per acre cost detailed in Subsection (B) above.

16-8-10. Easements

(A) **Types of Easements.**

(1) **Utility Easements.**

- (a) On individual lots, where alleys are not provided, the Planning Commission and City Council may require easements of a minimum width of eleven (11) feet along each rear lot line and of a minimum width of ten (10) feet along each side lot line as recommended by the Technical Advisory Committee for public and private utilities.
- (b) Easements of a minimum width of seventeen and one half (17.5) feet shall be required along the perimeter of a subdivision for public and private utilities.

(2) **Drainage Easements.** The Planning Commission and City Council may require drainage easements as recommended by the City Engineer. All drainage easements for facilities shall be of such dimensions so as to allow equipment access for construction and maintenance of the facility.

(3) **Fence Easement.** The Planning Commission and City Council may require easements of ten (10) feet along the perimeter of the fence, inclusive of any utility easement. The purpose shall be for the repair of subdivision perimeter fencing.

(4) **Sign Easement.** The Planning Commission and City Council may require an easement of an adequate size to accommodate the placement of a subdivision entry sign and any appurtenant components and to allow for the repair and maintenance of such features.

- (5) **Landscape Easement.** The Planning Commission and City Council may require easements to accommodate landscape features. The width of the required easement shall depend on the transition zone type required depending on the adjacent land use as specified in Section 16-6-3(F)(3).
 - (6) **Cross Access Easement.** The Planning Commission and City Council may require easements of an adequate width to accommodate vehicular cross access maneuvering lanes as specified in Section 16-6-1(D)(2).
 - (7) **Conservation Easement.** The Planning Commission and City Council may require easements of an adequate size to accommodate natural resources to be conserved in cluster developments as specified in Section 16-8-7.
 - (8) **Parkland Easement.** The Planning Commission and City Council may require easements of an adequate size to accommodate the parkland required per number of subdivision residents as specified in Section 16-8-9(A).
- (B) **Easement Closure.** City Council may close to the public use any public way or easement whenever deemed necessary or expedient.
- (1) **Procedure.**
 - (a) The City of Jenks shall give written notice of any proposed closing of a public way or easement to any holder of a franchise or others determined by the governing body to have a special right or privilege granted by ordinance or legislative enactment to use the public way or easement at least thirty (30) days prior to the passage of any ordinance providing for closing of a public way or easement.
 - (b) The City of Jenks shall retain the right to reopen the public way or easement without expense to the City. The public way or easement may be reopened under the following circumstances:
 - (I) Whenever City Council deems it necessary, or
 - (II) An application of the property owners owning more than one-half in area of the property abutting the public way or easement previously closed is filed with the governing body.
 - (c) Closing of the public way or easement shall not affect the right to maintain, repair, reconstruct, operate, or remove utility, public service corporation, or transmission company facilities of service therein, nor shall a closing affect private ways existing by operation of law unless released in writing executed by the owners thereof.

16-8-11. Floodplain Areas and Flood Damage Prevention

- (A) **Floodplain Areas.** Areas identified by the Federal Emergency Management Agency as floodplains shall not be subdivided into lots, tracts, or parcels unless:
- (1) Improvements are made to the City Engineer's and Building Inspector's requirements to render such land safe for residential or other use.
 - (2) The intended use of the land is permitted by City ordinance or permitted by Special Exception or Variance as outlined by City ordinances.
- (B) **Flood Damage Prevention.** All subdivisions shall be designed to minimize flood losses and shall conform to the Flood Damage Prevention regulations contained in Section 16-6-8 of this UDO.
- (C) **Low Impact Development.** Some of the existing natural site features typically protected through the use of Low Impact Development (LID) techniques are wetlands, floodplains, forested areas, hillsides, riparian corridors and existing soils. There are a variety of LID design alternatives that allow professionals in the land development field the flexibility to implement LID stormwater design elements. The various LID practices can be used alone or in series to maximize benefits to the site. In most cases, some type of structural drainage systems will also be required to be implemented in conjunction with LID element.
- (1) **Objectives.** The objectives of this section are.
 - (a) To establish criteria by which an LID strategy can be measured and implemented through use of the criteria in the LID chapter of the Design Criteria Manual.
 - (b) To strive to maintain and restore natural rainwater absorption and infiltration processes,
 - (c) To strive to maintain pre-development hydrologic conditions,
 - (d) To filter pollutants from stormwater runoff thereby improving water quality and positively impacting the region's ponds, rivers, lakes, streams and groundwater,
 - (e) To reduce stormwater runoff intensity and velocity,
 - (f) To preserve riparian banks and beds, and reduce sedimentation that impairs water quality,
 - (g) To promote the widespread use of LID practices integrated with conventional stormwater engineering,
 - (h) To protect the safety and welfare of citizens, property owners, and businesses by minimizing the negative impacts of stormwater discharge from land development.
 - (2) **LID Principles.**
 - (a) Define and locate critical resource areas during the project planning stage, such as; wetlands, riparian zones and soils with infiltration capacities.
 - (b) Minimize impervious surfaces such as streets, driveways and parking areas.
 - (c) Minimize direct connection of impervious areas which convey runoff directly to wetlands or water courses.
 - (d) Attenuate stormwater flow through a diverse system of collection and infiltration.
 - (3) **Applicability.**
 - (a) **Development Approval.** The standards and guidelines contained in the Design Criteria Manual shall apply in all cases where a land developer chooses to utilize LID to obtain Administrative, Planning Commission or City Council approval for their project.

- (b) **Engineering Approval.** The City Engineer, or their designee, will administer this chapter and shall be responsible for final approval of all LID systems and structures. With the approval of the City Engineer, LID systems and structures may be implemented.
 - (c) **Design Criteria Manual.** The Design Criteria Manual provides guidelines and criteria for implementing LID design principles for a development. Maintenance requirements of LID elements are also contained within the Design Criteria Manual.
- (4) **LID Site Design Strategies.**
- (a) **Definition.** For the purposes of this chapter Low Impact Development (LID) is a stormwater management strategy concerned with maintaining, restoring or replicating the natural hydrologic functions of a site, where possible, by employing a variety and combination of natural and built features that reduce the volume and velocity of stormwater runoff, filter out its pollutants, and facilitate the infiltration of water into the ground.
 - (b) **Site Design Strategies.** Generally, site design strategies will address the arrangement of buildings, roads, parking areas, and other features, and the conveyance of stormwater runoff across the site. LID site design strategies are intended to complement the natural and built environment while minimizing the generation of runoff. Site design strategies should address some or all of the following considerations:
 - (I) Necessary grading and land disturbance should be designed to encourage sheet flow and lengthen stormwater flow paths.
 - (II) Natural drainage divides should be maintained to keep flow paths dispersed.
 - (III) Areas of impervious surfaces should be separated and stormwater should be conveyed across vegetated areas. This assists runoff filtration and encourages infiltration.
 - (IV) Distribute small-scale LID strategies across the development site in order to maximize benefits.
 - (V) To the maximum extent possible, treat pollutant loads where they are generated.
 - (VI) Preserve naturally vegetated areas and soil types that slow runoff, filter pollutants and facilitate infiltration.
 - (VII) LID systems and structures should be integrated into the natural and built landscape with attention to flow paths, infiltration areas and the use of appropriate native plant materials.
 - (c) **Site Design Elements.** In addition to water quality impacts, LID site design elements when successfully implemented, perform three (3) necessary functions; filtration and infiltration, capture and re-use and reductions in impervious surfaces.
- (5) **Maintenance of LID Systems and Structures.**
- (a) **Removal and Modification of LID Systems and Structures.** LID systems and structures may only be modified or removed with the approval of the City Engineer, who shall determine the LID system or structure does not function as a part of the stormwater management system. The applicant may be required to provide supporting data and calculations that justify the removal of the LID systems or structures.
 - (b) **Exemptions from Maintenance Agreements and Inspections.** LID systems and structures that are not designed as part of a development and are instead utilized on a site by site basis (i.e., use of a rain barrel at a single family home, or individual rain gardens or filter strips on a site) shall not be required to submit a formal maintenance and inspection agreement, unless the function of the LID system or structure is found to be essential to accommodating the stormwater needs of the property or surrounding properties by the City Engineer.

16-8-12. Infrastructure Acceptance Requirements

(A) **Special Improvements.** The subdivider shall install or make the following improvements to subdivided land:

- (1) **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.
 - (a) The City Engineer may recommend that the Planning Commission and City Council prohibit the erection of structures over the mine locations if the mines cannot be collapsed and the material compacted to City Engineer specifications or if, because of the shallow depth of the mine or its size, the mine would have the potential for cave-in. Appropriate building setbacks may be required upon the lots. The City Engineer may require other conditions to be met by the subdivider, based upon the location of the mines and any subsurface investigation reports, which would assist in preventing cave-ins under areas upon which structures may be erected.
 - (b) The City Engineer may require that any streets or utility easements which may be dedicated to the City of Jenks or the public, either not be located over mines, or the mines collapsed and compacted to City Engineer Specifications, or additional bonding requirements imposed upon the subdivider to repair or reroute streets or utility easements in the event of cave-ins under the same.
 - (c) All mine entrances shall be sealed and closed to the specifications of the City Engineer.

(B) **Construction or Installation.** Following the approval of the construction plans by the City Engineer, the subdivider shall complete in a manner satisfactory with the City Engineer all required improvements and said improvements shall be free and clear of all liens, claims and encumbrances. No building construction shall be permitted on any lot to or on which improvements have not been completed in accordance with the provisions of these regulations and no municipal utility service will be furnished to such lot. In lieu of requiring the completion of all subdivision improvements before issuance of any building permits, the City Council, at its discretion, may accept surety from the subdivider whereby the subdivider shall guarantee to complete all improvements required by these regulations and other ordinances in a manner satisfactory to the City Engineer. To secure this surety, the subdivider shall provide, subject to the approval of the City Council, one of the following guarantees:

- (1) **Commercial Surety Performance and Payment Bond.** The subdivider shall be required to obtain a security bond from a surety bonding company authorized to do business in the state of Oklahoma. The bond shall be filed with the City Clerk and shall be payable to the City of Jenks. The amount of the Bond shall be a one hundred percent (100%) surety and sufficient to cover one and one-half (1.5) times the entire cost, as estimated by the subdivider and approved by the City Engineer, of installing all specified improvements. The duration of the bond shall be until such time as the improvements are accepted by the City in accordance with Section 16-8-12(C).
- (2) **Cash Escrow Account.** The subdivider shall deposit cash, or other instrument readily convertible into cash at face value, either with the City, or in escrow with a bank. The use of any instrument other than cash, and, in the case of an escrow account, the bank with which the funds are to be deposited, shall be subject to the approval of the City Council. The amount of the deposit shall be at least equal to one and one-half (1.5) time cost, as estimated by the subdivider and approved by the City Engineer, of installing all required improvements. The subdivider shall also file with the City Clerk an agreement between the financial bank and himself guaranteeing the following:
 - (a) That the funds of said escrow account shall be held in trust until released by the City Council when the obligation is complete, and may not be used or pledged by the subdivider as security in any other matter during that period; and,
 - (b) That in the case of a failure, as determined by the City Council, on the part of the subdivider to complete said improvements, then the bank shall immediately make the funds in said account available to the City for use in the completion of those improvements.

- (3) In those cases where improvement guarantees have been made under this section, the amount of the guarantee may be reduced in proportion to improvements completed and accepted by the City in compliance with Section 16-8-12(C). In no case, however, shall the guarantee be reduced to less than fifteen (15) percent of the original guaranteed amount.

(C) Inspection and Certification.

- (1) The City Engineer, or other knowledgeable official of the City of Jenks, shall inspect for defects the construction of the required improvements. Upon completion of the improvements, the City Engineer shall file with the City Council a statement either certifying that the improvements have been completed in accordance with the City of Jenks Design Criteria and Technical Specifications or that the improvements are defective, listing the defects.
- (2) Upon completion of the improvements, the subdivider and his engineer shall file with the City Council "as built construction plans" and a statement stipulating the following:
 - (a) That all required improvements are complete.
 - (b) That these improvements are in compliance with these regulations and the City of Jenks Design Criteria and Technical Specifications.
 - (c) That the subdivider knows of no defects in the improvements.
 - (d) That these improvements are free and clear of any encumbrance or lien (except development loans).
- (3) The City Council may, at its discretion, accept any portion of the required improvements, provided that all statements and agreements specified above have been received for that portion of the improvements and that "as built plans" have been submitted.
- (4) If any portion of the required improvements shall fail to be accepted for dedication as outlined above within the allocated time period (two (2) years from date of record plat approve), either for reasons of incompleteness or for reason of substandard construction, then the City Council shall take the following action: The Council shall declare whatever security has been pledged as a guarantee to be forfeited. Where the Council is not already in possession of said guarantee, it shall immediately take the actions necessary to obtain it. Upon receipt of these securities, the Council shall use them, or the proceeds from their sale, to finance the completion of subject improvements or the rebuilding of such improvements to the proper specifications. Any unused portion of these securities shall be returned to the subdivider, bonding company, or crediting institution, as is appropriate.

- (D) **Maintenance Bond.** Regardless of the guarantee chosen by the subdivider to secure the contract, prior to acceptance of required improvements by the City Council, the subdivider shall be required to obtain a maintenance bond from a surety bonding company authorized to do business in the state of Oklahoma. The bond shall be filed with the City Clerk and shall be payable to the City. The amount of the bond shall be equal to fifty (50) percent of the entire cost of materials for all water lines, sewer lines, paving, grading and drainage improvements. The duration of the maintenance bond shall be one (1) year from the date of acceptance of said improvements by City Council.

- (E) **Time Limit.** The required improvements shall be completed within two (2) years from the approval of the record plat by the City Council unless extended by the City Council for cause.

16-8-13. Maintenance and Supervision

- (A) Where a subdivision contains sewers, sewage treatment facilities, water supply systems, parks and grounds held in common, or other physical facilities necessary or desirable for the welfare of the area, or that are of common use or benefit which are not or cannot be satisfactorily maintained by an existing public agency, provision shall be made for a Property Owner Association (POA) or other mechanism which is acceptable to the City for the proper and continuous operation, maintenance, and supervision of such facilities. Maintenance shall include perimeter screening, mowing and landscaping along arterial streets. Membership dues in the POA shall be set which are appropriate to the maintenance requirements. It shall be mandatory that all property owners in the subdivision become members of the POA. A copy of the agreements providing for the proper and continuous operation, maintenance and supervision of such facilities shall be presented to the Planning Commission at the time of final platting and shall be filed of record with the plat of the land thereof.

Article 9. Administrative Procedures

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16-9-1. General Application Provisions

- (A) **Authority to File Applications.** An application for Administrative Review and Action or Board/Commission Review and Action under this UDO must be filed by the record owner, purchaser under contract from the record owner with signature from that owner, or the duly authorized agent of the record owner.
- (B) **Application Fees.** Every application must be accompanied by a fee in such amount as established in the City of Jenks Municipal Code. All costs associated with application review shall be the responsibility of the applicant.
- (C) **Application Requirements.** Applications for Administrative Review and Action or Board/Commission Review and Action shall include the information as is reasonably required by the City Planner.
- (D) **Incomplete Applications.** Applications that do not include the information required by the City Planner or that are not accompanied by required fees, will not be processed. No further processing of the application will occur until the deficiencies are corrected. Applications will be processed when determined to be complete.

16-9-2. Administrative Review and Action

- (A) **City Planner Authority.** The City Planner shall have the authority to receive applications and make determinations for the following administrative procedures:
 - (1) Site Plan Review,
 - (2) Conditional Use permit,
 - (3) Administrative Exception,

- (4) Sign permit,
- (5) Fence permit, and
- (6) Temporary Use permit.

(B) **Site Plan Review.**

- (1) **Purpose.** Site plan review is required prior to the review and issuance of an application for a building permit to certify compliance with all applicable provisions of this UDO. Site Plan review shall be required for any development, other than single-family and two-family development, that meets one of the following criteria:

- (a) New development, including the construction or placement of any new building(s) or expansion of any existing building, or
- (b) Any development subject to off-street parking and loading requirements.

(2) **Site Plan Submittal.**

- (a) The site plan, including all information required by the City Planner, shall be submitted to the City Planner.
- (b) Within fifteen (15) business days of receipt of the application, the City Planner shall review the application to determine that all required information has been submitted and notify the applicant of completeness or deficiencies.
- (c) Failure to cure the deficiencies within six (6) months from notification of such deficiencies shall be deemed abandonment of the application without further notice from the City.

(3) **City Planner Action.**

- (a) Within ten (10) business days of the determination of completeness, the application shall be reviewed by the City Planner to ensure the application conforms to the requirements of this UDO. Based upon their review, the City Planner shall approve or deny the Site Plan.
- (b) If denied, the City Planner shall report the deficiencies to the applicant. The applicant shall have six (6) months from the date of notification of the deficiencies to correct the deficiencies; otherwise, the Site Plan will be considered abandoned without further notice from the City.

- (4) **Concurrent Applications.** A Conditional Use permit, Specific Use permit, or Variance application may be processed concurrently with the Site Plan.

- (5) **Expiration and Lapse of Approval.** The applicant shall have twelve (12) months from the date of a Site Plan approval to secure a building permit to carry out the proposed improvements. If a building permit has not been obtained within twelve (12) months of the date of approval, the approval shall expire. An extension of the time requirements may be requested in writing and granted by the City Planner for good cause shown by the applicant, provided a written request is filed with the City at least four (4) weeks prior to the respective deadline.

(C) **Conditional Use Permit.**

(1) **Purpose.**

- (a) In order to provide flexibility and to help diversify uses within a district, specified uses are permitted in certain districts subject to the granting of a Conditional Use permit. Because of their unusual or special characteristics, Conditional Uses require review and evaluation so that they may be located properly with respect to their effects on surrounding properties. The review process set forth in this Section is intended to assure compatibility and harmonious development between Conditional Uses, surrounding properties, and the City at large.

- (b) Conditional Uses are permitted within the district where designated when they comply with specific conditions and limitations as set forth in this UDO to ensure that the location and operation of the Conditional Uses will be in accordance with the specific use criteria. The scope and elements of any Conditional Use may be limited or qualified by the conditions applicable to the specific property. A listed Conditional Use that cannot meet the specific conditions and limitations set forth in this UDO shall not be allowed under a Conditional Use permit.
- (2) **Pre-Application Conference.** The applicant for a Conditional Use permit is advised to meet with the City Planner prior to submitting an application to discuss the submittal requirements, review criteria, and review process.
- (3) **Conditional Use Permit Review Criteria.**
 - (a) **General Criteria.** The Conditional Use permit shall be approved upon a finding by the City Planner that the following general criteria have been met, to the extent they may be applicable:
 - (I) The site, building(s), and use meet all criteria specified for the use and all applicable regulations and development standards as specified in this UDO and for the district in which the use is located; however, nonconforming sites and/or buildings must be brought into conformance if required to do so pursuant to Article 10: Nonconformities, of this UDO,
 - (II) The proposed use will not substantially alter the basic character of the district in which it is located, or jeopardize the development or redevelopment potential of property within the district,
 - (III) The proposed use will not have a significant adverse impact on the adjacent uses or properties, or result in hazardous conditions for pedestrians or vehicles within or in close proximity to the site,
 - (IV) The proposed use will conform with or further the goals, objectives and strategies of the City's Comprehensive Plan,
 - (V) The proposed use will be adequately served with public utilities, services, and facilities and not impose an undue burden above and beyond those of the Permitted Uses of the district in which it is located, and
 - (VI) Potential negative impacts of the Conditional Use on the surrounding properties have been or may be mitigated through specific setbacks, architecture, screen walls, landscaping, site arrangement or other methods required in the permit as conditions and/or limitations of permit approval. The applicant shall satisfactorily address each of the following impacts:
 - (i) Traffic,
 - (ii) Activity levels,
 - (iii) Light,
 - (iv) Noise,
 - (v) Odor,
 - (vi) Building type, style and scale,
 - (vii) Hours of operation,
 - (viii) Dust, and
 - (ix) Stormwater management, drainage, and erosion control.
 - (VII) **Use-Specific Criteria.** In addition to the general criteria for review of a Conditional Use permit listed above, certain uses, due to their unique characteristics, must also comply with the special provisions specific to those uses contained in Article 5. Use Specific Standards of this UDO.

(4) Conditional Use Permit Application Submittal.

- (a) The Conditional Use permit application, including all information required by the City Planner, shall be submitted to the City Planner.
- (b) Within fifteen (15) business days of receipt of the application, the City Planner shall review the application to determine that all required information has been submitted and notify the application of completeness or deficiencies.
- (c) Failure to cure the deficiencies within six (6) months from notification of such deficiencies shall be deemed abandonment of the application without further notice from the City.

(5) City Planner Action.

- (a) Within ten (10) business days of the determination of completeness, the application shall be reviewed by the City Planner to ensure the application conforms to the criteria in Subsection 3 above. Based upon their review, the City Planner shall approve or deny the Conditional Use permit application.
 - (b) If denied, the City Planner shall report the deficiencies to the applicant. The applicant shall have six (6) months from the date of notification of the deficiencies to correct the deficiencies; otherwise, the Conditional Use permit application will be considered abandoned without further notice from the City.
- (6) Permit Transferability.** A Conditional Use permit may be transferred to any other person to operate the same use on the same property and/or within the same building according to the same terms of the permit. A Conditional Use permit may not be transferred to any other property or other building. The transfer of a Conditional Use permit shall be in writing to the new owner or operator of the use, using a form provided or approved by the City Planner. Such transfer shall not be complete until a counterpart of the transfer document has been filed with the City Planner.
- (7) Termination.** A Conditional Use permit shall automatically terminate without any further action by the City under the following circumstances:
- (a) The use for which the permit was granted has not been established at the approved location within a period of one (1) year from the date the permit was issued, or
 - (b) The use for which the permit was issued has been discontinued for a period of one (1) year or longer.

(D) Administrative Exception.

- (1) Purpose.** An Administrative Exception is an administrative process through which certain minor deviations from the requirements of this UDO may be approved by the City Planner. Administrative Exceptions are intended to allow a limited amount of flexibility in the siting and height of certain buildings and/or structures. The City Planner shall have the authority to grant or deny applications for Administrative Exceptions for such circumstances as this UDO allows subject to the requirements of this Section.

(2) Administrative Exceptions Considered.

- (a) An administrative exception to certain requirements of this UDO may be granted for the following exceptions:
 - (I) A maximum ten (10) percent reduction of the interior side and/or rear setback standard for a new principal or accessory building/structure, or an addition to an existing principal or accessory building/structure in any district,
 - (II) A maximum ten (10) percent increase of the height standard for a new principal or accessory building/structure in any district, and/or
 - (III) Other circumstances as detailed in this UDO.

- (b) Allow individual driveways for two or more adjoining residential parcels that take access from a collector or arterial street as defined by INCOG.
 - (c) An Administrative Exception shall not be granted for the approval of any use not otherwise allowed as a permitted, conditional, or specific use within the subject district.
 - (d) No Administrative Exception shall be considered where the standard setback is five (5) feet or less.
 - (e) In the case of a requested addition to a structure, no exception shall be considered where the existing structure does not meet the minimum standard setback.
- (3) **Administrative Exception Review Criteria.** The Administrative Exception shall be approved if the City Planner finds that the proposed exception:
- (a) Is consistent with the Comprehensive Plan,
 - (b) Is consistent with the purpose of the underlying district,
 - (c) Is consistent with adopted building and fire codes,
 - (d) Will not result in incompatible development,
 - (e) Will not result in adverse impacts unless adequately mitigated, and
 - (f) Is of a technical nature and is required to achieve at least one of the following:
 - (I) Compensate for an unusual condition,
 - (II) Eliminate a minor inadvertent failure to comply with this UDO, or
 - (III) To protect a sensitive resource or natural feature.
- (4) **Administrative Exception For Driveways Criteria.** For the approval of individual driveways for two or more adjoining residential parcels that take access from a collector or arterial street, the City planner shall find the exception:
- (I) Will generate substantially improved pedestrian and/or vehicular circulation on the subject properties.
 - (II) Will not substantially impede traffic flow or safety on the subject collector or arterial street.
- (5) **Pre-Application Conference.** The applicant for an Administrative Exception is required to meet with the City Planner prior to submitting an application to discuss the submittal requirements, review criteria, and review process.
- (6) **Administrative Exception Application Submittal.**
- (a) The Administrative Exception application, including all information required by the City Planner, shall be submitted to the City Planner.
 - (b) Within fifteen (15) business days of receipt of the application, the City Planner shall review the application to determine that all required information has been submitted and notify the application of completeness or deficiencies.
 - (c) Failure to cure the deficiencies within six (6) months from notification of such deficiencies shall be deemed abandonment of the application without further notice from the City.
- (7) **City Planner Action.** Within ten (10) business days of the determination of completeness, the application shall be reviewed by the City Planner to ensure the application conforms to the criteria in Subsection 3 above. Based upon their review, the City Planner shall approve or deny the Administrative Exception application in writing.

- (8) **Advancement To Variance.** The City Planner may advance any Administrative Exception application to a Variance in instances that, in the opinion of the City Planner, require public input and review by the Board of Adjustment to approve or deny. Any Administrative Exception advanced to a Variance by the City Planner shall follow the procedure in Section 16-9-8.
- (9) **Expiration.** If a building permit is not issued or a site plan is not approved within six (6) months of the approval of the Administrative Exception, the Administrative Exception shall be null and void.

(E) **Sign Permit.**

- (1) **Purpose.** A sign permit shall be required prior to the display, construction, erection, or alteration of a sign, and its structural components, on any property. All signs must comply with Article 7. Sign Standards, and the applicable sections of the building code as adopted by the City. All electrical installations associated with the erection and installation of a sign must be done in accordance with the adopted Building and Electrical Codes.
- (2) **Exemptions.** Signs exempt from a permit are listed in Section 16-7-4 of this UDO.
- (3) **Sign Permit Review Criteria.** To approve the issuance of a sign permit, the City Planner shall make an affirmative finding that all applicable provisions of this UDO, the Building Code, and all other City ordinances are met.
- (4) **Sign Permit Application Submittal.**
 - (a) The sign permit application, including all information required by the City Planner, shall be submitted to the City Planner.
 - (b) Within fifteen (15) business days of receipt of the application, the City Planner shall review the application to determine that all required information has been submitted and notify the application of completeness or deficiencies.
 - (c) Failure to cure the deficiencies within six (6) months from notification of such deficiencies shall be deemed abandonment of the application without further notice from the City.
- (5) **City Planner Action.** Within five (5) business days of the determination of completeness, the application shall be reviewed by the City Planner to ensure the application conforms to the criteria in Subsection 4 above. Based upon their review, the City Planner shall approve or deny the sign permit application in writing.
- (6) **Expiration and Lapse of Approval.** A sign permit shall become null and void, if work authorized under the permit has not been completed within six (6) months of the date of issuance.

(F) **Fence Permit.**

- (1) **Purpose.** A fence permit shall be required prior to the construction or installation of any fence to verify compliance with the applicable fence provisions of this UDO.
- (2) **Fence Permit Review Criteria.** To issue a fence permit, the City Planner shall make an affirmative finding that all the applicable provisions of this UDO, including Section 16-6-5 are met.
- (3) **Fence Permit Application Submittal.** An application for a fence permit shall be submitted in a form established by the City Planner. The application shall contain the following information:
 - (a) A completed fence permit application form,
 - (b) Name, address, and contact information of the applicant,
 - (c) A drawing or site plan showing the location on the property where the proposed fence will be placed and its distance to all applicable property lines and all other buildings and structures,

- (d) Plans and specifications of the proposed fence or wall structure, including all dimensions, materials, an indication of the fence design or style, and structural supports,
 - (e) Within fifteen (15) business days of receipt of the application, the City Planner shall review the application to determine that all required information has been submitted and notify the application of completeness or deficiencies,
 - (f) Failure to cure the deficiencies within six (6) months from notification of such deficiencies shall be deemed abandonment of the application without further notice from the City.
- (4) **City Planner Action.** Within five (5) business days of the determination of completeness, the City Planner shall review the application to ensure the application conforms to the criteria in Subsection 3. above. Based upon their review, the City Planner shall approve or deny the fence permit application in writing.
- (5) **Expiration and Lapse of Approval.** A fence permit shall become null and void, if work authorized under the permit has not been completed within six (6) months of the date of issuance.

(G) **Temporary Use Permit.**

- (1) **Purpose.** A Temporary Use permit shall be required prior to the commencement of a Temporary Use identified in Table 16-3-4(B), Table 16-3-4(C), and/or Table 16-4-2(K).
- (2) **Temporary Use Permit Review Criteria.** To approve the issuance of Temporary Use permit, the City Planner shall make an affirmative finding that the following criteria are met:
 - (a) **Land Use Compatibility.** The Temporary Use must be compatible with the purpose and intent of this UDO and the district in which it will be located. The Temporary Use shall not impair the normal, safe, and effective operation of a permanent use on the same site. The Temporary Use shall not endanger or be materially detrimental to the public health, safety, or welfare, or injurious to property or improvements in the immediate vicinity of the Temporary Use, given the nature of the activity, its location on the site, and its relationship to parking and access points.
 - (b) **Compliance with Other Regulations.** A building permit or temporary certificate of occupancy may be required before any structure used in conjunction with the Temporary Use is constructed or modified. All structures and the site as a whole shall meet all applicable building code, UDO, and fire code standards and shall be promptly removed upon the cessation of the use or event. Upon cessation of the use or event, the site shall be returned to its previous condition (including the removal of all trash, debris, signage, attention attracting devices, or other evidence of the special event or use).
 - (c) **Hours of Operation and Duration.** The duration and hours of operation of the Temporary Use shall be consistent with the intent of the event or use, and compatible with the surrounding land uses. The duration and hours of operation shall be established by the City Planner at the time of approval of the Temporary Use permit.
 - (d) **Traffic Circulation.** The Temporary Use, as determined by the Public Works Director, shall not cause undue traffic congestion or accident potential given anticipated attendance and the design of adjacent streets, intersections, and traffic controls.
 - (e) **Off-Street Parking.** Adequate off-street parking shall be provided for the Temporary Use, as determined by the City Planner, and it shall not create a parking shortage for any of the other existing uses on the site.
 - (f) **Public Conveniences and Litter Control.** Adequate on-site restroom facilities and on-site solid waste containers may be required. The applicant shall provide a written guarantee that all litter generated by the event or use shall be removed at no expense to the City.
 - (g) **Appearance and Nuisances.** The Temporary Use shall be compatible in intensity, appearance, and operation with surrounding land uses in the area, and shall not impair the usefulness, enjoyment, or value of adjacent

property due to the generation of excessive noise, dust, smoke, glare, spillover lighting, or other forms of environmental or visual pollution.

- (h) **Signs and Attention-Getting Devices.** The City Planner shall review all signage in conjunction with the issuance of the permit, although a sign permit is not required. The City Planner may approve the temporary use of attention-getting devices. The number and types of signs and attention-getting devices allowed shall be evaluated on the following criteria:

- (I) Type and size of the proposed event or use,
- (II) Safety considerations (sight distance setbacks, sidewalks in area, etc.),
- (III) Lighting considerations (disturbance of nearby residents or adverse effects to traffic on adjacent streets),
- (IV) Aesthetic concerns (appearance, illumination, number, and size of signs and attention-getting devices proposed).

- (i) **Other Conditions.** The City Planner may establish any additional conditions deemed necessary to ensure land use compatibility and to minimize potential adverse impacts on nearby uses, including, but not limited to, time and frequency of operation, temporary arrangements for parking and traffic circulation, requirements for screening/buffering, and guarantees for site restoration and cleanup following the Temporary Use. Conditions may include, but shall not be limited to:

- (I) Modifications or restrictions to the hours of operation, duration of the event, size of the activity or other operational characteristics.
- (II) If the permit applicant requests the City to provide extraordinary services or equipment or if the City Planner otherwise determines that extraordinary services (e.g., traffic control or security personnel) or equipment should be provided to protect the public health or safety, the applicant shall be required to pay to the City a fee sufficient to reimburse the City for the costs of these services if not provided by the applicant. This requirement shall not apply if the event or use has been anticipated in the budget process and sufficient funds have been included in the budget to cover the costs incurred.

(3) **Temporary Use Permit Application Submittal.**

- (a) The Temporary Use permit application, including all information required by the City Planner, shall be submitted to the City Planner.
- (b) Within fifteen (15) business days of receipt of the application, the City Planner shall review the application to determine that all required information has been submitted and notify the application of completeness or deficiencies.
- (c) Failure to cure the deficiencies within six (6) months from notification of such deficiencies shall be deemed abandonment of the application without further notice from the City.

- (4) **City Planner Action.** Within ten (10) business days of the determination of completeness, the application shall be reviewed by the City Planner to ensure the application conforms to the criteria in Subsection 2 above. Based upon their review, the City Planner shall approve or deny the Temporary Use permit application in writing.

16-9-3. Board/Commission General Review and Action Procedures

- (A) **Summary of Board/Commission Review and Approval Procedures.** Table 16-9-3(A) summarizes the Board/Commission Review and Approval procedures and identifies the appropriate boards or commissions that serve as recommending or decision-making bodies.

Table 16-9-3(A): Summary of Board/Commission Review and Approval Procedures				
Petition Review Procedure	City Planner	Planning Commission	City Council	Board of Adjustment
1 Special Excpetion Use Permit				D*
2 Specific Use Permit		R*	D	
3 Lot Split		D*		
4 Minor Subdivision		D*		
5 Major Subdivision		R	D	
6 Planned Unit Developments		R*	D*	
7 Variance				D*
8 Floodplain Variance			D*	
9 Text Amendment		R*	D	
10 Map Amendment		R*	D*	
11 Appeal of Administrative Determinations				D*
12 Interpretation				D*
Key:				
R = Recommendation				
D = Decision Making Body				
* = Public Notice Required				

(B) **Notice Requirements.**

- (1) **Cost of Notice.** All costs associated with published and written notice, as required by this UDO, shall be the responsibility of the applicant.
- (2) **Notice Content.**
 - (a) **Map Amendments.** Notices for map amendments shall require the following content:
 - (I) The date, time, and place of the scheduled public hearing,
 - (II) A legal description of the property involved in the application and the street address or the approximate location of the property,
 - (III) The present zoning district of the property involved,
 - (IV) A description of the nature, scope, and purpose of the application,
 - (V) A map of the area to be affected, indicating street names or numbers, streams, or other significant landmarks in the area,
 - (VI) The location and source of additional information on the application, and
 - (VII) Other information as deemed necessary by the City Planner.
 - (VIII) If the Map Amendment requested permits the use of treatment facilities, multiple family facilities, transitional living facilities, halfway houses and any housing or facility that may be used for medical or nonmedical detoxification as these terms are defined pursuant to Section 3-403 of Title 43A of the Oklahoma Statutes,

the entity proposing the change in district regulation, restriction, or boundary shall mail a written notice within thirty (30) days of the hearing to all real property owners within one-quarter (1/4) of a mile where the area to be affected is located and shall be responsible for all costs incurred in mailing this notice.

(b) **Other Notices.** All other notices required under this UDO shall require the following content:

- (I) The date, time, and place of the scheduled public hearing,
- (II) A legal description of the property involved in the application and the street address or the approximate location of the property,
- (III) The present zoning district of the property involved,
- (IV) A description of the nature, scope, and purpose of the application,
- (V) The location and source of additional information on the application, and
- (VI) Other information as deemed necessary by the City Planner.

(3) **Notice Methods.**

- (a) **Published Notice.** When published notice is required, as detailed in Table 16-9-3(B)(4), the City Planner shall ensure that notice is published on the City's website and in a newspaper of general circulation in the City at least twenty (20) days before the date of the scheduled public hearing.
- (b) **Written Notice.** When written notice is required, as detailed in Table 16-9-3(B)(4), the City Planner shall provide notice by first class mail to all owners of record of the subject property and all owners of record within three hundred (300) feet of the boundaries of the subject property. The notice shall be deposited in the U.S. mail by the City Planner at least twenty (20) days before the scheduled public hearing. Ownership information shall be obtained from the records of the Tulsa County Assessor.
- (c) **Posted Notice.** When posted notice is required, as detailed in Table 16-9-3(B)(4), the City Planner shall post a sign on the subject property along the fronting street. If the subject property fronts two (2) or more streets, signs shall be posted along each frontage. The notice shall be posted by the City Planner at least twenty (20) days before the scheduled public hearing.

(4) **Notice Methods by Board/Commission Review Procedure.** Table 16-9-3(B)(4) shows the required method for each type of required notice.

Table 16-9-3(B)(4): Notice Methods by Board/Commission Review and Action Procedure				
Petition Review Procedure		Published Notice	Written Notice	Posted Notice
1	Special Exception Use Permit		•	
2	Specific Use Permit		•	
3	Minor Subdivision	•		
5	Planned Unit Developments	•	•	
6	Variance		•	
7	Floodplain Variance		•	
8	Text Amendment	•		
9	Map Amendment	•	•	
Key:				
• = Required Notice Method				

- (5) **Notice Issues.** Minor technical deviations from specified notice requirements shall not be deemed to impair notice where there is actual notice. When required written notices have been properly addressed and deposited in the mail, failure of a party to receive such notice shall not invalidate any subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing and the general location of the subject property shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the body hearing the matter shall make a finding regarding whether there was compliance with the notice requirements of this Article.

(C) General Application Requirements.

(1) Pre-Application Conference.

- (a) A prospective applicant, prior to submitting an application, shall meet for a pre-application conference with the City Planner. The purpose of the conference is to help the applicant understand the Comprehensive Plan, UDO, standards by which the application will be evaluated, and the application requirements. The City Planner may waive the pre-application conference requirement for any application when the City Planner deems the pre-application conference not necessary.
- (b) After reviewing the review and approval process, the applicant may request a waiver of any application requirement which in the applicant's judgment should not apply to the proposed application. Such request shall be made in writing prior to the submission of the formal application documents.
- (c) All requests for waiver shall be reviewed by the City Planner. A final determination regarding the waiver shall be given to the prospective applicant following the decision. Denied requests may be appealed to the Board of Adjustment.

(2) Application Submittal.

- (a) Applications shall be submitted to the City Planner.
- (b) Within fifteen (15) business days of receipt of the application, the City Planner shall review the application to determine that all required information has been submitted and notify the applicant of completeness or deficiencies.
- (c) Failure to cure the deficiencies within six (6) months from notification of such deficiencies shall be deemed abandonment of the application without further notice from the City.

(3) City Planner Report.

- (a) Within ten (10) business days of the determination of completeness, the application shall be reviewed by the City Planner pursuant to the criteria set forth in this Article per application type.
- (b) The City Planner shall prepare and issue a report to the applicant identifying issues of concern to be addressed as well as a recommendation for approval, approval with conditions, or denial.
- (c) The City Planner shall forward their report to the applicant.

(4) Revised Application.

- (a) The applicant shall revise the application as necessary based on the issues of concern identified by the City Planner in their report.
- (b) The revised application shall be accompanied by a letter explaining how all of the issues of concern have been addressed and detailing any other changes that have been made to the application.

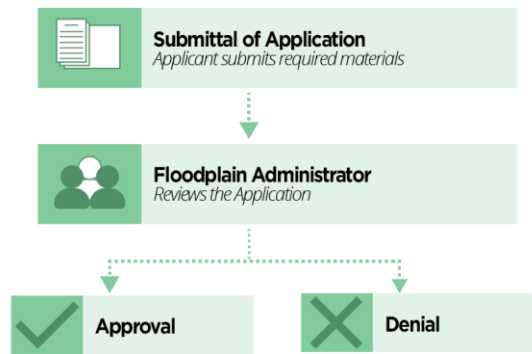
- (c) The applicant shall submit the revised application to the City Planner who shall review the revised application for the purpose of ensuring that all required information has been provided and that all issues of concern have been addressed. Once it is determined that all required information has been submitted and all issues of concern addressed, the application shall be referred to the next step in the process. If the City Planner determines that the required information and/or issues of concern have not been addressed, the City Planner shall notify the applicant of such deficiencies.
- (d) Failure to cure the deficiencies within six (6) months from notification of such deficiencies shall be deemed abandonment of the application without further notice from the City.

16-9-4. Floodplain Development Permit

- (A) **Authority.** The City Engineer is hereby designated as the Floodplain Administrator. An application for a floodplain development permit shall be presented to the Floodplain Administrator on forms furnished by the City. The Floodplain Administrator shall be responsible for approving or denying a floodplain development permit application.
- (B) **Application Requirements.** The following information is required for any floodplain development permit application:
 - (1) A plan drawn to scale showing the location, dimensions, elevation, and location in relation to special flood hazard areas of:
 - (a) Proposed landscape alterations.
 - (b) Existing and proposed structures including manufactured homes.
 - (2) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures,
 - (3) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
 - (4) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Section 16-6-8(M)(2),
 - (5) Elevation certificate with all applicable information completed as required,
 - (6) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
- (C) **Development Permit Review Criteria.** Approval or denial of a floodplain development permit by the Floodplain Administrator shall be based on the following factors:
 - (1) The risk of danger to life and property due to flooding or erosion damage,
 - (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner,
 - (3) The danger that materials may be swept onto other lands to the injury of others,
 - (4) The compatibility of the proposed use with existing and anticipated development,
 - (5) The safety of access to the property in times of flood for ordinary and emergency vehicles,
 - (6) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems,
 - (7) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site,

- (8) The necessity to the facility of a waterfront location, where applicable,
- (9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use, and
- (10) The relationship of the proposed use to the comprehensive plan.

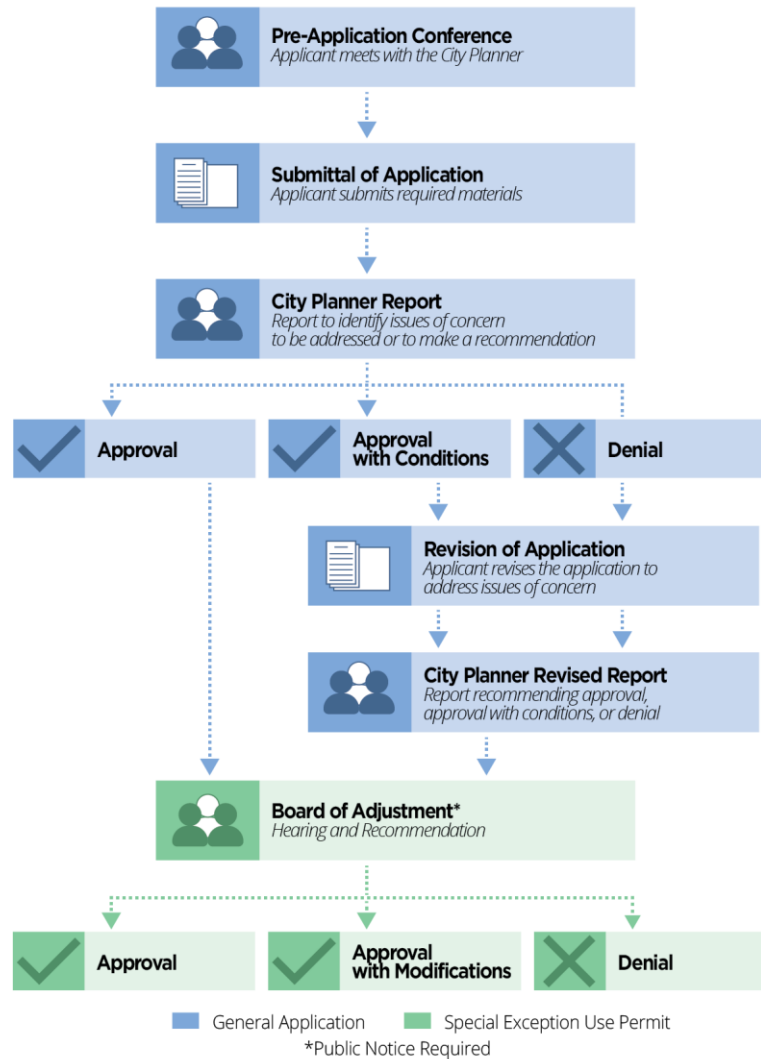
Figure 9.1: Floodplain Development Permit Process.



16-9-5. Special Exception Use Permit

- (A) **Purpose.** The Board of Adjustment, upon application, and after notice (when notice is required) and public hearing, subject to the procedural and substantive standards hereinafter set forth, may grant permits for Special Exception uses as designated in Sections 16-3-4 and 16-4-2.
- (B) **Special Exception Use Criteria.** The Board of Adjustment, upon application and after notice and public hearing may grant a Special Exception use permit only upon finding that the application:
 - (1) Will be in harmony with the spirit of the UDO and the governing zoning district.
 - (2) Will not be injurious to the neighborhood or otherwise detrimental to public welfare.
- (C) **Hearing and Recommendation by the Board of Adjustment.** The Board of Adjustment shall hold the public hearing and, upon the concurring vote of three (3) members, may grant the Special Exception. The Board, in granting a Special Exception permit shall prescribe appropriate conditions and safeguards and may require such evidence and guarantee or bonds as it may deem necessary to enforce compliance with the conditions attached.
- (D) **Time Limitation on Special Exceptions.** A Special Exception which has been granted but not been utilized within two (2) years from the date of the order granting same shall be void. For the purpose of this provision, utilization shall mean actual use or the issuance of a building permit, when applicable, provided construction is diligently carried to completion.

Figure 9.2: Special Exception Use Permit Process



16-9-6. Specific Use Permit

(A) Purpose.

- (1) Certain uses specified in Sections 16-3-4 and 16-4-2 are designated as Specific Uses because of the size of the land they require, their specialized nature, or because they may more intensely dominate the area in which they are located or generate effects on the general public that are broader in scope than other uses permitted in the district. The City Council may, after a public hearing and recommendation by the Planning Commission and after conducting a public hearing as is required in accordance with the provisions of this section, authorize for specific parcels of land, the issuance of a Specific Use permit.
- (2) The designation of a Specific Use permit does not constitute an authorization or an assurance that such use will be permitted. Rather, each Specific Use permit application shall be evaluated to determine its probable effect on the adjacent property and community welfare and may be approved or denied as the findings indicate appropriate.

(B) Specific Use Review Criteria.

- (1) No Specific Use permit shall be issued unless the City Council finds that the application:
 - (a) Is consistent with the City's Comprehensive Plan and other adopted policy documents.
 - (b) Complies with all requirements imposed by this Article including any applicable use-specific requirements in Article 5. Use-Specific Standards.
 - (c) Is consistent with the purposes of this UDO and the governing District, and
 - (d) Is compatible with surrounding land uses and the area where it will be located.
- (2) In considering an application for a Specific Use permit, the City Council shall consider and may impose modifications or conditions it deems necessary.
- (3) No Specific Use permit shall be issued unless the use-specific standards as applicable, established in Article 5. Use-Specific Standards of this UDO have also been complied with in addition to the findings required in paragraph (1) of this Subsection.

(C) Hearing and Recommendation by the Planning Commission.

The Planning Commission shall hold a public hearing on the proposed Specific Use permit, and, at the close of the public hearing and after consideration of the City planner report and public comment, make a recommendation to the City Council to approve, approve with modifications, or deny the Specific Use permit based on the applicable review criteria. The Planning Commission shall transmit a report containing its recommendation to approve, approve with modifications, or deny the Specific Use permit to the City Council.

(D) Action by City Council.

The City Council shall consider the Planning Commission's recommendation, the City planner report, and the applicable review criteria and shall approve, approve with modifications, or deny the Specific Use permit.

(E) No Oil or Gas Related Wells Drilled After Granting of Specific Use Permit.

- (1) No permit for the drilling of any oil or gas related well shall be allowed in an AG, or IM zoned area if a Specific Use permit affecting the area has been previously approved by the City Council unless the previous Specific Use permit was oil or gas well related.
- (2) Drilling operations for oil and gas require additional permits as specified under Chapter 5, Article 7, sections 5-7-1 through 5-7-26 of the Jenks City Code. Conditions established under the required City Code application shall be in addition to the land use requirements established through the Specific Use permit process.

(F) Time Limits for Interpretation.

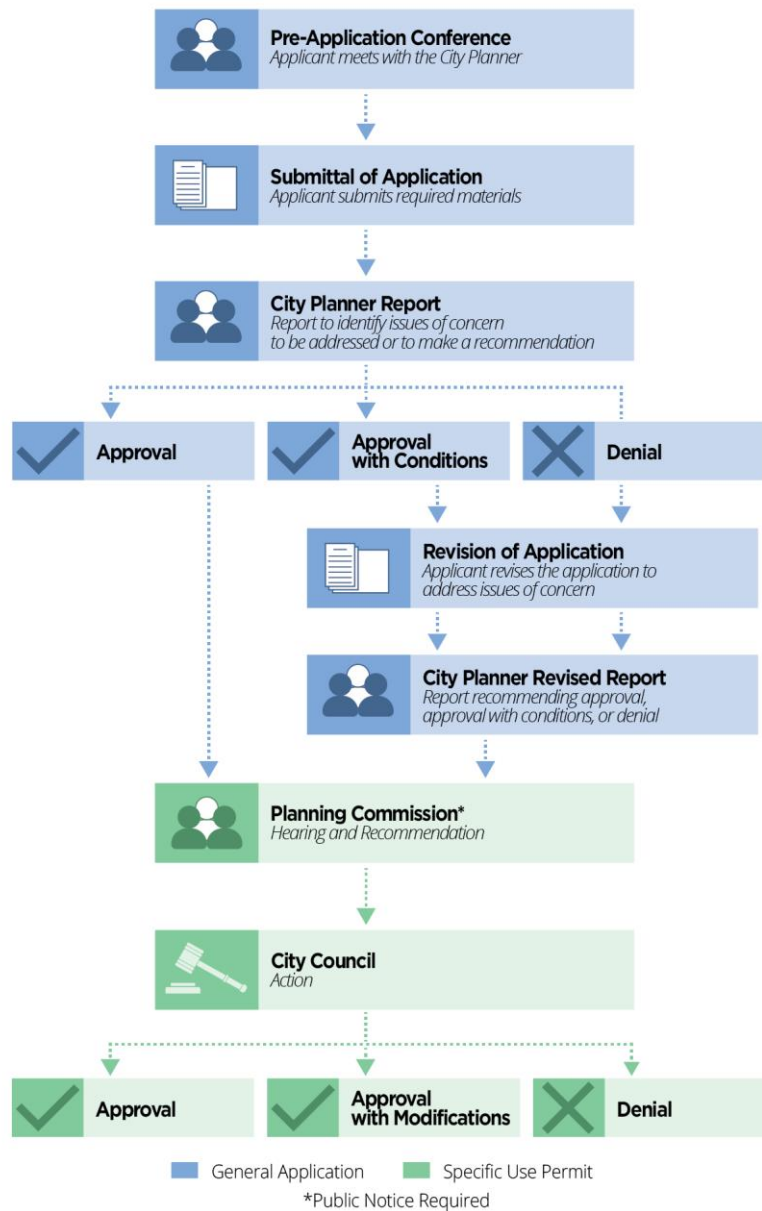
If for any reason the approved specific use ceases operation for a period of two (2) years, then the approval of said Specific Use shall be considered void and will require another public hearing review by the

Planning Commission and City Council. This shall also apply to any approved Specific Use that does not begin operation within two (2) years of approval. This voiding of approval shall not apply if orderly progress toward completion of construction is taking place. Uses existing before the adoption of the Specific Use permit ordinance including nonconforming uses and their incidental and accessory uses shall receive a Specific Use permit before any expansion of the use is permitted.

(G) Amendments to Approved Specific Use Permits.

- (1) **Determination of Level of Change.** Upon receiving a Specific Use permit amendment application, the City Planner shall determine whether the amendment is a minor amendment or a major amendment based on the criteria detailed in Section 16-9-5(G)(2) and Section 16-9-5(G)(3) below.
- (2) **Minor Amendment.** A minor amendment is any change to the approved Specific Use permit which is consistent with the standards and conditions upon which the Specific Use permit was approved, and which does not alter the character of the site as approved. A minor amendment shall not:
 - (a) Increase the intensity of the site's use,
 - (b) Result in additional noise, glare, odor, or other impacts that are detectable from off-site,
 - (c) Affect the subject property in a manner that inhibits its continued use or reuse, or
 - (d) Result in a change inconsistent with any standard or modification imposed by the City Council in approving the Specific Use permit, as determined by the City Planner.
- (3) **Major Amendment.** A major amendment is any change to an approved Specific Use permit which is not considered a minor amendment as detailed in Section 16-9-5(G)(2).
- (4) **Approval Process.** A major amendment to an approved Specific Use permit shall follow the procedure for a Specific Use permit approval set in section 16-9-5(C) and (D). A minor amendment to an approved Specific Use permit may be approved by the Planning Commission.

Figure 9.3: Specific Use Permit Process



16-9-7. Planned Unit Developments

(A) **Purpose.** In order to establish an alternate zoning procedure under which land can be developed or redeveloped with innovation, imagination, and creative architectural design when sufficiently justified under the provisions of this UDO, the planned unit development process is established. The objective of the planned unit development process is to encourage a higher level of design and amenity than is possible to achieve under otherwise applicable UDO regulations. The end result can be a product which fulfills the objectives of the Comprehensive Plan and planning policies of the City while departing from the strict application of the regulations as detailed in this UDO. The planned unit development process is intended to permit and encourage such flexibility and to accomplish the following purposes:

- (1) To stimulate creative approaches to the commercial, residential, and mixed-use development of land,
- (2) To provide more efficient use of land,
- (3) To preserve natural features and provide open space areas and recreation areas in excess of that required under conventional zoning regulations,
- (4) To develop new approaches to the living environment through variety in type, design, and layout of buildings, transportation systems, and public facilities,
- (5) To unify building and structures through design,
- (6) To promote long-term planning pursuant to the City of Jenks' Comprehensive Plan, which will allow harmonious and compatible land uses or combinations of uses with surrounding areas.

(B) **General Provisions.**

- (1) Any development greater than twenty (20) acres shall be approved as a Planned Unit Development.
- (2) Any development, other than developments with only single-family detached residential uses, may be approved as a planned unit development.
- (3) Each planned unit development should be presented and judged on its own merits. It shall not be sufficient to base justification for approval of a planned unit development solely upon an already existing planned unit development.
- (4) The burden of providing evidence and persuasion that any planned unit development is necessary and desirable shall rest with the applicant.

(C) **Site Development Allowances and Modification Standards.**

(1) **Site Development Allowances.**

- (a) Site development allowances are deviations from the standards of the underlying zoning district set forth outside of this Article.
- (b) Notwithstanding any limitations on variations which can be approved as contained elsewhere in this UDO, site development allowances may be approved provided the applicant specifically identifies each site development allowance and demonstrates how each site development allowance would be compatible with surrounding development; is necessary for proper development of the site; and is aligned with a minimum of one (1) of the modification standards detailed in Section 16-9-7(C)(2) below.

- (2) **Modification Standards.** In addition to the Standards for Review established in Section 16-9-7(D), the following modification standards shall be utilized in the consideration of site development allowances. These standards shall not be regarded as inflexible but shall be used as a framework by the City to evaluate the quality of amenities, benefits to the community, and design and desirability of the proposal.

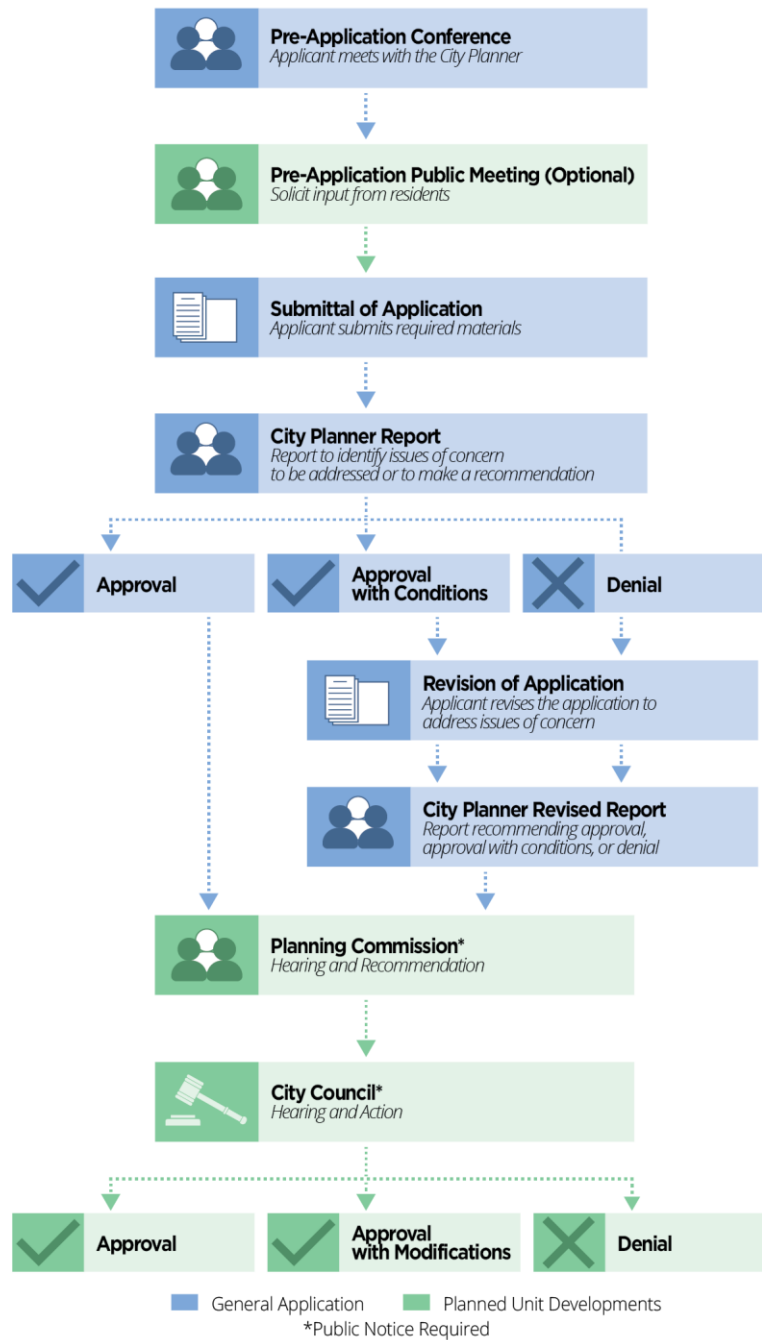
- (a) **Public Gathering Space.** The planned unit development includes public gathering space, the amount of which is proportional to the size of buildings or number of dwelling units. The public gathering space is activated through the use of moveable tables and chairs, a fountain or other water feature, a sculpture or other public art feature, benches, seat walls, raised landscape planters, pedestrian scale, and celebratory lighting such as string or Tivoli lights, and/or other features. The public gathering space is integrated into the overall design of the Planned Unit Development and has a direct functional or visual relationship to the main building(s) and is not of an isolated or leftover character.
 - (b) **Sustainable Design.** The planned unit development is designed with consideration given to various methods of site design and building location, architectural design of individual buildings, and landscaping design capable of reducing energy consumption and improving onsite stormwater management.
 - (c) **Landscape Conservation and Visual Enhancement.** The planned unit development preserves and enhances existing landscape, trees, and natural features such as rivers, streams, ponds, groves, and landforms.
 - (d) **Mix of Uses.** The planned unit development is comprised of a mix of nonresidential uses and a mix of housing types.
 - (e) **Affordability.** The planned unit development includes residential dwellings that are deed restricted for households that make less than or equal to eighty (80) percent of the area median income.
 - (f) **Universal Design.** the planned unit development includes buildings designed with accessible features such as level access from the street and/or zero entry thresholds.
 - (g) **High Quality Building Materials.** The planned unit development utilizes time and weather tested building materials that are of a higher quality than what is otherwise required by this UDO, including but not limited to masonry or wood.
- (D) **Standards for Review.** Approval of development through the use of the planned unit development process will be considered by the City only in direct response to the accrual of tangible benefits from the planned unit development to the City or the neighborhood in which it would be located. These benefits shall be in the form of exceptional amenities; outstanding environmental, landscape, architectural, and/or site design; or the conservation of special man-made or natural features of the site. Modifications to the conventional zoning and subdivision regulations shall be considered a privilege except when encouraged by the modification standards in Section 16-9-7(C)(2). No application for a Planned Unit Development shall be approved unless the City Council finds that the application meets all of the following standards:
- (1) **Comprehensive Plan Alignment.** The planned unit development is consistent with the goals, objectives, and policies set forth in the Comprehensive Plan and other adopted plans and policy documents of the City.
 - (2) **Placemaking.** The planned unit development has a distinctive identity and brand that is utilized in the signs, streetscape, architecture, public gathering spaces, open spaces.
 - (3) **Integrated Design with Identifiable Centers and Edges.** The planned unit development shall be laid out and developed as a unit in accordance with an integrated overall design. The design shall provide identifiable centers and edges through the harmonious grouping of buildings, uses, facilities, public gathering spaces, and open space.
 - (4) **Public Welfare.** The planned unit development is designed, located, and proposed to be operated and maintained so that it will not impair an adequate supply of light and air to adjacent property and will not substantially increase the danger of fire or otherwise endanger the public health, safety, and welfare.
 - (5) **Compatibility with Adjacent Land Uses.** The planned unit development includes uses which are generally compatible and consistent with the uses of adjacent parcels. If the uses are not generally compatible, all adverse impacts have been mitigated through screening, landscaping, public open space, and other buffering features that protect uses within the development and surrounding properties.

- (6) **Impact on Public Facilities and Resources.** The planned unit development is designed so that adequate utilities, road access, drainage, and other necessary facilities will be provided to serve it. The planned unit development shall include such impact fees as may be reasonably determined by the City Council. These required impact fees shall be calculated in reasonable proportion to impact of the planned development on public facilities and infrastructure.
- (7) **Archaeological, Historical or Cultural Impact.** The planned unit development does not substantially adversely impact an archaeological, historical, or cultural resource, included on the local, state, or federal register, located on or off the parcel(s) proposed for development.
- (8) **Drives, Parking and Circulation.** The planned unit development has or makes adequate provision to provide necessary parking. Principal vehicular access is from dedicated public streets, and access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. With respect to vehicular and pedestrian circulation (including walkways, interior drives, and parking), special attention has been given to the location and number of access points to public streets, the width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, adequate provision for service by emergency vehicles, and arrangement of parking areas that are safe, convenient, and do not detract from the design of proposed buildings and structures and the neighboring properties. Access points are limited through the use of cross access connections.
- (E) **Pre-Application Public Meeting.** The applicant, after conducting the required pre-application conference, as detailed in Section 16-9-3(C)(1), and prior to application submittal, as detailed in Section 16-9-3(C)(2), is encouraged to conduct a public meeting to discuss the proposed Planned Unit Development and its impact on adjoining properties and area residents. If held, the applicant is encouraged to submit a written summary of comments made at the meeting with the application.
- (F) **Hearing and Recommendation by the Planning Commission.** The Planning Commission shall hold a public hearing on the proposed planned unit development, and, at the close of the public hearing and after consideration of the City planner report and public comment, make a recommendation to the City Council to approve, approve with modifications, or deny the Planned Unit Development based on the applicable review criteria. The Planning Commission shall transmit a report containing its recommendation to approve, approve with modifications, or deny the amendment to the City Council.
- (G) **Hearing and Action by the City Council.** The City Council shall hold a public hearing on the proposed planned unit development, and, at the close of the public hearing and after consideration of the recommendation of the Planning Commission, City planner report, and public comment either:
 - (1) Approve the application,
 - (2) Approve the application with modifications,
 - (3) Deny the application,
 - (4) Refer the application back to the Planning Commission for further review, or
 - (5) Postpone further consideration pending the submittal of additional information, including any application requirement previously waived.
- (H) **Additional Application Requirements.** A planned unit development application shall satisfy the application requirements and review criteria for other review procedures established in this ordinance, as applicable to the application, including those for Site Plan Review in Section 16-9-2(B), Conditional Use permits in Section 16-9-2(C), Specific Use permits in 16-9-6, and sign permits in Section 16-9-2(E).

(I) **Amendments to Approved Planned Unit Developments.**

- (1) **Determination of Level of Change.** Upon receiving a Planned Development Amendment application, the City Planner shall determine whether the amendment is a minor amendment, or a major amendment based on the criteria detailed in Section 16-9-7(I)(2) and Section 16-9-7(I)(3) below.
- (2) **Minor Amendment.** A minor amendment is any change to an approved planned unit development that is consistent with the standards and conditions upon which the planned unit development was approved, and which does not alter the concept or intent of the planned unit development. A minor amendment shall not:
 - (a) Increase density,
 - (b) Increase the height of buildings,
 - (c) Reduce open space by more than five (5) percent,
 - (d) Modify the proportion of housing types,
 - (e) Change parking areas in a manner that is inconsistent with this UDO,
 - (f) Increase the approved gross floor area by more than five hundred (500) square feet,
 - (g) Alter alignment of roads, utilities, or drainage, or
 - (h) Result in any other change inconsistent with any standard or condition imposed by the City Council in approving the planned unit development, as determined by the City Planner.
- (3) **Major Amendment.** A major amendment is any change to an approved major or minor planned development which is not considered a minor amendment as detailed in Section 16-9-7(I)(2).
- (4) **Approval Processes.** A major amendment to an approved planned unit development shall follow the procedure set in Section 16-9-7(E)(F), and (G). A minor amendment to an approved planned unit development may be approved by the Planning Commission.

Figure 9.4: Planned Unit Development Process

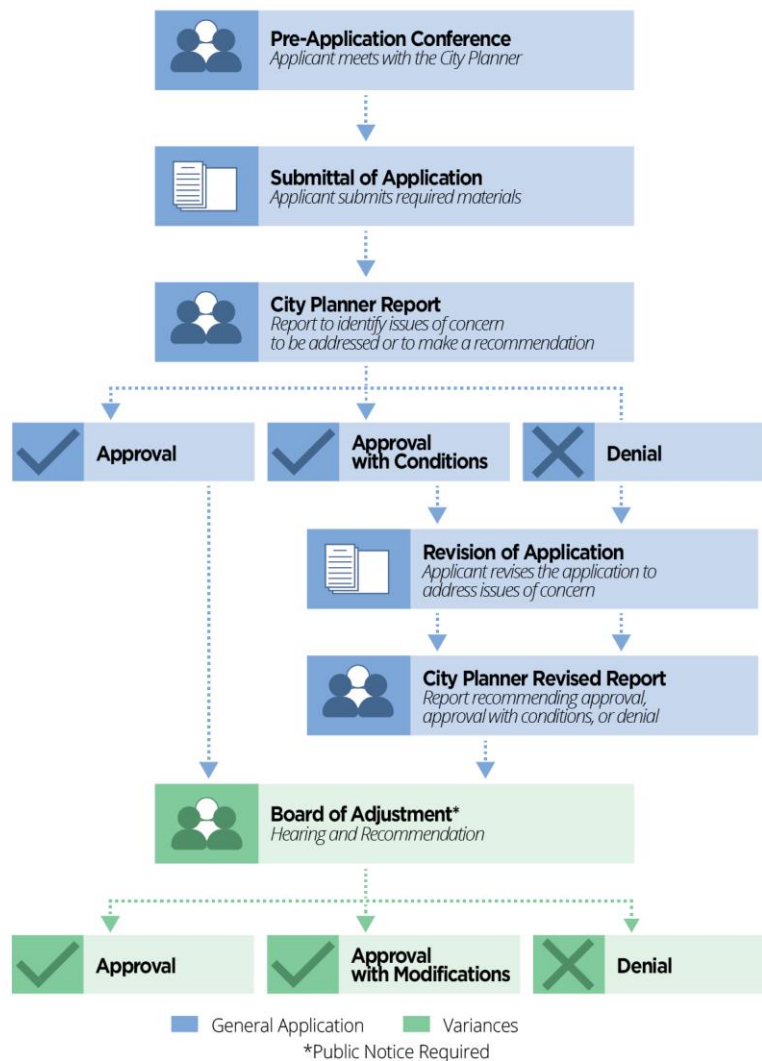


16-9-8. Variances

- (A) **Purpose.** The Board of Adjustment, upon application, and after notice (when notice is required) and public hearing, and subject to the procedural and substantive standards hereinafter set forth, may grant limited relief from the requirements of this zoning code as will not cause substantial detriment to the public good or impair the spirit, purposes and intent of this zoning code, or the Comprehensive Plan, whereby reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary or exceptional situation, condition, or circumstances peculiar to a particular property, the literal enforcement of the UDO will result in unnecessary hardship. The Board shall not vary any jurisdictional requirement, such as notice.
- (B) **Variance Review Criteria.** In determining whether a variance should be granted, the Board of Adjustment must consider whether the practical difficulty or unnecessary hardship claimed by the applicant was created by the applicant and take into account the nature of the hardship. No variance shall be granted unless the Board of Adjustment makes all of the following findings:
- (1) That by the reasons of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure, or building involved, the literal enforcement of the terms of the code would result in unnecessary hardship.
 - (2) That such extraordinary or exceptional conditions or circumstances apply to the subject parcel that do not apply generally to other parcels in the same district.
 - (3) That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit and intent of the UDO or the comprehensive plan and will not alter the essential character of the neighborhood or district in which the subject property is located.
 - (4) That the granting of the variance will not constitute a grant of special privilege including but not limited to a larger or more intensive use of the property, inconsistent with the limitations on other properties in the same district.
 - (5) That the variance to be granted is the minimum variance needed to allow for a reasonable use of the land, building, buildings and/or other structure or structures involved.
 - (6) Monetary hardship, including financial loss, shall not be considered a hardship as specified in item (1), and shall not be a proper criterion for granting a variance.
- (C) **Sign Variance Review Criteria.** Application for Variance from the requirements of Article 7. Sign Standards of this UDO may be considered providing the determination for granting such Variance is based upon certain specific criteria. No variance from the requirements or limitations set forth in Article 7. Sign Standards shall be granted unless the Board of Adjustment makes the following findings:
- (1) That there exists practical difficulties and unnecessary hardships which were not self-created by the applicant. Mere monetary hardship claimed by the applicant will not be sufficient grounds to support the granting of a variance.
 - (2) That the strict application of the provisions of Article 7. Sign Standards would result in undue hardship or practical difficulty inconsistent with the objectives of this UDO.
 - (3) That there are unusual circumstances or conditions applicable to the subject parcel that do not exist throughout the district in which the parcel is located.
 - (4) That the Variance, if granted, will not substantially or permanently impair the appropriate use or development of adjacent property.
 - (5) That no variance may be granted which will authorize the construction or maintenance of a sign which would endanger the safety of the public in contravention of applicable construction standards or vision clearance setbacks established in this UDO.

- (6) That in any instance where a variance may be granted, such variance shall in all cases be granted only to the extent necessary to afford reasonable relief of hardship and any increase to the height of a sign shall be granted only where no other relief can be found. Notwithstanding the foregoing, no variance shall be granted which results in a deviation of more than ten (10) percent from any standard set forth in Article 7. Sign Standards.
- (D) **Board of Adjustment Action.** The Board shall hold the public hearing and, upon the concurring vote of three (3) members, may grant a variance application after finding that the criteria of subsections (B) or (C), as applicable, are satisfied or deny the same upon finding that the criteria of subsections (B) or (C), as applicable, are not satisfied. In granting a variance, the Board may impose such reasonable conditions and safeguards and may require such evidence and guarantee or bond as it may deem necessary to enforce compliance with the conditions attached.
- (E) **Time Limitation on Variances.** A variance which has not been utilized within one (1) year from the date of the order granting the variance shall thereafter be void. For the purpose of this provision, utilization shall mean actual use or the issuance of a building permit, when applicable, provided construction is diligently carried to completion.

Figure 9.5: Variance Process



16-9-9. Floodplain Variances

- (A) **Authority and Purpose.** The City Council shall act as the Appeal Board and shall hear and render judgment on requests for variances from the requirements of Section 16-6-8. The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of floodplain regulation and permits.
- (B) **Procedure.**
- (1) An appeal shall be in writing in care of the City Clerk and filed within thirty (30) days of the decision or determination appealed from.
 - (2) Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in a court of competent jurisdiction.
 - (3) The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency (FEMA) upon request.
- (C) **Variances For New Construction.** Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section 16-9-4 have been fully considered.
- (D) **Exception For National Register of Historic Places.** Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this article.
- (E) **Variances For Historic Structures.** Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (F) **Conditional Approval.** Upon consideration of the factors noted above and the intent of this article, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this article and Section 16-6-8(C).
- (G) **Variances Within Floodways Prohibited.** Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result. If a variance is granted for construction within a floodway, it shall only be upon approval of the City Council and in compliance with all requirements of the City Engineer.
- (H) **Criteria.** The Appeal Board shall grant a flood damage prevention variance only upon finding that the following criteria are satisfied:
- (1) A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
 - (2) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - (3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (4) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
 - (5) Monetary hardship, including financial loss, shall not be considered an exceptional hardship and shall not be considered sufficient grounds for granting a variance.

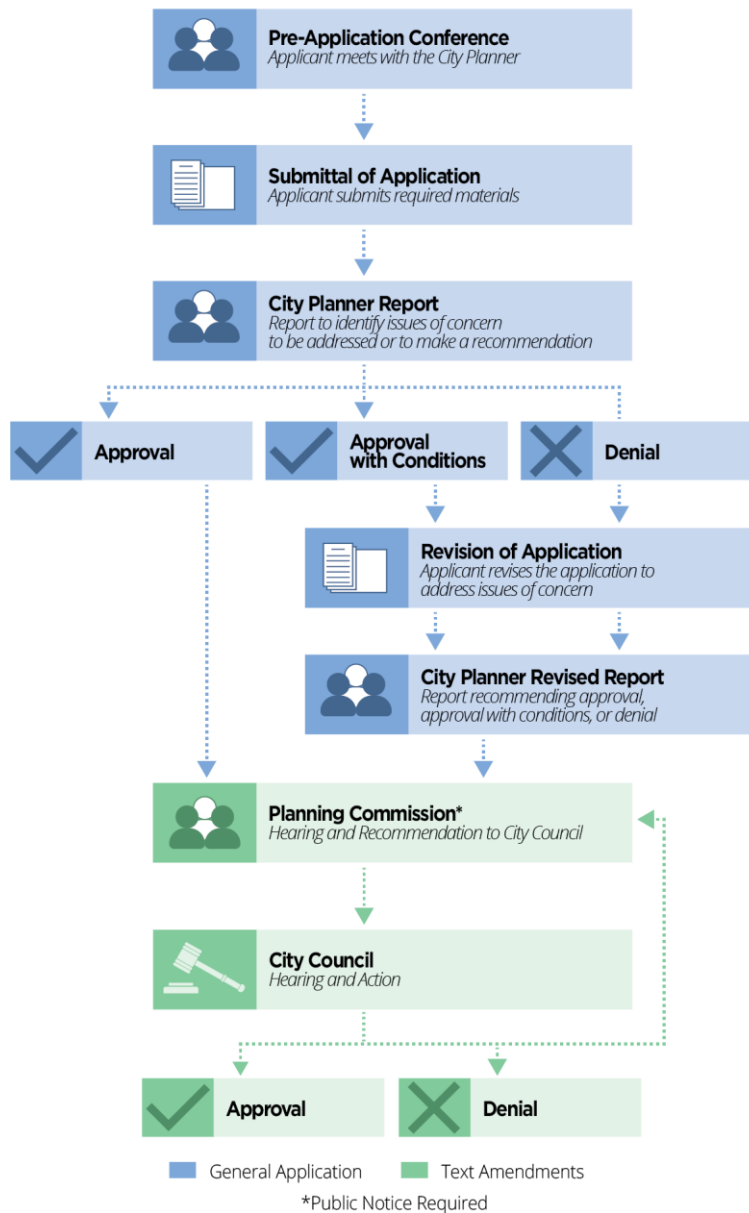
- Figure 9.6: Floodplain Variance Process**



16-9-10. Text Amendments

- (A) **Initiation of Text Amendments.** Amendments to the text of this UDO may be initiated by the City Council, by the Planning Commission, or a property owner or an authorized agent.
- (B) **Text Amendment Review Criteria.**
 - (1) The amendment is consistent with the purpose of this UDO and the City's Comprehensive Plan.
 - (2) The amendment will not adversely affect the public health, safety, or general welfare.
- (C) **Hearing and Recommendation by the Planning Commission.** The Planning Commission shall hold a public hearing on the proposed text amendment, and, at the close of the public hearing and after consideration of public comment and the City planner report, make a recommendation to the City Council to approve, approve with modifications, or deny the amendment based on the applicable review criteria. The Planning Commission shall transmit a report containing its recommendation to approve, approve with modifications, or deny the amendment to the City Council.
- (D) **Action by the City Council.** The City Council shall consider the Planning Commission's recommendation, City planner report, and the applicable review criteria and may grant or deny the text amendment. The City Council may also refer the text amendment application back to the Planning Commission for further consideration.

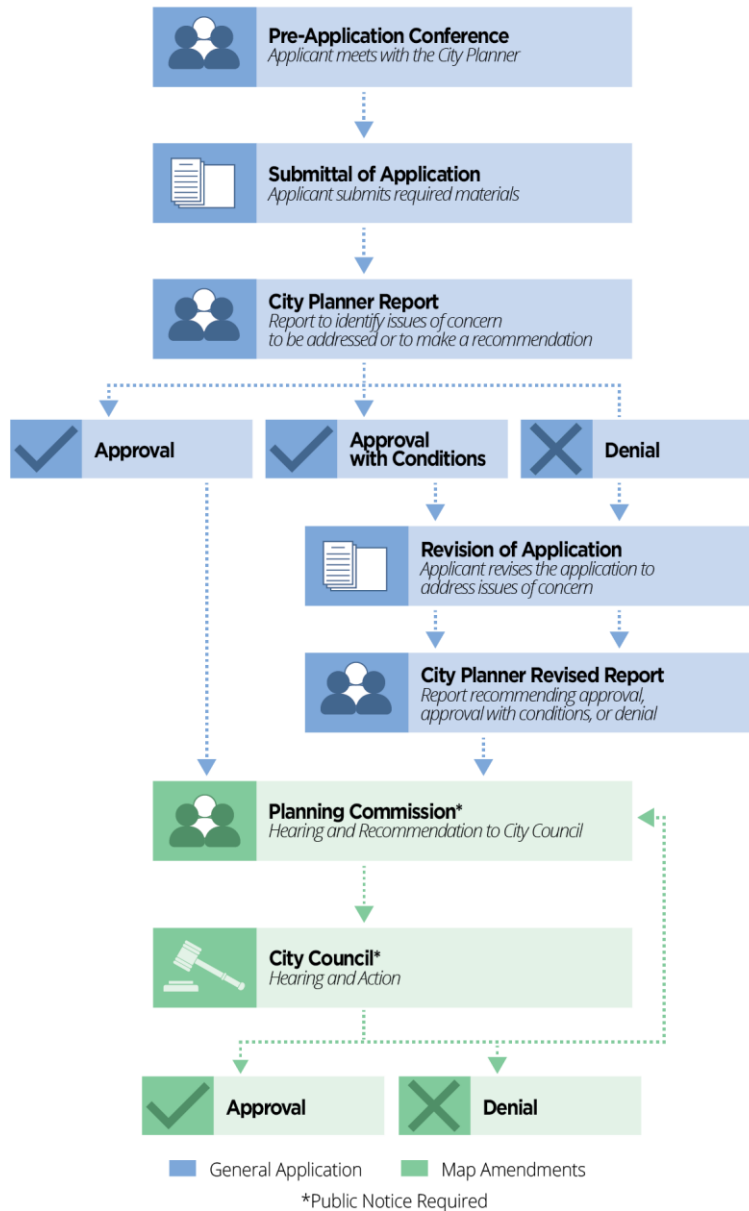
Figure 9.7: Text Amendment Process



16-9-11. Map Amendments

- (A) **Initiation of Map Amendments.** Amendments to the City's Zoning Map may be initiated by the City Council, by the Planning Commission, or the property owner or an authorized agent.
- (B) **Exceptions for General Revisions.** General and broad revisions to the Zoning Map shall be treated as text amendment pursuant to Section 16-9-10.
- (C) **Map Amendment Review Criteria.** For the purpose of establishing and maintaining sound, stable and desirable development within the city, the rezoning of land is to be encouraged only in certain circumstances apply and when consistent with the Comprehensive Plan. Map amendments should only be approved if at least one of criteria 1-4 and both criteria 5 and 6 have been satisfied:
1. The proposed rezoning is consistent with the Comprehensive Plan and the purposes of this UDO,
 2. There have been significant changes in the area to warrant a zoning change,
 3. The rezoning is consistent with the purpose statement of the proposed zoning district,
 4. There was an error in establishing the current zoning,
 5. The proposed rezoning will not result in an individual parcel zoned for one district that is not shared by any adjacent parcels, and
 6. The proposed parcel(s) to be rezoned shall meet the minimum frontage and area requirements of the requested zoning district as specified in Section 16-3-1.
- (D) **Hearing and Recommendation by the Planning Commission.** The Planning Commission shall hold a public hearing on the proposed map amendment, and, at the close of the public hearing and after consideration of public comment and the City planner report, make a recommendation to the City Council to approve, approve with modifications, or deny the amendment based on the applicable review criteria. The Planning Commission shall transmit a report containing its recommendation to approve, approve with modifications, or deny the amendment to the City Council.
- (E) **Hearing and Action by City Council.** The City Council shall hold a hearing on each application regularly transmitted, and on each application transmitted pursuant to a written request for further hearing and shall approve the application as submitted, supplemented, or as amended, or approve the application subject to modification, or deny the application. The City Council may also refer the map amendment application back to the Planning Commission for further consideration. In case of a protest against such amendment, change, or repeal shall have been filed a minimum of three (3) days prior to a public hearing, signed by the owners of twenty (20) percent or more of the area of the lots included in such proposed change, or by fifty (50) percent or more of the owners of the area of the lots immediately abutting any side of the territory included in such proposed change, or separated there from only by an alley or street less than three hundred (300) feet wide, such amendment, change or repeal shall not become effective except by favorable vote of three-fifths of all the members of the City Council.

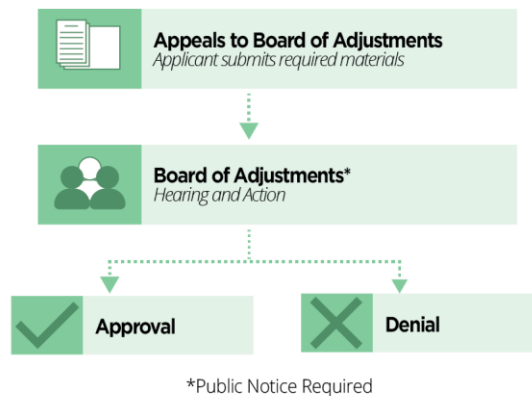
Figure 9.8: Map Amendment Process



16-9-12. Appeals of Administrative Determinations

- (A) **Initiation of Appeals of Administrative Determinations.** Any applicant who receives a denial as an outcome of an administrative procedure may, within thirty (30) days after receipt of notice of such decision, appeal such decision to the Board of Adjustment by filing an appeal application with the City Planner with an explanation as to why the decision was not warranted by this UDO. The City Planner, upon receipt of the application, shall transmit to the Secretary of the Board and the City Clerk certified copies of the application. Upon receipt, the Secretary shall set the matter for public hearing.
- (B) **Board of Adjustment Action.** The Board of Adjustment shall hold the public hearing and may reverse, affirm, or modify the appealed determination. A concurring vote of three (3) members of the Board shall be necessary to reverse any decision of the City Planner. All decisions of the Board shall be made no later than thirty (30) days after the conclusion of the hearing.
- (C) **Appeal Review Criteria.** An appeal of administrative decision shall be granted only if the Board of Adjustment makes one of the following findings:
- (1) The decision constituted an erroneous application or interpretation of this UDO.
 - (2) The decision constituted an abuse of the administrative official's discretion to interpret or apply this UDO.
 - (3) The decision was rendered based upon an erroneous material fact.
- (D) **Record of Action.** The Board of Adjustment's decision shall be filed and recorded with the City Clerk.

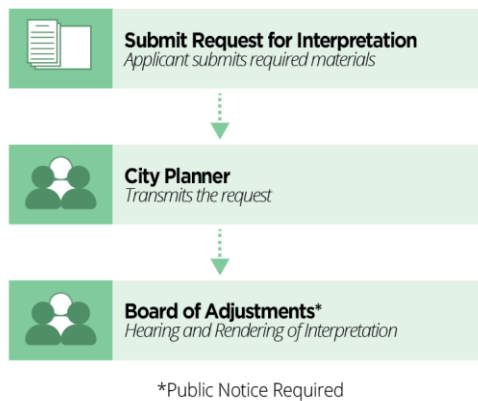
Figure 9.9: Appeal of Administrative Decisions Process



16-9-13. Interpretations

- (A) **Initiation of Interpretations.** Any applicant, the City Planner, the Planning Commission, or City Council may submit a request for interpretation of a UDO term or provision. Requests for interpretations of UDO terms or provisions shall be submitted to the City Planner and heard by the Board of Adjustment. The City Planner, upon receipt of a request, shall transmit to the Secretary of the Board and the City Clerk certified copies of all the papers constituting the notice. Upon receipt, the Secretary shall set the matter for public hearing.
- (B) **Board of Adjustment Action.** The Board of Adjustment shall hold a public hearing and render an interpretation of any request for within thirty (30) days of the public hearing.
- (C) **Determination of District Classification.** Where a question arises as to the district classification of a particular use, the Board of Adjustment, may find and determine the classification of the use in question.
- (D) **Interpretation of Building Code.** The Board shall interpret the text of the building code in compliance with the criteria established within that code upon an appeal from a determination of the Building Inspector.
- (E) **Record of Action.** The Board of Adjustment's decision shall be filed and recorded with the City Clerk.

Figure 9.10: Interpretations Process



Article 10. Nonconformities

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16-10-1. General

- (A) Within the districts established by the Jenks UDO on **December 9, 2021**, or amendments that have been adopted or may later be adopted there exist uses, structures, and lots which were lawful before this UDO was adopted or amended by which would be prohibited under the terms of this UDO or future amendment to this UDO. These uses, structures, and lots, herein referred to as "pre-existing nonconformities," may continue as regulated by this Article. A use lawfully existing prior to the effective date of this UDO, **December 9, 2021**, or amendments thereto, which do not comply with a parking, loading, screening, bulk, and area, sign, or enclosure requirement or requirements, but which is otherwise lawful, shall not constitute a nonconforming use within the meaning of Sections 16-10-2 or 16-10-3.
- (1) A pre-existing nonconforming use may be changed only insofar as it applies to the district in which it is located. Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use.
 - (2) Nothing contained in this UDO shall require any change in the plans, construction, alteration, or designated use of a structure on which construction has physically, lawfully and substantially commenced prior to the adoption of this UDO, provided the structure, if nonconforming or intended for a nonconforming use, is completed and in use within two (2) years from the time construction was commenced.
 - (3) When a pre-existing nonconforming use of a structure or property is discontinued for a period in excess of thirty (30) consecutive days, the structure or property shall not thereafter be used except in conformance with the district in which it is located.
 - (4) Any use in violation of the Jenks UDO at the time the use was established is recognized as an unlawful use. No unlawful use of property existing at the time of passage of this UDO shall be deemed a pre-existing nonconforming use.
 - (5) Nothing in this UDO shall be construed to limit the sale, transfer, or other conveyance of property on which exists a pre-existing nonconforming building, structure or use, so long as such sale, transfer, or other conveyance does not otherwise violate the provisions of this UDO.

16-10-2. Pre-Existing Nonconforming Uses of Unimproved Land

- (A) When at the effective date of this UDO or amendment thereto a lawful use of land exists, which would not be permitted by the terms of this UDO or amendment thereto, and the only structures employed in connection with such use are all accessory or incidental to such use and in aggregate do not cover more than ten (10) percent of the lot area devoted to the nonconforming use, such use shall be deemed a pre-existing nonconforming use of unimproved land and shall terminate as follows:
- (1) If the replacement costs of the accessory structures (other than fences) is one thousand (1,000) dollars or more, the nonconforming use shall be terminated within five (5) years from the effective date of this UDO or from the date the use became nonconforming, whichever is later.
 - (2) If the replacement costs of the accessory structures (other than fences) is one thousand (1,000) dollars or more, the nonconforming use shall be terminated on the basis of amortization of the replacement cost of the accessory structures at a rate two hundred (200) dollars per year from the effective date of this UDO or from the date the use became nonconforming, whichever is later.

Pending termination, the pre-existing nonconforming use of land may be continued provided:

- (1) No such pre-existing nonconforming use shall be changed to another nonconforming use, nor enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of this UDO or amendment thereof.
- (2) No such pre-existing nonconforming use shall be moved in whole or in part to any portion of the lot or parcel or other than that occupied by such use at the effective date of this UDO or amendment thereof.
- (3) No additional structure (other than fences) shall be erected in connection with such pre-existing nonconforming use of land.
- (4) If any such pre-existing nonconforming use of land ceases for any reason for a period of more than thirty (30) consecutive days (except with government action which impedes access to or use of the premises), any subsequent use of such land shall conform in all respects to the regulations of the district in which located.

16-10-3. Pre-Existing Nonconforming Use of Buildings or Buildings and Land in Combination

- (A) When at the effective date of this UDO or amendment thereto, there exists a lawful use of a building, or use of a principal building and land, or use of land and accessory structures, such structures covering more than ten (10) percent of the lot area, and such use would not be permitted by the terms of this UDO or amendment thereto, such use shall be deemed pre-existing nonconforming and may continue subject to the following provisions:
- (1) No building devoted to a pre-existing nonconforming use shall be enlarged or extended, except in changing the use of the building to a use permitted in the district in which it is located.
 - (2) A pre-existing nonconforming use of a portion of a building may be extended to the remaining portions of the building if such portions were manifestly arranged and designed for such use but such use shall not be extended to occupy any land outside the building.
 - (3) A pre-existing nonconforming use of a building, or building and land in combination, if superseded by a permitted use shall not thereafter be resumed.
 - (4) A pre-existing nonconforming use of a building or building and land in combination, if discontinued for thirty (30) consecutive days (except when governmental action impedes access to or the use of the premises), shall not thereafter be resumed.

- (5) Where nonconforming use status applies to a building and land in combination, termination of the use of the building within the meaning of subsection 4. of this section shall eliminate the pre-existing nonconforming status of the use of the land.
- (6) A pre-existing nonconforming use of a building or of a building and land in combination when located within a residential district shall not be changed unless changed to a use permitted in the district in which located. A pre-existing nonconforming use of a building or of a building and land in combination, when located within a district other than a residential district, may, as a Special Exception, be changed upon approval of the Board of Adjustment after finding that the proposed use will not result in any increase of incompatibility with the present and future use of proximate properties. The change of a use to another use contained within the same use unit shall not constitute a "change of use" within the meaning of this section.
 - (a) Alteration of a pre-existing nonconforming use in any district may be permitted by Special Exception when the alteration is necessary to comply with Federal, State, County, or City of Jenks, health, code, or safety requirements.
- (7) A pre-existing nonconforming building, structure or use which is damaged by fire, flood, wind, earthquake or other calamity or act of God or the public enemy, may be restored and the occupancy or use of such building or structure or part thereof, which existed at the time of such partial destruction may be resumed, provided:
 - (a) The restoration is commenced within a period of ninety (90) days and is diligently prosecuted to completion.
 - (b) The restoration or reconstruction of a pre-existing nonconforming building, structure, or use may not increase the floor area or create a greater nonconformance than existed at the time of damage or destruction.
 - (c) Must comply with Article 8 Flood Plain Overlay District if greater than fifty (50) percent damaged based upon value of the structure.

16-10-4. Pre-Existing Nonconforming Signs

- (A) A sign lawfully existing at the effective date of the adoption or amendment of this UDO but which would be prohibited under the terms of this UDO or amendment to this UDO, shall be deemed pre-existing nonconforming, and may continue, including normal maintenance and change of the face, if not rebuilt, enlarged, extended, or relocated, provided: if the sign was erected within an AG District after the effective date of this UDO and becomes nonconforming upon a rezoning to an R or O District and is not accessory to an on-site principal use, the sign shall be removed within six (6) months from the effective date of the rezoning; other nonconforming signs if located in an R District and not accessory to an on-site principal use, shall be removed within six (6) months from the date the sign became nonconforming.

16-10-5. Pre-Existing Nonconforming Lots

- (A) In the residential districts, on any lot which title is filed of record on or before **December 9, 2021**, or on any lot within a subdivision having received the approval of the Council of the City of Jenks, Oklahoma on or before **December 9, 2021**, a single-family detached dwelling may be erected without complying with the required area or width or the required side yard which abuts a public street, provided that no side yard shall be less than five (5) feet and all other requirements of the use district are complied with.
- (B) In districts other than residential districts, any use permitted by right in the applicable district may be located on any lot of official record at the effective date of this UDO, irrespective of its area or width, provided the other requirements of the use district are complied with.

16-10-6. Pre-Existing Structural Nonconformities

- (A) A structure, lawfully existing at the effective date of the adoption or amendment of this UDO, but which would be prohibited by the terms of this UDO by reason of restrictions on floor area, density, intensity, height, yards, its location on the lot, or other requirements concerning the structure, shall be deemed pre-existing nonconforming and may continue, subject to the following provisions:
- (1) No such pre-existing nonconforming structure may be enlarged or altered in any manner which increases its nonconformity, but any structure may be altered to decrease its nonconformity, provided that the addition of a mezzanine or similar alteration which does not increase the cubic content of the structure shall not constitute an "increase in nonconformity."
 - (2) A pre-existing nonconforming building or structure which is damaged by fire, flood, wind, earthquake or other calamity or act of God or the public enemy, may be restored and the occupancy or use of such building or structure or part thereof, which existed at the time of such partial destruction may be resumed, provided;
 - (a) The restoration is commenced within a period of ninety (90) days and is diligently prosecuted to completion.
 - (b) The restoration or reconstruction of a pre-existing nonconforming building or structure may not increase the floor area or create a greater nonconformance than existed at the time of damage or destruction.
 - (3) Should a structure as defined in subsection 2. of this section be moved for any distance whatever, it shall thereafter conform to the provisions of the district in which located.

16-10-7. Repairs

- (A) On any building containing a pre-existing nonconforming use or any pre-existing nonconforming structure, ordinary repairs and maintenance may be made provided that the cubic content of the building is not increased, and structural nonconformity is not increased.
- (B) If a pre-existing nonconforming structure or a structure containing a pre-existing nonconforming use is in need of repairs and maintenance, and said maintenance or repairs exceed fifty (50) percent of the value of the structure or a structure containing a nonconforming use it shall not thereafter be used, restored, repaired, or rebuilt until approved by special exception in compliance with Section 16-6-8 of this UDO and in compliance with the following:
- (1) The repairs will be of no greater adverse impact to the surrounding land uses,
 - (2) Other provisions of this UDO, such as property development standards, are met,
 - (3) Any of the following conditions may be imposed as conditions of approval to assure compatibility of the proposed development with the surrounding area:
 - (a) Special yards and spaces,
 - (b) Fences and walls,
 - (c) Special parking and/or loading provisions,
 - (d) Street dedication and improvements or bonds in lieu of improvements,
 - (e) Control of points of vehicular ingress and egress,
 - (f) Special provisions for signs,
 - (g) Landscaping and maintenance of grounds,
 - (h) Control of noise, vibration, odors, or other similar nuisances, and

- (i) Limitation of time for certain activities, a time period in which a proposed use shall be developed, a limit of total duration of use.
- (j) If a pre-existing nonconforming structure or a structure containing a pre-existing nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and a final order of vacation or demolition is entered by any duly authorized official by reason of physical condition, it shall not thereafter be used, restored, repaired, or rebuilt except in conformity with the provisions of the district in which located.

Article 11. Definitions

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16-11-1. “A” Definitions

- (A) **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.
- (B) **Accessory Dwelling Unit:** A smaller, independent residential dwelling unit located on the same lot as a stand-alone single-family detached home.
- (C) **Accessory Building:** Any structure, other than the principal structure, that is secondary and incidental to, subordinate in area, extent, or purpose to the principal structure or use served or required for the principal structure or use of the premises and is located on the same zoning lot as the principal building or principal use.
- (D) **Accessory Structure:** See accessory building.
- (E) **Accessory Use:** A use on the same lot with, and a nature customarily incidental and subordinate to, the principal use or structure.
- (F) **Adult Use:** 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.
- (G) **Alley:** A permanent public way providing a secondary means of access for service and emergency vehicles, and not intended for general traffic circulation.
- (H) **Alluvial Fan Flooding:** 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.
- (I) **All-Weather Material:** A hard surface dust free material (asphalt/cement) capable, during ordinary use, of withstanding without substantial deterioration, normal weather conditions.
- (J) **Apex:** 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.
- (K) **Area of Shallow Flooding:** 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.
- (L) **Area of Special Flood Hazard:** 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.
- (M) **Arterial:** A street designated on the Major Street Plan as a primary arterial or secondary arterial.
- (N) **Automobile:** A self-propelled mechanical vehicle designed for use on streets and highways for the conveyance of goods and people, including but not limited to the following: passenger cars, trucks, buses, motor scooters, and motorcycles.

16-11-2. “B” Definitions

- (A) **Base Flood:** The flood having a one (1) percent chance of being equaled or exceeded in any given year.
- (B) **Base Flood Elevation:** The elevation above mean sea level of the base flood.
- (C) **Basement:** Any area of the building having its floor subgrade (below ground level) on all sides

- (D) **Block:** 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.
- (E) **Board:** The Oklahoma Water Resources Board.
- (F) **Board of Adjustment:** The Board of Adjustment of the City of Jenks, Oklahoma.
- (G) **Bond:** 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.
- (H) **Brewery/Winery/Distillery, Micro:** 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).
- (I) **Brewery/Winery/Distillery, Tasting Room:** A brewery, microbrewery, winery or distillery in which customers may sample, purchase and consume wine, beer or spirits on the premises.
- (J) **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.
- (K) **Building Coverage:** The percentage of the lot area covered by the building. The building area shall include all overhanging roofs.
- (L) **Building, Main:** A building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be a main building on the lot on which it is situated.
- (M) **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.
- (N) **Building Site:** A single parcel of land occupied or intended to be occupied by a building or structure.

“C” Definitions

- (A) **Carport:** A permanent roofed structure permanently open on at least two (2) sides, designed for or occupied by private passenger vehicles.
- (B) **Check Cashing / Pay Day Loan Store:** 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.
- (C) **City Council:** The Mayor and City Council of the City of Jenks, Oklahoma.
- (D) **City Council:** The legislative body of the City of Jenks, Oklahoma.
- (E) **City Engineer or Engineer:** The engineer for the City of Jenks, Oklahoma.
- (F) **Coffee/Tea Shop:** An informal eatery primarily offering coffee, tea, and other beverages, and where light refreshments and limited menu meals may be sold for on- or off-premises consumption, but not alcoholic beverages.

- (G) **Community Group Home:** A specialized residential care home serving persons with disabilities that have been determined to be eligible for services by an independent service coordination agency, and which agency has determined that joint occupancy of a residential property is medically necessary or beneficial for the person with disabilities. A community residence does not include a residence that serves persons as an alternative to incarceration for a criminal offense.
- (H) **Commercial Animal Boarding:** 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.
- (I) **Community Garden:** 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.
- (J) **Comprehensive Plan:** The plan adopted by the City Council for the purpose of bringing about an orderly, coordinated physical development, as contemplated by O.S. Title 11, Section 43-103.
- (K) **Construction Related Use:** 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.
- (L) **Convenience Store:** store with less than five thousand (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.
- (M) **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.
- (N) **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.
- (O) **Curb Level:** The mean level of the established curb at the frontage of a lot. Where no curb has been established, the City Engineer shall establish such level or its equivalent for the purposes of this zoning code.

16-11-3. "D" Definitions

- (A) **Dedication:** 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.
- (B) **Development:** 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.
- (C) **Development Sensitive Area:** 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.
- (D) **Display Surface:** The surface of a sign upon, against, or through which the message is displayed or illustrated.
- (E) **Display Surface Area:** The net geometric area enclosed by the display surface of the sign, including the outer extremities of all letters, figures, characters and delineations, but not including the structural supports for free-standing signs if said structural supports are not arranged to become a part of the attention attracting aspects of the sign, provided, that as applied to wall or canopy signs having a non-illuminated background, display surface area shall mean "copy area."
- (F) **District, Zoning:** Any section or sections of the City of Jenks for which regulations governing the use of buildings and premises or the height and area of buildings are uniform.
- (G) **Drive Through:** An establishment that dispenses products or services to patrons who remain in vehicles.

- (H) **Dwelling:** A building or structure used in whole or in part for human habitation.
- (I) **Duplex:** A building containing two dwelling units designed for occupancy by not more than two families.
- (J) **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.

16-11-4. "E" Definitions

- (A) **Easement:** Authorization by a property owner for the use by another, and for a specific purpose, of any designated part of his property.
- (B) **Elevated Building:** 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.
- (C) **Existing Construction:** 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."
- (D) **Existing Manufactured Home Park or Subdivision:** 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.
- (E) **Expansion to an Existing Manufactured Home Park or Subdivision:** 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).

16-11-5. "F" Definitions

- (A) **Family:** One or more persons occupying a single dwelling unit, provided that unless all members are related by blood, marriage, or other domestic bonds, no such family shall contain five (5) persons, but further provided that domestic servants may be housed on the premises without being designated as a family.
- (B) **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.
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source.
- (C) **Flood Hazard Areas:** The land area adjoining a floodway which is not reasonably required to carry and discharge the floodwater of the 100-year frequency flood but which would be inundated by the floodwater of the 100-year frequency flood based upon full urbanization of the watershed.

- (D) **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 community.
- (E) **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.
- (F) **Flood Protection System:** 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.
- (G) **Floodplain:** 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.
- (H) **Floodway:** The channel of a watercourse or drainage way and those portions of the adjoining floodplain which are reasonably required to carry and discharge the floodwater of the 100-year frequency flood as predicted by the City Engineer, or as predicted by the U.S. Corps of Engineers and confirmed by the City Engineer.
- (I) **Floodway Fringe:** Those portions of the floodplain which are not reasonably required to carry and discharge the floodwater of the 100-year frequency flood as predicted by the City Engineer, or as predicted by the U.S. Corps of Engineers and confirmed by the City Engineer.
- (J) **Floodplain Administrator:** 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.
- (K) **Floodplain Management:** 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.
- (L) **Floodplain Management Regulations:** 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.
- (M) **Floodproofing:** 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
- (M) **Floodway:** The channel of a watercourse or drainage way and those portions of the adjoining floodplain which are reasonably required to carry and discharge the floodwater of the 100-year frequency flood as predicted by the City Engineer, or as predicted by the U.S. Corps of Engineers and confirmed by the City Engineer.
- (N) **Floor Area:** The sum of the gross horizontal areas of the several floors, including basements, of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. Provided that for the purpose of the determining compliance with the permitted floor area, of enclosed required off-street parking areas shall not be included.
- (O) **Floor Area Ratio:** The floor area of a building or buildings on a lot divided by the lot area.
- (P) **Fuel Sales:** Any area of land, including structure thereon, that is used for the retail sales of gasoline or fuel oils (excluding butane or propane fuels).
- (Q) **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.

16-11-6. “G” Definitions

- (A) **Garage / Estate Sale:** 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.
- (B) **Gas Station With Mini-Mart:** An establishment that sells gasoline for motor vehicles in conjunction with a “convenience store.”
- (C) **General Entertainment, Indoor, less than 10,000 square feet:** A commercial facility less than 10,000 square feet in aggregate indoor area 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.
- (D) **General Entertainment, Indoor, 10,000 – 49,999 square feet:** A commercial facility between 10,000 square feet and 49,999 square feet in aggregate indoor area 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.
- (E) **General Entertainment, Indoor, 50,000 square feet or more:** A commercial facility 50,000 square feet or greater in aggregate indoor area 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.
- (F) **General Entertainment, Outdoor:** A commercial facility providing outdoor athletic or amusement services such as game courts, golf driving range, miniature golf, skating rink, or amphitheater.
- (G) **General Retail, less than 10,000 square feet:** A facility less than 10,000 square feet in size, in which the retail sale of products to the general public are offered, sometimes with provision of related services.
- (H) **General Retail, 10,000 – 49,999 square feet:** A facility between 10,000 – 49,999 square feet in size (inclusive), in which the retail sale of products to the general public are offered, sometimes with provision of related services.
- (I) **General Retail, 50,000 square feet or more:** A facility 50,000 square feet or greater in size, in which the retail sale of products to the general public are offered, sometimes with provision of related services.
- (J) **General Services, less than 10,000 square feet:** An establishment less than 10,000 square feet in size 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 or barber shop.
- (K) **General Services, 10,000 square feet – 49,999 square feet:** An establishment between 10,000 – 49,999 square feet in size 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 UDO. 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 sufficiently large beauty salon or small appliance repair shop.
- (L) **General Services, 50,000 square feet or more:** An establishment 50,000 square feet or greater in size 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 UDO. 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 sufficiently large beauty salon or small appliance repair shop.

- (M) **Government Uses, Indoor:** An indoor facility owned, operated, or occupied by a governmental agency to provide a governmental service to the public, such as City Hall.
- (N) **Government Uses, Outdoor:** 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.
- (O) **Grade:** The slope of a street, drainage facility, sanitary sewer, etc., specified in percent (%) of vertical to horizontal measurements.

16-11-7. “H” Definitions

- (A) **Height, Building:** The vertical distance measured from the ground floor elevation to the top of the highest top plate.
- (B) **Height, Sign:** The vertical distance measured from the curb level to the highest point of the sign.
- (C) **Highest Adjacent Grade:** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- (D) **Historic Structure:** 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.
- (E) **Home Owners Association:** 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.
- (F) **Hospital:** 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.
- (G) **Hotel:** 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.

16-11-8. “I” Definitions

RESERVE

16-11-9. “J” Definitions

RESERVE

16-11-10. “K” Definitions

- (A) **Kenel:** Any lot or premises on which five or more dogs and/or cats or combination thereof, more than six (6) months of age are kept.

16-11-11. “L” Definitions

- (A) **Land Area:** The area of a lot plus one-half (1/2) or thirty (30) feet, whichever is less, of the right-of-way of any abutting street of which the lot has access.
- (B) **Levee:** 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.
- (C) **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.
- (D) **Livability Space:** The open space of a lot which is not allocated to or used for off-street parking or loading areas or for paved access to the off-street parking or loading area.
- (E) **Loading Berth, Off-Street:** A space of at least ten feet in width and thirty (30) feet in length and having a vertical clearance of at least fourteen (14) feet, designed and located on a lot for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.
- (F) **Lot:** Any plot of land occupied or intended to be occupied by one building or a group of buildings, and accessory buildings and uses, including such open spaces as required by this ordinance and other laws or ordinances, and having its principal frontage on a street and complying with the definition of a lot of record.
- (G) **Lot Area:** The total horizontal area included within the lot lines of a lot.
- (H) **Lot, Corner:** A lot of which at least two adjacent sides abut for their full lengths on a street.
- (I) **Lot, Depth:** The average distance from the street line of the lot to its rear line, measured in the general direction of the sidelines of the lot.
- (J) **Lot, Double Frontage:** A lot having a frontage on two nonintersecting streets, as distinguished from a corner lot.
- (K) **Lot Frontage or Frontage:** That part of a lot abutting a street to which access is available from said lot.
- (L) **Lot, Interior:** A lot other than a corner lot.
- (M) **Lot Line:** Any boundary of a lot.
- (N) **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.
- (O) **Lot Line, Rear:** The boundary of a lot which is not distant from and most nearly parallel to the front lot line.

- (P) **Lot Line, Side:** Any boundary of a lot which is not a front lot line or a rear lot line.
- (Q) **Lot of Record:** 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 twenty five (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.
- (R) **Lot Split:** Any subdivision or resubdivision containing three (3) 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.
- (A) **Lot Width:** The average horizontal distance between the side lot lines.
- (B) **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 applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

16-11-12. "M" Definitions

- (A) **Major Street and Highway Plan:** 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.
- (B) **Manufactured Home:** 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."
- (C) **Manufactured Home Park or Subdivision:** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- (D) **Manufacturing, Artisan:** 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.
- (E) **Manufacturing, Heavy:** 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.
- (F) **Manufacturing, Light:** 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.

- (G) **Massage Parlor:** An establishment that provides massage treatments.
- (H) **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.
- (I) **Medical/Dental Office:** A facility for the examination and treatment of ill and afflicted human outpatients; provided, however, that patients not limited to dental and doctors' offices.
- (J) **Medical Marijuana Processing Facility, Heavy:** 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.
- (K) **Medical Marijuana Processing Facility, Light:** 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.
- (L) **Monuments:** 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.

16-11-13. "N" Definitions

- (A) **NA:** Not Applicable.
- (B) **Nameplate:** A sign, attached flush against a building, identifying the name of the building or the name of the occupant thereof.
- (C) **NEC:** Not Elsewhere Classified.
- (D) **New Construction:** 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.
- (E) **New Manufactured Home Park or Subdivision:** 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.
- (F) **Nonconformance:** A lawful condition of a structure or land which does not conform to the regulations of the district in which it is situated. This may include but is not limited to failure to conform use, height, area, coverage or off-street parking requirements.

16-11-14. “O” Definitions

- (A) **Offsite Improvements:** Any utility, structure, or modification of topography located outside the property to be subdivided.
- (B) **One Hundred Year-Frequency Flood:** A flood having an average frequency of occurrence once in one hundred (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.
- (C) **Outdoor Activity/Operation, Permanent:** The subordinate use of a zoning lot for sustained and continuous outdoor use customarily incidental to the primary use of the zoning lot within an enclosed structure, such as, by way of illustration and not of limitation, outdoor operations like a rail switching, staging or sorting yard.
- (D) **Outdoor Activity/Operation, Temporary:** The use of a zoning lot for outdoor use for less than three continuous months, such as a lot used for the seasonal sale of pumpkins and gourds or Christmas trees.
- (E) **Outdoor Dining:** 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.
- (F) **Outdoor Display of Merchandise, Permanent:** All land uses which conduct sales, display sales or rental merchandise or equipment outside of an enclosed building. Example of such land uses include vehicle sales, vehicle rental, manufactured and mobile housing sales and monument sales. Such land uses do not include the storage or display of inoperative vehicles or equipment, or other materials typically associated with a junkyard or salvage yard.
- (G) **Outdoor Display of Merchandise, Temporary:** All land uses which conduct periodic and impermanent sales, display sales or rental merchandise or equipment outside of an enclosed building.
- (H) **Outdoor Storage, Permanent:** Land uses primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. Such a land use, in which any activity beyond loading and parking is located outdoors, is considered an outdoor storage land use. Examples of this land use include contractors' storage yards, equipment yards, lumber yards, coal yards, landscaping materials yard, construction materials yards, and shipping materials yards. Such land uses do not include the storage of inoperative vehicles or equipment, or other materials typically associated with a junkyard or salvage yard.
- (I) **Outdoor Storage, Temporary:** The outside storage or display of materials, supplies, goods or manufactured products, equipment, machinery, vehicles, and pallets for more than a twenty-four (24) hour period but for a continuous period of less than three months.
- (J) **Outline Lighting:** 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.

16-11-15. “P” Definitions

- (A) **Park:** Means a place, other than grounds of a private dwelling that is provided by the public or members of a community for recreation.
- (B) **Parking Space, Off-Street:** A space on a lot intended and reserved for the parking of an automobile. Such space to be of at least ten (10) feet in width by twenty-two (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.
- (C) **Pawn Shop:** 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,

- (D) **Place of Worship:** A building, together with its accessory buildings and uses, where persons regularly assemble for religious purposes and related social events. The buildings and uses are maintained and managed by a religious body organized to support religious activities and purposes. While a private home may host a religious activity, such as a prayer group or Bible study, it shall not be covered by this definition unless the home is maintained and managed by a religious body.
- (E) **Planned Unit Development:** A discretionary type of development for a tract of land under single ownership or control, based upon approved development plan permitting flexibility of principal land uses, lot size, and accessory uses not otherwise available under conventional development standards.
- (F) **Planning Commission:** The City of Jenks, Oklahoma Planning Commission.
- (G) **Plans, Construction:** 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.
- (H) **Plan, Development:** Drawings of proposed construction and subdivision of land submitted by the subdivider or developer to the City of Jenks.
- (I) **Plat, Preliminary:** 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.
- (J) **Plat, Final:** 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
- (K) **Plat, Record:** 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.
- (L) **Portable Outdoor Storage Device:** 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.
- (M) **Private Club:** Reference is hereby made to that section of the Code of the City of Jenks, Oklahoma defining "private club."
- (N) **Professional Office:** 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.
- (O) **Professional Office, Above Ground Floor:** A professional office as defined in this ordinance located within an upper-floor of a building.

16-11-16. "Q" Definitions

RESERVE

16-11-17. "R" Definitions

- (A) **Recreational Vehicle:** A vehicle which is:
 - (1) Built on a single chassis;
 - (2) Four hundred (400) 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.

- (B) **Re-Entry Facility:** A facility operated by the city, the state, the federal government or a private party under contract with the city, the state or the federal government and used for rehabilitation and overnight accommodation of individuals, including staff, who are (a) under the jurisdiction of a court, but not under confinement, or (b) individuals recently released from the jurisdiction of a court. Re-entry facilities are operated for the purpose of providing treatment or rehabilitation intended to assist such individuals with their re-entry into the community
- (C) **Registered Engineer:** An engineer properly registered and licensed in the State of Oklahoma.
- (D) **Registered Land Surveyor:** A land surveyor properly registered and licensed in the State of Oklahoma.
- (E) **Restaurant, Delivery/Carry Out Only:** 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.
- (F) **Restaurant, Fast Casual:** 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.
- (G) **Restaurant, Sit Down:** An establishment whose food is available to the general public primarily for consumption within a structure on the premises, where at least fifty (50) percent of the gross floor area of the establishment is devoted to patron seating.
- (H) **Restrictive Covenants:** Plat restrictions binding lot owners filed with the record plat.
- (I) **Residential Treatment Center:** A community-based residential facility that provides diagnostic or therapeutic services, counseling, or treatment and long-term room and board in a highly structured environment for persons receiving active treatment for alcoholism, drug abuse or behavioral disorders.
- (J) **Resubdivision:** Subdivision of land previously subdivided.
- (K) **Right-of-Way:** 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.

16-11-18. “S” Definitions

- (A) **School, Elementary and Middle:** 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 (8th) grade.
- (B) **School, High:** 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 twelve (9 – 12).
- (C) **Seasonal Sales:** Christmas tree, pumpkins and similar, temporary (typically recurring on an annual basis) sales for a period not to exceed thirty (30) days.
- (D) **Self-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.
- (E) **Senior Housing, Dependent:** Housing/accommodations, other than a single-family dwelling, and services designed and staffed to provide housing and services along the continuum of an elderly person's needs, such as assistance for bathing, dressing, medication, meal preparation, or other functions. In addition to housing, this type of facility may also provide

convenience services, such as meals, housekeeping, transportation, and community facilities, such as central dining rooms and activity rooms.

- (F) **Senior Housing, Independent:** Housing/accommodations, other than a single-family dwelling, specifically designed for the needs of elderly persons. In addition to housing, this type of facility may provide convenience services, such as meals, housekeeping and transportation, and community facilities, such as central dining rooms and activity rooms.
- (G) **Service Station:** 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 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) 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,
 - (6) Emergency wiring repairs, and
 - (7) 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.
- (H) **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.
- (I) **Setback (Line) or Building Line:** A line or lines designating the area outside of which buildings may not be erected.
- (J) **Sign, Canopy:** A sign wholly supported by a canopy projecting from a building or an extended roof or pitched roof and which does not extend above the mean height level of the roof of the building.
- (K) **Sign, Construction:** A temporary sign erected during the period of construction advertising the construction of improvements on the property.
- (L) **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.
- (M) **Sign, Inflatable:** A sign that requires air pressure or gas inflation for support and display purposes.
- (N) **Sign, Pennant:** 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.
- (O) **Sign, Projecting:** A sign affixed to a building and which extends horizontally more than twelve (12) inches from the sign supporting portion of the building.
- (P) **Sign, Propellor:** A sign which requires a mechanical device with a rotating hub and blades for support and display.
- (Q) **Sign, Roof:** A sign which is affixed to a roof, extended roof, pitched roof or canopy and which extends above the mean height of the roof.

- (R) **Sign, Snipe:** A sign that is tacked, nailed, posted, pasted, glued, or otherwise affixed to trees, poles, stakes, fences, utility poles, or other objects.
- (S) **Sign, Streamer:** A sign comprised of a strip of material, fastened to an object for support, and that requires wind activation for display.
- (T) **Sign, Wall:** A sign affixed to a building wall which does not project horizontally more than twelve (12) inches from the wall nor extend above the height of the wall.
- (U) **Sign With Flashing Lights:** An illuminated sign that contains an intermittent or sequential flashing light source.
- (V) **Single Family, Detached:** A building, other than a mobile home containing one dwelling unit designed for occupancy by not more than one family.
- (W) **Site Development:** A plan drawn at a scale of not less than one (1) inch equals fifty (50) feet which shows the topographic characteristics of the site at two- (2) foot contour intervals; the location and dimensions of buildings, yards, courts, parking spaces, and other features; the use of each building and area; adjacent streets, alleys, utility drainage and other easements; and the relationship of the development to adjacent areas which it may affect.
- (X) **Solar Energy Collection System, Canopy:** A solar energy collection system consisting of elevated solar panels installed above parking lots, carports and other paved areas
- (Y) **Solar Energy Collection System, Roof Mounted:** 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.
- (Z) **Solar Energy Collection System, Ground Mounted:** 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.
- (AA) **Special Exception:** A use or a design element of a use which is not permitted by right in a particular district because of potential adverse effects, but which if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted by the Board of Adjustment, where specifically authorized by the code, and in accordance with the substantive and procedural standards of the code.
- (BB) **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.
- (CC) **Street:** Any public or private right-of-way which affords the primary means of access to abutting property.
 - (1) **Expressway or Freeway:** 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:** 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 one hundred twenty (120) feet to one hundred fifty (150) feet.
 - (3) **Secondary Arterial:** 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 one hundred (100) feet.
 - (4) **Collector:** 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 fifty (60) feet to eighty (80) feet.
 - (5) **Service or Access:** 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:** 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 fifty (50) feet to sixty (60) feet. Sidewalks may be required in local street rights-of-way.
 - (7) **Cul-De-Sac:** A local street with only one outlet having a terminal for the safe and convenient reversal of traffic movement.
 - (8) **Dead End:** A street with one outlet having no turn-around at its closed end.
 - (9) **Alley:** 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.
- (DD) **Street, Intersecting:** Any street which joins another street at an angle, whether or not it crosses the other.
- (EE) **Street, Wall:** The wall or part of the building nearest to the street line.
- (FF) **Structure:** Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, and included buildings, walks, fences, and signs.
- (GG) **Structural Alterations:** Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or exterior walls.
- (HH) **Subdivider or Developer:** 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.
- (II) **Subdivision:** 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 (2.5) 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.
- (JJ) **Substantial Damage:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.
- (KK) **Substantial Improvement:** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (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."
- (LL) **Supplemental District:** A zoning district to be mapped as an overlay to a use district and which modified or supplements the regulations of the general district in recognition of distinguishing circumstances such as unit development or flooding propensity while maintaining the character and purposes of the general use district area over which it is superimposed.

16-11-19. "T" Definitions

- (A) **Tattoo Parlor:** 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.
- (B) **Top Plate:** The horizontal timber directly carrying the trusses of a roof or the rafters.
- (C) **Townhome:** A row or structure of attached, single-family, dwellings joined to one another at one (1) or more sides by a party wall or walls. Each dwelling has a dedicated exterior entrance.
- (D) **Transitional Living Center:** A community-based residential facility that provides room and board, a supervised living environment, counseling and rehabilitation services for persons with a history of juvenile delinquency, behavioral disorders, alcoholism or drug abuse for a continuous period of no more than one hundred twenty (120) consecutive days.
- (E) **Trucking Establishments:** 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.

16-11-20. "U" Definitions

- (A) **Urban Agriculture, Indoor:** 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.
- (B) **Urban Agriculture, Outdoor:** 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.

16-11-21. "V" Definitions

- (A) **Variance:** A relaxation of a restriction of the code, granted by the Board of Adjustment, where by reason of exception narrowness, shallowness, shape, topography, or other extraordinary or exceptional situation, condition or circumstance of a particular property, the literal enforcement of the code restriction, would result in unnecessary hardship.
- (B) **Vehicle Sales and Rental:** 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.
- (C) **Veterinary Clinic/Animal Hospital:** 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.

- (D) **Violation:** 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.

16-11-22. "W" Definitions

- (A) **Warehouse, Distribution:** 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.
- (B) **Warehouse, Storage:** 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.
- (C) **Water Surface Elevation:** 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.

16-11-23. "X" Definitions

RESERVE

16-11-24. "Y" Definitions

- (A) **Yard:** An open unoccupied space on a lot between a building and a lot line.
- (B) **Yard, Front:** A yard extending along the full length of the front lot lines between the side lot lines.
- (C) **Yard, Rear:** A yard extending along the full length of the rear lot line between the side lot lines.
- (D) **Yard, Required:** The minimum permitted distance of open unoccupied space between a building and a lot line.
- (E) **Yard, Side:** A yard extending along a side lot line between the required front yard and the required rear yard.

16-11-25. "Z" Definitions

RESERVE

ORDINANCE NO. 1571

AN ORDINANCE AMENDING ORDINANCE NUMBER 1287; REMOVING APPENDIX B – ZONING CODE OF THE JENKS CITY CODE; AMENDING CHAPTER 16 OF THE JENKS CITY CODE TO ADOPT THE NEW UNIFIED DEVELOPMENT ORDINANCE; REPEALING ALL ORDINANCE OR PARTS THEREOF IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, the current Jenks Zoning Code is in need of updating; and

WHEREAS, the new Unified Development Ordinance bring new ideas and modern standards to the zoning regulations for the City of Jenks; and

WHEREAS, the City enlisted the help of various professionals to ensure that the new code would be beneficial to the City, professionals, and the citizens; and

WHEREAS, The Jenks Planning Commission heard the debate and the need for updated zoning code on December 09, 2021, and recommended approval to the Jenks City Council. The Jenks City Council approved the Ordinance on December 21, 2021.

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

SECTION I. Remove and repeal Appendix B – The Zoning Code from the Jenks City Code

SECTION II. Replacing Chapter 16 – Planning and Zoning of the Jenks City Code with Attachment A, the new Unified Development Ordinance.

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

SECTION IV. 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 ____ day of _____ 2021

CITY OF JENKS, OKLAHOMA

MAYOR

SECTION V. 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 _____ 2021.

CITY OF JENKS, OKLAHOMA

MAYOR

Attest:

CITY CLERK

Approved as to form:

CITY ATTORNEY



CITY OF JENKS

211 NORTH ELM STREET • P.O. BOX 2007
JENKS, OKLAHOMA 74037-2007
PHONE (918) 299-5883 • FAX (918) 299-4489

NOTICE OF A PUBLIC HEARING ON A PROPOSED ZONE CHANGE LOCATED IN THE CITY OF JENKS, OKLAHOMA

Notice is hereby given that a public hearing will be held before the Jenks Planning Commission, in Jenks City Hall, Council Chambers, 211 North Elm Street, Jenks, Oklahoma, at 6:00 p.m. on 09 December 2021, in consideration of the following:

Request by the City of Jenks: Rezone certain lots within Downtown Jenks to Downtown Core (DC)*.

Legal Description: Jenks Original Town, blocks 12-25

General Location: All lots between “A” St and Aquarium Place from the railroad tracks (west boundary) to 7th St (east boundary)

A map is included for visual reference.

All persons interested in this matter may appear at these hearings and present their objections to or arguments for any of the above matters.

*This zone change would only change the underlying zoning of any parcel, and will not impact any Planned Unit Developments or Specific Use Permits

Dated at Jenks Oklahoma on 17 November 2021.

Marcae Hilton, Secretary
Jenks Planning Commission



CITY OF JENKS

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Notice is hereby given that a public hearing will be held before the Jenks Planning Commission, in Jenks City Hall, Council Chambers, 211 North Elm Street, Jenks, Oklahoma, at 6:00 p.m. on 09 December 2021, in consideration of the following:

Request by the City of Jenks: Rezone land along the Arkansas River to Riverfront Tourist Commercial (RTC) from their respective zoning. This zone change would only change the underlying zoning of any parcel, and will not impact any Planned Unit Developments or Specific Use Permits.

Legal Description: All lots withing the following Plats:

- Riverwalk Crossing
- Riverwalk Crossing II
- Village on Main I
- Village on Main II
- TTCU Commercial Corner
- Oklahoma Aquarium Campus
- Tulsa Premium Outlets
- River View Addition: ALL BLK 1 & LTS 23 & 24 BLK 11 JENKS-ORIGINAL TOWN
- Main River View Center
- Ragland Plaza I
- Plus the following lot: BEG 634E OF SWC LT 4 TH E132 N330 W132 S330 TO POB SEC 19 18 13 1AC

General Location: From 91st St to the Creek Turnpike, between the Arkansas River and levy, plus west to 7th St between E "B" St and Aquarium Place and including the parcel south of the Creek Turnpike known as Tulsa Premium Outlets

A map is included for visual reference.

All persons interested in this matter may appear at these hearings and present their objections to or arguments for any of the above matters.

Dated at Jenks Oklahoma on 17 November 2021.

Marcae Hilton, Secretary
Jenks Planning Commission

