

SECTION 32

DEFINITIONS

32-010 DEFINITIONS

For the purpose of this ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure" and the word "shall" is mandatory and not directory.

Accessory Building: A subordinate building having a use customarily subordinate, incidental to or customarily found in connection with the main use of the premises. An accessory building must be located on the lot occupied by the main building. A building housing an accessory use is considered to be an integral part of the main building when it has any part of a wall in common with the main building, or is under an extension of the main roof and designed as an integral part of the main building.

Accessory Use: A use of a building or land that is clearly incidental to or customarily found in connection with the principle use of the premises. An accessory use must be located on the lot occupied by the main use.

Addition: Any change to a structure that increases its bulk or footprint including a porch, deck or carport.

Adult Entertainment: Any business that receives 25% of the business's revenue from the sale of literature of the type or nature regulated by the Federal or State government as profane or obscene; movies or theatrical performances that are rated at any level beyond an R-rating, as established by the American Motion Picture Association, or would not reasonably qualify for an R-rating as established by the American Motion Picture Association; or a club or business that charges admission to patrons to view nude (topless) or naked adults, whether admission is charged per capita or as a gratuity to a performer; or any combination of the sale of literature, sale or renting of motion pictures, or admission charge for viewing nude or naked adults that constitute 25% of the business's gross revenues. See Section 13 Special Use for additional regulations. (Ord. #894)

Adult Entertainment Business: Any business including but not limited to:

1. Adult media outlet;
2. Adult motion picture theaters;
3. Juice bars; and
4. Establishments providing live dancers, models entertainers or other performers, having as a material portion of its business the offering of entertainment, stock in trade or materials, scenes or other presentations predominantly distinguished or characterized by emphasis or depiction or description of an erotic nature including, but not limited to, depiction or descriptions of "specified sexual activities" or "specified anatomical areas" (as defined by the adopted adult entertainment

ordinance) to which the public, patrons or members are invited or admitted and wherein an entertainer, manager, or server provides adult entertainment to a member of the public, patron or a member.

Alley: A public or private right-of-way which affords only a secondary means of access to abutting property.

Alteration: A change or rearrangement in the structural parts of an existing structure.

Enlargement, whether by extending a side, increasing in height, or the moving from one location or position to another shall be considered an alteration. For the purpose of this regulation, the following shall not be considered a structural alteration.

1. Attachment of a new front façade where structural supports are not changed.
2. Addition of fire escapes where structural supports are not changed.
3. New windows where lintels and support walls are not materially changed.
4. Repair or replacement of non-structural members.

Amusement Device: Any machine, game, table or device which is designed, intended or used as entertainment, and may be operated by the public upon the insertion of a coin or token. This does not include food vending machines, televisions, phonographs, soft drink and cigarette vending machines.

Animal Husbandry, Limited.

1. The keeping, feeding and maintenance of animals are permitted for non-profit purposes only.
2. No animals, other than household pets, shall be kept within twenty (20) feet of a dwelling or within 60 feet of all property lines.
3. Housing or caging of animals shall be adequate and sanitary and subject to all State requirements for health and sanitation. All animal food except hay and straw shall be stored in rodent proof containers.

Apartment: A room or suite of rooms in a dwelling or building that is intended or designed for use as a residence by a single family.

Apartment Hotel: A building arranged for or containing apartments and individual guest rooms, with or without housekeeping facilities, and which furnishes services ordinarily provided by hotels, such as maid, bellboy, desk, and laundry service, and may include a dining room with internal entrance and primarily for use of tenants of the building, the building shall not include public banquet halls, ballrooms, or meeting rooms.

Apartment Building/House: A building or portion thereof designed or arranged for occupancy by more than two families.

Arcade: Any establishment displaying for public patronage or keeping for operation four or more amusement devices including, but not limited, to pool tables, air hockey tables, 'pong' games, mechanical rides (including children's), electronic games and shooting gallery games.

Basement: A story having part but not more than one-half its height below grade. A basement is counted as a story for the purpose of height regulation and gross floor area measurement.

Bed and Breakfast: A house or dwelling in which a portion, or all, is used by transient guests who are lodged with one or more meals provided for compensation. Rooms or suites shall not be occupied by the same persons for more than (30) thirty consecutive nights. There shall be no more than 10 rooms available in the facility for this commercial use.

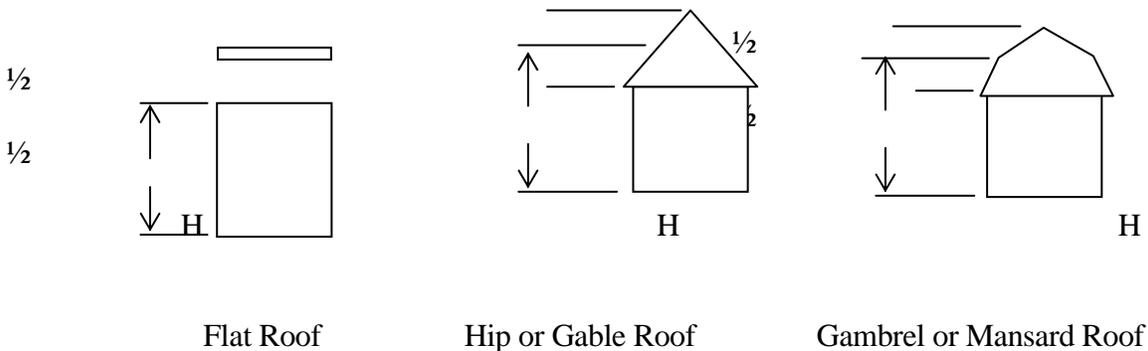
Block: A tract or parcel of land entirely surrounded by public highways or streets or a combination of streets and public parks, railroad rights-of-way, shorelines of waterways or drainage ways, or municipal boundary lines.

Boarding or Lodging House: A building or part thereof, other than a hotel where, for compensation, lodging and/or meals, are provided for not more than ten persons, not transients.

Buffer Strip: An area established to protect one type of land use from another with which it is incompatible. Additional use, yard or height restriction may be imposed but normally a properly screened area can provide a buffer.

Building: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property.

Building, Height: The vertical distance from the ground surface to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridges for gable, hip and gambrel roofs.



Building/Setback Line: A line parallel to the respective lot line that defines the building setback area.

- a. Front and rear setback lines shall extend from side lot line to side lot line.
- b. Side setback line shall extend from front lot line to rear lot line.

Camper: A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation or vacation.

Canopy or Awning: A roof-like cover having no supporting walls but supported otherwise from the ground, deck, floor, or walls of the building.

Cellar: A story having more than one-half of its height below grade. A cellar is not included in computing the number of stories for the purpose of height regulations.

Certificate of Occupancy: Official certification that a premises and its identified use conforms to the provisions of the zoning ordinance and building codes and may be used or occupied. This certificate is granted for new construction.

City Council: Governing Body for the City of Tonganoxie, Kansas.

Common Open Space: An area of land or water or combination thereof planned for passive or active recreation, which does not include areas utilized for streets, alleys, driveways or private roads, off-street parking or loading areas. However, the area of recreational activities such as swimming pools, tennis courts shuffleboard courts, etc., may be included as common open space.

Comprehensive Plan: Named Vision 2020 and also called the Plan, this document sets forth recommendations for annexation, zoning, transportation routes, and public improvements for future growth.

Conversion: Changing, by alteration or renovation, the current use of a building to a different use.

Covenant. A private legal restriction on the use of land contained in the deed of the property or otherwise formally recorded.

Cul-de-Sac: A minor street with only one outlet and culminated by a turnaround

Day Care Center or Nursery: A structure or place where care, supervision custody or control is provided for more than six (6) children, infants or adults for any part of a 24-hour day up to twelve (12) hours.

Design: The arrangement elements and improvements on a plat.

Developer: A person, firm, or corporation engaged in subdivision development, zoning, or installation of public or private improvements

Disability: A record of having or being regarded as having a physical or mental impairment which substantially limits one or more of such person's major life activities. Such term shall not apply to current, illegal use of or addiction to a controlled substance or any person assigned to a community corrections program or diversion program, on parole

from a correctional institution or on probation for a felony offense, or in a state mental institution following a finding of not guilty by reason of insanity.

District: A section or sections of the City of Tonganoxie for which the regulations governing the use of land and buildings are uniform.

Drinking Establishment: An establishment in which the primary function is the public sale and serving of alcoholic and/or cereal malt beverages for consumption on the premises, including private clubs, tavern, bar, etc.

Dwelling: Any building, or portion thereof, which is designed or used for residential purposes, including one-family, two-family and multiple-family dwellings, manufactured homes, boarding and lodging houses, but not including hotels, apartment hotels, motels, or trailers.

Dwelling, Elderly or Handicapped: A residential structure—single, double or multi-family--having accommodations for and occupied exclusively by elderly or handicapped residents. This may include attendant support/maintenance personnel.

Dwelling Unit: A room or group of rooms occupied or intended to be occupied as separate living quarters by a person or household.

Earth Sheltered Residence. A complete structure below or partially below ground level, whose perimeter walls comply with the yard requirements of the district in which it is located.

Easement: A permanent or temporary grant of right by a landowner to the public, a corporation or other persons, of the use of a portion of a lot or tract of land for specified purposes where title to said portion of the lot or tract of land remains with the landowner.

Elderly Person: Those people who are at least sixty-two (62) years of age.

Entrance Directional Frontage: The directional orientation of any source of ingress and egress from an establishment (Ord. 894).

Family: A group of not more than four persons who need not be related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit, plus any domestic servants. A family may include any number of gratuitous guest or minor children not related by blood, marriage or adoption.

Farm: A site which is used for the growing of the usual farm products such as vegetables, fruit, trees and grain, and their storage on the site, as well as for the raising thereon of the usual farm animals, such as horses, cattle, sheep, fowl or poultry and swine. The term farming includes the operating of such an area for one or more of the above uses.

Farmers' Market: An establishment or premises where the farm products of a local farming community are sold at retail from uncovered or open air areas designated for individual retailers.

Fence: A structure used as a barrier to prevent escape/intrusion onto property, to mark property boundaries, to add decorative accent to a site, or to provide a screen/buffer between diverse uses.

Filling Station/Service Station: Any building, structure, or land used for the dispensing sale, or offering for sale at retail of any automobile fuels, oils, or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories but not including major repair work such as motor replacement, body, and fender repair or painting.

Floor Area – Commercial buildings: For commercial, business and industrial buildings or buildings containing mixed uses. The sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings but not including:

- a. Attic space providing headroom less than seven (7) feet;
- b. Basement space not used for retailing;
- c. Uncovered steps or fire escapes;
- d. Accessory water towers or cooling towers;
- e. Accessory off-street parking spaces; and
- f. Accessory off-street loading berths.

Floor Area--Residential Buildings: The gross horizontal areas of the several floors of a dwelling, exclusive of garages, unfinished basement areas and open porches, measured from the exterior faces of the exterior walls.

Foster Home: A dwelling or structure in which more than twelve (12) hour care is provided to no more than six (6) children, one or more of which are unrelated to the foster parents. Foster homes shall be permitted in all residential structures.

Garage, Private: An accessory building not exceeding 900 square feet in area designed or used for the storage of not more than four motor driven vehicles owned and used by the occupants of the premises to which it is an accessory, and not used solely for the storage of materials. Not more than one of the vehicles may be a commercial vehicle of two tons capacity or less. Legal vehicular access shall be provided from a public right-of-way. (Updated by Ordinance 1230, May 29, 2007)

Garage, Public: Any building or premises that is operated for commercial purposes and used for equipping, repairing, hiring, selling or storing motor driven vehicles.

Gross Floor Area: The measurement of all floor area of a structure as measured from the exterior of the wall. Floors include basement and attic space with a headroom clearance of 7' or more.

Group Home: Any dwelling licensed by the state and occupied by not more than ten (10) persons, including eight (8) or fewer persons with a disability and no more than two (2) staff residents, none of which need be related by blood or marriage. **(K.S.A. 12-736)**

Guest House: Living quarters within a detached, accessory building located on the same lot with the main building for use by temporary guests of the occupants of the premises, such quarters having no more than two (2) bedrooms and no kitchen facilities, no garage and not rented or otherwise used as a separate dwelling.

Half-Street: A street bordering one or more property lines of a subdivision tract to which the subdivider has allocated only a portion of the required street right-of-way width with the full intent that when the adjoining property is developed the remaining portion of the ROW will be dedicated.

Handicapped Person: Those people having an impairment which is expected to be of long, continuous and indefinite duration, is a substantial limitation to their ability to live independently.

Home Occupations: An accessory use of a service character, having no outwardly appearance that the building or premises is being used for any use except for dwelling purposes and which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character, thereof; and provided that there is:

- a. No separate outside entrance.
- b. No keeping of stock in trade.
- c. No persons employed other than the immediate family residing on the premises.
- d. No mechanical or electrical equipment, except such used for purely domestic or household purposes.
- e. No window display or sign over one (1) square foot.
- f. No use occupying more than 25% of the gross floor area on one floor or more than 400 square feet of gross floor area, whichever is least.
- g. Provisions for at least two (2) off-street parking spaces.

It is further provided that no group instruction or gatherings such as dancing and band instrument instruction, tea rooms, tourist homes, convalescent homes or mortuary establishments shall be deemed to be a Home Occupation.

Hospital: A building or group of buildings used for providing services for the inpatient medical or surgical care of sick or injured humans, and which may include related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices. Such related facility or facilities must be incidental and subordinate to the main use and must be an integral part of the hospital operation.

Hotel: A building in which lodging or boarding and lodging are provided for more than 10 persons primarily transient and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. A hotel may include such accessory uses

or buildings as restaurants, taverns, or clubrooms, public banquet halls, ballrooms or meeting rooms.

Improvements: Streets, sidewalks, pedestrian ways, storm drainage work, utilities, permanent street monuments, trees, and other items to be installed, or agreed to be installed, as per the Development Regulations, by the subdivider on the land to be used for public or private use of the lot owner's in the subdivision, as a condition precedent to the approval and acceptance of the final plat.

Inoperative Vehicle: A vehicle that is wrecked, partially dismantled and/or damaged to the extent that the equipment required by State statute on any such vehicle used on the streets and highways is not present or is not in good condition or proper adjustment or such vehicle is in an inoperable condition or a condition that would render the operation on the streets and highways a hazard to public safety.

Junk Yard/Salvage Yard: A lot, land or structure or part thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metal, or discarded material, or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition and for the sale of parts thereof.

Kennel, Commercial: Any place where more than two (2) dogs, cats or other domesticated animals are boarded, bred and/or offered for sale in the operation of a business. The occasional raising and sale of a litter of puppies shall not constitute a commercial kennel.

Loading Space or Loading Berth. A space within the main building or on the same lot, providing for the standing, loading or unloading of trucks, having a minimum dimension of 12 by 35 feet and a vertical clearance of at least 14 feet.

Lot: A lot which is a part of a subdivision, the map of which has been recorded in the office of the Register of Deeds of Leavenworth County; or a parcel of land described by metes and bounds, the deed to which was recorded in the office of the Register of Deeds.

- a. Corner Lot. A lot situated at the intersection of two or more streets, rights-of-way or any combination thereof.
- b. Depth of Lot. The mean horizontal distance between the front and rear lot lines.
- c. Double Frontage Lot. A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot.
- d. Front of Lot. When a lot has an ambiguous shape or fronts two streets, the lot front shall be along the right-of-way side with the narrower dimension.
- e. Reserved Frontage Lot. A lot on which the frontage is at right angles or at approximate right angles to the general pattern of lots in a block.

Lot of Record: A lot which is part of a subdivision, the map of which has been recorded in the office of the Register of Deeds of Leavenworth County; or a parcel of land described by metes and bounds, the deed to which was recorded in the office of the Register of Deeds.

Lot Split or Plat of Survey: A diagram drawn to scale showing all essential data pertaining to the boundaries and subdivisions of a tract of land, as determined by a boundary survey. Survey must be performed according to Kansas Minimum Standards for Boundary Surveys # 1.

Maintenance Bond: A fully executed bond, which is required to be furnished by the developer to cover the costs of construction completions, repair or replacement of new construction arising from problems in construction or installation of any public appurtenances by the developer for a period of one (1) year after acceptance by the City.

Manufactured Home: A structure, which is subject to and built in accordance with the Federal Manufactured Home Construction and Safety Standards, established pursuant to 42 U.S.C. Section 5403 and constructed after June 15, 1976. **(K.S.A. 12-742)**

Manufactured Home Park or Court: A continuous parcel of land which is planned and developed for the placement of manufactured homes, provided, no manufactured home park shall be construed to include a manufactured home sales lot.

Manufactured Home, Residential Design: The following standards are required for placing a manufactured home or modular home in a residential district.

- a. The minimum dimension of either width or length of the home shall be twenty-two (22') feet;
- b. The minimum roof pitch shall be three (3'') inches of rise in twelve (12'') inches of run;
- c. The home shall be sided in wood, masonry, composition board, finished aluminum lap siding, or other materials commonly found in site built residential construction;
- d. The roofing material shall be wood shingles, composition or fiberglass shingles, asphalt shingles, clay or concrete tile or slate, or other materials commonly found in site built residential construction;
- e. The main floor shall be no higher than twenty (20'') inches above the finished grade at the foundation;
- f. The home must be permanently mounted on a foundation or basement similar in appearance to other site built homes. Foundation must be constructed to meet the adopted building codes for the City of Tonganoxie.
- g. If 70% of the homes on the block where the home is to be placed have garages, the manufactured home will need to also provide a garage constructed according to the adopted building codes for the City of Tonganoxie.

Massage Therapy (Therapeutic). The practice of therapeutic massage as the application of various techniques to the muscular structure and soft tissues of the human body, as a healing art, strictly non-sexual, requiring proof of training or education from an institution or business with accreditation recognized by the State, or as an apprentice to a licensed therapeutic massage therapist.

Mobile Home: A transportable structure larger than 320 square feet in floor area designed for year-round residential use and built prior to June 15, 1976.

Modular Home: A manufactured residential structure built to a nationally recognized and accepted construction standard published by the Building Official Conference of America (BOCA) or the International Conference of Building Officials (ICBO) and the unit is inspected and certified at the factory that it meets said standard. A modular home shall have exterior structure materials and appearance similar to the customary single-family structures in the neighborhood and shall be permanently situated on a concrete foundation.

Motel, Motor Court, Motor Hotel or Motor Lodge: Same as "Hotel", except that the building or buildings are designed primarily to serve tourists traveling by automobile and that ingress and egress to rooms need not be through a lobby or office.

Multi-Family Residential: Any single building or group of buildings containing connected single-family dwelling units including, but not limited to, apartments, townhouses or flats. Any subdivision platted with 3 or more contiguous duplex lots shall be considered multi-family residential for the purposes of landscaping and buffering.

Non-Conforming Use: Any building or land lawfully occupied by a use at the time of passage of this ordinance or amendments thereto, which does not conform after the passage of this ordinance or amendments thereto with the use regulations of this district in which it is situated.

Nursing or Convalescent Home: An institution or agency licensed by the State for the reception, board, care, or treatment of three (3) or more unrelated individuals, but not including facilities for the care and treatment of mental illness, alcoholism, or narcotics addiction.

Open Porch. A roofed space attached to a building on no more than two sides, with the remaining sides left open.

Open Space, Common. An area of land or water or combination thereof, reserved for the passive and active recreation of the residents of a designated area. Such areas shall not include areas used for streets, alleys, driveways, private roads, off-street parking or loading areas, utility easements, trash collection points or private yard areas not open to common use by all designated residents.

Open Use of Land: A use which does not involve improvements other than grading, drainage, fencing, surfacing, signs or utilities. Open uses of land include, but are not limited to, auction yards, auto wrecking yards, junk and salvage yards, dumps. They are permitted as an accessory use for sale yards, storage yards, or racetracks.

Parking Lot: A parcel of land devoted to unenclosed parking spaces for motor vehicles.

Parking Space: A permanently surfaced area, enclosed or unenclosed, sufficient in size to store one automobile, together with a permanently surfaced driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile.

Pedestrian Way: A right-of-way, dedicated for public use, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.

Performance Bond: A surety bond or an irrevocable letter of credit or a cash escrow account made out to the City of Tonganoxie in an amount equal to the full cost of the improvements which are required by these regulations, said costs being estimated by the City Engineer and said surety bond or letter of credit or cash escrow account being legally sufficient to secure to the City of Tonganoxie that the said improvements in lieu of completion will be constructed in accordance with these regulations.

Performance Standard: Criteria to control noise, odor, smoke, toxic or noxious matter, vibration, fire, explosive hazards, glare, heat, or other affects generated by or inherent in uses of land and buildings.

Permanent Foundation: A foundation of formed and poured-in-place concrete, placed masonry units, or pressure treated material having concrete footings or piers extending below the frost line, laid up with such reinforcing materials as may be required for residential or commercial construction, which ever is applicable.

Planned Unit Development (PUD): A single parcel or contiguous parcels of land intended to be developed in accordance with an overall design plan which may include residential, commercial, industrial or public land uses or a mixture thereof.

Plat. A diagram drawn to scale showing all essential data pertaining to the boundaries and subdivisions of a tract of land, as determined by survey. A plat will show all data required for a complete and accurate description of the land that it delineates, including the bearings and lengths of the boundaries of each subdivision. A plat may constitute a legal description of the land and be used in lieu of a written description. A plat must meet all state plat statutes, local subdivision regulations and those set forth by Kansas Minimum Standards for Boundary Surveys # 1

Preliminary Plat: A map made for the purpose of showing the proposed subdivision and the existing conditions in and around it. The exterior boundary must be established according to Kansas Minimum Standards for Boundary Surveys #1. This map need not be based on an accurate or detailed final survey of the lots in the subdivision. See also "Plat".

Premises: A lot, together with all buildings and structures thereon.

Principle Structure: One in which the dominant use of the lot occurs.

Principle Use: The main or dominant use of a premise.

Private Club. A non-profit association of persons who are bona fide members paying annual dues, which own, hires, or leases a building or premises, or portion thereof, the use of such building or premises being restricted to members and their guests. The affairs and management of such private club are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting. It shall be permissible to serve goods and meals on such premises providing adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed, provided it is secondary and incidental to the promotion of some other common objective by the organization, and further provided that such sale of alcoholic beverages is in compliance with the applicable Federal, State and Municipal laws. (See Zoning Bulletin, Vol. 49, #8, Aug 10, 2001, pg 3)

Recreational Vehicle: A manufactured, transportable, single family dwelling unit suitable for year round occupancy and containing water supply, waste disposal and electrical conveniences.

Re-plat. A map made as a revision to a previously recorded plat. Such map must meet all state plat statutes, local subdivision regulations and those set forth by Kansas Minimum Standards for Boundary Surveys #1.

Re-subdivision (also Re-plat): The further subdivision of a tract of land which has previously been lawfully subdivided and for which a plat of such prior subdivision has been duly recorded. This procedure must follow the same procedure as a re-plat.

Right-of-Way: A public way established or dedicated by duly recorded plat, deed, grant, governmental authority or by operation of the law.

Roadway: That portion of the street available for vehicular traffic, and where curbs are laid the portion from back to back of curbs.

Screening: A solid or semisolid fence or wall at least six (6) feet high but not more than eight (8) feet high, having a density of not less than eighty (80) percent per square foot. A landscaping screen that meets the density requirements may be used in lieu of a fence or wall. All screens must be maintained in good condition by the owner(s).

Setback or Required Yard: The required minimum horizontal distance between the structure line and the related front, side, or rear property line. All parts of the required yard or setback area shall remain open to the sky.

Shed: A subordinate structure or building used primarily for storage purposes, of a height no greater than eight feet, and the total square footage of which does not exceed 120 square feet. (updated by Ordinance 1230, May 29, 2007)

Sight Triangle: An area at a street intersection in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a

height of 2½ feet and 8 feet above the grades of the outside edge of the street surface of the intersection streets, measured from the point of intersection of the centerline of the streets, 90 feet in each direction along the centerline of the streets. The City Engineer shall establish sight distance triangles based upon standards in the policy manual published by the American Association of State Highway and Transportation Officials (AASHTO).

Signs: Any structure or part thereof, or any device attached to, painted on, or represented on a building, fence or other structure, upon which is displayed or included any letter, work, model, banner, flag, pennant, insignia, decoration, device, or representation used as, or which is in the nature of, an announcement, direction, advertisement, or other attention directing device. A sign shall not include a similar structure or device located within a building except illuminated signs within show windows. A sign includes billboards, but does not include the flag or pennant, or insignia of any nation or association of nations, or of any state, city or other political entity, or of any charitable, educational, philanthropic, civic, political, or religious organization. See Section 25, Signs

Small Limited Business: A secondary use permitting the keeping of stock-in-trade, the sale of economic goods, and/or office in connection with a commercial or industrial enterprise, provided the person engaged in the business is the resident/owner of the dwelling unit, that no person other than members of the immediate family residing in the dwelling unit shall assist in the operation of the business, and in no way shall the appearance of the structure be altered or the occupation within the dwelling unit be conducted in a manner which would cause the premises to differ from its residential character.

Stable, Private: A stable for horses, ponies or mules which are owned by the occupants of the premises and which are not kept for remuneration, hire or sale.

Stable, Riding: A structure in which horses or mules used exclusively for pleasure riding or driving are housed, boarded, or kept for hire; including riding tack.

Story. That portion of a building included between the surface of any floor and the surface of the ceiling next above it.

Story, Half. A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use. A half-story containing an independent apartment or living quarters shall be counted as a full story.

Street. All property dedicated for the purpose of providing right-of-way for public streets, highways freeways, toll-ways, or roadways purposes. The term "street" shall be construed in all cases to include the lands dedicated for the right-of-way purpose, as described above, and the physical improvement constructed or scheduled for construction within the limits of said right-of-way. In any case, the street shall be

approved and accepted only through due process by the City Engineer and the Governing Body.

Street Network:

- a. Boulevard. A supplementary designation to the functional classification indicating that such a street, in addition to the standards for the right-of-way and paving width, shall be developed with the following additional standards:
 1. Vertical face curbs
 2. Sidewalks a minimum of five (5) feet in width located six (6) inches from the property line in the city right-of-way.
 3. Street trees planted at intervals of forty (40) feet.
 4. Ornamental poles for street lighting with all utility service lines underground.
- b. Collector. A street located within a neighborhood or other land use area which collects and distributes traffic from local streets to arterial streets. Access to community or neighborhood facilities may be provided. Collectors are identified by their function. While some are designated specifically in Vision 2020, the Planning Commission may designate others in the review of plats as areas develop.
- c. Freeway/Expressway/Highway. A divided multi-lane arterial street designed for rapid, unimpeded movement of large volumes of traffic with full control of access and grade separations at intersections. An expressway differs from a freeway in that intersections are at grade and generally speed limits are lower.
- d. Frontage Street/Road. A minor street which is generally parallel to and adjacent to major streets, traffic ways, highways, or railroad rights-of-way, and which provides access to abutting properties from through traffic.
- e. Local or Minor Street. One that serves the function of providing access to abutting property
- f. Parkway. A supplementary designation to a primary thoroughfare or expressway to provide a multi-lane arterial street designed to physically and visually tie together parks and recreational areas through additional wide rights-of-way, planted medians and roadside landscaping to enhance the thoroughfare's visual quality. All trees and landscape plantings shall be planted in accordance with Landscaping and Screening Section of the Zoning Ordinance.
- g. Primary Arterial. A multi-lane arterial street designed primarily for traffic movement and secondarily for providing access to abutting properties with a minimum number of at grade intersections.
- h. Secondary Arterial. A multi-lane street intended for both traffic movement and for access to abutting property. Such a street may provide a connection between local and collector streets to primary thoroughfares or freeways.

Street, Local. A street that provides access to individual properties.

Street, Collector. A street that conducts traffic from local streets to arterials, with access to properties

Street, Arterial. A street that carries traffic out of, and through the area, subject to certain control of entrances, exits and curb cuts. Allows limited access to individual property and no access to residential properties without the benefit of a variance.

Structural Alteration: (See Alteration)

Structure: Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having permanent location on the ground, including, but not limited to, manufactured homes and advertising signs.

Subdivider: Any person, individual, firm, partnership, association, corporation, estate, trust, or any other group or combination acting as a unit dividing or proposing to divide land so as to constitute a subdivision as defined herein, and includes any agent of the subdivider.

Subdivision:

- a. The division of any contiguous unit or parcel of land into two or more parcels, sites or lots, for the purpose, whether immediate or future, of transfer of ownership;
- b. The improvement of one or more parcels of land for residential, commercial, or industrial structures involving the division or allocation of land for the opening, widening, or extension of any street or streets, except private streets serving industrial structures;
- c. The division or allocation of land as open spaces for common use by owners, occupants or leaseholders, or as easements for the extension and maintenance of public sewer, water, storm drainage, and other public facilities.

“Subdivision” (as Amended March 16th, 1998)

The division of a tract of land into two or more parts, lots or parcels for the purpose of transfer of ownership or building development.

- a. The pending transfer of ownership any part of an existing lot or parcel of land through “contract” sale or similar agreement is a subdivision of the original tract.
- b. If a new street or additional right-of-way is involved, any division of a tract of land.
- c. The term “subdivision” includes resubdivision, and the term "resubdivision", as used herein, shall include any further subdivision of a lot or parcel of land previously subdivided for sale, use, or other purposes, which varies from the latest approved subdivision of the same.

The following shall be exempt from the requirements of these regulations:

- a. A division of ownership of a single parcel or tract as the result of the

culmination of a legally recognized will, shall not be defined as a subdivision until improvements for any use are initiated or procedures commenced on any one of the separate plots or tracts so divided.

- b. Any parcel vacated by the Governing Body.
- c. Any parcel divided, either by a natural barrier, such as a river or stream or a man-made barrier, such as a railroad track or state, county, or township road which creates a natural division of land, because of its characteristics.
- d. Any lot, parcel, or tract of land that has been ordered by law to be partitioned.
- e. Land that is to be used for cemetery purposes.
- f. A transaction between owners of adjoining land involving only a change in the boundary between the land owned by such persons and which does not create an additional lot or which does not result in the creation of a substandard lot by either owner according to any applicable development regulations.
- g. Land used for a public purpose including the dedication of land for a public use or instruments relating to the vacation of land for a public use.
- h. Land used for street or railroad right-of-way, a drainage easement or other public utility subject to local, state, or federal regulations, where no new street or easement of access is involved and therefore not creating additional buildable lots.

Subdivision Regulations: A portion of the Development Regulations that regulates the subdivision of land and infrastructure improvement thereon.

Tower: A structure situated on a nonresidential site that is intended for transmitting or receiving television, radio, or telephone communications, excluding those used exclusively for dispatch communications.

Travel Trailer. A unit designed as a temporary dwelling for travel, recreation or vacation, having body width not exceeding 8 feet and its body length does not exceed 32 feet. Said unit may be a vehicular, portable structure built on a chassis (travel trailer), an integral part of a self-propelled vehicle (motor home), or a canvas, folding structure, mounted on wheels (camping trailer).

Variance: A variation from a specific requirement or allowed use in an ordinance that is not a rezoning.

Yard: An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

Yard, Front: A yard extending across the front of a lot between the side lot lines and being a minimum horizontal distance between the street line and the main building or any projection thereof, other than the projection of the usual steps or entranceway.

Yard, Rear: A yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed balconies or unenclosed porches. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension.

Zoning Regulations: A portion of the Development Regulations governing the use of land.