

## ARTICLE 13

### ARTICLE 13 INTERPRETATIONS AND DEFINITIONS

#### Abutting

Having a common border with, or being separated from a common border by a R.O.W. or other type of easement.

#### Accessory Building

A structure which serves and is subordinate to a principal use. Unless excepted, an accessory structure must be located on the same zoning lot or tract as the principal use. A permit may not be issued for an accessory use unless a permit is also issued for the principal use. Mobile homes or manufactured homes, truck trailers/bodies, railroad cars, RV's, buses shall not be used as accessory buildings in any zoning district other than "A" - agricultural. Storage "PODS" are permitted.

#### Accessory Use

A use customarily incidental or subordinate to the principal use of buildings or land and located on the same parcel or zoning lot as the principal use.

Adult Recreation {see Special Recreation - Agricultural Zoning Districts}

Adult Entertainment or Adult Use [see K.S.A. 12-758 - Sec. 10]

The definition of adult uses shall include the following types of establishments:

a. Arcade, Adult - Means any place to which the public is permitted or invited in which coin-operated, slug operated or for any form of consideration, electronically, electrically or mechanically controlled still or motion pictures, projectors, video or laser disc players or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterize by the depicting or describing of specified sexual activities or specified anatomical areas.

b. Bookstore, Adult; Adult Novelty Store - or Adult Video Store - Means a commercial establishment which, as one of its principal purposes, offers for sale, for any form of consideration, any one or more of the following: 1) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides or other visual representations that are characterized by an emphasis upon the depiction or

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description of specified sexual activities or specified anatomical areas; or, 2) instruments, devices, or paraphernalia that are designed for use in conjunction with specified sexual activities.

c. Cabaret, Adult - A nightclub, bar, restaurant, or similar establishment which **regularly** features live performances that are characterized by the exposure of specified anatomical areas or specified sexual activities or photographs, films, motion pictures, video cassettes, slides, or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

d. Motel, Adult - Means a hotel, motel or other similar commercial establishment which offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmission, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or (1) offers a sleeping room for rent for a period of time that is less than 10 hours; or (2) allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than 10 hours.

e. Motion Picture Theater - Adult - Means an establishment where, for any form of consideration, films, motion pictures slide, computer clips, virtual reality simulations, or similar photographic reproductions are regularly shown, and in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

f. Facility - Adult - A theater, concert hall, auditorium, building, car wash, or similar establishment regularly characterized by (activities featuring) the exposure of specified anatomical areas or specified sexual activities.

g. Massage Parlor - Adult Use - An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electrical or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment is by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the State of Kansas. This definition does not include an athletic club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

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h. Sexual Encounter Club or Establishment - Adult Use - An establishment other than a hotel, motel, or similar establishment offering public accommodations, which, for any form of consideration, provides a place where two or more persons may congregate, associate, or consort in connection with specified sexual activities or the exposure of specified anatomical areas. This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the State of Kansas engages in sexual therapy.

i. Escort - Means a person who, for consideration, agrees to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

j. Escort Agency - Means a person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

k. Nude Model Studio - Means any place where a person appears semi-nude, in a state of nudity, or who displays specified anatomical areas and is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration. Nude model studio shall not include a college, community college or university supported entirely or in part by public money, or in a structure or private studio that (1) has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing, (2) where, in order to participate in a class, a student must enroll at least three working days in advance of a class, and (3) where no more than one nude or semi-nude model is on the premises at any one time.

### **Specifications:**

**Specified Anatomical Areas - As used herein, specified anatomical areas means and includes any of the following: 1) less than completely and opaquely covered human genitals, pubic region, anus, or females breasts below a point immediately above the top of the areolae; or 2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.**

**Specified Sexual Activities - As used herein, specified sexual activities means and includes any of the following: 1) the fondling or other erotic touching of human genitals, pubic regions, buttocks, anus, or female breasts; 2) sex acts, normal or perverted, actual or simulated, including**

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intercourse, oral copulation, or sodomy; 3) masturbation, actual or simulated; or 4) excretory functions as part of or in conjunction with any of the activities set forth above in this section.

### Agent

Any person who acts for the property owner to obtain a building permit, applies for rezoning or subdivision, variances or exceptions.

### Agriculture and Agricultural Use and Purpose

Valid agriculture and agricultural uses and/or purposes include the growing of crops (farming), dairying, pasturage, horticulture, viticulture, animal {including fur bearing} and poultry husbandry, and the sale of products raised on the premises. Unless otherwise demonstrated by farms records, appurtenance to larger farms, past activity, or unique circumstances related to small farms, the minimum area for agricultural exemption is 40 acres.

### Agricultural Building

An agricultural building is any structure incidental to and supportive of agrifarming or animal husbandry. Agricultural buildings include, but are not limited to: family farm residence, barns, sheds, granaries, silos, wind towers, structures and buildings for the housing of livestock, poultry and other marketable animals or fowl, or buildings and structures for the storage or housing of equipment and machinery or foodstuff produced on the farm. All such buildings, when used in conjunction with a farming enterprise or statutorily exempt activity, shall be issued an exempt, non-fee permit {agricultural buildings are not exempt from Floodplain regulations}.

### Airport or Aircraft Landing Field

An "airport" or "aircraft landing field" is any area which is used or intended for use for the landing and takeoff of aircraft, and any appurtenant areas used for storage, or other facilities or rights-of-ways, including taxiways, aircraft storage and tie down areas, hangars and other related buildings and open spaces.

### Airport Hazard District

An airport hazard district is an area or tract of land designated on the zoning map in which special controls on height of buildings, generation of smoke, environmental conditions, etc., shall be imposed on any of the land or structures situated in the district.

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### Alley {travel easement}

An alley means any public thoroughfare twenty (20) feet or less in width that has been legally dedicated or devoted to public use and is meant to provide a secondary public means of access to the rear and side yards.

### Alteration

An alteration, as applied to a building or structure, means any construction which increases the area or height of any portion of the building or structure as measured either in linear or square feet.

### Alterations, Structural

Any change which would result in or tend to prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

### Animal Hospital {veterinary clinic}

An activity conducted by a doctor of veterinary medicine primarily dedicated to the treatment, diagnosis, care and examination of livestock, domesticated animals or wildlife.

### Animal Sanctuary

A building(s) or use of the land dedicated primarily to the care of abandoned, unwanted, sick or discarded domesticated animals.

### Apartment

An apartment is a portion of a building or dwelling consisting of a group of rooms used as a dwelling unit by one of more persons.

### Apartment House

a) A building which contains more than three dwelling units; 2) A readapted structure reconstructed so as to create more than three dwelling units.

### Area

The area is a function of the length of bounding sides yielding a measurement of the surface given in "square" units of length: e.g., square meters or yards or feet.

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### Area, Floor

The floor area is the surface included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts.

### Area of a Building

The total of all floor surfaces, including attached garages and below grade rooms, expressed in square feet, yards or meters {exclusive of uncovered porches, terraces and steps}.

### Arterial Street

Any street serving major traffic movements, designed primarily as a road to serve collector streets.

### Assurance

A financial commitment consisting of letters of credits, construction bonds, cash, or other instruments approved as to form by the County Counselor, to cover the cost of public improvements in subdivisions.

### Attic Story

An attic story is any story situated wholly or partly in the roof, so designated, arranged, or built so as to be used for business, storage, or habitation.

### Automobile Accessory Stores

Automobile accessory stores are commercial uses primarily engaged in the business of selling new tires, batteries or vehicle parts. Exterior storage areas are not permitted. This definition does not include "salvage yards."

### Automobile Service Station

A building(s) and surrounding land used for the storage and sale of petroleum fuel {primarily to passenger vehicles}, and for accessory uses such as the sale of lubricants, automobile accessories or supplies, the incidental washing of motor vehicles and minor repairs.

### Base Setback Line

A point from which all required setbacks are measured. Where no R.O.W is present, the measurement point shall be along the property line.

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### Basement

A basement or walk-out is that portion of a building located below grade. (Also see cellar.)

### Bathroom

A room containing bath, watercloset or mechanically flushable device for the disposal of human waste, and a basin with running hot and cold water and drainage piping or tubing.

Bed-and-Breakfast Facility As used in this ordinance, a dwelling unit (or a structure converted to a dwelling unit), where short-term lodging and meals are provided. The operator or agent of the operator shall live on the premises.

### Bedroom

A room in a dwelling unit in which one or more persons normally sleep.

### Board of County Commissioners

The Board of County Commissioners of Pottawatomie County consists of three (3) commissioners elected at regular elections to govern Pottawatomie County.

### Board of Zoning Appeals

The BZA is an administrative board appointed by the Governing Body. It has the following powers and duties:

- a. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this act or of any ordinance adopted pursuant thereto.
- b. To hear and decide exceptions to the provisions of this ordinance when specifically authorized to do so.
- c. To authorize in specific cases a variance from the terms of the ordinance not contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

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### Boarding House

A building other than a hotel, motel or motor hotel, or bed-and-breakfast where lodging and/or meals are provided for guests pursuant to previous arrangements, but not for the public or transients.

### Buffer Area

A strip of land, identified on a site plan or as required in this ordinance, established to protect on type of land use from another land use that is incompatible. Normally, the area is landscaped or kept in open space, or is screened by landscaping materials or a fence.

### Building

Any covered structure built for support, shelter, or enclosure of persons, animals, chattels or moveable property of any kind, and which is permanently affixed to the land.

### Building, Assembly

An assembly building is a building or a portion thereof used for the gathering together of fifty (50) or more persons. A building which can accommodate 100 or more persons for drinking and dining establishments shall be classified as an assembly building.

### Building, Completely Enclosed

For the purposes of this ordinance, any building having no outside openings other than ordinary doors, windows and ventilators and no outside storage except for refuse collection.

### Building, Attached

A building having any portion of a wall(s) in common with an adjoining building.

### Building, Detached

A structure not supported by or appurtenant to another structure.

### Building Envelope

The portion of a lot shown in a final plat which may be used for construction purposes, including: Buildings, accessory uses, lateral fields, lagoons and parking. Typically, the lot building envelope is the area

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bounded by the required setback and side and rear yards. However, because of conditions arising from soils composition, slope, drainage and other natural features, the building envelope may be either reduced or increased in size at the direction of the Planning Commission.

### Building, Front Line of

The face of the building nearest the front line of the lot. This face includes covered porches but does not include steps.

### Building, Height of

The vertical distance measured from the average elevation of the proposed finished grade of the building to the highest point of the roof, not including projections.

### Building, Main

A structure which supports the principal use of the lot or land.

### Building Permit

A document obtained for building construction from the Zoning Administrator. A schedule of fees for building permits can be found in Article 1 of this Ordinance.

### Bulk Regulations

An indication of the size and setbacks of buildings and their location with respect to one another. Bulk regulations specify the maximum square feet, height and width of a building.

### Capacity in Persons

The maximum number of persons that can obtain services (or goods) from an establishment or use, at any one time, with reasonable safety and comfort.

### Cartway; Also Road Surface Or Escarpment

The surfaced portion of a R.O.W. used for vehicular traffic.

### Cemetery

Land, structures and buildings and monuments contained on one lot or plot or plat, section or lots used for the purpose of the burial of human remains.

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### Cemetery, Animal

Distinguished from a cemetery in that the purpose is the repository of animal remains.

Child Care - Shall include the following definitions:

{Exempt: Programs operating five (5) consecutive hours or less per week; irregular care for two - six consecutive hours on an unscheduled basis}

Licensed Day Care Home is a facility giving regular care for less than 24 hours per day to a maximum of six (6) children under Kindergarten age {includes the family's own children in this age group and four additional children kindergarten age and over, with a maximum of ten (10) children including the provider's children}.

Group Day Care Home is a facility licensed to care for a maximum of 12 children under 14 years of age.

Registered Family Day Care Home is a licensed facility giving regular care for less than 24 hours per day to six (6) or fewer children away from the child's home. The total must include the family's own children under the age of 16, and may not include more than three (3) children under 18 months of age {including the family's own children in this age group}.

Child Care Center/Preschool is a licensed facility in which care and educational activities are provided for 13 or more children two weeks to 16 years of age for more than three (3) hours and less than 24 hours per day {including day time, evening, and night time care}, or which provides before and after school care for school aged children. A facility may not have fewer than 13 children and be licensed as a center if the program and building meet child care center regulations. For facility regulations see KSA 1982 Supp. 72-1107(c)

Residential Care facility, which is defined by the State of Kansas as a 24 hour care facility, provides licensed care from one to ten plus children {See: Regulations for Licensing, State of Kansas}. There are three types of residential care facilities: Family Foster Homes; Group Boarding Homes, and, Residential Center. Family Foster Homes are exempt from the regulations of this ordinance.

### Church

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A facility or institution which people regularly attend to participate in or hold religious services, meetings, or other activities. A "church," for the purpose of this ordinance, shall only mean a building which has been specifically constructed or adapted to a place of assembly, and not a dwelling unit or commercial structure.

### Clear Sight Triangle

The clear sight triangle is an area of unobstructed vision at street intersections defined by the right-of-way lines at a given distance from intersecting streets.

### Clinics

An establishment where patients who are not lodged overnight are admitted for examination or treatment by a group of medical or dentistry professionals. Clinic, as used in this definition, is not meant to include veterinary services.

### Collector Street

A road which collects traffic from local streets and serves as the most direct route to a major highway facility.

### Common Open Space

A lot or parcel of land or an area of water, or combination thereof, within a single site designated as a planned unit development district and intended for the use and enjoyment of the residents of the planned unit development. Common open spaces do not include streets, alleys, off-street parking or loading areas or other facilities dedicated by the developer.

### Community Service Organization

A nonprofit, voluntary association of persons who are bona fide members paying dues, which owns, hires or leases a building or premises, the use of which is restricted to members and their guests.

### Comprehensive Plan

A long range master plan for the development of the area, including studies of land use, traffic volume and flow, schools, parks, public buildings, and other public facilities.

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### Conforming Building or Structure

Is any building or structure which complies with all the regulations of this ordinance governing the zoning district in which such building or structure is located.

### Congregate Housing

A dwelling unit specifically designed or adapted for use by a housekeeping unit under the supervision of no more than two permanent adult caretakers, and specially licensed by the appropriate Kansas agency to carry out social services.

### Conservation Easement

An easement granting a right or interest in real property that is appropriate to retaining land or water areas in their natural state.

### County

As used in this ordinance means Pottawatomie County.

### Deck

A flat, floored roofless structure.

### Density

The average number of persons per unit(s) of area. For example, persons per/square mile is a common density measure.

### Decibel

A unit of measurement of sound intensities.

### Drainage Facility

Any ditch, gutter, pipe, culvert, storm sewer, or other structure designed, intended, or constructed for the purpose of diverting surface waters from, or carrying surface waters off streets, public rights-of-way, parks, recreational areas, or any part of any subdivision or contiguous land areas.

### Driveway

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A minor vehicular right-of-way providing access between a street and a parking area or garage within a lot or parcel. A driveway is privately owned.

### Dump or Sanitary Landfill

A district or section of land, legally designated as a sanitary landfill or disposal area by the County and/or State for purposes of disposal of used materials and refuse by land coverage.

### Dwelling Unit

A building (not a vehicle), or a portion thereof, which provides complete living facilities for one family, meaning three or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit, with separate rooms for (1) cooking, (2) living/sleeping, and (3) sanitary/bathing facilities. Facilities designed for one persons may arrange two rooms: (1) living/sleeping partitioned from the cooking area, and (2) sanitary/bathing facilities.



### Dwelling Unit, Single Family

For the purpose of this ordinance a single family dwelling unit shall mean a structure, or a portion of a structure, constructed for or adapted to permanent occupation for a single housekeeping unit. A housekeeping unit means one or more persons sharing common living facilities defined [dwelling until] above. This definition does not include a recreation trailer, recreation vehicle, dormitories, or rooming houses, nursing homes, or congregate living facilities not exempted by Kansas Planning and Zoning Statutes.

### Dwelling Unit, {MANUFACTURED}

As used in this ordinance, a "manufactured" dwelling unit refers to any portable dwelling produced after June 15, 1976 which does not meet all specifications and requirements for "residential design style manufactured dwelling units - Types 1 and II" given in the definition below. Units produced before June 15, 1976 shall be known as "mobile homes" and are permitted only in mobile homes parks or on operating farms. A manufactured unit nor a mobile home shall be altered in an attempt to create a "residential design style manufactured home,"

### Dwelling Unit, Type 1 - Residential Design

As used in this ordinance, a Type 1 residential design manufactured home means a factory constructed dwelling unit which has (1) a pitched roof

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with customary residential roofing material, (2) customary residential siding materials, (3) no less than 14 feet uniformly in width and, (4) a permanent (poured in place or filled/reinforced concrete block) perimeter foundation. See Appendix A-4.

### Dwelling Unit, Type 2 - Residential Design

As used in this ordinance, a residential design manufactured home means a factory constructed dwelling unit which has (1) a pitched roof with customary residential roofing material, (2) customary residential siding materials, (3) no less than 22 feet uniformly in width and, (4) a permanent (poured in place or filled/reinforced concrete block) perimeter foundation. See Appendix A-4.

### Easement

A limited service or right-of-way of use granted in private land for public or quasi-public purpose; authorization by a property owner of any designated part of his/her property for use by another for a specified purpose.

### Efficiency Unit

An efficiency is a dwelling unit consisting of one principal room, a bathroom, and a kitchen room.

### Eleemosynary Institution

An eleemosynary institution is a building or a group of buildings devoted to and supported entirely by charitable contributions under the charter of a private corporation.

### Encroachment

An extension beyond a required or established line. A "Permit to Encroach," as distinguished from a variance, may be issued {under the terms of this ordinance} by the Zoning Administrator when the necessity for such arises from an honest mistake, error, or erroneous data from legal descriptions or surveys, or, for parking facilities in required setbacks or yards.

### Family, Single

See: A family is a housekeeping unit composed of one or more persons sharing common eating, sleeping, living, and toilet facilities.

### Facade



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The exterior wall of a building exposed to public view.

### Feed Lot

An enclosure designed or used for the purpose of concentrated feeding or fattening of livestock for marketing.

### Fence

A free standing structure of masonry, wood, chain link, or any combination thereof resting on or partially buried in the ground and rising above ground level used for confinement, screening or partition purposes.

### Flood Plain

Land contiguous to lakes, streams, creeks, rivers, gullies and other water carrying entities which has a flood occurrence of 1% in any one year and is shown on the FEMA Flood Insurance Rate Maps for Pottawatomie County.

### Floor Area Ratio

The floor area ratio of the building or buildings on any zoning lot is the floor area of the building or buildings on that zoning lot divided by the area of such zoning lot, or in the case of Planned Development by the net site area.

### Final Plat

A map of lots, streets and boundaries recorded by the Register of Deeds, which contains all required engineering and survey detail, prepared in accordance with this Ordinance.

### Fraternal or Service Clubs

A not for profit association formally organized for a common purpose for persons who are bona fide members paying annual dues, which owns, hires, or leases such premises.

### Frontage

The length of the property line on one side of a street measured along the dividing line between the property and the street r.o.w..

### Garage Sale

An occasional private sale where items accumulated during normal every day living in a home are sold.

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### Green Area

A seeded, natural growth, or landscaped area lying between a r.o.w and a parking lot.

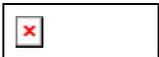
### Group Home

A facility in a residential design building for the care and supervision of developmentally disabled and/or elderly persons according to guidelines provided by current Kansas Law.

### Home Occupation

A home occupation is any business or profession specified in this ordinance carried on by a member of the housekeeping unit residing on the premises. See specific definitions in subsequent sections of this ordinance.

### Hospice



A medical facility, either in a commercial or residential building, for the care of terminally ill people, including accommodations for their families.

### Hotel\Motel

A hotel\motel is an establishment which is open to transient guests as distinguished from a boarding house or rooming house. These facilities supply services such as maid service, furnishing and laundry or linens, telephones and secretarial or desk service.

### Inoperable Vehicle or Equipment



A motor passenger vehicle, truck, bus, aircraft, or other motorized equipment or machine which is not in condition to be operated in a normal or customary manner, or any major parts thereof such as body, chassis, engine, frame, or the trailer portion of a tractor trailer rig.

### Junk or Scrap Yard\Salvage Yard or Recycling Area

A junk or scrap yard\salvage area is any lot or area where waste, recycled or scrap material is bought, sold, stored, baled, exchanged, disassembled, or otherwise handled, including, but not limited to: Scrap iron and other material materials, paper, rags, rubber tires or scraps, bottles, and glass. A salvage yard includes an automobile wrecking yard.

### Kennel (also Animal Sanctuary)

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A kennel is any place, licensed or unlicensed, where more than four (4) adult dogs, more than one year old, are kept, boarded or trained, whether for commercial gain or as pets. This definition shall also include an Animal Sanctuary.

### Landscaping

The improvement of an area with grass, earth works or earth forms, shrubbery and/or trees. Landscaping includes, but is not limited to: pedestrian walks, flower beds, ornamental objects such as water fountains, statuary, and other similar natural, artificial, or functional objects designed and arranged to produce an aesthetically pleasing effect on a site.

### Livestock Sales Yard

An enclosure or structure designed or used for the purpose of holding livestock for sale or transfer by auction, consignment, or other means.

### Limited Access Highway

A limited access road, or highway, or street is a right-of-way from which owners and occupants of abutting property have no right of access (except at those points and in such a manner as may be determined by the Planning Commission).

Access limitation is placed on subdivision plats to indicate lots abutting a public road have no right-of-way except through internal or frontage drives.

### Loading Area

A paved surface space on the same lot as the principal use providing for the loading or unloading of vehicles.

### Local Street

A road designed primarily to provide access to abutting property; a road that is designed to carry traffic within a neighborhood or subdivision.

### Lot

Land in common ownership and occupied or intended to be occupied by one principal building or group of principal buildings and their accessories. A lot is that land shown on a plat or other recorded instrument.

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### Lot Area

The total horizontal area included within the boundaries of the property lines. Gross lot area is the total sq. feet contain within the property lines; net lot area is the total sq. feet contained within the property lines minus (-) the sum of the areas of all buildings.

### Lot, Corner

A corner lot is a lot at the junction of and fronting on two (2) or more intersecting streets.

### Lot Coverage

That portion of the lot occupied by the principal and accessory uses, including all projections, expressed as a total of the lot area. Roads, driveways, pools, easements and parking areas are not included in the Lot coverage requirements.

Equation:

$$\begin{aligned} LC &= \text{Percent of Lot Coverage} \\ LB &= \text{Total Sq. Ft. of Ground Coverage of all Buildings} \\ LA &= \text{Total Sq. Ft. of Lot Area} \end{aligned}$$

$$\frac{LA}{LB} = LC$$

### Lot Depth

The distance between the front and the rear lot lines.

### Lot, Flag

An interior lot having its only access to a public street by means narrow strip of land projecting to the r.o.w. Flag lots are prohibited unless waived by the Director of Planning..

### Lot, Interior

An interior lot is any lot other than a corner or frontage lot.

### Lot, Irregular.

Any lot which does not have a generally rectangular shape.

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### Lot Line, Front

The front lot line shall be that boundary of a lot which is along an existing or dedicated public street, or where no public street exists, is along the surveyed property line.

### Lot Line, Rear

The rear lot line shall be the boundary of a lot which is the most distant from and is, or most nearly, parallel to the front lot line.

### Lot Line, Side

The side lot line shall be any boundary of a lot which is not a front lot line or a rear lot line.

### Lot Split

The division of a lot or tract into two separate and distinct lots which does not involve the use of new easements.

### Lot of Record

A lot of record is a lot which is part of a subdivision, the plat of which has been recorded in the office of the Recorder of Deeds for Pottawatomie County, or a parcel of land, the deed to which was recorded in the office of said Recorder of Deeds prior to January 31, 1980. Building permits shall be issued for lots of record created prior to January 31, 1980, regardless of existing regulations, but all lots are subject to floodplain regulations and certain sanitary requirements when total areas are 1/2 acre or less in size.

### Lot, Reversed Corner

A reversed corner {frontage} lot is a tract extending between and having frontage on a collector or major street and a minor or local street with vehicular access solely from the latter. See Article 4.

### Lot, Through

An interior lot having frontage on two (2) parallel or approximately parallel streets.

### Lot Width

Lot width is the horizontal distance between the side property lines of a lot measured at the required front yard setback line.

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### Mobile Home

A transportable (not RV) dwelling unit built prior to June 15, 1976, that is 600 sq. feet or larger, and designed to be used as a year-round residential dwelling (see definition of a dwelling unit and Department of Housing and Urban Development's Minimum Structure Code), and constructed pursuant to 42 USC 5403. A mobile home is only permitted on an operating farm of 40 acres or more for the owner, relative, or employee, in a manufactured homes park, or in an area designated in the County Plan.



### Manufactured Home (Residential Design)

SEE: Dwelling Unit, Residential Design - Types I & II

### Manufactured Home - Sewer Riser Pipe

Sewer riser pipe means that portion of the sewer lateral which extends vertically to the ground elevation and terminates at each mobile home lot.



### Manufactured Home - Skirting

Skirting means the enclosing of the area between a mobile home and the ground with a material specifically designed by the manufacturer to obscure from view the chassis of the mobile home.

### Manufactured Home - Water Riser Pipe

Water riser pipe means that portion of the water supply system serving a manufactured home park which extends vertically to the ground elevation.

### Manufactured Home Park or Subdivision

Locations permitting mobile or manufactured homes, whether they are called parks, communities or subdivisions or other terms, shall be analogous and used to identify any area where the primary purpose is 1) to rent space and facilities for accommodating manufactured homes on a temporary or permanent basis, 2) or, in the case of subdivisions, any lots, tracts or areas of land which are sold for the purpose of accommodating mobile homes.

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### Manufactured Home Park License

A written license issued by the Pottawatomie County Zoning Administrator permitting a person to operate and maintain a mobile homes park under the provisions of these resolutions.

### Moderate Burning

Implies a rate of combustion described by material which supports combustion and is consumed slowly as it burns.

### Multi-Family Dwelling

A building containing more than three (3) living units.

### Net Site Area

The total area, given in square feet, of all lots within a subdivision not including the area of R.O.W.'s.

### Non-Conforming Lot of Record

A lot of record which does not comply with the area requirements for any permitted use in the district in which it is located.

### Modular Home

A structure which has been assembled at a factory in parts or in complete units, other than mobile homes.

### Non-Conforming Use

Non-Conforming means the use of land, buildings or other structures lawfully existing at the time of this ordinance, but because of the adoption of new regulations, does not conform to the minimum requirements necessary for the issuance of a building permit. A non-conforming use is a property right which runs with the land {from owner to owner} and cannot be lost except through abandonment or conversion {see exceptions for signs in this ordinance}.

### Noxious Matter or Material

Material or matter which is capable of causing injury to living organisms by chemical reaction, or is capable detrimental effects on the physical or economic well-being of individuals.

## ARTICLE 13

### Nude or Nudity

Nude or a "state of nudity" means the showing of the human male or female genitals, public area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple or the showing of the covered male genitals in a discernibly turgid state.

### Odorous Matter

Any material or matter that yields an odor which is offensive in any way.

### Parking Space

A designated, prepared space available for the parking of one (1) motor vehicle, and having an area of not less than one hundred eighty (180) square feet exclusive of passageways and driveways appurtenant thereto, and having direct access to a street or travel easement.

### Performance Standard

A criteria established to control noise, odor, toxic or noxious matter, vibration, fire and explosion hazards, or glare or heat generated by or inherent in uses of land and buildings.

### Person

A Person, for the purpose of this Ordinance, shall mean every natural person, firm, partnership, association, social or fraternal organization, corporation, trust, receiver, estate, syndicate, branch of government, or any group or combination acting as a unit.

### Planning Commission

Means the Pottawatomie County Planning Commission.

### Plat

Is a map of survey together with all information and certificates required in this Unified Development Resolutions.

### Plat, Preliminary

{See also Final Plat}. A tentative, formal subdivision plan in lesser detail than the final plat showing salient features as required by this ordinance.

### Plat, Sketch

## ARTICLE 13

An informal discussion plan for development which shows natural features, proposed lots and preliminary roads.

### PODS – Portable On-Demand Storage System

See storage PODS and Accessory Uses

### Public Sewer and Water System

Any system, other than an individual septic tank or tile field, or individual well, operated by a municipality or other governmental agency or a public utility for the disposal of wastes or the furnishing of potable water.

### Re-Subdivision or Replat

A change in a recorded plat which alters lot lines, roads, easements or other property rights; or, adds unplatted or vacant land; or, vacates a lot from the plat.

### R.O.W

A right-of-way; a travel easement; road or other means of access.

### Quarry, Sand Pit, Gravel Pit, Top Soil Stripping

A lot or parcel or tract, or a portion thereof, used for the purpose of extracting stone, sand, gravel or top soil for sale, as an industrial operation, and exclusive of the process of grading a lot preparatory to the construction of a building for which application for a permit has been made.

### Recreation - Adult or Recreation Facilities {as used in Agricultural Districts}

A facility which provides leisure opportunities. For the purpose of this ordinance, leisure shall include play, sports, group dining, picnic, equestrian activities, celebrations, concerts, accessory sales to service guests, beverage and cereal malt beverages to guests {not the transient public}, gun or archery sports, music and outdoor worship.

### Right-of-Way

Right-of-way is a strip of land occupied or intended to be occupied by a street or travel easement, or other officially designated uses. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final recorded plat is to be separate and distinct from lots or parcels adjoining such right-of-way, and not included with the dimensions or areas of such lots or parcels.

## ARTICLE 13

### Screening

Fencing with or without shrubs or coniferous vegetation maintained for the purpose of concealing from view the area behind such structures. All fencing shall be constructed from weather resistant or treated wood or equivalent materials. If the fence is used as a security barrier, chain link with inserted wood slats may also be employed. Either a six or an eight foot separation must be used between upright wooden poles inserted to at least a depth of three (3) feet.

Normal height for a screening fence shall be six (6) feet from ground level, but an adjustment in height due to an uneven adjacent grade or the stacking height of materials to be screened may be required by the Zoning Administrator (up to a total maximum height of ten (10) feet.)

The planting of new vegetation shall not be considered to be an allowable screen under this definition. However, transplanting new {mature} or existing {mature} vegetation composed mainly of coniferous shrubs and trees, may qualify for one or more perimeters of a required screening fence, if the Director of Planning determines that the vegetation forms an effective screen.

Screening, by both fencing and plantings, requires prior approval of the Director of Planning and the Planning Commission through a sketch plan or SITE PLAN in all circumstances.

Semi-Nude (Semi-Nude Condition) Means the showing of the female breast below a horizontal line across the top of the areola as its highest point or the showing of the male of female buttocks. Such term shall include the lower portion of the female human breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, leotard, bathing suit or other wearing apparel provided the areola is not exposed in whole or in part.

### Setback

The setback is the minimum horizontal distance between the front line of the building or structure and opposing property line. When the legal description of a piece of property goes to the center of a road or highway, the front property line shall be considered to be the line that coincides with the easement right-of-way of said road or highway.

### Sign

## ARTICLE 13

A sign as used in this ordinance and throughout its various sections, is a name, identification, device, structure or object which is affixed to, painted or represented directly or indirectly upon a building, structure, a tree, rock, a piece of land, or other natural object and which directs attention to an object, person, product, place, activity, institution, organization or business. A sign shall not be deemed to include any display or any official notice of any state, county, municipality, township, federal or state government or any agency thereof, nor any official traffic control device, nor shall it include the flag, emblem or insignia of a nation, state, county, municipality or township, school or religious organization. A sign shall not be deemed to include a device located completely within an enclosed building. In this ordinance a sign also includes banners and aerial balloons or similar devices.

### Site Plan

{See Specific Regulations} A plan, prepared to scale, showing accurately and with all buildings, structures, uses, parking, and principal site development features proposed for a specific parcel of use.

### Slope

Slope is the face of an embankment or cut section or any ground whose surface makes an angle with the plane of the horizon. Slopes are expressed ordinance as a percentage based upon linear vertical distance in feet per 100 feet of horizontal distance.

### Sound Level Meter

A device for measuring the intensity or force of sound in decibel units.

### Stable

{Private} An accessory building in which horses are kept. {Public} An principal or accessory building in which horse are kept, boarded, leased, rented or sold as a commercial business.

### Story

A story is that part of any building comprised between any floor or roof next above. A half-story is a story under a sloping roof at the top of the building the floor of which is not more than two (2) feet below the intersection of the vertical wall and the roof structure. A single story shall not exceed fifteen (15) feet as a maximum height dimension.

### Storage Pods

## ARTICLE 13

A (portable on-demand storage)portable storage container designed to move/store household goods.

### Subdivision

The division of land, lot, tract, or parcel into two or more lots, parcels, plats, or sites, or other divisions of land for the purpose of sale, lease, offer, or development, whether immediate or future. The term shall also include the division of residential, commercial, industrial, agricultural, or other land whether by deed, metes and bounds description, lease, map, plat or other instrument.

### Tent

A tent is any structure or enclosure, the roof of which and/or one-half or more of the sides are constructed from a fabric. A tent is not consider to be a dwelling unit.

### Theater, Moving Picture

A building or structure, together with land and any accessory buildings devoted entirely or in part to the showing of motion pictures for monetary or other valuable consideration.

### Topographic

A term used to indicate changes in elevation or gradient on land in increments of one, two or five or more feet.

### Tourist Camp

A tourist camp, which is classified as special recreation in this ordinance, is land used, or intended to be used, by persons in recreation vehicles or habitable trailers, and offered by the owner of such land for monetary consideration or other such valuable consideration.

### Trailer

A trailer is any vehicle or portable structure specifically designed to haul goods, animals, livestock or sundries, and constructed or redesigned to be mounted on wheels and used as a means of conveyance on the streets and highways, not propelled or drawn by its own motive power.

### Trailer, Habitable or Recreation Vehicle

## ARTICLE 13

A habitable trailer is a towed vehicle used for temporary habitation; an "RV" or recreation vehicle is any self-power manufactured and designed, or redesigned after manufacture, for the purpose of human habitation and comfort. Neither a trailer or an "RV" shall be construed to mean a mobile or "a manufactured home."

### Transportation Corridor

As used in this ordinance, a transportation corridor is limited to U.S. Highway 24, and Kansas State Highways 13, 16, 99, and 63.

### Vehicle Sales

A building or parcel of land used for the sale or storage of new and used cars/trucks/RV's/ and other motor vehicles in operating condition.

### Vehicle Washing Service {CAR WASH}

Vehicle washing service is any land, building or part of a building or structure used for the washing of vehicles for monetary consideration or other valuable considerations, whether such washing and cleaning is done manually by the user of the service, by the owner or representatives or employees of the owner, or partly through manual use and partly through mechanical aid, or entirely through mechanical contrivances.

### Window

An opening to the outside of a building or structure other than a door, which provides all or part of the required natural light, natural ventilation or both to an interior space. The glazed portion of a door in an exterior wall may be construed to be a window.

### Wind Energy Turbine Small

Any wind turbine capable of producing no more than 100 KW of electricity with a total height no greater than 50 feet and sited at least 50 feet from the nearest property line.

### Wind Energy Turbine Community

Any wind turbine capable of producing more than 100 KW of electricity but less than 50 MW of electricity and is setback at least the total height of the device from the property line.

## ARTICLE 13

### Wind Energy Turbine Large

Any wind turbine capable of producing more than 50 MW of electricity and is setback at least the total height of the device from the property line.

### Wind Energy Turbine Farm

Any large wind energy turbine or any group of wind energy turbines located on the same tract of land and capable of producing more than 50 MW of electricity and is sited at least the total height of the device from the nearest property line.

### Wind Energy Turbine, Height

The distance from the lowest part of the grade at the base of the structure to the highest point of the blades

### Yard

An open space on a lot which is unobstructed from the ground upward except as otherwise provided for in this Ordinance.

### Yard, Front

The space between the property line or R.O.W. and the principal entrance to a habitable structure.

### Yard, Rear

A yard most nearly parallel to the front lot line; a required separation area between any structure and the rear lot line.

### Yard, Side

A yard between the front and rear yard measured from the horizontal at right angles from the side lot line to the nearest point of the building or structure.

### Zero Lot Line

A term used to describe a planned arrangement of buildings which touch lot lines, thereby providing zero yard on that side.

### Zoning District

## ARTICLE 13

A zoning district is an area or areas within the limits or jurisdiction of the County of Pottawatomie for which these regulations and requirements governing use, lot, and bulk and height of buildings, structures and premises are uniform.

### Zoning Lot

A zoning lot is the minimum specified parcel of land that can be used for a principal use under the terms of this ordinance.