

## **Article 2: Definitions**

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#### **Section 2.01 Rules**

For the purpose of this ordinance, the following rules shall apply:

1. Words and numbers used singularly shall include the plural. Words and numbers used in the plural shall include the singular. Words used in the present tense shall include the future.
2. The word "persons" includes a corporation, members of a partnership or other business organization, a committee, board, council, commission, trustee, receiver, agent or other representative.
3. The word "shall" is mandatory. The word "may" is permissive.
4. The words "use", "used", "occupy" or "occupied" as applied to any land or building shall be construed to include the words "intended", "arranged" or "designed" to be used or occupied.
5. The word "commission" shall refer to the Planning Commission of Victoria, Kansas.
6. Undefined words or terms not herein defined shall have their ordinary meaning in relation to the context.
7. In the case of any real or apparent conflict between the text of the Ordinance and any illustration explaining the text, the text shall apply.

#### **Section 2.02 Abbreviations and Acronyms**

For purposes of these Regulations this section contains a listing of abbreviations and acronyms used throughout this document.

- ADA = Americans with Disabilities Act  
CFR = Code of Federal Regulations  
DU = Dwelling Unit  
DWR= Department of Water Resources  
FAA = Federal Aviation Administration  
FCC = Federal Communication Commission  
FEMA = Federal Emergency Management Agency  
GFA = Gross Floor Area  
HUD = US Department of Housing and Urban Development  
KAR = Kansas Administrative Regulations  
KDHE = Kansas Department of Health and Environment  
KDWP = Kansas Department of Wildlife and Parks  
K.S.A. = Kansas State Statutes Annotated  
KV = Kilovolt  
KW = Kilowatt  
KDOT= Kansas Department of Transportation  
KDEM= Kansas Division of Emergency Management  
KHHS= Kansas Department of Health and Human Services  
NPDES = National Pollutant Discharge Elimination System  
NRCS = Natural Resources Conservation Service  
USC = United States Code  
USACE = United States Army Corps of Engineers  
USDA = United States Department of Agriculture

**Section 2.03 Definitions**

**A**

**ABANDONED VEHICLE** shall mean any inoperable motor vehicle to which the last registered owner of record thereof has relinquished all further dominion and control.

**ABANDONMENT** shall mean to cease or discontinue a use or activity without intent to resume as distinguished from short term interruptions such as during periods of remodeling, maintenance, or normal periods of vacation or seasonal closure.

**ABUT** shall mean to border on, be contiguous with or have common property or district lines, including property separated by a public street or alley

**ACCESS** shall mean the right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.

**ACCESSORY DWELLING UNIT** shall mean a dwelling unit, but not a mobile home, allowed as a conditional use as defined by this Ordinance.

**ACCESSORY LIVING QUARTERS** shall mean living quarters within an accessory building located on the same premises with the main building, for use by temporary guests of the occupant of the premises, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling unit.

**ACCESSORY BUILDING or STRUCTURE** shall mean a detached subordinate building or structure located on the same lot with the principal building or structure, the use of which is incidental and accessory to that of the principal structure. Customary accessory buildings and structures include farm buildings, garages, carports, and storage sheds but not portable storage containers.

**ACCESSORY DWELLING UNIT** shall mean a separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to an existing single-family structure, also referred to as "Granny Flats".

**ACCESSORY USE** shall mean a use incidental, related, appropriate and clearly subordinate to the main use of the lot or building.

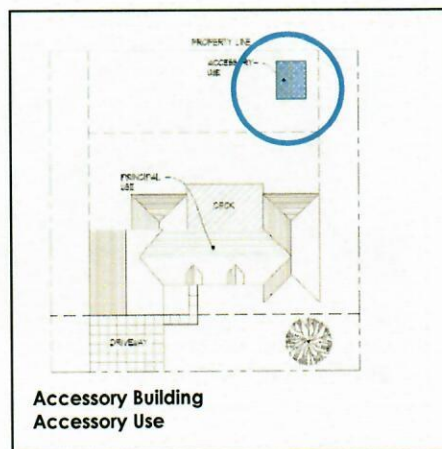
**ACREAGE** shall mean any tract or parcel of land, used for single-family residential purposes, that does not qualify as a farm or farmstead.

**ACTIVE RECREATION** shall mean a recreational activity requiring physical exertion such as swimming, tennis, soccer, baseball, softball, running and playgrounds.

**ADDITION** shall mean any construction which increases the size of a building or structure.



Example of Accessory Dwelling Units



Accessory Building Accessory Use



Example of an Accessory Use

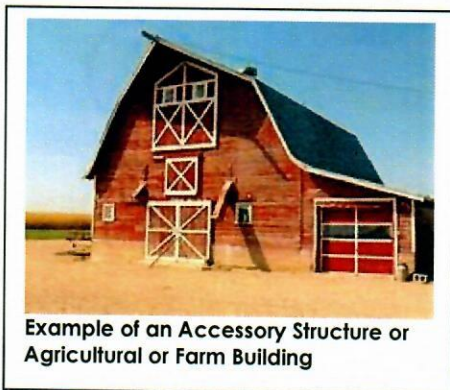
**ADJACENT** shall mean near, close, or abutting; for example, an industrial district across the street or highway from a residential district shall be considered as "adjacent".

**ADMINISTRATIVE OFFICER** see Zoning Administrator.

**ADULT** shall mean a person 18 years and older.

**ADULT CARE HOME** shall mean any nursing facility, nursing facility for mental health, intermediate care facility for the mentally retarded, assisted living facility, residential health care facility, home plus, boarding care home and adult day care facility, all of which classifications of adult care homes are required to be licensed by the Kansas Secretary of Aging per KSA 39-923 et seq.

**ADULT CARE HOME, ONE AND TWO-BED FACILITY** shall mean any place or facility which place, or facility may be a private residence and which place, or facility is operating for not less than 24 hours in any week. The facility provides care for one or two individuals not related within the third degree of relationship to the administrator or owner by blood or marriage and who by reason of aging, illness, disease or physical or mental infirmity are unable to sufficiently or properly care for themselves. The reception, accommodation, board, personal care and treatment and skilled nursing care, supervised nursing care or simple nursing care is provided by the adult care home. Said place or facility is staffed, maintained and equipped primarily for the accommodation of individuals not acutely ill or in need of hospital care but who require domiciliary care and skilled nursing care, supervised nursing care or simple nursing care provided by the adult care home.



**ADULT DAY CARE** shall mean any place or facility operating less than 24 hours a day caring for individuals not related within the third degree of relationship to the operator or owner by blood or marriage and who, due to functional impairment need supervision of or assistance with activities of daily living.

**ADULT FAMILY HOME** shall mean any private residence in which care is provided for not less than 24 hours in any week for one or two adult clients who (1) are not related within the third degree of relationship to the owner or provider by blood or marriage, (2) by reason of aging, illness, disease or physical or mental infirmity are unable to live independently but are essentially capable of managing their own care and affairs. The home does not furnish skilled nursing care, supervised nursing care or simple nursing care. Adult family home does not mean adult care home.

**ADVERTISING STRUCTURE** shall mean any structure used as an outdoor display, regardless of size and shape, for the purposes of making anything known, the origin or place of sale of which is not on the property with such Advertising Structure.

**AGENT** shall mean any person showing written verification that he/she is acting for, and with the knowledge and consent of, a property owner.

**AGRICULTURAL OR FARM BUILDINGS** shall mean any building or structure which is necessary or incidental to the normal conduct of a farming operation, including but not limited to, residence of hired persons, barns, buildings and sheds for housing livestock, poultry and farm machinery, buildings for the storage or shelter of grain, hay and other crops, silos, windmills and water storage tanks.

**AGRICULTURAL ACTIVITY** shall mean the growing or raising of horticultural and agricultural crops, hay, poultry and livestock, poultry and dairy products for commercial purposes and includes activities related to the handling, storage and transportation of agricultural commodities.

**AGRICULTURAL INDUSTRIES** shall mean establishments or uses engaged in the large-scale storage or initial processing of agricultural products and supplies that cannot be otherwise categorized as light, general, or heavy industries, some of which may involve storage of potentially hazardous materials. Typical uses include grain elevators and anhydrous ammonia storage facilities.

**AGRICULTURAL MILL, SEED AND FEED** shall mean a facility which takes a raw product and may modify the raw product into feed for livestock or other animals or for the eventual planting of a new crop.

**AGRICULTURAL PROCESSING** shall mean the processing of crops after harvest, to prepare them for on-site marketing or processing and packaging elsewhere. Includes the following: alfalfa cubing; corn shelling; cotton ginning; custom grist mills; custom milling of flour, feed and grain; dairies (but not feedlots); drying of corn, rice, hay, fruits, and vegetables; grain leaning and custom grinding; hay baling and cubing; pre-cooling and packaging of fresh or farm-dried fruits and vegetables; sorting, grading, and packing of fruits and vegetables, tree nut hulling and shelling.

**AGRICULTURAL PURPOSES** shall mean land "used only for agricultural purposes" as that term is utilized in K.S.A. §12-715b, and amendments thereto, shall for purposes of the City of Victoria, Kansas zoning ordinance mean land used by an individual, a firm, a partnership, a joint venture, a corporation, a limited liability company (LLC), an estate, a trust, or any legally existing entity (1) for the growing or raising of horticultural and agricultural crops, including grass and hay; and, (2) for the breeding, raising and feeding of livestock, specifically including swine and cattle, for commercial purposes and the operation of livestock feedlots and other facilities dedicated to animal husbandry and the commercial production of cattle, swine, and other livestock.

**AGRICULTURAL SALES AND SERVICE** shall mean an establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, farm equipment, pesticides and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, hay, farm implement dealerships, feed and grain stores, and tree service firms.



Example of Agricultural and Farm Buildings and Structures

**AGRICULTURAL USE** see Agricultural Activity.

**AGRICULTURE** shall mean the use of land for agricultural purposes including dairying, farming, floriculture, horticulture, pasturage, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce, provided that the operation of any such accessory use shall be secondary to that of the normal agricultural activities.

**AGRITOURISM** shall mean promoting rural tourism and rural economic development by encouraging owners and operators of farm, ranches, and rural attractions, the Kansas Legislature during the 2016 regular and special sessions of the Kansas Legislature enacted K.S.A. §32-1431, et seq., including a definition of agritourism activity. Any owner or operator who has a registered agritourism activity with the Secretary of Kansas Wildlife, Parks, and Tourism shall file the registration paperwork with the Victoria Zoning Administrator and may thereafter be exempt from Victoria Zoning Regulations as to the activities approved therein.

**AISLE** shall mean the travelled way by which cars enter and depart parking spaces.

**ALLEY** shall mean a public or private thoroughfare which affords only a secondary means of access to property abutting thereon.

**ALTERATION** shall mean any change, addition or modification to the construction or occupancy of an existing structure.

**AMATEUR RADIO** shall mean radio equipment and associated antennas or support structures for the purpose of receiving or transmitting communications by a radio station as described in Section 153(g) of Title 47 of the CFR and which is operated under license by the FCC.

**AMENDMENT** shall mean the process of change or alteration to the Zoning Regulations in one of the following forms:

- a. A comprehensive revision or modification of the zoning text and/or maps.
- b. A text change in the zone requirements.
- c. The approval of a Conditional Use Permit as provided within these Regulations.
- d. A change in the maps, i.e., the zoning designation of a particular parcel or parcels. This form is also known as "rezoning."

**ANIMAL BREEDER** shall mean any person who operates an animal breeder premises.

**ANIMAL BREEDER PREMISES** shall mean any premises where all or part of six or more litters of dogs or cats, or both, or 30 or more dogs or cats, or both, are sold, or offered, or maintained for sale, primarily at wholesale for resale to another.

**ANIMAL, DOMESTIC** see Household Pet.

**ANIMAL HOSPITAL** shall mean a place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use.

**ANTENNA** shall mean any attached or external system of wires, poles, rods, reflecting disks or similar devices used for the transmission or reception of electromagnetic waves. Also, see Satellite Dish Antenna and Tower.

**ANTIQUÉ SHOPS** shall mean a place offering primarily antiques for sale. An antique for the purpose of this ordinance shall be a work of art, piece of furniture, decorative object, or the like, that is at least 30 years old.

**APARTMENT** shall mean a room or a suite of rooms within an apartment house or multiple family dwelling arranged, intended or designed as a place of residence for a single family or group of individuals living together as a single housekeeping unit, including culinary accommodations. Also, see Dwelling Unit.

**APARTMENT COMPLEX** shall mean a building or buildings containing apartments used as a place of residence for more than two households.

**APARTMENT HOUSE** see Dwelling, Multiple-Family.

**APPLICANT** shall mean the owner or duly designated representative of land proposed to be subdivided, or for which a special use permit, conditional use permit, temporary use permit, zoning amendment, variance, appeal, building permit, or certificate of occupancy and other similar administrative permits has been requested. Consent shall be required from the legal owner or his legal representative in writing except for building permits.

**APPROPRIATE** shall mean fitting the context of the site and the whole community.

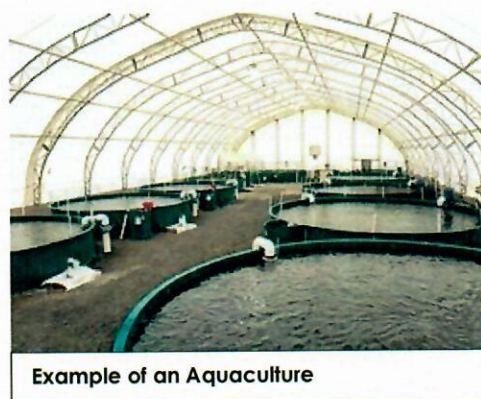
**APPURTENANCES** shall mean the visible, functional objects accessory to and part of buildings.

**AQUACULTURE** shall mean land devoted to the hatching, raising, and breeding of fish or other aquatic plants or animals for sale or personal use.

**AQUIFER** shall mean a geological unit in which porous and permeable conditions exist and thus are capable of bearing and producing usable amounts of water.

**AQUIFER, CONFINED (ARTESIAN)** shall mean aquifers found between layers of clay, solid rock, or other material of very low permeability. Water in confined aquifers is often under pressure because the aquifer is confined between impermeable layers and is usually recharged at a higher elevation than the top confining layer.

**AQUIFER, UNCONFINED (OR WATER TABLE)** shall mean an aquifer where the top of the aquifer is identified by the water table. Above the water table, known as the zone of aeration, interconnected pore spaces are open to the atmosphere. Also known as a water table aquifer.



**AQUIFER RECHARGE AREA** shall mean an area that has soils and geological features that are conducive to allowing significant amounts of surface water to percolate into groundwater.

**ARTISAN PRODUCTION SHOP** shall mean a building or portion thereof used for the creation of original handmade works of art or craft items by more than three but less than six artists or artisans, as either a principal or accessory use.

**ARTIST STUDIO** shall mean a place designed to be used, or used as, both a dwelling place and a place of work by an artist, artisan, or craftsperson, including persons engaged in the application, teaching, or performance of fine arts such as, but not limited to, drawing, vocal or instrumental music, painting, sculpture, and writing.

**ASSISTED LIVING FACILITY** shall mean any place or facility caring for six or more individuals not related within the third degree of relationship to the administrator, operator or owner by blood or marriage and who, by choice or due to functional impairments, may need personal care and may need supervised nursing care to compensate for activities of daily living limitations and in which the place or facility includes apartments for residents and provides or coordinates a range of services including personal care or supervised nursing care available 24 hours a day, seven days a week for the support of resident independence. The provision of skilled nursing procedures to a resident in an assisted living facility is not prohibited by this act. Generally, the skilled services provided in an assisted living facility shall be provided on an intermittent or limited term basis, or if limited in scope, a regular basis.

**ATTACHED** shall mean a foundation, wall or roof of a building or structure which is connected to and supported by the foundation, wall, or roof of another building or structure.

**AUCTION SALES YARD** shall mean a tract of land and accompanying buildings and/or other structures, if any, arranged or designed to be used for the sale by auction of merchandise offered on consignment.

**AUTO BODY REPAIR** shall mean the repair, painting, or refinishing of the body, fender, or frame of automobiles, trucks, motorcycles, motor homes, recreational vehicles, boats, tractors, construction equipment, agricultural implements, and similar vehicles or equipment. Typical uses include body and fender shops, painting shops, and other similar repair or refinishing garages.

**AUTO SERVICES** shall mean the provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles; and washing and cleaning and/or repair of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include service stations, car washes, muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, and similar repair and service activities but exclude dismantling, salvage, or body and fender repair services.

**AUTOMATIC TELLER MACHINE (ATM)** shall mean an automated device that performs banking or financial functions at a location remote from the controlling financial institution.

**AUTOMOBILE RENTAL AND SALES** shall mean sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships; motorcycle dealerships; and boat, trailer, and recreational vehicle dealerships.

**AUTOMOBILE WRECKING YARD** shall mean any lot, or the use of any portion of a lot, for the dismantling or wrecking of automobiles, tractors, farm machinery, or other motor vehicles, or for the storage or keeping for sale of parts and equipment resulting from such dismantling or wrecking.

**AUTOMOTIVE AND MACHINERY REPAIR SHOP** shall mean a building used for the repair of motor vehicles or machinery, when such repair shall be wholly within a completely enclosed building. This definition also includes, but not be limited to, body and paint shops, glass service shops and auto service centers.

**AUTOMOTIVE SALES AREA** shall mean an open area, other than a street, used for display or sale of new or used motor vehicles and trailers by one required to be licensed as a motor vehicle dealer by the State of Kansas, and where no repair work is done except minor incidental repair of motor vehicles or trailers to be displayed and sold on the premises.

**AUTOMOTIVE SERVICE STATION** shall mean any building, structure or land used for the dispensing, sale or offering for sale at retail any motor vehicle fuels, oils, or accessories, including lubrication of motor vehicles and replacement or installation of minor parts and accessories, but not including tire recapping, major repair work such as motor replacement, body and fender repair or spray painting, provision of rental equipment, or open motor vehicle sales lots.

**AWNING** shall mean a roof-like cover that is temporary in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

## B

**BAR** shall mean any establishment whose principal business is serving alcoholic beverages at retail for consumption on the premises. Also, see Nightclub and Tavern.

**BASE FLOOD** shall mean the flood, from whatever source, having a one percent chance of being equaled or exceeded in any given year, otherwise referred to as the 100-year flood.

**BASE FLOOD ELEVATION** shall mean that elevation, expressed in feet above mean sea level, to which flooding can be expected to occur on a frequency of once in every 100 years, or which is subject to a one percent or greater chance of flooding in any given year.



Example of a stand-alone ATM



**BASE ZONING DISTRICT** shall mean a district established by this Ordinance that prescribes basic regulations governing land use and site development standards.

**BASEMENT** shall mean that portion of a building which is partly or wholly below grade. For purposes of height measurement, a basement shall be counted as a story when more than one-half of its height is above the average level of the adjoining ground.

**BEACON** shall mean any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

**BED AND BREAKFAST INN** shall mean a dwelling that is used for the purpose of offering overnight lodging and meals to travelers for a fee which dwelling has unique structural and/or site characteristics which create the appearance of an Inn type setting. Such dwelling shall have a maximum of six guest rooms available for travelers lodging and no more than 12 guests may stay at any time. Guests who stay at the bed and breakfast shall not remain for a period of more than 30 consecutive days.

**BEDROOM** shall mean a room within a dwelling unit planned and intended for sleeping, separable from other rooms by a door.

**BEER GARDEN** shall mean a permanent establishment which includes any area out-of-doors and not completely contained within a building in which alcoholic beverages or food is served.

**BEGINNING OF CONSTRUCTION** shall mean when site grading begins.

**BERM** shall mean a raised form of earth to provide screening or to improve the aesthetic character.

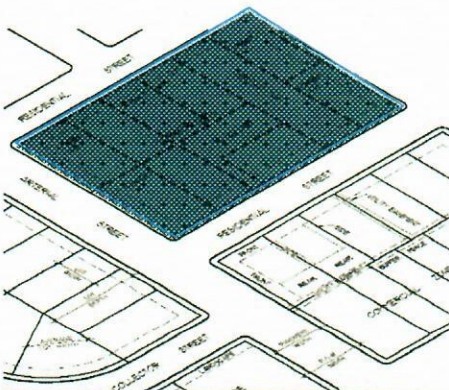
**BEST INTERESTS OF COMMUNITY** shall mean interests of the community at large and not the interest of the immediate neighborhood.

**BILLBOARD** see Sign, Billboard.

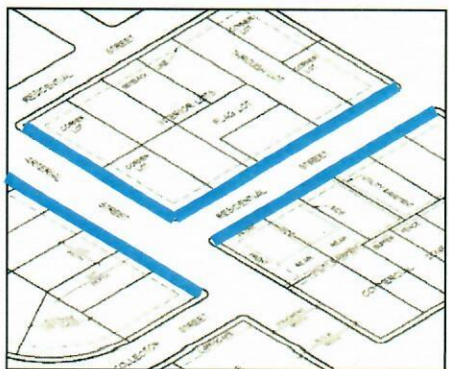
**BLOCK** shall mean a parcel of land platted into lots and bounded by public streets or by waterways, rights-of-way, non-platted land, City or County boundaries, or adjoining property lines.

**BLOCK FRONTAGE** shall mean that section of a block fronting on a street between two intersecting streets or another block boundary.

**BOARD OF ZONING APPEALS** shall mean that Board which has been created by the Governing Body having jurisdiction and which has the statutory authority to hear and determine special use permits, appeals, exceptions and variances of these zoning regulations.



Example of a Block



Examples of a Block Frontage

**BOARDING OR ROOMING HOUSE** shall mean every building or other structure which is kept, maintained, advertised or held out to the public to be a place where sleeping accommodations are furnished for pay to transient or permanent guests and in which no more than three guests may be accommodated, and which maintains common facilities for the serving or preparation of food for such guests. The term "boarding house" shall not include facilities licensed under paragraph (5) of subsection (a) of K.S.A. §75-3307b and amendments thereto.

**BREEDER PREMISES** shall mean any premises where all or part of one or two litters of dogs or cats, or both, are produced, whether or not they are offered for sale or are offered to prospective owners at no charge.

**BREW-ON PREMISES STORE** shall mean a facility that provides the ingredients and equipment for a customer to use to brew malt liquor at the store. Brew-on-premises stores do not include the sale of intoxicating liquor, unless the owner of the brew-on-premises store holds the appropriate liquor license.

**BREW PUB** shall mean a restaurant, bar or hotel which includes the brewing of beer as an accessory use. The brewing operation processes water, malt, hops, and yeast into beer or ale by mashing, cooking, and fermenting.

**BREWERY** shall mean a licensed industrial use that distills, rectifies, brews, makes, mixes, concocts, processes, blends, bottles, or fills an original package with any alcoholic liquor, beer, or cereal malt beverage. This does not include a microbrewery or a farm winery.

**BREWERY, CRAFT** shall mean a brew pub or a microbrewery.

**BUFFER** shall mean a strip of land established to protect one type of land use from another incompatible land use or between a land use and a private or public road. Also, see Screening.

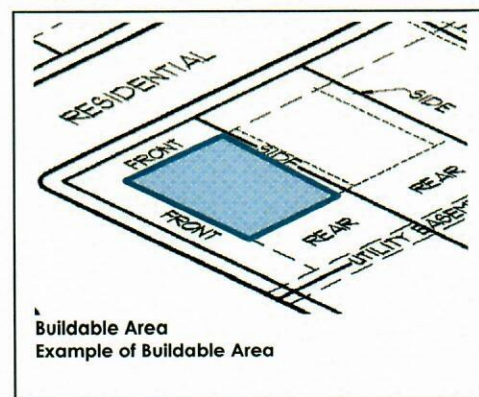
**BUFFER AREA** shall mean an open and unobstructed ground area of a plot in addition to any no building zones or street widening around the perimeter of any plot where required.

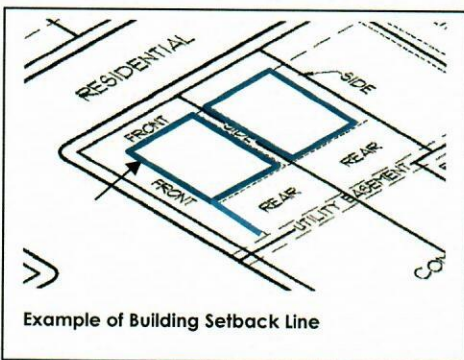
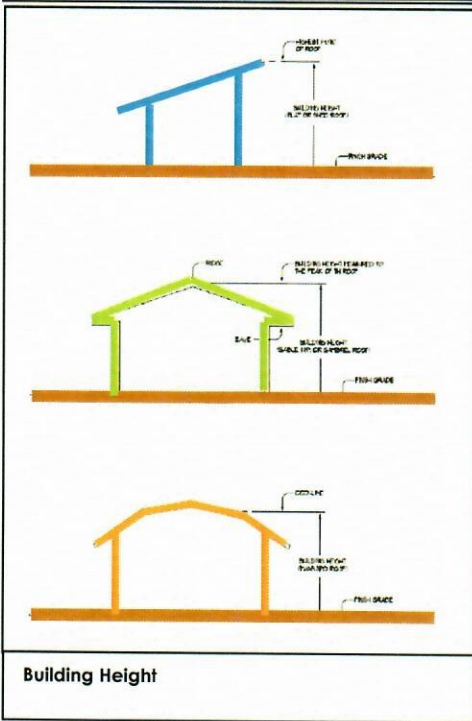
**BUFFERYARD** shall mean a landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.

**BUILDABLE AREA** shall mean that part of a zoning lot not included within the required yards or subject to other restrictions herein required.

**BUILDING** shall mean any structure built and maintained for the support, shelter or enclosure of persons, animals, chattels, or property of any kind, but shall not include temporary buildings as defined in "Structure, Temporary". Trailers, with or without wheels, shall not be considered buildings.

**BUILDING AREA** shall mean the sum in square feet of the ground areas occupied by all buildings and structures on a lot.





**BUILDING CODE** shall mean the various codes of the City of Victoria that regulate construction and require building, electrical, mechanical, plumbing and other permits to as well as other codes adopted by the City that pertain to building construction.

**BUILDING COVERAGE** shall mean the area of a site covered by buildings or roofed areas, excluding allowed projecting eaves, balconies, and similar features.

**BUILDING ENVELOPE** shall mean the three-dimensional space within which a structure is permitted to be built on a lot after all zoning and other applicable municipal requirements have been met.

**BUILDING HEIGHT** shall mean the vertical distance above grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest point of a gable, hip, or shed roof, measured from the highest adjoining sidewalk or ground surface within a five feet horizontal distance of the exterior wall of the building.

**BUILDING LINE** shall mean the outer boundary of a building established by the location of its exterior walls.

**BUILDING OFFICIAL** shall mean the designee of the City Council, responsible for the enforcement of the building and/or land use regulations of the City of Victoria.

**BUILDING, PUBLIC** shall mean a publicly-owned building used or occupied for a public purpose. Public buildings include, but are not limited to: fire stations, police stations, auditoriums, gymnasiums, natatoriums, community halls, maintenance buildings, park shelters, jails or penal institutions, and schools. This shall include privately owned buildings used for the same public-type purposes.

**BUILDING SETBACK LINE** shall mean the required zoning distance between a building and the lot line.

**BULK REGULATIONS** shall mean regulations controlling the size and relationship of structures and uses to each other and to open areas and lot lines. Bulk regulations include regulations controlling: (1) maximum height (2) maximum lot coverage and (3) minimum size of yard and setbacks.

**BULKY WASTE** shall mean discarded or stored inoperative household appliances, disused furniture, disused equipment, junk lumber and other building debris, parts of machinery and equipment, and similar waste not ordinarily collected with compactor equipment, provided that bulky waste shall not mean abandoned or inoperable vehicles in whole or in part.

**BUSINESS** shall mean activities that include the exchange or manufacture of goods or services on a site.

**BUSINESS CENTER** shall mean a building containing more than one commercial business, or any group of nonresidential buildings within a common development, characterized by shared parking and access.

**BUSINESS SERVICES** shall mean uses providing services to people, groups, businesses, dwellings and other buildings. Business services shall include janitorial services, carpet and upholstery cleaning, painting and decorating, building maintenance, swimming pool maintenance, security service, graphics/advertising agency, photocopying/duplication, quick print shops, printing, blueprinting, sign painting, non-vehicle equipment rental, photographic studios.

**BUSINESS SUPPORT SERVICES** shall mean establishments or places of business primarily engaged in the sale, rental or repair of equipment, supplies and materials or the provision of services used by office, professional and service establishments to the firms themselves but excluding automotive, construction and farm equipment; or engaged in the provision of maintenance or custodial services to businesses. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms, janitorial services, photography studios, and convenience printing and copying.

## C

**CAMP** shall mean any plot, including its area of land and/or water, on which are located cabins, shelters, houseboats or other accommodations of the design or character suitable for seasonal or other more or less temporary living purposes; but not including a day camp, trailer camp, rooming house, tourist home, hotel, summer colony, hospital, place of detention, school of general instruction, or nursery school.

**CAMPER** shall mean any coach, cabin, house trailer, house car or other vehicle or structure intended for or capable of temporary occupancy as living and sleeping quarters as is primarily required during camping or vacation travels. Such facility has characteristics similar to a mobile home in that it can be conveyed on the streets. However, in no way is it intended to become a residence.

**CAMPING TRAILER** See Camper.

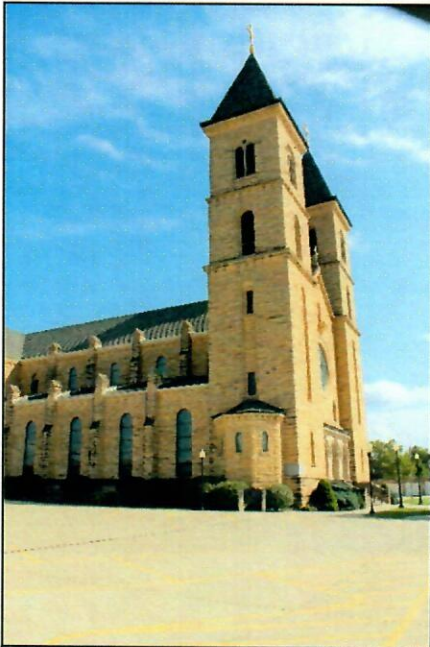
**CAMPGROUND** shall mean a parcel of land intended for the temporary occupancy of tents, campers, and major recreational vehicles for which the primary purpose is recreational and having open areas that are natural in character.

**CAR WASH** shall mean a building or structure or an area of land with machine or hand operated facilities for the cleaning, washing, polishing, or waxing of motor vehicles.

**CARPORT** shall mean a permanent roofed structure with not more than two enclosed sides used or intended to be used for automobile shelter and storage.

**CELLAR** shall mean a building space having less than one-half of its height below the average adjoining grade lines.

**CENTRALIZED SEWER** shall mean a private central sewer treatment facility for a single subdivision, community, or region with an accompanying collection network. Such system must comply with all requirements of the Ellis County Sanitation Code and the KDHE.



Example of a Church

**CENTRALIZED WATER** shall mean a private water supply system established by an individual or developer for the purpose of serving two or more buildings, structures and/or uses. Such system must comply with all requirements of the Ellis County Sanitation Code and the KDHE.

**CEMETERY** shall mean land used or intended to be used for the burial of the dead and dedicated for such purposes, including columbariums, crematoriums, and mausoleums.

**CERTIFICATE OF OCCUPANCY** shall mean an official certificate issued by the Building Official or his/her designee, upon finding of conformance with the zoning regulations and other applicable ordinances of the City and authorizing legal use of the premises for which it is issued.

**CHANNEL** shall mean the geographical area located within either the natural or the artificial banks of a watercourse or drainageway.

**CHARITABLE** shall mean a public or semi-public institutional use of a philanthropic, charitable, benevolent, religious, or eleemosynary character, but not including sheltering or caring of animals.

**CHILD CARE CENTER** shall mean a facility licensed by the State of Kansas to provide for the care of 13 or more children from two weeks to 16 years of age, and which is maintained for less than 24-hours per day.

**CHURCH** shall mean an establishment, the principal purpose of which is religious worship, but which may include such accessory uses in the main structure or in separate buildings, as Sunday School rooms, private schools, childcare, assembly rooms, kitchen, recreational facilities and/or library.

**CHURCH, STOREFRONT** shall mean a religious facility contained within a store or similar structure not typically used for religious activities that are now used as a meeting place for a congregation, including but not limited to, barns, stores, warehouses, old public buildings, and single-family dwellings.

**CITY** shall mean the City of Victoria, Kansas. Also, "City Council" or "Governing Body."

**CITY ADMINISTRATION** shall mean the City Official assigned the responsibility to provide administrative assistance in administering these and other ordinances and regulations. This includes all administrative responsibilities normally covered by engineering and other technical services associated with these Regulations.

**CITY ATTORNEY** shall mean the City Attorney of the City of Victoria or his/her authorized deputy, agent or representative.

**CITY COUNCIL** shall mean the City Council of Victoria, Kansas.

**CITY ENGINEER** shall mean the City Engineer as hired or appointed by the Mayor, City Council and City Council or his/her authorized deputy, agent or representative.

**CITY LIMITS** shall mean the established corporate boundary of the City of Victoria.

**CLEAN RUBBLE** shall mean inert uncontaminated construction and demolition waste which includes concrete and concrete products, reinforcing steel, asphalt pavement, brick, soil or rock.

**CLEAR VIEW ZONE** See Sight Triangle.

**CLINIC** shall mean an office building or a group of offices for one or more professionals licensed to practice by the State Board of Healing Arts or subsequent agency, engaged in treatment of the sick or injured, which are not lodged overnight.

**CLUB** shall mean buildings and facilities owned or operated by a corporation, association, person or persons for social, educational, or recreational purposes, but not primarily for profit which insures to any individual and not primarily to render a service which is customarily carried on as a business.

**CLUB, MEMBERSHIP** shall mean membership clubs, including private clubs, as defined by K.S.A. §41-2601 et seq and succeeding amendments, including but not limited to such clubs as the American Legion, VFW, and the Elks.

**CLUSTERED DEVELOPMENT** shall mean a development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive features.

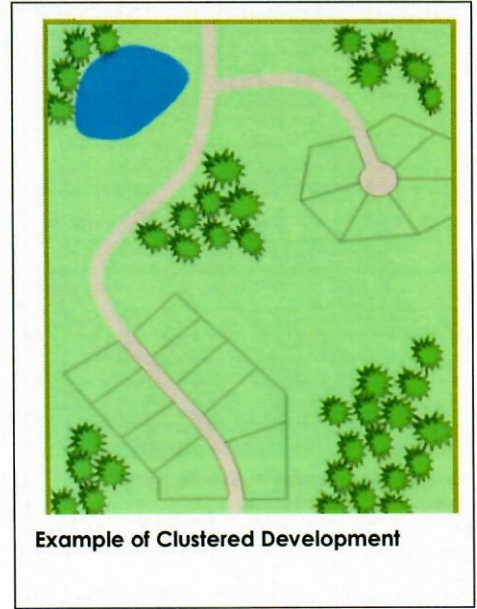
**CODE** shall mean the Municipal Code of the City of Victoria, Kansas.

**COFFEE KIOSK** shall mean a retail food business in a freestanding building that sells coffee, or other nonalcoholic beverages, and pre-made bakery goods from a drive-through window to customers seated in their automobiles for consumption off the premises and that provides no indoor or outdoor seating.

**COMMISSION** shall mean the Planning Commission of Victoria, Kansas.

**COMMON AREA OR PROPERTY** shall mean a parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the Owners of the individual building sites in a Planned Development or condominium development.

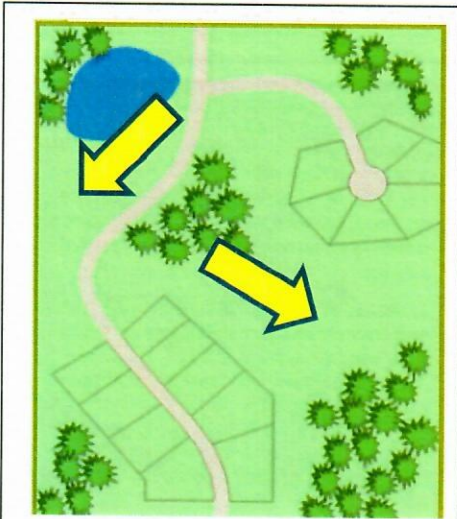
**COMMON DEVELOPMENT** shall mean a development proposed and planned as one unified project not separated by a public street or alley.



Example of Clustered Development



Example of a Coffee Kiosk Drive-thru



Example of Common Area or Property  
Example of Open Space

**COMMON OPEN SPACE** shall mean a parcel of land or an area of water, or combination of both land and water within a site classified as a Planned Unit Development (PUD) District, designed and intended for the use and enjoyment of the residents of the PUD District. Common open space does not include streets, alleys, parks, off-street parking or loading areas, public open space, or other facilities dedicated by the developer for public use. Common open space may contain such improvements as are approved as a part of the general development plan and are appropriate for the recreation of the residents of the district.

**COMMUNICATION SERVICES** shall mean establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms but excludes those classified as Utilities. Typical uses include television studios, telecommunication service centers, telegraph service offices, or film and sound recording facilities.

**COMMUNITY CENTER** shall mean a place, structure, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve various segments of the community.

**COMPATIBILITY** shall mean harmony in the appearance of two or more external design features in the same vicinity.

**COMPATIBLE USE** shall mean the degree to which two or more different land use types are able to exist together in close proximity, with no one use having significant negative effects on any other use.

**COMPOST** shall mean decomposed organic material resulting from the composting process. Used to enrich or improve the consistency of soil.

**COMPOSTING** shall mean processing waste in a controlled environment to produce a stable product by microbiologically degrading organic matter under aerobic conditions.

**COMPREHENSIVE PLAN** shall mean the Comprehensive Plan of the City of Victoria, Kansas as adopted by the City, setting forth policies for the present and foreseeable future community welfare as a whole and meeting the purposes and requirements of the residents of the City of Victoria and its planning and zoning jurisdiction.

**CONDITIONAL USE** shall mean a use allowed by the district regulations, that may not be appropriate throughout the zoning district without restrictions, but which, if controlled as to number, size, area, location, relationship to the neighborhood or other minimal protective characteristics will not be detrimental to the public health, safety, and general welfare.

**CONDITIONAL USE PERMIT** shall mean the documentary evidence of authority granted by the City Council in accordance with these regulations which allows establishment of a Conditional Use at a particular location.



Example of Composted Manure



Example of an Outdoor Manure  
Composting Process Manure

**CONDOMINIUM** shall mean a building containing two (2) or more dwelling units which are designed and intended to be separately owned in fee under the Townhouse Ownership Act (K.S.A. §58-3710 et seq) of the State of Kansas.

**CONE OF DEPRESSION** shall mean the three-dimensional area of water table created by a pumping well. The pumping well creates an artificial discharge area by drawing down (lowering) the water table around the well.

**CONFLICTING LAND USE** shall mean the use of property which transfers over neighboring property lines negative economic or environmental effects, including, but not limited to, noise, vibration, odor, dust, glare, smoke, pollution, and water vapor, or consists of mismatched land uses, density, height, mass, or layout of adjacent uses, or results in a loss of privacy.

**CONFINED ANIMAL FEEDING OPERATION** shall mean any lot, pen, pool and/or pond which is used for the confined feeding of animals or fowl for food, fur or pleasure which is not normally used for raising crops and in which no vegetation intended for animal food is growing. For purposes of these Regulations, a confined animal feeding operation shall be those operations with a minimum of 1,000 animal units as measured by standards established by the State of Kansas. Further, for the purposes of these regulations, the term confined animal feeding operation shall include stockyard and feedlot.

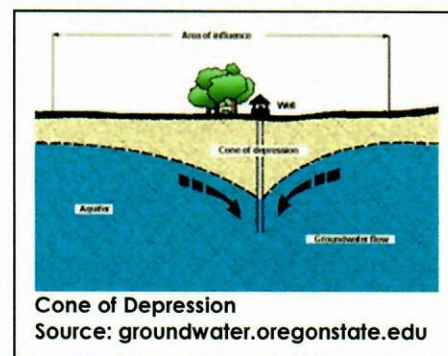
**CONGREGATE HOUSING** shall mean any structure occupied by five or more persons not all related by blood, marriage, adoption, or guardianship, living together as a single housekeeping unit.

**CONSERVATION** shall mean the management of natural resources to prevent waste, destruction, or degradation.

**CONSERVATION AREA** shall mean an area of environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance or character, except in the case of an overriding public interest, including but not limited to wetlands, floodways, flood plains, drainage ways, river or stream banks, and areas of significant biological productivity or uniqueness.

**CONSERVATION EASEMENT** shall mean an easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open, or wooded condition and retaining such areas as suitable habitat for fish, plants, or wildlife, or maintaining existing land uses or preserving the ability said land to be used for specific purposes such as on site wastewater treatment systems.

**CONSERVATION SUBDIVISION** shall mean wholly or in majority, a residential subdivision that permits a reduction in lot area, setback, or other site development regulations, provided 1) there is no increase in the overall density permitted for a conventional subdivision in a given zoning district, and 2) the remaining land area is used for common space.





**CONSTRUCTION BATCH PLANT** shall mean a temporary demountable facility used for the manufacturing of cement, concrete, asphalt, or other paving materials intended for specific construction projects.

**CONSTRUCTION/DEMOLITION LANDFILL** shall mean a permitted solid waste disposal area used exclusively for the disposal on land of construction and/or demolition waste.

**CONSTRUCTION/DEMOLITION WASTE** shall mean waste building materials and rubble resulting from construction, remodeling, repair or demolition operations, but not clean rubble or asbestos.

**CONSTRUCTION YARDS** shall mean establishments housing facilities of businesses primarily engaged in construction activities, including incidental storage of materials and equipment on lots other than construction sites. Typical uses are building contractor's yards.

**CONVALESCENT SERVICES** shall mean a use providing bed care and inpatient services for persons requiring regular medical attention but excluding a facility providing surgical or emergency medical services and excluding a facility providing care for alcoholism, drug addiction, mental disease, or communicable disease. Typical uses include nursing homes.

**CONVENIENCE STORE** shall mean a one-story, retail store that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). A convenience store may also include the sale of self-service automotive fuels. It is designed to attract, and depends upon, a large volume of stop-and-go traffic.



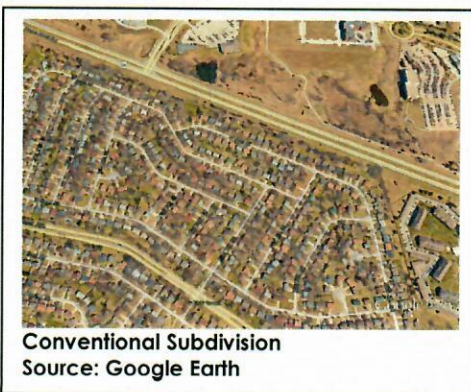
**CONVENTIONAL SUBDIVISION** shall mean a subdivision which literally meets all nominal standards of the Subdivision Regulations for lot dimensions, setbacks, street frontage, and other site development regulations.

**CONTIGUOUS** see Abut.

**CORPORATE LIMITS** shall mean all land, structures and open space that has been annexed into the City's jurisdiction. This does not include the extraterritorial jurisdiction of the city.

**COURT** shall mean an open, unoccupied space, other than a yard, on the same lot with a building or buildings and bounded on two or more sides by such building or buildings.

**COURT, INNER** shall mean a court enclosed on all sides by the exterior walls of a building or buildings.



**COURT, OUTER** shall mean a court enclosed on all but one side by exterior walls of building or buildings or lot lines on which fences, hedges, or walls are permitted.

**COURTYARD** shall mean an open, unoccupied space, bounded on two or more sides by the walls of the building.

**COUNTY HEALTH OFFICER** shall mean the Director of the Ellis County Community Health Services, or such person designated to administer the health regulations of Ellis County.

**CREATIVE SUBDIVISION** shall mean a subdivision that, while complying with the Subdivision Ordinance, diverges from nominal compliance with site development regulations in the Land Development Ordinance. Creative subdivisions imply a higher level of pre-planning than conventional subdivisions. They may be employed for the purpose of environmental protection or the creation of superior community design. Types of Creative Subdivisions include Cluster Subdivisions and New Urban Residential Districts.

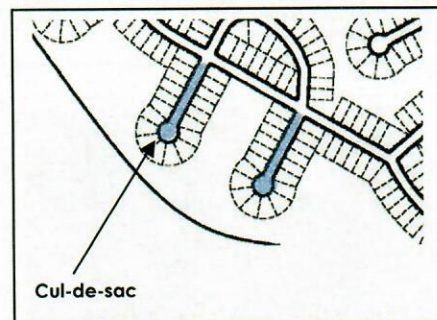
**CROP PRODUCTION** shall mean the raising and harvesting of tree crops, row crops for field crops on an agricultural or commercial basis. This definition may include accessory retail sales under certain conditions.

**CURB LEVEL** shall mean the officially established grade of the curb in front of the mid-point of the lot. In the case of corner lots, as defined in this section, the curb level shall be the mean elevation.

**CUL-DE-SAC** shall mean a short public way, which has only one outlet for vehicular traffic and terminates in a vehicular turnaround.

**CULTURAL SERVICES** shall mean a library, museum, or similar registered nonprofit organizational use displaying, preserving and exhibiting objects of community and cultural interest in one or more of the arts and sciences.

**CURVE LOT** see Lot, Curve.



D

**DATE OF SUBSTANTIAL COMPLETION** shall mean the date certified by the local Zoning Administrator when the work, or a designated portion thereof is sufficiently complete, so the owner may occupy the work or designated portion thereof for the use for which it is intended.

**DAY CARE CENTER** shall mean an establishment that provides care, protection and supervision for individuals on a regular basis away from their primary residence for less than 24 hours per day. The term does not include the following: (a) kindergartens or nursery schools or other daytime programs operated by public or private elementary or secondary schools or institutions of higher learning; (b) facilities operated in connection with a shopping center or other principal activity, where individuals are cared for temporarily while parents or custodians are occupied on the premises, or are in the immediate vicinity and readily available; or (c) special activity programs, including athletics, crafts instruction and similar activities conducted on a periodic basis by civic, charitable and governmental organizations.

**DAY CARE HOME** shall mean a facility licensed by the State of Kansas to provide for the care of not more than 10 children under 14 years of ages, not more than six of whom are under kindergarten age, between the hours of 6:00 a.m. and 9:00 p.m. This term is further construed to include similar units operated under other names.

**DAY CARE HOME, REGISTERED FAMILY** shall mean a home within a providers own residence in which care is provided by the applicant for not more than six children from birth to 16 years of age with not more than three children under 18 months of age. All children under 12 years of age related to the provider are included in the total. In addition, there are specific criteria for meeting this definition as administered by KDHE.

**DECIDUOUS SCREEN** shall mean landscape material consisting of plants which lose their leaves in winter and eventually will grow and be maintained at six feet in height, at least.

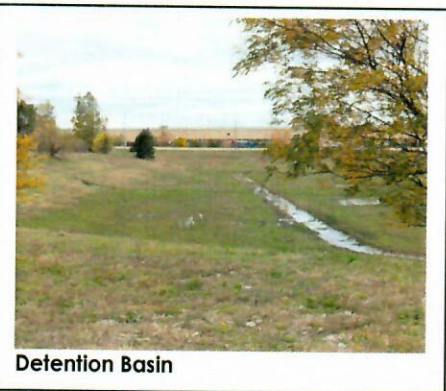
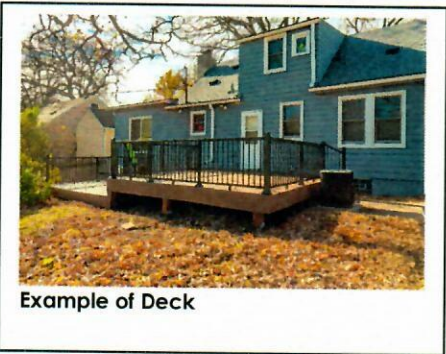
**DECK** shall mean a flat, floored, roofless structure. Roofless does not include a roll-out awning or a canopy provided that all the vertical sides, other than the residential structure are open.

**DENSITY** shall mean the number of dwelling units per gross acre of land.

**DENTENTION BASIN** shall mean a facility for the temporary storage of stormwater runoff.

**DENTENTION FACILITY** shall mean a publicly or privately operated or contracted use providing housing and care for individuals legally confined, designed to isolate those individuals from the community.

**DEVELOPER** shall mean any person, corporation, partnership, or entity that is responsible for any undertaking that requires a building or zoning permit, conditional use permit or sign permit.



**DEVELOPMENT** shall mean any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations for which necessary permits may be required.

**DEVELOPMENT CONCEPT PLAN** see Site Plan.

**DEVELOPMENT REVIEW** shall mean the review, by the City, of subdivision plats, site plans, rezoning requests, or permit review.

**DISTANCE** shall mean horizontal distances unless otherwise noted.

**DISTRICT OR ZONE** shall mean a section or sections of the Zoning Area for which uniform regulations governing the use of land, the height, use, area, size, and intensity of use of buildings, land, and open spaces are established.

**DOG** shall mean any canine species over six months of age.

**DOG DAY CARE FACILITY** shall mean a facility providing such services as canine day care for all or part of a day, obedience classes, training, grooming, or behavioral counseling, provided that overnight boarding is not permitted.

**DOG KENNEL** see Kennel, Boarding or Training, and Kennel, Commercial.

**DOG PARK** shall mean a specifically designated and fenced off for the exercise of canines and other domestic animals.

**DOMESTIC ANIMALS** see Household Pet.

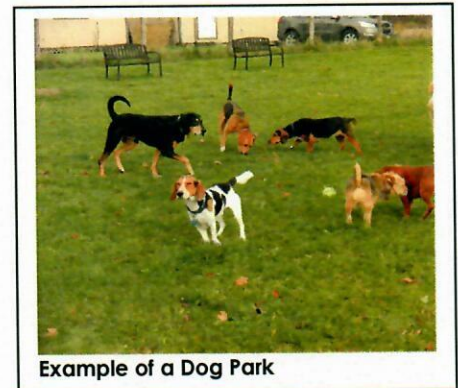
**DOWNZONING** shall mean a change in zoning classification of land to a less intensive or more restrictive district, such as from commercial district to residential district or from a multiple family residential district to single family residential district.

**DRAINAGEWAY** shall mean any depression two feet or more below the surrounding land serving to give direction to a current of water less than nine months of the year, having a bed and well-defined banks; provided, that when there is doubt as to whether a depression is a watercourse or drainageway, it shall be presumed to be a watercourse.

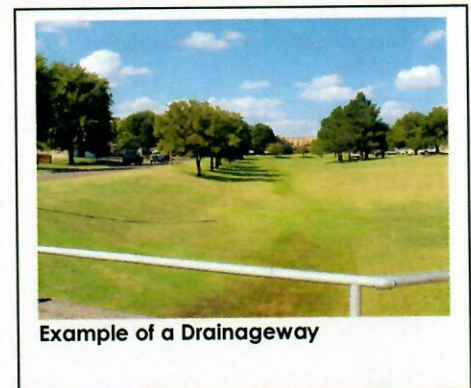
**DRINKING ESTABLISHMENT** shall mean a premise, which may be open to the general public, where alcoholic liquor by the individual drink is served.

**DRIVE-IN FACILITY** shall mean an establishment where customers can be served without leaving the confinement of their vehicle.

**DRIVEWAY** shall mean any vehicular access to an off-street parking or loading facility.



Example of a Dog Park



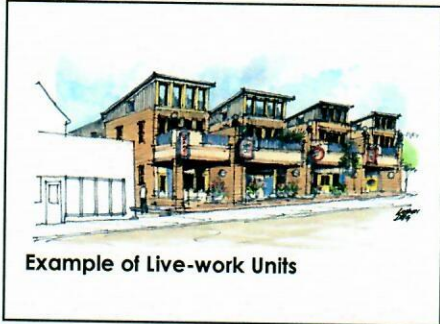
Example of a Drainageway



Example of a Drive-In Facility



Example of a Duplex



Example of Live-work Units



Example of Dwelling, Courtyard Building



Example of Single-Family Attached



Example of Dwelling, Single-family Attached

**DUMP** shall mean a place used for the disposal, abandonment, discarding by burial, incineration, or by any other means for any garbage, sewage, trash, refuse, rubble, waste material, offal or dead animals. Such use shall not involve any industrial or commercial process.

**DUPLEX** shall mean a building designed or used exclusively for the occupancy of two families living independently of each other and having separate kitchen and toilet facilities for each family.

**DWELLING** shall mean any building or portion thereof, which is designed and used exclusively for single family residential purposes, excluding mobile homes.

**DWELLING, COTTAGE COURT** shall mean a residential form for either renter-occupied or owner-occupied which contains multiple units, likely grouped in pairs around an open space or courtyard.

**DWELLING, COURTYARD BUILDING (MULTI-FAMILY)** shall mean a residential structure where the units have internal excess and are built around an outer or inner courtyard.

**DWELLING, LIVE-WORK UNIT** shall mean a small- to medium-sized attached or detached structure consisting of one dwelling unit above or behind a ground floor space accommodating a non-residential use.

**DWELLING, MULTI-FAMILY** shall mean a building, or portion thereof, arranged, intended or designed for occupancy by three or four families. As used herein, this may also be referred to as duplex, triplex or quadplex.

**DWELLING, SEASONAL** shall mean a dwelling designed and used as a temporary residence and occupied less than six months in each year.

**DWELLING, SINGLE FAMILY** shall mean a building having accommodations for and occupied exclusively by one family. A residential design manufactured home shall be considered a single-family dwelling.

**DWELLING, SINGLE FAMILY ATTACHED** shall mean a one-family dwelling unit that is attached to one or more additional single-family dwelling. Said dwelling units are separated by an unpierced common wall(s) (as required by local codes) through the center of the structure that also sits along the property line separating ownership of the structure.

**DWELLING, TOWNHOUSE** shall mean a one-family dwelling in a row of at least two such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical wall(s).

**DWELLING, TWO FAMILY DWELLING, COTTAGE COURT** shall mean a residential form for either renter-occupied or owner-occupied which contains multiple units, likely grouped in pairs around an open space or courtyard.

**DWELLING, COURTYARD BUILDING (MULTI-FAMILY)** shall mean a residential structure where the units have internal excess and are built around an outer or inner courtyard.

**DWELLING, STACKED** shall mean a residential building with two units stacked one on the other. These can be an older single-family dwelling unit converted into two separate units.

**DWELLING, TRIPLE STACKED** shall mean a residential structure containing three to six units stacked through three stories.

**DWELLING, TWO FAMILY** see duplex

**DWELLING UNIT** shall mean a building, or part thereof, containing complete housekeeping facilities for one family.

**DWELLING UNIT, SPECIAL TYPES** shall mean any dwelling type consisting of single-family detached; single-family attached, multi-family, mobile home that is not meet the typical construction style of traditional stick framed structures.

1. **Cargo Container Dwelling:** a dwelling unit constructed of one or more new or used cargo containers used for multi-modal shipping.
2. **Grain Bin Dwelling Unit:** A dwelling unit constructed of one or more grain bins, new or used meeting the definition of dwelling unit above.
3. **Quonset home:** A home constructed beneath and in a structure referred to as a Quonset.
4. **Shouse:** A combination of a dwelling unit and machine shed under a common or connect roofing system.
5. **Tiny House:** A structure containing living spaces including sleeping and kitchen areas which measure 500 square feet or less in area. Tiny houses can be either portable, on wheels similar to a recreational vehicle, or on a permanent foundation.
6. **Tree House:** A dwelling unit where the primary structure of the unit is based on one or more tree clusters.



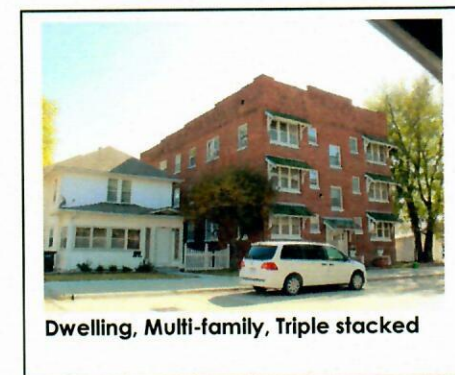
Dwelling, Two-family, Cottage Court



Dwelling, Courtyard Building (multi-family)



Dwelling, Multi-family



Dwelling, Multi-family, Triple stacked



Cargo Container Apartment



Cargo Container Home



Cargo Container Home



Grain Bin Home



Grain Bin Home



Shouse



Shouse



Grain Elevator Apartment



Tiny House



Tiny House



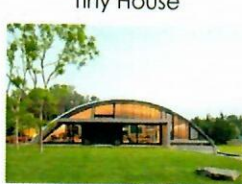
Tree House



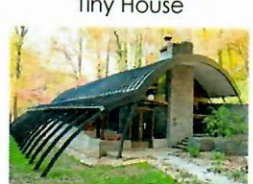
Tree House



Quonset home

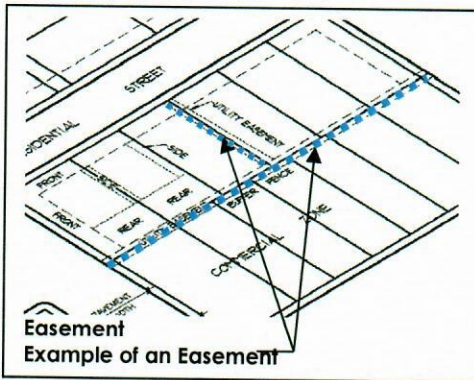


Quonset home



Quonset home

**E**



**EASEMENT** shall mean a grant, made by a property owner, to the use of his or her land by the public, a corporation, or persons, for specific purposes, such as access to another property or the construction of utilities, drainage ways or roadways.

**EDUCATIONAL INSTITUTION** shall mean a public, or private institution or facility which conducts regular academic instruction at preschool, kindergarten, elementary, secondary, or collegiate levels, including graduate schools, universities, junior colleges, trade schools, nonprofit research institutions and religious institutions. Such institutions must meet all criteria and standards as established by the Kansas State Board of Education or other respective authority having jurisdiction over the institution.

**EFFECTIVE DATE** shall mean the date that this chapter shall have been adopted, amended, or the date land areas became subject to the regulations contained in this chapter as a result of such adoption or amendment.

**ELECTRIC DISTRIBUTION SUBSTATION** shall mean an electric substation with a primary voltage of less than 161 KV, with distribution circuits served therefrom.

**ELECTRIC TRANSMISSION SUBSTATION** shall mean an electric transformation or switching station with a primary voltage of more than 161 KV without distribution circuits served therefrom.

**ELEEMOSYNARY INSTITUTION** shall mean an institution supported by charity and designed to assist persons, for example, those recovering from mental or emotional illness.

**EMERGENCY RESIDENTIAL SERVICES** shall mean a facility or use of a building to provide a protective sanctuary for victims of crime or abuse, including emergency housing during crisis intervention for victims of rape, abuse, or physical beatings.

**EMERGENCY SHELTER** shall mean a facility providing 24-hour residential care and protection for a period not to exceed 30 days and which provides the resident access to the surrounding community.

**ENCROACHMENT** shall mean an obstruction or illegal or unauthorized intrusion into a delineated floodway, right-of-way, or adjacent property.

**ENLARGEMENT** shall mean the expansion of a building, structure, or use in volume, size, area, height, length, width, depth, capacity, ground coverage, or in number.

**EQUESTRIAN FACILITIES AND STABLES** shall mean commercial horse, donkey, and mule facilities including horse ranches, boarding stables, riding schools and academies, horse exhibition facilities, pack stations. This land use includes barns, stables, corrals, and paddocks accessory and incidental to the above uses.

**EQUIPMENT RENTAL AND SALES** shall mean the sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes, and similar heavy equipment, including incidental storage, maintenance, and servicing. Typical uses include truck dealerships, construction equipment dealerships, and mobile home sales establishments.

**EQUIPMENT REPAIR SERVICES** shall mean the Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include truck repair garages, tractor and farm implement repair services, and machine shops, but exclude dismantling, salvage, or body and fender repair services.

**ERECTED** shall mean constructed upon or moved onto a site.

**ESTABLISHED SETBACK** shall mean the average setback on each street on which a lot fronts established by three or more buildings; provided, only those properties that are within the same district and within 300 feet on each side of said lot along the same side of the street, but not beyond any intersecting street, are used in determining the established setback.

**EVERGREEN OR CONIFEROUS SCREEN** shall mean landscape material consisting of plants which retain leaves or needles throughout the year which eventually will grow and be maintained at six feet in height, at least.



**EXISTING AND LAWFUL** shall mean the use of a building, structure, or land was in actual existence, operation, and use, as compared to the use being proposed, contemplated, applied for, or in the process or being constructed or remodeled. In addition, the use must have been permitted, authorized, or allowed by law or any other applicable regulation prior to the enactment of a zoning regulation when first adopted or permitted, authorized or allowed by the previous zoning regulation prior to the adoption of an amendment to that zoning regulation.

**EXOTIC BIRDS OR ANIMALS** shall mean birds or animals not commonly kept domestically or that are not native to Ellis or Brown County and/or the United States. Exotic birds or animals includes, but are not limited to, bears, lions, tigers, cougars, wolves, half-breed wolves, and snakes. Birds in the ratite family, llamas and buffalo shall not be considered as exotic birds or animals.

**EXTRATERRITORIAL JURISDICTION** shall mean the area beyond the corporate limits of the City, in which the State and County has granted the City the power to exercise zoning jurisdiction.

**F**

**FABRICATION** shall mean that part of manufacturing which relates to stamping, cutting, or otherwise shaping processed materials into objects and may include the assembly of standard component parts, but does not include extracting, refining, or other initial processing of basic new materials. **Factory-Built Home**: A mobile home, manufactured home, or modular home as defined in this Zoning Ordinance.

**FAÇADE** shall mean the exterior wall of a building exposed to public view from the building's exterior.

**FACTORY** shall mean a structure or plant within which something is made or manufactured from raw or partly wrought materials into forms suitable for use.

**FAMILY** shall mean one or more persons related by blood or marriage or adoption, living together as a single housekeeping unit plus usual domestic servants; or a group of not more than four unrelated persons living together as a single housekeeping unit.

**FAMILY DAY CARE HOME** shall mean a facility licensed by the State of Kansas to provide children under 18 years of age with food and lodging for less than 24-hours per day. This term is further construed to include similar units with different names.

**FARM WINERY** shall mean any enterprise which produces and sells wines produced from grapes, other fruit, or other suitable agricultural products of which at least seventy-five percent of the finished products are grown in this state.

**FARMER'S MARKET** shall mean an occasional or periodic market held in an open area or in a structure where groups of sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages (but not to include secondhand goods) dispensed from booths located on-site.



Example of a Farmer's Market  
Copyright American Planning Association

**FARMING** shall mean the planting, cultivating, harvesting and storage of grains, hay or plants commonly grown in Kansas with the necessary accessory uses for treating or storing the produce and the feeding of livestock as prescribed hereunder, provided such accessory uses do not include the feeding of garbage or offal to swine or other animals.

**FEDERAL** shall mean the federal government of the United States of America.

**FEED LOT** shall mean (1) A livestock feedlot, or feed yard, having more than 1,000 head of livestock at one time during the licensed year; or (2) any other livestock feedlot whose operator elects to come under this act.

**FEED LOT, COMMERCIAL** shall mean a livestock feedlot or feed yard as defined by K.S.A. §47-1501 et seq, licensed by and operated under standards set forth by the Kansas Livestock Commission.

**FEEDER LINE** shall mean any power line that carries electrical power from one or more energy sources to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the wind energy conversion system.

**FENCE** shall mean a free-standing structure of metal, masonry, composition of wood or any combination thereof resting on or partially buried in the ground and rising above ground level, and used for confinement, screening or partition purposes.

**FENCE, INVISIBLE** shall mean an electronic pet containment system that includes the burying of wire and the use of transmitters for complete enclosure of a yard or creating sectional areas within a yard.

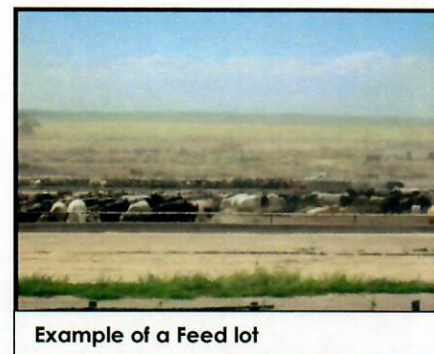
**FENCE, OPEN** shall mean a fence, including gates, which has 50 percent or more of the surface area in open spaces, which affords direct views through the fence.

**FENCE, SOLID** shall mean any fence, which does not qualify as an open fence.

**FINANCIAL SERVICES** shall mean the provision of financial and banking services to consumers or clients. Walk-in and drive-in services to consumers are provided on site. Typical uses include banks, savings and loan associations, savings banks, and loan companies.

**FLOOD** shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) The overflow of inland or tidal waters, or (2) The unusual and rapid accumulation of runoff of surface waters from any source.

**FLOODPLAIN** shall mean any land area susceptible to being inundated by water from any source.



Example of a Feed lot

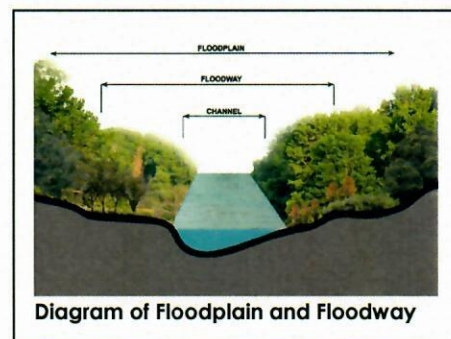


Diagram of Floodplain and Floodway

**FLOOD PROOFING** shall mean any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**FLOODWAY** shall mean the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**FLOOR AREA** shall mean the square foot area of all space within the outside line of a wall, including the total area of all floor levels, but excluding porches, garages, or unfinished space in a basement or cellar.

**FOOD SALES** shall mean establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.

**FOOT CANDLE** shall mean a unit of illumination. Technically, the illumination of all points one-foot distance from a uniform point source of one candle power.

**FOSTER FAMILY HOME** shall mean a private home in which care is given for 24 hours a day for children away from their parent or guardian and which is licensed under K.S.A. §28-4311 et seq.

**FOUNDATION** shall mean that part of a building or wall, wholly or partly below grade, that constitutes a structural base for such building or wall.

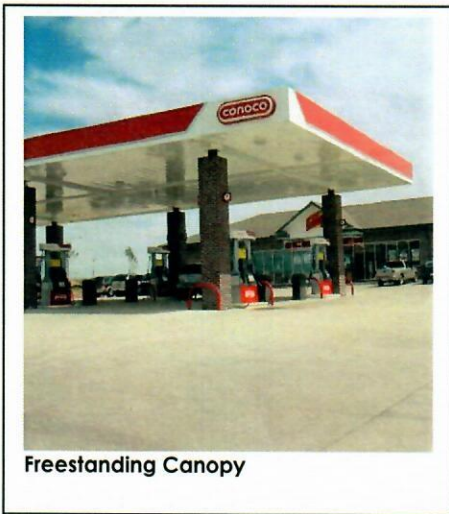
**FREESTANDING CANOPY** shall mean a permanent, freestanding, unenclosed roof structure, typical of gas stations and financial institutions, designed to provide patrons shelter from the elements.

**FREQUENCY** shall mean the number of oscillations per second in a sound wave. This is an index of the pitch of the resulting sound.

**FRONT** shall mean the part or side of any building or structure facing the street or frontage road which is used as the basis for establishing the permanent address for the building or structure.

**FRONTAGE** shall mean that side of a lot abutting on a street and ordinarily regarded as the front of the lot.

- a. Street Frontage: All of the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street; or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.
- b. Lot Frontage: The distance for which the front boundary line of the lot and the right-of-way are coincident.



**FUNERAL HOME/MORTUARY** shall mean a building used for the storage, preparation, and display of the deceased and for the performance of rituals and ceremonies connected therewith before burial or cremation. Crematoriums are permitted as an accessory use to a funeral home/mortuary providing they are licensed by the Board of Mortuary Science Examiners and have received an establishment permit to operate, required by the State of Kansas and meet all federal regulations.

## G

**GARAGE, PRIVATE** shall mean an enclosed space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein, nor space therein for more than one car is leased to a nonresident of the premises. Also see Carport.

**GARAGE, PUBLIC** shall mean any garage that is not a private garage, and which is used for storage, repair, rental, servicing or supplying of gasoline or oil to motor vehicles.

**GARAGE, REPAIR** shall mean a building designed and used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint, and body work. Also, see Service Station.

**GARBAGE** shall mean any waste food material of an animal or vegetable nature, including that which may be used for the fattening of livestock.

**GARDEN APARTMENT BUILDING** shall mean an apartment building located on a lot either singly or together with other similar apartment buildings, such buildings generally being one or two stories in height and having grounds completely landscaped.

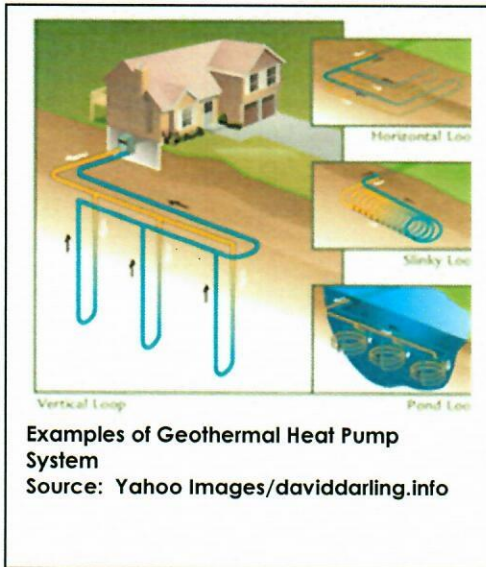
**GARDEN CENTER** shall mean a place of business where retail and whole-sale products and produce are sold to the consumer. These centers, which may include a nursery and/or greenhouse, import most of the items sold, and may include plants, nursery products and stock, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm variety tools and utensils.

**GAS GATHERING SERVICES** shall mean the gathering or preparation of natural gas for transportation, including transportation to a main transmission line or to any exit tap on a gas gathering system, whether such services are performed for hire or in connection with the purchase of natural gas by the person gathering or preparing the gas or a marketer affiliated with the person gathering or preparing the gas. "Gas gathering services" does not include the gathering of natural gas by an owner or operator of gathering facilities who: (A) Does not hold such facilities out for hire on or after the effective date of this act; and (B) does not purchase the gas for resale. Existing, new or additional exit taps added to a gas gathering system shall not cause a gas gathering system to be regulated as a public utility as that term is used in K.S.A. §66-104, and amendments thereto, or as a common carrier as that term is used in K.S.A. §66-105, and amendments thereto.

**GAS GATHERING SERVICES, EXIT TAP** shall mean the point on a gas gathering system at which natural gas is delivered to a consumer, homeowner, business, agricultural user, person, gas marketer or public utility.

**GEOHERMAL HEAT PUMP SYSTEM** shall mean a well, constructed for the purpose of utilizing the geothermal properties of the earth.

1. Open Loop Heat Pump well shall mean a well that transfers heat via pumped ground water which is discharged above and/or below ground.
2. Closed Loop Heat Pump well shall mean a well, constructed for the purpose of installing the underground closed loop pipe necessary to recirculate heat transfer fluid.
3. Horizontal Closed Loop means a trench or pit essentially parallel to the horizon and into which a closed loop pipe is placed for the purpose of heat transfer.
4. Vertical Closed Loop means a borehole essentially perpendicular to the horizon into which a closed loop pipe is placed for the purpose of heat transfer.



**GENERAL OFFICES** shall mean the Use of a site for business, professional, or administrative offices. Typical uses include real estate, insurance, management, travel, or other business offices; organization and association offices; banks or financial offices; or professional offices.

**GOVERNING BODY** shall mean the City Council of the City of Victoria, Kansas.

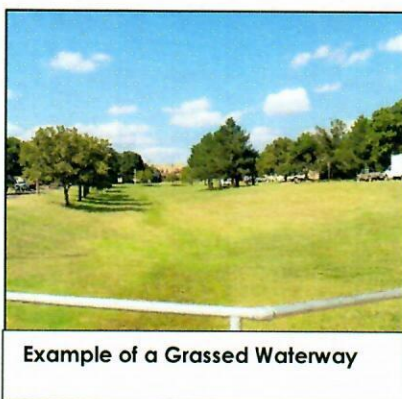
**GRADE, ESTABLISHED** shall mean the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.

**GRAIN HANDLING SYSTEMS** shall mean the moving, transferring, handling, storing, aerating and/or drying of grains by mechanical or natural means, which may include, but not limited to, stationary storage units (i.e. grain bins, hoppers, silos) grain-dump pits, fans, dryers, conveyors, augers, leg systems, and /or catwalks.

**GRANNY FLAT** (see "Accessory Apartment")

**GRAVEL AND CRUSHED ROCK** (as pertains to roads) shall mean materials added to the surface of dirt roads to provide all weather travel. This type of road surface is usually found in the rural areas of the County and generally less traveled in nature.

**GRASSED WATERWAY** shall mean grassed waterways are areas planted with grass or other permanent vegetative cover where water usually concentrates as it runs off a field. They can be either natural or man-made channels. Grass in the waterway slows the water and can reduce gully erosion and aid in trapping sediment.



**GREEN BUILDING** shall mean structures that incorporate the principles of sustainable design in which the impact of a building on the environment will be minimal over the lifetime of that building. Green buildings incorporate principles of energy and resource efficiency, practical applications of waste reduction and pollution prevention, good indoor air quality and natural light to promote occupant health and productivity, and transportation efficiency in design and construction, during use and reuse. A building shall be considered "green" if it meets the requirements of the most current LEED certification or any other nationally recognized green building certification program.

**GREENHOUSE** shall mean a building or premises used for growing plants, preparing floral arrangements for off-site delivery to customers, cold storage of flowers or dry storage of materials used for agricultural or horticultural purposes.

**GREENHOUSE, NONCOMMERCIAL** shall mean a building constructed primarily of glass, plastic or similar material in which temperature and humidity can be controlled for the cultivation of fruit, herbs, flowers, vegetables or other plants intended for private use and not for sale.

**GREENWAY** shall mean a parcel or parcels of land, together with the improvements thereon, dedicated as an easement for access and/or recreation; usually a strip of land set-aside for a walkway, bicycle trail, bridle path, or other similar access-way.

**GROSS FLOOR AREA** shall mean the total enclosed area of all floors of a building, measured to the inside surfaces of the exterior walls. This definition excludes the areas of basements, elevator shafts, airspaces above atriums, and enclosed off-street parking and loading areas serving a principal use.

**GROUND COVER** shall mean plant material used in landscaping which remains less than 12 inches in height at maturity.

**GROUNDWATER** shall mean water naturally occurring beneath the surface of the ground that fills available openings in the rock or soil materials such that they may be considered saturated.

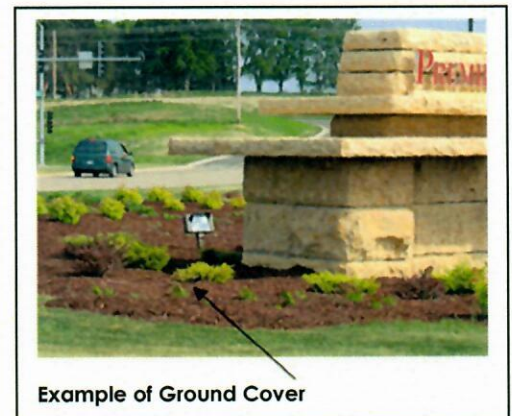
**GROUP BOARDING HOME OR RESIDENTIAL CENTER FOR CHILDREN/ADULTS**

Shall mean a facility licensed by the State of Kansas to provide 24-hour care for not less than five nor more than 10 persons.

**GROUP DAY CARE HOME** shall mean a facility licensed by the State of Kansas for the care of seven to 12 children under 14 years of age, and which is maintained for less than 24 hours per day.

**GROUP HOME** shall mean a residential facility licensed by the state Department of Social and Rehabilitation Services, the Behavioral Service Regulatory Board or the State Board of Healing Arts that is occupied or intended to be occupied by persons with a "disability," as that term is defined in K.S.A. §12-736 as amended, and staff residents, none of whom need be related by blood or marriage.

**GROUP HOUSING** shall mean two or more separate buildings on a lot, each containing one or more dwelling units.



Example of Ground Cover



Example of an outdoor shooting range  
Source: [safe gun ranges outdoor - Bing images](#)

**GUEST HOUSE** shall mean living quarters within a detached accessory building located on the same premises with the main building for use by temporary guests of the occupants of the premises, such quarters having no kitchen facilities or separate utilities and not rented or otherwise used as a separate dwelling.

**GUEST ROOM** shall mean a room, which is designed to be occupied by one or more guests for sleeping purposes, having no kitchen facilities, not including dormitories.

**GUN CLUB** shall mean any organization whether operated for profit or not, and whether public or private, which caters to or allows the use of firearms.

**GUN SHOOTING RANGE (OUTDOOR)** shall mean an outdoor area designated for the firing of firearms at stationary or mobile targets within the area.

## H

**HALF-STORY** shall mean a story under a sloped roof which has the intersection of the roof line and exterior wall face not more than three feet above the floor of such story.

**HALFWAY HOUSE** shall mean a licensed home for individuals on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, living together as a single housekeeping unit, wherein supervision, rehabilitation and counseling are provided to mainstream residents back into society, enabling them to live independently.

**HAZARDOUS MATERIAL** shall mean materials, products, or substances that, by reason of their toxic, caustic, corrosive, explosive, abrasive, radioactivity, infectious properties, or other characteristics, that cause or may be detrimental or harmful to the health of any person or to the environment. For specific and more detailed information, current definitions, lists of hazardous material and quantities determined to pose a hazard, reference Title 40, Code of Federal Regulations, Parts 261 and 302, and /or any subsequent amendments thereto.

**HAZARDOUS SUBSTANCES** shall mean any substance or materials that, by reason of their toxic, caustic, corrosive, abrasive, or otherwise coming into contact with such material or substance.

**HAZARDOUS WASTE** shall mean any discarded material, refuse, or waste products, in solid, semisolid, liquid, or gaseous form, that cannot be disposed of through routine waste management techniques because they pose a present or potential threat to human health, or to other living organisms, because of their biological, chemical, or physical properties.

**HAZARDOUS WASTE DISPOSAL FACILITY** shall mean any facility which meets the requirements as defined in K.S.A. §65-3402, as amended.

**HEALTH CLUB** shall mean a privately owned facility operated for profit, such as gymnasiums, athletic clubs, health clubs, recreational clubs, reducing salons, and weight control establishments.

**HEALTH RECREATION FACILITY** shall mean an indoor or outdoor facility including uses such as game courts, exercise equipment, locker rooms, whirlpool spa and/or sauna and pro shop.

**HEDGE** shall mean a plant or series of plants, shrubs or other landscape material, so arranged as to form a physical barrier or enclosure.

**HELIPORT** shall mean any landing area used for the landing and taking off of helicopters, including all necessary passenger and cargo facilities, fueling, and emergency service facilities.

**HELISTOP** shall mean an area designed to be used for the landing or takeoff of one helicopter, the temporary parking of one helicopter, and other facilities as may be required by federal and state regulations, but not including operation facilities such as maintenance, storage, fueling, or terminal facilities.

**HIGHWAY** shall mean a street designated as a highway by an appropriate local, state or federal agency.

**HIGHWAY, LIMITED ACCESS** shall mean a freeway, or expressway providing for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at such points and in such manner as may be determined by the public authority having jurisdiction over such traffic-way.

**HIGHWAY SETBACK LINE** shall mean the future right-of-way line or plan lines of any highway.

**HOBBY BREEDER PREMISES** shall mean any premises where all or part of 3, 4, or 5 litters of dogs or cats, or both, are produced for sale or sold, offered or maintained for sale. This provision applies only if the total number of dogs or cats, or both, sold, offered or maintained for sale is less than 30 individual animals.

**HOLDING ZONE** shall mean a zoning district, usually a very low-density district, placed on property for the purpose of temporarily holding back the development of land for a more intensive desired use as indicated by the comprehensive plan until such time as community facilities are economically available and thereby avoiding the "leap frogging" of land uses.

**HOME-BASED BUSINESS** shall mean an accessory use of a single-family or two-family residential structure which does not meet the definition of a home occupation. A home-based business would consist of service-oriented uses and typically be more intense than a home occupation, due to factors such as intensity of use or clients coming to the residence. A Home-based Business typically will allow a minimum amount of employment from outside the individuals residing on the property.



Example of a Heliport



Example of a Limited Access Highway



**HOME OCCUPATION** shall mean a business, profession, occupation or trade conducted for gain or support, entirely within a residential building, and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the residential building for dwelling purposes and does not change the character thereof.

**HOMEOWNERS ASSOCIATION** shall mean a community association, other than a condominium association, which is organized in a development in which individual owners share common interests in open space or facilities. The Homeowners Association usually holds title to reserves, manages and maintains the common area, and enforces certain covenants and restrictions. Condominium Associations differ from Homeowners Associations in that Condominium Associations do not have title to the common property.

**HORTICULTURE** shall mean the growing of horticultural and floricultural specialties, such as flowers, shrubs, or trees intended for ornamental or landscaping purposes. This definition may include accessory retail sales under certain conditions. Typical uses include wholesale plant nurseries and greenhouses.

**HOSPICE** shall mean a facility serving as a medical and residential facility for end-of-life treatment, providing inpatient services and support services for families of the residents and patients.

**HOSPITAL** shall mean, unless otherwise specified, the term "hospital" shall be deemed to include sanitarium, clinic, rest home, nursing home, convalescent home, home for the aged and any other place for the diagnosis, treatment or other care of human ailments.

**HOTEL or MOTEL** shall mean a building or portion thereof, or a group of buildings, offering transient lodging accommodations on a daily rate to the general public and providing services associated with restaurants, meeting rooms, and recreational facilities. The word "hotel" includes but is not limited to motel, inn, automobile court, motor inn, motor lodge, motor court, tourist court, and motor hotel.

**HOUSEHOLD PET** shall mean an animal that is customarily kept for personal use or enjoyment within the home. Household pet shall include but not be limited to domestic dogs, domestic cats, domestic tropical birds, fish, and rodents.

**IMPERVIOUS COVERAGE** shall mean the total horizontal area of all buildings, roofed or covered spaces, paved surface areas, walkways and driveways, and any other site improvements that decrease the ability of the surface of the site to absorb water, expressed as a percent of site area. The surface water area of pools is excluded from this definition.

**IMPERVIOUS SURFACE** shall mean a surface that has been compacted or covered with a layer of material making the surface highly resistant to infiltration by water, such as compacted sand, rock, gravel, or clay and conventionally surfaced streets, roofs, sidewalks, parking lots, and driveways.

**INCIDENTAL USE** shall mean a use, which is subordinate to the main use of a premise.

**INCOMBUSTIBLE** shall mean a material which will not ignite nor actively support combustion during an exposure for five minutes to a temperature of 1200 degrees Fahrenheit.

**INDUSTRIAL, GENERAL** shall mean enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products from prepared materials or from raw materials without noticeable noise, odor, vibration, or air pollution effects across property lines.

**INDUSTRIAL, HEAVY** shall mean enterprises involved in the basic processing and manufacturing of products, predominately from raw materials, with noticeable noise, odor, vibration, or air pollution effects across property lines; or a use or process engaged in the storage of or processes involving potentially or actually hazardous, explosive, flammable, radioactive, or other commonly recognized hazardous materials.

**INDUSTRIAL, LIGHT** shall mean establishments engaged in the manufacture or processing of finished products from previously prepared materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution. These establishments are characterized by having no major external environmental effects across property lines and include no unscreened or unenclosed outdoor storage. Typical uses include commercial bakeries, dressed beef processing plants, soft drink bottling, apparel assembly from fabrics, electronics, manufacturing, print shops and publishing houses.

**INDUSTRIAL LANDFILL** shall mean a permitted solid waste disposal area used exclusively for the disposal on land of industrial solid waste.

**INDUSTRIAL PARK** shall mean a special or exclusive type of planned industrial area designated and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. Industrial parks may be promoted or sponsored by private developers, community organizations, or governmental organizations.

**INDUSTRIAL SOLID WASTE** shall mean non-toxic, non-hazardous solid waste generated from industrial processing and acceptable as material for disposal in an industrial landfill as determined by the Kansas Department of Health and Environment.

**INDUSTRIAL USES** shall mean the manufacture, fabrication, processing, reduction or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof, and any storage facilities operated in conjunction with an industrial use or for a fee, including storage elevators, truck storage yards, warehouses, wholesale storage and other similar types of enterprise.

**INFILL DEVELOPMENT** shall mean the construction of a building or structure on a vacant parcel located in a predominantly built-up area.

**INFILL SITE** shall mean any vacant lot, parcel or tract of land within developed areas of the City and where water, sewer, streets, schools, and fire protection have already been constructed or are provided. a predominately built-up area.

**INFRASTRUCTURE** shall mean facilities and services needed to sustain industry, residential, commercial, and all other land-use activities, including water lines, sewer lines, and other utilities, streets and roads, communications, and public facilities such as fire stations, parks, schools, etc.

**INOPERABLE MOTOR VEHICLE** shall mean any motor vehicle which: (1) Does not have a current state license plate; or, (2) Which is disassembled or wrecked in part or in whole, or is unable to move under its own power; or, (3) is not equipped as required by Kansas State Law for operation upon streets or highways. A vehicle that is wholly or partially dismantled shall not be considered inoperable when said vehicle is inside a completely enclosed building.

**INTENSE BURNING** A rate of combustion described as a material that burns with a high degree of activity and is consumed rapidly.

**INTENSITY** shall mean the degree to which land is used referring to the levels of concentration or activity in uses ranging from uses of low intensity being agricultural and residential to uses of highest intensity being heavy industrial uses. High intensity uses are normally uses that generate concentrations of vehicular traffic and daytime population and are less compatible with lower intensity uses.

**J**

**JUNK** shall be any old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked motor vehicles, or parts thereof, iron, steel and other old or scrap ferrous or nonferrous material. This shall not apply to the storage of agricultural equipment used for parts and repairs primarily for the operations conducted by that equipment owner.

**JUNK YARD** shall mean any lot, land parcel, building, or structure or part thereof for storage, collection, purchase, sale, salvage, or disposal of machinery, farm machinery, and including motor vehicles, parts and equipment result from dismantling or wrecking, or keeping of junk, including scrap metals or other scrap materials, with no burning permitted. For motor vehicles, see "Automobile Wrecking Yard".

**K**

**KENNEL, BOARDING, or TRAINING** shall mean any place, area, building or structure where dogs (including those under one year of age) are boarded, housed, cared for, fed or trained by other than the owner.

**KENNEL, BREEDER** shall mean any place, area, lot, building or structure where more than four dogs are kept for any purposes.

**KENNEL, PRIVATE** shall mean an establishment where five or more dogs or cats, or combination thereof, other household pets, or non-farm/non-domestic animals at least four months of age, excluding vicious animals, are raised, bred, or boarded.

**L**

**LABORATORY, MEDICAL** shall mean an establishment which provides bacteriological, biological, medical, x-ray, pathological and other similar analytical or diagnostic services.

**LAGOON** shall mean a wastewater treatment facility that is a shallow, artificial pond where sunlight, bacterial action, and oxygen interact to restore wastewater to a reasonable state of purity. This includes both human and livestock wastes. All lagoons shall meet the minimum design criteria established by the KDHE. All lagoons shall have the proper permits approved prior to starting construction.

**LANDFILL** shall mean a site established for disposing of solid wastes in a manner that minimizes environmental hazards which is operated in accordance with the regulations of the KDHE.

**LANDSCAPE** shall mean plant materials, topography, and other natural physical elements combined in relation to one another and to man-made structures.

**LANDSCAPED AREA** shall mean the area within the boundaries of a given lot, site or common development consisting primarily of plant material, including but not limited to grass, trees, shrubs, vines, ground cover, and other organic plant materials; or grass paver masonry units installed such that the appearance of the area is primarily landscaped.

1. Perimeter Landscaped Area: Any required landscaped area that adjoins the exterior boundary of a lot, site or common development.
2. Interior Landscaped Area: Any landscaped area within a site exclusive of required perimeter landscaping.

**LANDSCAPING** shall mean the improvement of a lot, parcel, or tract of land with grass, shrubs, and/or trees. Landscaping may include pedestrian walks, flowerbeds, ornamental objects such as fountains, statuary, and other similar, natural, and artificial objects, designed and arranged to produce an aesthetically pleasing effect.

**LAUNDRY, SELF SERVICE** shall mean an establishment that provides home-type washing, drying, and/or ironing facilities for customers on the premises.

**LEED** shall mean a professional credential that means Leadership in Energy and Environmental Design as administered and regulated by the United States Green Building Council.

**LEED-ND** shall mean a professional credential within the overall LEED program meaning Leadership in Energy and Environmental Design – Neighborhood Design as administered and regulated by United States Green Building Council.

**LICENSED MENTAL HEALTH CARE PROVIDER** shall mean a person or agency who provides mental health services, and which is licensed under the following regulations of the State of Kansas:

1. The Department of Social and Rehabilitation Services pursuant to K.S.A. §75-3307b or §65-425 et. seq., and amendments thereto; or
2. The Behavioral Sciences Regulatory Board pursuant to K.S.A. §75-5346 et. seq. or §74-5301 et. seq., and amendments thereto; or
3. The State Board of Healing Arts pursuant to K.S.A. §65-2801 et. seq., and amendments thereto.

**LIFE CARE FACILITY** shall mean a facility for the transitional residency of the elderly and/or disabled persons, progressing from independent living to congregate apartment living where residents share common meals, culminating in full health, and continuing care nursing home facility. Also, see Congregate Housing.

**LIMITS OF GRADING** shall mean the outermost edge of the area in which the existing topography is to be altered by cutting and/or filling.

**LIQUOR SALES** shall mean establishments or places of business engaged in retail sale for off-premise consumption of alcoholic beverages. Typical uses include liquor stores, bottle shops, or any licensed sales of liquor, beer or wine for off-site consumption.

**LIVESTOCK** shall mean generally accepted outdoor farm animals (i.e. cows, goats, horses, pigs, barnyard fowl, etc.) not to include cats, dogs, and other household pets.

**LIVESTOCK SALES YARD** shall mean the use of a site for the temporary confinement and exchange or sale of livestock. Typical uses include sale barns.

**LOADING AREA/SPACE** shall mean an off-street space or berth on the same lot with a main building, or contiguous to a group of buildings, for the temporary parking of commercial vehicles while loading or unloading, and which abuts a street, alley, or other appropriate means of ingress and egress.

**LOT** shall mean a parcel or tract of land which is or may be occupied by a use herein permitted, together with yards, and other open spaces herein required, that has frontage upon an improved street, and is a part of a recorded subdivision plat or has been recorded prior to the adoption of the Regulation, or a parcel of real property delineated on an approved record of survey, lot-split or sub-parceling map as filed in the office of the Ellis County Register of Deeds and abutting at least one improved public street or right-of-way, two thoroughfare easements, or one improved private road.

**LOT, CORNER** shall mean a lot located at the intersection of two or more streets at an angle of not more than 135 degrees. If the angle is greater than 135 degrees, the lot shall be considered an "Interior Lot". The setbacks for a front yard shall be met on all abutting streets.

**LOT, DOUBLE FRONTAGE, or THROUGH** shall mean a lot having a frontage on two non-intersecting streets as distinguished from a corner lot.

**LOT, FLAG** shall mean an interior lot, the majority of which has frontage and access provided by means of a narrow corridor.

**LOT, INTERIOR** shall mean a lot other than a corner lot.

**LOT AREA** shall mean the total area, on a horizontal plane, within the lot lines of a lot.

**LOT COVERAGE** shall mean the portion of a lot or building site which is occupied by any building or structure, excepting paved areas, walks and swimming pools, regardless of whether said building or structure is intended for human occupancy or not.

**LOT DEPTH** shall mean the horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

**LOT FRONTAGE** shall mean the side of a lot abutting on a legally accessible street right-of-way other than an alley or an improved county road. For the purposes of this definition, on corner lots, all sides of a lot adjacent to streets or roads shall be considered frontage.

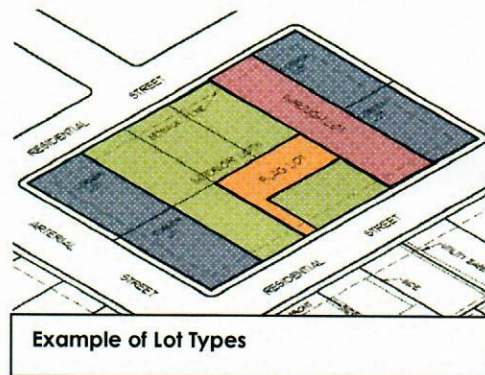
**LOT LINE** shall mean the property line bounding a lot.

**LOT LINE, FRONT** shall mean the property line abutting a street.

**LOT LINE, REAR** shall mean a lot line not abutting a street which is opposite and most distant from the front lot line.

**LOT LINE, SIDE** shall mean any lot line not a front lot line or rear lot line.

**LOT OF RECORD** shall mean a lot which is part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds of Ellis County or a lot described by metes-and-bounds, the description which has been recorded in the office of the Register of Deeds, both of which were prior to the adoption of these Regulations.



**LOT WIDTH** shall mean the average horizontal distance between the side lot line, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

## M

**MANUFACTURE** shall mean any method of processing, developing, fabricating, or assembling; either raw materials, semi-finished materials, or parts into a semi-finished or finished product.

**MANUFACTURED HOME** see Dwelling, Manufactured Home.

**MANUFACTURED HOME CERTIFIED** shall mean a structure consisting of one or more mobile components manufactured to the standards embodied in the federal Manufactured Home Construction and Safety Standards Act generally known as the HUD Code, established pursuant to 42 U.S.C. 5403. Such structure shall have been constructed after June 15, 1976. Such units shall provide all of the accommodations necessary to be a dwelling unit and shall be connected to all utilities in conformance with applicable regulations. For purposes of these regulations, the term "manufactured home," when used by itself, shall not include a "residential-design manufactured home" as defined in these regulations.

**MANUFACTURED HOME, NON-CERTIFIED** shall mean a manufactured home as defined above that has not been certified as meeting the federal Manufactured Home Construction and Safety Standards Act established pursuant to 42 USC 5403.

**MANUFACTURED HOME ACCESSORY BUILDING OR STRUCTURE** shall mean a subordinate building or structure which is an addition to or supplements a manufactured home such as awnings, cabanas, storage structures, carports, porches, fences, skirting, or windbreaks.

**MANUFACTURED HOME LOT** shall mean a plot of ground within a manufactured home subdivision for the placement of one manufactured home for single family occupancy and the exclusive use of its occupants and which provides the necessary utility services for water, sewage and electricity.

**MANUFACTURED HOME PAD** shall mean that portion of an individual lot on which the manufactured home unit and any attached structure is placed.

**MANUFACTURED HOME PARK** shall mean an area, parcel, tract, or plot of ground equipped as required for support of manufactured homes and used or intended to be used by two or more occupied manufactured homes, provided the manufactured home spaces shall not be sold or offered for sale individually. The term "manufactured home park" does not include sale lots on which unoccupied manufactured homes, whether new or used, are parked for the purpose of storage, inspection or sale.

**MANUFACTURED HOME PARK PERMIT** shall mean a written document of certification issued by the Zoning Administrator permitting the construction, alteration or extension of a manufactured home park.

**MANUFACTURED HOME SALES AREA** shall mean an open area, other than a street, used for display or sale of new or used manufactured homes and where no repair work is performed except minor incidental repair of manufactured homes to be displayed and sold on the premises.

**MANUFACTURED HOME, RESIDENTIAL DESIGN** shall mean a manufactured home on a permanent foundation which meets the construction and design standards of the City of Victoria. A residential design manufactured home shall be used only for a single-family dwelling and shall meet the following criteria:

1. The home shall have no less than 600 square feet of floor area, above grade, for single story construction.
2. The home shall have no less than a 22-foot exterior width.
3. The roof shall be pitched with a minimum vertical rise of two and one-half inches for each 12 inches of horizontal run.
4. The exterior material is of a color, material and scale comparable with those existing in residential site-built, single-family construction.
5. The home shall have a non-reflective roof material that is or simulates asphalt or wood shingles, tile, or is a standing seam residential grade steel material, or rock.
6. The home shall be placed on a continuous permanent foundation and have wheels, axles, transporting lights, and removable towing apparatus removed, and
7. The home shall meet and maintain the same standards that are uniformly applied to all single-family dwellings in the zoning district.
8. Permanent foundation: continuous perimeter base on which building rests to be constructed from either poured concrete or laid masonry block or brick on a footing to be placed a minimum of 42 inches below the final ground level.

**MANUFACTURED HOME SKIRTING** shall mean the enclosing of the area between the manufactured home and the ground with a material designed to obscure from view the chassis of a manufactured home.

**MANUFACTURED HOME SUBDIVISION** shall mean a subdivision that is platted for development as individual home sites for manufactured homes, modular homes, residential-design manufactured homes and site-built single-family dwellings, all of which are required to be placed on permanent foundations.

**MANUFACTURED HOME UNIT, DOUBLE WIDE** shall mean a manufactured home which does not meet the designated standards of the City of Victoria for residential designed manufactured homes.

**MANUFACTURED HOME UNIT, SINGLE WIDE** shall mean a manufactured home which measures less than twenty-two feet in width when affixed to the manufactured home pad.



**MANUFACTURING** shall mean the mechanical or chemical transformation of materials or substances into new products. Manufacturing uses are usually described as plants, factories, or mills and characteristically use power driven machines and materials handling equipment. Assembling component parts of manufactured products is also considered manufacturing if the new product is neither a structure nor other fixed improvement. Also included is the blending of material such as lubricating oils, plastics, resins, or liquors. Manufacturing production is usually carried on for the wholesale market, for interplant transfer, or to order for industrial users, rather than for direct sale to the domestic consumer.

**MANUFACTURING, CUSTOM** shall mean an establishment primarily engaged in the on-site production of goods by hand manufacturing, within enclosed structures, involving:

1. The use of hand tools, or
2. The use of domestic mechanical equipment not exceeding 2 horsepower, or
3. A single kiln not exceeding 8 KW or equivalent.

This category also includes the incidental direct sale to consumers of only those goods produced on site. Typical uses include ceramic studios, custom jewelry manufacturing, and candle making shops.

**MASSAGE PARLOR** shall mean an establishment other than a regularly licensed and established hospital or dispensary where non-medical manipulative exercises or devices are practiced upon the human body manually or otherwise by any person other than a licensed physician, surgeon, dentist, occupational or physical therapist, chiropractor or osteopath with or without the use of therapeutic, electrical, mechanical, or bathing devices. Also, see Adult Uses.

**MASTER FEE SCHEDULE** shall mean a fee schedule maintained by the City of Victoria and passed, and amended periodically, which establishes the required fees to be collected for specific Planning, Zoning, and Subdivision activities.

**MECHANICAL EQUIPMENT** shall mean equipment, devices, and accessories, the use of which relates to water supply, drainage, heating, ventilating, air conditioning, and similar purposes.

**MEDICAL OFFICES** shall mean the use of a site for facilities which provide diagnoses and outpatient care on a routine basis, but which does not provide prolonged, in-house medical or surgical care. Medical offices are operated by doctors, dentists, or similar practitioners licensed for practice in the State of Kansas.

**MINI-STORAGE OR MINI-WAREHOUSE** see Self-Service Storage Facility.

**MISCELLANEOUS STRUCTURES** shall mean structures, other than buildings, visible from public ways. Examples are memorials, staging, antennas, water tanks and towers, sheds, shelters, fences, and walls, kennels, and transformers.

**MIXED USE** shall mean properties where various uses, such as office, commercial, institutional, and residential are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design.

**MIXED USE BUILDING** shall mean a building or structure that incorporates two or more use types within a single building or structure, provided that each use type is permitted within the individual Base Zoning District in which the building or structure is to be located.

**MIXED USE DEVELOPMENT** shall mean a single development that incorporates complementary land use types into a single development.

**MOBILE FOOD UNIT** shall mean a temporary food service establishment that is a vehicle-mounted and is designed to be readily movable.

**MOBILE HOME** see Dwelling, Mobile Home.

**MOBILE HOME PARK** shall mean a parcel of land under single ownership that has been planned and improved for the placement of manufactured or mobile housing used or to be used for dwelling purposes and where manufactured or mobile home spaces are not offered for sale or sold. The terms "manufactured home park" or "mobile home park" do not include sales lots on which new or used manufactured or mobile homes are parked for the purposes of storage, inspection, or sale. The terms "manufactured home park" or "mobile home park" shall include the term "trailer camp", as defined in the Victoria Code.

**MOBILE HOME SUBDIVISION** shall mean a parcel of land that has been subdivided and used or intended to be used for the purpose of selling lots for occupancy by manufactured or mobile homes.

**MODERATE BURNING** shall mean a rate of combustion described by a material which supports combustion and is consumed slowly as it burns.

**MOTEL** see Hotel.

**MOTOR FREIGHT TERMINAL** shall mean a building or area in which freight brought by motor truck is received, assembled or stored and dispatched for routing by motor truck which may include motor truck storage.

**MOTOR VEHICLE** shall mean every self-propelled land vehicle, not operated upon rails, except self-propelled wheelchairs.

**MOTOR VEHICLE GRAVEYARD** shall mean any establishment which is maintained, used, or operated for storing, keeping, buying, or selling three or more wrecked, scrapped, ruined, dismantled or inoperative motor vehicles; provided, however, such term shall not include any location where motor vehicle bodies are placed along stream banks for purposes of bank stabilization and soil erosion control, if such placement conforms with guidelines established by the Chief Engineer of the Division of Water Resources of the State Board of Agriculture and has been permitted accordingly.

**MOTOR VEHICLE OR AUTOMOBILE REPAIR SHOP** shall mean a building, or portion of a building, arranged, intended, or designed to be used for making repairs to motor vehicles and automobiles.

## N

**NIGHTCLUB** shall mean a commercial establishment dispensing beverages for consumption on the premises and in which dancing is permitted or entertainment is provided. Also, see Bar.

**NONCOMMUNITY WATER SUPPLY SYSTEM** shall mean any public water supply system that is not a community water supply system.

**NONCONFORMING BUILDINGS, LAND AND/OR USE** shall mean the use of a building or land which was lawful at the time this Code became effective but which, because of the passage of this Code, does not conform to the regulations of the district in which it exists.

**NONCONFORMING LOT** shall mean an unimproved lot which does not comply with the lot size requirements for any permitted use in the district in which it is located.

**NONCONFORMING SIGN** shall mean a sign that was legally erected prior to the adoption, revision, or amendment of this zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning ordinance.

**NONCONFORMING STRUCTURE** shall mean a structure which was lawful prior to the adoption, revision, or amendment of this zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning ordinance. No action can be taken which would increase the nonconforming characteristics of the structure.

**NONCONFORMING USE** shall mean any use existing and lawful at the time of adoption of these regulations occupying a building, structure or land but is no longer allowed.

**NON-FARM BUILDINGS** shall mean all buildings except those buildings utilized for agricultural purposes on a farm.

**NOXIOUS MATTER** shall mean material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being of individuals.

**NUISANCE** shall mean anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses such as noise, dust, odor, smoke, gas, pollution, congestion, lighting, and litter.

**NURSERY** shall mean the use of a premises for the propagation, cultivation, and growth of trees, shrubs, plants, vines, and the like from seed or stock, and the sale thereof, and including the sale of trees, shrubs, plants, vines, and the like purchased elsewhere and transplanted into the soil of the premises. In connection with the sale of plants, such fungicides, insecticides, chemicals, peat moss, humus, mulches, and fertilizers as are intended to be used in preserving the life and health of the plants may be sold.

**NURSING OR CONVALESCENT HOME** shall mean an institution or agency licensed by the State for the reception, board, care or treatment of five or more unrelated individuals, but not including group boarding homes for minors or group homes for adults.

**NURSING FACILITY FOR MENTAL HEALTH** shall mean any place or facility operating 24 hours a day, seven days a week caring for six or more individuals not related within the third degree of relationship to the administrator or owner by blood or marriage and who, due to functional impairments, need skilled nursing care and special mental health services to compensate for activities of daily living limitations.

## O

**OCTAVE BAND** shall mean a prescribed interval of sound frequencies which classifies sound according to its pitch.

**OCTAVE BAND FILTER** shall mean an electronic frequency analyzer designed according to standards of the American Standards Association and used in conjunction with a sound level meter to take measurements of sound pressure level in specific octave bands.

**ODOROUS MATTER** shall mean any material that produces an olfactory response among human beings.

**ODOR THRESHOLD** shall mean the lowest concentration of odorous matter in air that will produce an olfactory response in a human being.

**OFFICE** shall mean a building or a portion of a building wherein services are performed involving, primarily, administrative, professional, or clerical operations.

**OFFICIAL ZONING DISTRICT MAP** shall mean a map delineating the boundaries of zoning districts which, along with the zoning text, is officially adopted by the Victoria City Council.

**OFF-STREET PARKING AREA** shall mean all off street areas and spaces designed, used, required, or intended to be used for parking, including driveways or access ways in and to such areas.

OPEN LOTS shall mean pens or similar concentrated areas, including small shed-type areas or open-front buildings, with dirt, or concrete (or paved or hard) surfaces, wherein animals or poultry are substantially or entirely exposed to the outside environment except for possible small portions affording some protection by windbreaks or small shed-type areas.

OPEN SPACE shall mean open space designed and intended for use by all residents of a residential area, including publicly dedicated space.

OPEN SPACE, COMMON shall mean a separate and distinct area set aside as open space within or related to a development, and not on individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development. Rights-of-way, private streets, driveways, parking lots or other surfaces designed or intended for vehicular use or required yards shall not be included as common open space.

OUTDOOR ADVERTISING see Advertising Structure and Sign.

OUTDOOR STORAGE shall mean the storage of goods and materials outside of any building or structure, but not including storage of a temporary nature or an emergency nature.

OUTDOOR STORAGE CONTAINERS shall mean an "outdoor storage container" is defined as a fully enclosed, detached, and self-supporting structure, by itself incapable of motion or movement and not exceeding 8 feet in width, 12 feet in height, and 40 feet in length or a total enclosed floor area of 320 square feet. The unit must be manufactured/assembled off-site and transportable, by means other than its own, to a location where it is set into place on a graded surface of concrete, asphalt, or gravel and not upon a foundation or wheels. It shall be made of metal or a similar stable, durable, and acceptable material and shall not include a foundation, electricity, plumbing, or other mechanical systems as part of its assembly or use.

OVERHANG (EAVE) shall mean the portion of a building that extends from the sidewall outward towards the property line. The overhang in all residential districts shall not be more than 2 feet.

OVERLAY DISTRICT shall mean a district in which additional requirements are imposed upon a use, in conjunction with the underlying zoning district. The original zoning district designation does not change.

OWNER shall mean an individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

**P**

**PACKAGE LIQUOR STORE** shall mean an establishment in which alcoholic beverages in original containers are sold for consumption off the premises.

**PAINTBALL COURSE** shall mean a commercial recreational park containing obstacle courses for the purpose of staging paintball battles. Said facility generally collects a fee, either as membership or on a visit-by-visit basis that allows individuals to participate in paintball activities.

**PARCEL** shall mean a lot or a contiguous group of lots in single ownership or under single control, which may be considered as a unit for purposes of development.

**PARK** shall mean any public or private land available for recreational, educational, cultural, or aesthetic use.

**PARKING AREA, PRIVATE** shall mean an area, other than a street, used for the parking of automotive vehicles capable of moving under their own power and restricted from general public use.

**PARKING AREA, PUBLIC** shall mean an area, other than a private parking area or street used for the parking of vehicles capable of moving under their own power, either free or for remuneration.

**PARKING LOT** shall mean an area consisting of one or more parking spaces for motor vehicles together with a driveway connecting the parking area with a street or alley and permitting ingress and egress for motor vehicles.

**PARKING SPACE, AUTOMOBILE** shall mean an area, other than a street or alley, reserved for the parking of an automobile, such space having a dimension not less than nine feet by 20 feet, plus such additional area as is necessary to afford adequate ingress and egress.

**PARTICULATE MATTER** shall mean material other than water which, if suspended in or discharged into the atmosphere, is in a finely divided form as a liquid or solid.

**PAVED** shall mean permanently surfaced with poured concrete, concrete pavers, or asphalt.

**PERFORMANCE GUARANTEE** shall mean a financial guarantee to ensure that all improvements, facilities, or work required by this chapter will be completed in compliance with these regulations as well as with approved plans and specifications of a development.

**PERMANENT FOUNDATION** shall mean a base constructed from either poured concrete or laid masonry rock or brick and placed on a footing located below ground level to a point below the frost line upon which a building or structure is permanently attached.

**PERMANENT STORAGE** shall mean the long-term storage on-site within an accessory building or structure.

**PERMITTED USE** shall mean any land use allowed without condition within a zoning district.

**PERMANENTLY ATTACHED** shall mean attached to real estate in such a way as to require dismantling, cutting away, unbolting from permanent foundation or structural change in such structure in order to relocate it to another site.

**PERSON** shall mean an individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, City, County, special district or any other group or combination acting as an entity, except that it shall not include Victoria, Kansas.

**PERSONAL SERVICES** shall mean uses providing human services exclusively to private individuals as the ultimate consumer. Personal services shall not be limited to but including grocery shopping services, tailoring and alterations, hair salons, spas, nail salons, barber shops, private household services and temporary personal in-home care.

**PET SHOP** shall mean a retail establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and farm animals.

**PITCH** shall mean the frequency of sound.

**PLANNED UNIT DEVELOPMENT (PUD)** shall mean a development constructed on a tract of a minimum contiguous size under single ownership, planned and developed as an integral unit, and consisting of a combination of residential and/or non-residential uses on land within a "Planned Unit Development District" in accordance with the provisions of Section \*\*\*\* of these regulations.

**PLANNING COMMISSION** shall mean the Planning Commission of Victoria, Kansas.

**PLANT MATERIALS** shall mean trees, shrubs, vines, ground covers, grass, perennials, annuals, and bulbs and other such vegetation.

**PLAT** shall mean a map showing the location, boundaries, and legal description of individual properties.

**POLE BUILDING** shall mean a structure built with no foundation or footings, using poles embedded directly in the ground as its primary support to hold metal, plastic, fiberglass or wood covering to form the building.

**POLICY** shall mean a statement or document of the Victoria, such as the comprehensive plan, that forms the basis for enacting legislation or making decisions.

**PORCH, UNENCLOSED** shall mean a roofed or unroofed open structure projecting from an exterior wall of a building and having no enclosed features more than thirty inches above its floor other than wire screening and a roof with supporting structure.

**PREMISES** shall mean a tract of land, consisting of one lot or irregular tract, or more than one lot or irregular tract, provided such lots or tracts are under common ownership, contiguous, and used as a single tract. A building or land within a prescribed area.

**PRECHOOL** shall mean an early childhood program which provides primarily educational services, and the following:

1. Provides learning experiences for children who have not attained the age of eligibility to enter kindergarten as prescribed in K.S.A. §72-1107 and any amendments thereto, and who are 30 months of age or older.
2. Conducts sessions not exceeding three hours per session.
3. Does not enroll any child more than one session per day; and
4. Does not serve a meal.

The term preschool shall include educational preschools, Montessori schools, nursery schools, church sponsored preschools, and cooperatives. A facility may have fewer than 13 children and be licensed as a preschool if the program and facility meet preschool regulations.

**PRESERVATION** shall mean the act of protecting an area, parcel of land, or structure from being changed or modified from the present character to another that is not representative of a specific period or condition.

**PRINCIPAL STRUCTURE** shall mean the main building or structure on a lot, within which the main or primary use of the lot or premises is located.

**PRINCIPAL USE** shall mean the main use of land or structure, as distinguished from an accessory use.

**PRIVATE WELL** shall mean a well that provides water supply to less than 10 service connections and regularly serves less than 25 individuals daily for at least 60 days per year as defined by K.S.A. §65-162a.

**PROFESSIONAL OFFICE** shall mean any building used by one or more persons engaged in the practice of law, accounting, architecture, engineering, medicine, or in business as a real estate brokerage, insurance agency or brokerage, or financial planning or stock brokerage, or in any other similar type occupation for which a governmental license is required.

**PROHIBITED USE** shall mean any use of land, other than nonconforming, which is not listed as a permitted use, conditional use or accessory use within a zoning district.

**PROMOTIONAL DEVICE** shall mean any sign intended to be displayed either with or without a frame, with or without characters, letters, illustrations, or other material, on a fabric of any kind. National flags, flags of political subdivisions, or symbolic flags of any institutions or business shall be considered a promotional device for the purpose of this definition. Banners, pennants, inflatable characters, streamers, or fringe-type ribbons or piping shall be considered as a promotional device.



**PROTECTED ZONE** shall mean all lands that fall outside the buildable areas of a parcel, all areas of a parcel required to remain in open space, and/or all areas required as landscaping strips according to the provisions of the Zoning Regulation.

**PUBLIC BUILDING** shall mean any building open to the general use, participation or enjoyment of the public or operated for the public's benefit and owned and/or operated by a city, county, state, or federal government, or by a public utility corporation or municipal district or authority.

**PUBLIC IMPROVEMENT** shall mean any drainage ditch, street, sidewalk, pedestrian way, tree, lawn, off-street parking areas, lot improvement or other facility for which the City may ultimately assume the responsibility for maintenance and operation or which may affect an improvement for which City responsibility is established.

**PUBLIC OPEN SPACE** shall mean a parcel of land or an area of water, or a combination of land and water dedicated to public use and available for the use and enjoyment of the general public. Public open space does not include streets, alleys or off-street parking or loading area.

**PUBLIC SEWER AND WATER SYSTEM** shall mean 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 and the furnishing of water.

**PUBLIC UTILITY** shall mean any business, the purpose of which is to furnish to the general public:

1. Telecommunication Services (telephone, cable TV, etc.)
2. Electricity Service
3. Natural Gas
4. Water
5. Transportation of Persons or Property
6. Solid Waste Disposal
7. Wastewater Collection and Treatment
8. Any other business so affecting the public interest as to be subject to the supervision or regulation by any other agency of the State.

## Q

**QUARRY** shall mean an open pit from which building stone, sand, gravel, mineral, or fill is taken to be processed for commercial purposes.

**QUARRY REHABILITATION** shall mean providing slopes to be covered with a layer of soil and revegetated where practical. It applies to the rehabilitation of all kinds of sand, gravel, and rock excavations to obtain fill or construction materials and from which no further removal of materials is intended, as well as to resource extraction. Rehabilitation is intended to minimize the hazardous and unsightly nature of abandoned pits, and if practical, to return the area to some productive use.

**R**

**RAILROAD** shall mean the land use including the right-of-way abutting railroad properties occupied by uses pertinent to the railroad operation and maintenance, but not including properties owned by the railroad and leased for use by others.

**RAILROAD RIGHTS-OF-WAY** shall mean a strip of land within which the railroad tracks and auxiliary facilities for track operation are normally located, but not including freight depots or stations, loading platforms, train sheds, warehouses, care or locomotive shops, or car yards.

**RECREATION, COMMERCIAL** shall mean recreation facilities open to the general public for a fee or restricted to members when operated for profit as a business.

**RECREATION, INDOOR** shall mean a facility for relaxation, diversion, amusement or entertainment where such activity occurs within a building or structure.

**RECREATION, OUTDOOR** shall mean a facility for relaxation, diversion, amusement or entertainment in which some or all of the activities occur on the exterior but within the property of the facility.

**RECREATION, PRIVATE, NON-COMMERCIAL** shall mean clubs or recreation facilities, operated by a non-profit organization and open only to bona fide members of such non-profit organization and their guests.

**RECREATIONAL OR SPORTS-RELATED ACTIVITIES OR FACILITIES** shall mean any lot, plot, parcel or tract of land and/or water; and/or any building or structure, or combination thereof; planned, intended or designed for recreational use. Said activities and/or facilities shall include, but not be limited to, such things as: athletic fields, ball diamonds, golf courses, golf driving ranges, miniature golf courses, swimming pools, natatoriums, tennis courts, racquetball courts, recreational lakes, marinas, racetracks, drag strips, gun clubs, hunting reserves, sporting clay ranges, private shooting ranges, and all common appurtenant accessory activities and facilities such as lighting, bleachers, and concession stands, etc.

**RECREATIONAL EQUIPMENT** shall mean an item which is not used in connection with customary accessory residential uses on a lot. Included in the meaning of recreational equipment are such large items as slide-in campers, boat trailers, hang gliders, ski jets, houseboats, pontoons, and boats over fourteen feet in length which require a trailer for transportation.

**RECREATIONAL FACILITY** shall mean facilities for the use by the public for passive and active recreation including tennis, handball, racquetball, basketball, track and field, jogging, baseball, soccer, skating, swimming, or golf.

**RECREATIONAL VEHICLE (RV)** shall mean a recreational vehicle or pleasure vehicle shall mean any motor vehicle or trailer designed and used as a travel trailer, camper, motor home, tent trailer, truck camper, boat, boat trailer, snowmobile, snowmobile trailer, camping trailer or any other motor vehicle or trailer designed and used for living or sleeping while on vacation or other trips of short duration; provided the term trailer shall not include hauling trailers designed and normally used for over the road transporting of belongings, merchandise, livestock and other objects, but not equipped for human habitation.

**RECREATIONAL VEHICLE CAMPGROUND** shall mean a lot or tract of land designed for occupancy by recreational vehicles for temporary or transient living purposes, including the use of camping spaces for tents.

**RECYCLING CENTER** shall mean a building in which used material is separated and processed prior to shipment to others who will use those materials to manufacture new products. The facility is not junkyard.

**RECYCLING COLLECTION** shall mean a collection point for small refuse items, such as bottles and newspapers, located either in a container or small structure.

**RECYCLING PROCESSING** shall mean any site which is used for the processing of any postconsumer, nondurable goods including, but not limited to glass, plastic, paper, cardboard, aluminum, tin, or other recyclable commodities.

**REDEVELOPMENT** shall mean the act of preserving and/or rehabilitating existing buildings. In extreme cases, a building or structure could be demolished for the purpose of a new use or building.

**REMODELING** shall mean any change in a structure, other than incidental repairs and normal maintenance, which may prolong its useful life, or the useful life of its supporting members such as foundations; or the construction of any addition to, or enlargement of, a structure; or the removal of any portion of a structure.

**REMOTE PARKING** shall mean a supply of off-street parking at a location not on the site of a given development.

**RENEWABLE ENERGY** shall mean energy sources including wind, solar power, biomass, and hydropower, that can be regenerated and that is much less polluting than nuclear or fossil fuels.

**RENEWABLE RESOURCE** shall mean a natural resource that is able to regenerate, either by itself or with human assistance, over a short to moderate time period, including food crops and trees.

**RESIDENCE** shall mean a building used, designed, or intended to be used as a home or dwelling place for one or more families.

**RESIDENTIAL CENTER** shall mean a non-secure facility licensed by the State of Kansas providing residential care for more than 10 persons unrelated to the operator(s).

**RESIDENTIAL, MAIN FLOOR COMMERCIAL** shall mean any residential living scenario in the rear half of a non-residential use within the Downtown Commercial District.

**RESTAURANT** shall mean a public eating establishment operated for profit at which the primary function is the preparation and serving of food primarily to persons seated within the building.

**RESTAURANT, DRIVE-IN** shall mean a restaurant establishment that has the facilities to serve prepared food and/or beverages to customers seated within motor vehicles for consumption either on or off the premises.

**RESTAURANT, ENTERTAINMENT** shall mean a restaurant establishment where food and drink are prepared, served, and consumed, within a building or structure that integrally includes electronic and mechanical games of skill, simulation, and virtual reality, play areas, video arcades or similar uses, billiards, and other forms of amusement.

**RESOURCE EXTRACTION** shall mean a use involving on-site extraction of surface or subsurface mineral products or natural resources, excluding the grading and removal of dirt. Typical uses are quarries, borrow pits, sand and gravel operations, mining.

**RETAIL SALES** shall mean establishments engaged in selling of goods or merchandise to the general public for personal or household consumption.

**RETAIL SERVICES** shall mean establishments engaged in selling of goods or merchandise (excluding service and installation).

**RETENTION BASIN** shall mean a pond, pool, or basin used for the permanent storage of stormwater runoff.

**RETIREMENT RESIDENCE** shall mean a building or group of buildings which provide residential facilities for more than four residents of at least sixty-two years of age, or households headed by a householder of at least sixty-two years of age. A retirement residence may provide a range of residential building types and may also provide support services to residents, including but not limited to food service, general health supervision, medication services, housekeeping services, personal services, recreation facilities, and transportation services. The retirement residence may accommodate food preparation in independent units or meal service in one or more common areas. Retirement residences may include additional health care supervision or nursing care.

**REZONING** shall mean an amendment to or change in the zoning regulations either to the text or map or both.

**REZONING, PIECEMEAL** shall mean the zoning reclassification of individual lots resulting in uncertainty in the future compatible development of the area.

**RIDING ACADEMY OR STABLES** shall mean any structures in which saddle horses are kept, maintained and/or boarded, and in connection with which saddle horses may be rented to the general public or made available to members of a private club. Exercise rings and show rings shall be considered uses accessory to the use of the premises for a riding stable.

**RIGHT-OF-WAY** shall mean a strip of land, generally linear, occupied or intended to be occupied by a system that conveys people, traffic, fluids, utilities, or energy from one point to another. Rights-of-way may include streets and roads, crosswalks, bicycle paths, recreational trails, railroads or fixed guideway transit, electric transmission lines, gas pipelines, water mains, or sewer mains.

**ROAD, PRIVATE** shall mean a way, other than driveways, open to vehicular ingress and egress established for the benefit of certain, adjacent properties. Also, see Right-of-way and Street.

**ROAD, PUBLIC** shall mean all public rights-of-way reserved or dedicated for street or road traffic. Also, see Right-of-Way and Street.

**ROOM** shall mean an unsubdivided portion of the interior of a dwelling unit, excluding bathroom, kitchen, closets, hallways, and service porches.

## S

**SALVAGE SERVICES** shall mean places of business engaged in the storage, sale, dismantling or other processing of used or waste materials which are not intended for reuse in their original forms.

**SANITARY LANDFILL** shall mean a disposal site in which the method of disposing of solid waste and/or industrial solid waste is by landfill, dump or pit and which has a solid waste disposal permit issued under K.S.A. §65-3401 et seq., and amendments thereto.

**SANITARY SEWER** shall mean a municipal or community sewage disposal system of a type approved by the Kansas Department of Health and Environment.

**SANITARY TRANSFER STATION** shall mean a collection point for temporary storage of refuse. No processing of refuse would be allowed. The transfer station must be in conformance with the requirements of all State and Federal Agencies.

**SATELLITE DISH ANTENNA** shall mean a round, parabolic antenna incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, or cone and used to transmit and/or receive radio or electromagnetic waves. Also, see Antenna.

**SCHOOL** shall mean any building or buildings housing public or private elementary, junior high, high school, college, university, post-graduate, technical or vocational school, offering courses in general instruction at least five days per week and seven months per year.

**SCHOOL, BUSINESS OR TRADE** shall mean a use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or public or private educational facility.

**SCHOOL, ELEMENTARY, JUNIOR HIGH, or HIGH** shall mean public and other non-profit institutions conducting regular academic instruction at kindergarten, elementary, and secondary levels. Such institutions shall offer general academic instruction equivalent to the standards prescribed by the State of Kansas.



Example of a School

**SCREENING** shall mean a structure or planting that conceals from public view the area behind such structure or planting.

**SELF-SERVICE STATION** shall mean an establishment where motor fuels are stored and dispensed into the fuel tanks of motor vehicles by persons other than the service station attendant and may include facilities available for the sale of other retail products.

**SELF-SERVICE STORAGE FACILITY** shall mean a building or group of buildings containing individual, compartmentalized, and controlled access stalls or lockers for storage.

**SEPARATE OWNERSHIP** shall mean ownership of a parcel of land by a person who does not own any of the land abutting such parcel.

**SEPTIC SITE** shall mean the area bounded by the dimensions required for the proper location of the septic tank system.

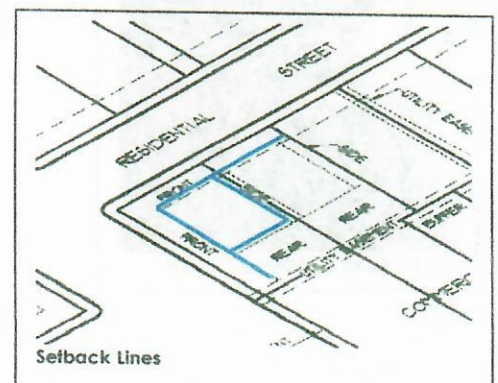
**SERVICE STATION** shall mean buildings and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and motor vehicle accessories and where light maintenance activities such as engine tune-ups, lubrications, and washing may be conducted, but not including heavy maintenance and repair such as engine overhauls, painting, and body repair.

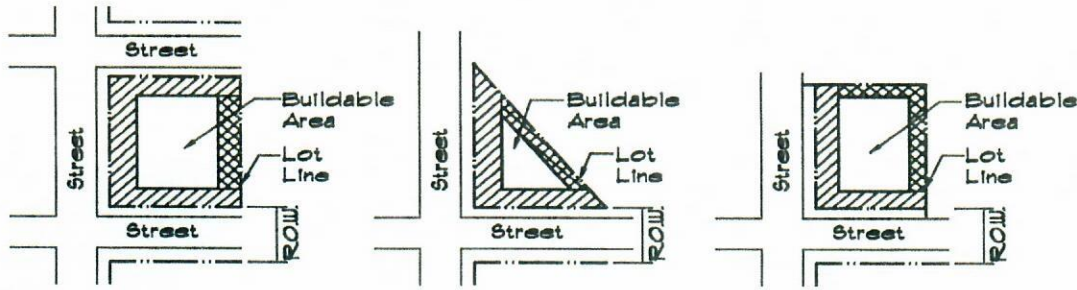
**SETBACK** shall mean the minimum distance, as prescribed by this regulation, measured from the sidewall or other similar building component located closest to the lot line. In residential districts, the overhang can be no more than two feet from the sidewall.

**SETBACK LINE, FRONT YARD** see Yard, Front

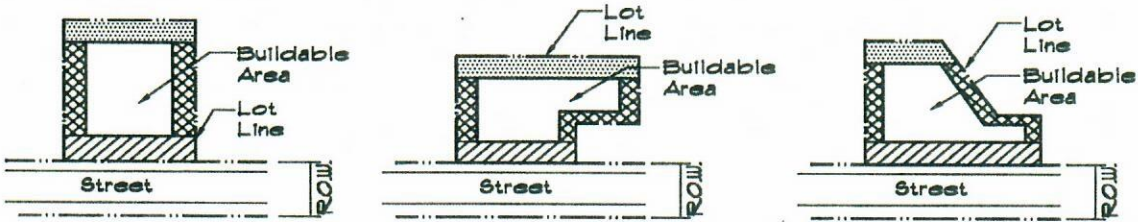
**SETBACK LINE REAR YARD** see Yard, Rear

**SETBACK LINE, SIDE YARD** see Yard, Side

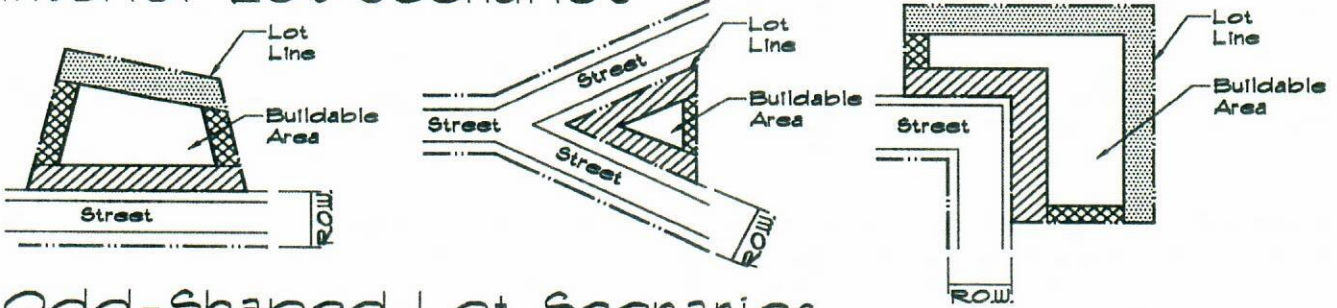




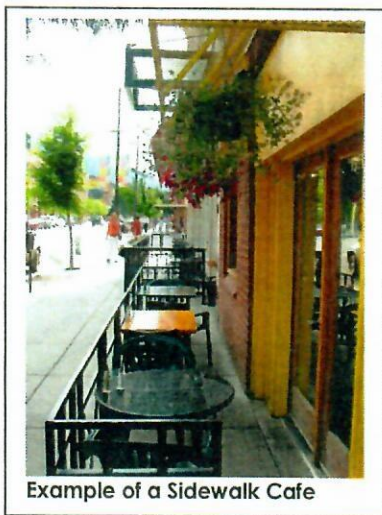
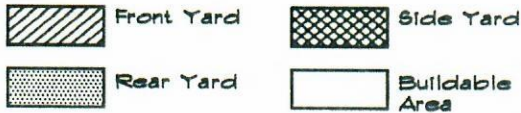
### Corner Lot Scenarios



### Interior Lot Scenarios



### Odd-Shaped Lot Scenarios



Example of a Sidewalk Cafe

**SHRUB** shall mean a multi-stemmed woody plant other than a tree.

**SIDEWALK CAFE** shall mean an area adjacent to a street level eating or drinking establishment located adjacent to the public pedestrian walkway and used exclusively for dining, drinking, and pedestrian circulation. The area shall be separated from the public sidewalk by railings or fencing meeting City requirements.

**SIGHT TRIANGLE** is 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 two and one-half feet and 10 feet above the grades of the bottom of the curb of the intersecting streets, measured from the point of intersection of the centerline of the streets along the centerline of the streets.

**SIGN** shall mean and include any outdoor sign, display, declaration, device, figure, drawing, illustration, message, placard, poster, billboard, insignia, or other things which are designed, intended, or used for direction, information, identification, or to advertise, to inform, or to promote any business, product activity, service, or any interest, except the following:

1. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.
2. Flags and insignia of any government except when displayed in connection with commercial promotion.
3. Legal notices: Identification, informational, or directional signs erected or required by governmental bodies.
4. Integral decorative or architectural features of buildings, except letter, service marks, trademarks, moving parts, or moving lights.
5. Signs directing and guiding traffic and parking on private property but bearing no advertising matter.

**SIMILAR USE** shall mean the use of land, buildings, or structures of like kind or general nature with other uses within a zoning district as related to bulk, intensity of use, traffic generation and congestion, function, public services requirements, aesthetics or other similarities.

**SITE** shall mean the parcel of land to be developed or built upon. A site may encompass a single lot; a portion of a lot; or a group of lots developed as a common development under the special and overlay districts provisions of this ordinance.

**SITE BREAK** shall mean a structural or landscape device used to interrupt long vistas and create visual interest in a site development.

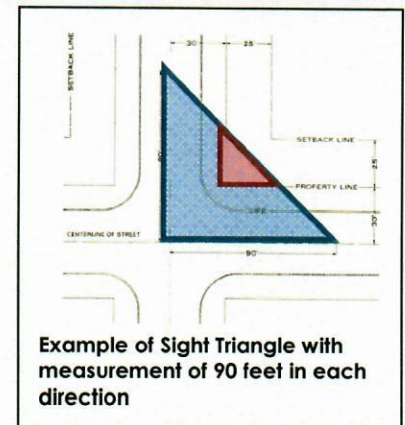
**SITE PLAN** shall mean a plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, drives, parking, drainage, landscape features, and other principal site development improvements for a specific parcel of land.

**SKATE, IN-LINE** shall mean a boot-type device, which is placed on an individual's feet. In-line skates contain wheels on the bottom of the boot, which are attached in linear fashion.

**SKATE PARK** shall mean a recreational facility containing skateboard ramps and other obstacle courses and devices for the use with skateboards and in-line skates.

**SKATEBOARD** shall mean a foot board mounted upon four or more wheels and is usually propelled by the user who sometimes stands, sits, kneels, or lies upon the device while it is in motion.

**SKATEBOARD or HALF PIPE** shall mean an outdoor structure that is shaped into a half circle or oval that is designed and principally intended to permit persons on skateboards to move continuously from one side to the other.





**SKATEBOARD RAMP** shall mean an outdoor structure with an upward inclined surface, essentially one of the sides of a pipe, which are designed and principally intended to permit persons on skateboards to move from horizontal to vertical and back to horizontal.

**SKILLED NURSING HOME** shall mean a facility where services performed by or under the immediate supervision of registered professional nurse and additional licensed nursing personnel. Skilled nursing includes administration of medications and treatments as prescribed by a licensed physician or dentist; and other nursing functions which require substantial nursing judgment and skill based on the knowledge and application of scientific principles. All facilities shall be operated in accordance with the regulations of KDHE.

**SLOW BURNING** shall mean a rate of combustion which describes materials that do not in themselves constitute an active fuel for the spread of combustion, for example, wood and materials with fire retardant treatments.

**SLUDGE** shall mean solids removed from sewage during wastewater treatment and then disposed of by incineration, dumping, burial, or land application.

**SMOKE** shall mean small gas-borne particles other than water that form a visible plume in the air.

**SOLID WASTE** shall mean garbage, refuse and other discarded materials including, but not limited to solid, semisolid, sludge, liquid and contained gaseous waste materials resulting from commercial, agricultural and domestic activities. Such term shall not include hazardous wastes.

**SOUND LEVEL METER** shall mean an instrument for the measurement of sound pressure levels constructed in accordance with the standards of the American Standards Association and calibrated in decibels.

**SOUND PRESSURE LEVEL** shall mean the intensity of sound or noise in decibels.

**SPOT ZONING** shall mean an arbitrary zoning or rezoning of a small tract of land that is not consistent with the comprehensive land use plan and primarily promotes the private interest of the owner rather than the general welfare. Spot zoning usually results from an upzoning to a more intensive use classification.

**STABLE AND/OR RIDING ACADEMIES** shall mean the buildings, pens and pasture areas used for the boarding and feeding of horses, llamas, or other equine not owned by the occupants of the premises. This use includes instruction in riding, jumping, and showing or the riding of horses/equine for hire.

**STANDARD SYSTEM** shall mean a sewage treatment system employing a building sewer, septic tank, and a standard soil absorption system.

**STOCKPILING** shall mean the accumulation of manure in mounds, piles, or other exposed and non-engineered site locations for storage or holding purposes for a period of not more than one year.

**STORAGE** shall mean the keeping, in a roofed or unroofed area, of any goods, junk, material, merchandise, or vehicles on the same tract or premises for more than 30 days.

**STORAGE CONTAINER, PORTABLE** shall mean any container that can be loaded onto the chassis of a semi-trailer for the purpose of hauling materials and commodities. Portable storage containers are intended to be used as a load on-site and haul-off for storage off-site. Another name for these containers is Portable On Demand Storage.

**STORM DRAIN** shall mean a conduit that carries natural storm and surface water drainage but not sewage and industrial wastes, other than unpolluted cooling water.

**STORMWATER DETENTION** shall mean any storm drainage technique that retards or detains runoff, such as a detention or retention basin, parking lot storage, rooftop storage, porous pavement, dry wells, or any combination thereof.

**STORMWATER MANAGEMENT** shall mean the collecting, conveyance, channeling, holding, retaining, detaining, infiltrating, diverting, treating, or filtering of surface water, or groundwater, and/or runoff, together with applicable managerial (non-structural) measures.

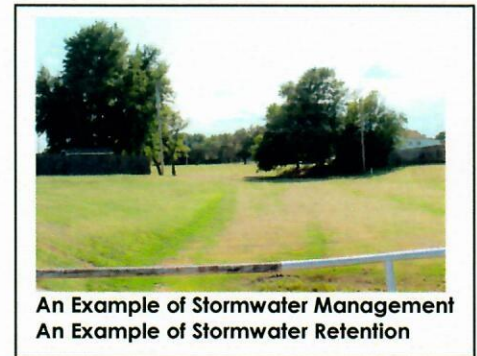
**STORMWATER RETENTION AREA** shall mean an area designed by a licensed professional engineer and approved by the City to retain water to control the flow of stormwater.

**STORMWATER RUNOFF** shall mean surplus surface water generated by rainfall that does not seep into the earth but flows over land to flowing or stagnant bodies of water.

**STORY** shall mean a space in a building between the surface of any floor and the surface of the floor above, or if there is not floor above, then the space between such floor and the ceiling or roof above.

**STORY, HALF** shall mean a story under a gable, hip or gambrel roof of which the wall plates on at least two opposite exterior walls are not more than 2 feet above the floor of such story.

**STREET** shall mean paved or improved area existing on public right-of-way or on private easement (exclusive of sidewalks, driveways, or related uses), and which is used for the conveyance of automobile traffic.



An Example of Stormwater Management  
An Example of Stormwater Retention

**STREET CLASSIFICATION** shall mean:

1. Freeway: Inter-regional, high-speed roadways which provide efficient, non-stop travel with little or no property access.
2. Arterial: Heavily trafficked streets which provide limited or restricted access to residential or business properties.
3. Collector: Streets which provide for traffic movement between arterials and local streets, with limited access to residential lots.
4. Local: Streets which provide for local traffic movement and direct access to abutting land, whether in residential, commercial, or industrial areas.

**STREET GRADE** shall mean the officially established grade of the street upon which a lot fronts or in its absence the established grade of other street upon which the lot abuts, at the midpoint of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the streets at such midpoint shall be taken as the street grade.

**STREET LIGHTS** shall mean lights installed within the public right-of-way which illuminate public streets and sidewalks.

**STREET LINE** shall mean the legal line between street right-of-way and abutting property.

**STREET, PRIVATE** shall mean a right-of way which affords principal access to property abutting thereon which right-of-way is owned, controlled and maintained by persons other than the public.

**STREET, PUBLIC** shall mean a right-of-way which affords the principal means of vehicular access to property abutting thereon which right-of-way has been dedicated to the public for such use.

**STREET, RESIDENTIAL WAY** shall mean a right-of-way that serves a maximum of 30 dwelling units or has an average daily traffic of less than 200 vehicles per 24-hour period, shall be so designed to encourage reduced vehicle speed, and may be cul-de-sacs, loop streets or minor cross streets but shall not function as a collector.

**STREET CENTERLINE** shall mean the centerline of a street right-of-way as established by official surveys.

**STREET FRONTAGE** shall mean the distance for which a property line adjoins a public street from one property line intersecting said street to the opposite property.

**STREET, FRONTAGE ACCESS** shall mean a street adjacent to a major street, major inter-regional highway, or major collection road and primarily for service to the abutting properties and being separated from the major street by a dividing strip.

**STREET HARDWARE** shall mean man-made objects other than buildings that are part of the streetscape. Examples are lamp posts, utility poles, traffic signs, benches, litter containers, planting containers, letter boxes, fire hydrants.

**STREETSCAPE** shall mean the scene as may be observed along a public street or way composed of natural and man-made components, including buildings, paving, plantings, street hardware, and miscellaneous structures.

**STRUCTURE** shall mean anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, including swimming and wading pools and covered patios, excepting outdoor areas such as paved areas, walks, tennis courts, and similar recreation areas.

**STRUCTURAL ALTERATION** shall mean any change in the support members of a building, such as in a bearing wall, column, beam or girder, floor or ceiling joists, roof rafters, roof diaphragms, foundations, piles, or retaining walls or similar components.

**SUBDIVISION** shall mean 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.

**SURFACE WATERS** shall mean all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, springs, canal systems, drainage systems, and all other bodies or accumulations of water, natural or artificial, public or private, situated wholly or partly within or bordering upon the state.

**SURPLUS SALES** shall mean businesses engaged in the sale of used or new items, involving regular, periodic outdoor display of merchandise for sale. Typical uses include flea markets and factory outlets or discount businesses with outdoor display.

**SWIMMING POOL, PRIVATE** shall mean a pool which is an accessory use to a residence and for the exclusive use of the occupants of the residential building and their guests.

## T

**TANNING STUDIO** shall mean any business that uses artificial lighting systems to produce a tan on an individual's body. These facilities may be either a stand-alone business or as an accessory use in spas, gymnasiums, athletic clubs, health clubs, and styling salons. This use is not included with any type of adult establishment.

**TATTOO PARLOR/BODY PIERCING STUDIO** shall mean an establishment whose principal business activity is the practice of tattooing and/or piercing the body of paying customers.

**TAVERN** see Bar.

**TAXIDERMY SERVICES** shall mean an operation conducted solely within an enclosed building to include on-site preparation, stuffing, and mounting of heads and skins of animals. Exterior storage or processing of carcasses or parts of animals shall be prohibited.

**TEMPORARY USE** shall mean a use intended for limited duration to be located in a zoning district not permitting such use.

**TERRACE** shall mean a raised earthen embankment with the top leveled. A terrace may be supported by a retaining wall.

**THEATER** shall mean a building or structure used for dramatic, operatic, motion pictures, or other performance, for admission to which entrance money is received and limited audience participation or meal service.

**TOWER** shall mean a structure situated on a site that is intended for transmitting or receiving television, radio, or telephone communications. Also, see Antenna.

**TOWNHOUSE** shall mean a one-family dwelling unit, with a private entrance in a group of three or more units where the unit and land are in the ownership of the same owner, which part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation.

**TOXIC MATTER** shall mean materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

**TRACT** shall mean an area or parcel of land, other than a platted lot of record, described and recorded in the Office of the Ellis County Register of Deeds as a single parcel of land under individual ownership.

**TRAILER, AUTOMOBILE** shall mean a vehicle without motive power, designed and constructed to travel on the public thoroughfares and to be used for human habitation or for carrying property, including a trailer coach.

**TRAILER** shall mean a vehicle standing on wheels or on rigid supports which is used for transporting boats or cargo or property.

**TRAILER PARK** shall mean a tract of tract, lot, or parcel of land upon which temporary accommodations are provided for two or more travel trailers; such park being open to the public either free or for a fee.

**TRANSFER STATION** shall mean a facility, including land and buildings, used for the handling and processing of solid waste to be bundled, bailed or otherwise packaged for transport to another site for disposal in a solid waste landfill. Transfer station can include material recovery operations, recycling facilities and any other ancillary and/or accessory operation associated with the management of solid waste.

**TRANSITIONAL HOUSING** shall mean a project is designed to provide housing and appropriate supportive services to homeless persons to facilitate movement to independent living. The housing is short-term, typically less than 24 months. In addition to providing safe housing for those in need, other services are available to help participants become self-sufficient.

**TRAILER, TRAVEL** shall mean a structure, not to exceed nine feet in width, designed to provide temporary living quarters for recreational, camping or travel use, constructed with integral wheels to make it mobile and/or towable by a motor vehicle.

**TREE COVER** shall mean an area directly beneath the crown and within the dripline of the tree.

**TRUCK REPAIR** shall mean the repair, including major mechanical and body work, straightening of body parts, painting, welding, or other work that may include noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in gasoline service stations, of trucks having a hauling capacity of over one ton and buses but excluding pickups and other vehicles designed for the transport of under eight passengers.

**TRUCK WASH** shall mean a mechanical facility for the washing, waxing and vacuuming of heavy trucks and buses.

## U

**UPPER STORY HOUSING** shall be defined as one or more dwelling units located above the first floor where allowed within a commercial district.

**UPZONING** shall mean a change in zoning classification of land to a more intensive or less restrictive district such as from residential district to commercial district or from a single-family residential district to a multiple family residential district.

**USABLE OPEN SPACE** shall mean land or water which is free of buildings, structures and/or substantial improvements and which is readily accessible by the public or residents of a residential development. Useable open space does not include streets, alleys, off-street parking or loading areas, roofs, or slopes in excess of 50 percent.

**USE** shall mean the purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

**USE, BEST** shall mean the recommended use or uses of land confined in an adopted comprehensive plan. Such use represents the best use of public facilities, and promotes health, safety and general welfare.

**USE, CONDITIONAL** shall mean a use permitted in a particular zoning district upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in the zoning ordinance and authorized by the approving agency.

**USE, HIGHEST** shall mean an appraisal or real estate market concept that identifies the use of a specific tract of land that is most likely to produce the greatest net return on investment.

**USED MATERIALS YARD** shall mean any lot or a portion of any lot used for the storage of used materials. This shall not include "Junk Yards" or "Automobile Wrecking Yards".

**UTILITARIAN STRUCTURE** shall mean a structure or enclosure relating to mechanical or electrical services to a building or development.

**UTILITY EASEMENT** see Easement

**UTILITY HARDWARE** shall mean devices such as poles, crossarms, transformers and vaults, gas pressure regulating assemblies, hydrants, and buffalo boxes that are used for water, gas, oil, sewer, and electrical services to a building or a project.

**UTILITIES, OVERHEAD OR UNDERGROUND "LOCAL DISTRIBUTION SYSTEM OF"** shall mean the local service distribution circuit or lines and related appurtenances served from a substation, town border station, reservoir, or terminal facility which is served from a main supply line, main transmission line, or main feeder line as may be applicable to electric, communications, gas, fuel, petroleum, fertilizer, or other chemical utilities. Local electric distribution systems shall include all lines and appurtenances carrying a primary voltage of less than 161 KV from an electric transformer substation to the consumer. The local telephone distribution system shall be limited to include the local exchange lines, the local toll lines, and the local communications equipment facilities structure.

**UTILITIES, OVERHEAD OR UNDERGROUND "TRANSMISSION LINE, SUPPLY LINE, WHOLESALE CARRIER OR TRUNK LINE, MAIN FEEDER LINE"**, or other applicable designation shall mean the main supply or feeder line serving a local distribution system of utilities, and shall include but is not limited to pumping stations, substations, regulating stations, generator facilities, reservoirs, tank farms, processing facilities, terminal facilities, towers, and relay stations, and treatment plants.

**UTILITY SERVICE** shall mean any device, including wire, pipe, and conduit, which carries gas, water, electricity, oil and communications into a building or development.

**V**

**VALUE** shall mean the estimated cost to replace a structure in kind, based on current replacement costs.

**VARIANCE** shall mean a relief from or variation of the provisions of this chapter, other than use regulations, as applied to a specific piece of property, as distinct from rezoning.

**VEGETATION** shall mean trees, shrubs, and vines.

**VEHICLE** shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved solely by human power or used exclusively upon stationary rails or tracks.

**VEHICLE, MOTOR** see Motor Vehicle.

**VEHICLE STORAGE** shall mean storage of operating or non-operating vehicles for a period of no more than 21 days. Typical uses include storage of private parking tow-aways or impound yards but exclude dismantling or salvage.

**VEHICLE STORAGE, LONG TERM** shall mean storage of operating or non-operating vehicles for a period exceeding 21 days. Typical uses include storage of private parking tow-aways or impound yards but exclude dismantling or salvage.

**VENDING MACHINE** shall mean any unattended self-service device that, upon insertion of a coin, coins, tokens, debit and/or credit cards or by similar means, dispenses food, beverage, goods, rental materials, wares, merchandise, or services.

**VENDING MACHINE, REVERSE** shall mean an automated mechanical device that accepts at least one or more types of empty beverage containers, including but not limited to aluminum cans and glass or plastic bottles and that issues a cash refund or a redeemable credit, provided that the entire process is enclosed within the entire machine. A reverse vending machine may be designed to accept more than one container at a time, paying by weight instead of the container.

**VETERINARY SERVICES** shall mean services and hospitals for animals. Typical uses include pet clinics, dog and cat hospitals, pet cemeteries, and veterinary hospitals for livestock and large animals.

**VIBRATION** shall mean the periodic displacement measured in inches of the ground.

**VIBRATION, FREQUENCY** shall mean the number of oscillations per minute of a vibration.

**VISUAL OBSTRUCTION** shall mean any fence, hedge, tree, shrub, wall or structure exceeding two feet in height, measured from the crown of intersecting or intercepting streets, alleys or driveways, which limit the visibility of persons in motor vehicles on said streets, alleys, or driveways. This does not include trees kept trimmed of branches below a minimum height of eight feet.

## W

**WAREHOUSE** shall mean a building used primarily for the storage of goods and materials.

**WAREHOUSE AND DISTRIBUTION** shall mean a use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment.

**WAREHOUSING (ENCLOSED)** shall mean uses including storage, warehousing, distribution, and handling of goods and materials within enclosed structures. Typical uses include wholesale distributors, storage warehouses, and van and storage companies.

**WAREHOUSING (OPEN)** shall mean uses including open air storage, distribution, and handling of goods and materials. Typical uses include monument yards, materials yards, open storage.



**WASTE TIRE** shall mean a whole tire that is no longer suitable for its original intended purpose because of wear, damage or defect, as defined in K.S.A. §65-3424, et seq, and amendments thereto.

**WASTE TIRE ABATEMENT** shall mean the processing or removing to an approved storage site of waste tires which are creating a danger or nuisance.

**WASTE TIRE BENEFICIAL USE** shall mean the use or storage of waste tires in a way that creates an on-site economic benefit, other than from processing or recycling, to the owner of the tires. This shall not include the disposal of waste tires on the owner's land simply to avoid proper disposal as prescribed by this Ordinance and/or state law.

**WASTE TIRE COLLECTION CENTER** shall mean a site where used or waste tires are collected from the public prior to being offered for recycling or disposal.

**WASTE TIRE PROCESSING FACILITY** shall mean a site where equipment is used to cut, burn or otherwise alter whole waste tires so that they are no longer whole.

**WASTE TIRE SITE** shall mean a site at which 1,000 or more whole tires are accumulated.

**WASTEWATER LAGOON** see Lagoon.

**WATERCOURSE** shall mean natural or once naturally flowing water, either perennially or intermittently, including rivers, streams, creeks, and other natural waterways. Includes waterways that have been channelized, but does not include manmade channels, ditches, and underground drainage and sewage systems.

**WATERS OF THE STATE** shall mean all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water surface or underground, material or artificial, public or private, situated wholly within or bordering upon the state.

**WETLAND** shall mean an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soiled conditions, commonly known as hydrophytic vegetation.

**WHOLESALE ESTABLISHMENT** shall mean an establishment for the on-premises sales of goods primarily to customers engaged in the business of reselling the goods.

**WHOLESALE TRADE** shall mean the selling merchandise to retailers; to industrial, commercial, institutional, farm or professional business users; or to other wholesalers; or buyers acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. The principal types of establishments included are: Merchant wholesalers; sales branches and sales offices (but not retail stores) maintained by manufacturing enterprises apart from their plants for the purpose of marketing their products; agents, merchandise or commodity brokers, and commission merchants; petroleum bulk storage, assemblers, buyers, and associations engaged in cooperative marketing of farm products. The chief functions of uses in wholesale trade are selling goods to trading establishments, or to industrial, commercial, institutional, farm and professional; and bringing buyer and seller together. In addition to selling, functions frequently performed by wholesale establishments include maintaining inventories of goods; extending credit; physically assembling, sorting and grading goods in large lots, breaking bulk and redistribution in smaller lots; delivery; refrigeration; and various types of promotion such as advertising and label designing.

**WIRELESS COMMUNICATION TOWER** shall mean a structure for the transmission or broadcast of cellular, radio, television, radar, or microwaves which exceed the maximum height permitted in the district in which it is located; provided, however, that noncommercial radio towers not exceeding 50 feet in height shall not be considered wireless communication towers.

**X**

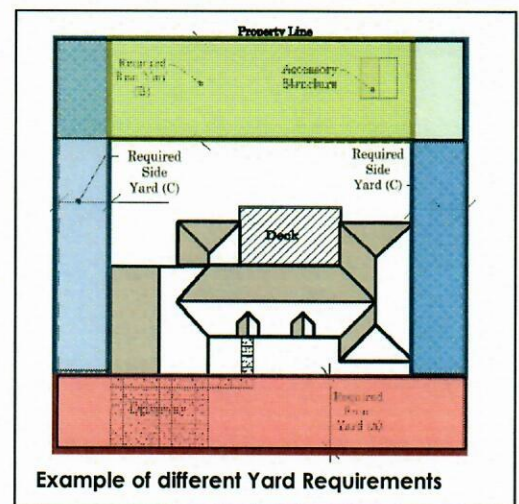
**Y**

**YARD** shall mean any open space on the same lot with a building or a dwelling group, which open space is unoccupied and unobstructed from the ground upward to the sky, except for building projections or for accessory buildings or structures permitted by this Regulation.

**YARD, FRONT** shall mean a space between the front yard setback line and the front lot line or highway setback line and extending the full width of the lot.

**YARD, REAR** shall mean a space between the rear yard setback line and the rear lot line, extending the full width of the lot.

**YARD, SIDE** shall mean a space extending from the front yard or from the front lot line where no front yard is required by this Regulation, to the rear yard, or rear lot line, between a side lot line and the side yard setback line.



# Z

**ZONE OR DISTRICT** shall mean a section of the zoning area for which uniform regulations governing the use, height, area, size and intensity of use of buildings, land and open space about buildings are herein established.

**ZONING ADMINISTRATOR** shall mean the person or persons authorized and empowered by the City to administer and enforce the requirements of this chapter.

**ZONING DISTRICT** see District

**ZONING DISTRICT, CHANGE OF** shall mean the legislative act of removing one or more parcels of land from one zoning district and placing them in another zoning district on the zone map of the City.