

ARTICLE XVI

CONSTRUCTION AND DEFINITIONS

PART 1. RULES OF CONSTRUCTION AND INTERPRETATION

16-101. Construction.

(A) In the construction of these regulations, the provisions and rules of this Section 16-101 shall be preserved and applied, except when the context clearly requires otherwise:

- (1) Words used in the present tense shall include the future.
- (2) Words in the singular number include the plural number, and words in the plural number include the single number.
- (3) The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- (4) The word "shall" is mandatory.
- (5) The word "may" is permissive.
- (6) The word "person" includes individuals, firms, corporations, associations, governmental bodies and agencies, and all other legal entities.
- (7) The word "City" means the City of Manhattan, Kansas.
- (8) Unless otherwise specified, all distances shall be measured horizontally.

(B) Any word or phrase which is defined in this Article XVI, or elsewhere in these regulations, shall have the meaning as so defined whenever the word or phrase is used in these regulations, unless such definition is expressly limited in its meaning or scope.

16-102. Interpretation.

(A) Minimum Requirements. In their interpretation and application, the provisions of these regulations, shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare.

- (B) **Overlapping or Contradictory Regulations.** Where the conditions imposed by any provision of these regulations upon the use of land or structures are either more restrictive or less restrictive than comparable conditions imposed by any other provision of these regulations or of any other law, ordinance, resolution, rule or regulations of any kind, the regulations which are more restrictive shall govern.
- (C) **Private Agreements.** These regulations are not intended to abrogate, annul or otherwise interfere with any easement, covenant or any other private agreement of legal relationship; provided, however, that where the provisions of these regulations are more restrictive (or impose higher standards or requirements) than such easements, covenants or other private agreements or legal relationships, the provisions of these regulations shall govern.
- (D) **Not a Licensing Regulation.** Nothing contained in these regulations shall be deemed to be a consent, license or permit to use any property or to locate, construct, or maintain any structure or facility or to carry on any trade, industry, occupation or activity.

16-103. Separability. It is hereby declared to be the intention of the City that the several provisions of these regulations are separable, in accordance with the following rules:

- (A) If any court of competent jurisdiction shall adjudge invalid the application of any provision of these regulations to a particular property or structure, such judgment shall not affect any provisions of these regulations.
- (B) If any court of competent jurisdiction shall adjudge invalid the application of any provision of these regulations to a particular property or structure, such judgment shall not affect the application of said provision to any other property or structure.
- (C) If any court of competent jurisdiction shall adjudge any portion of these regulations to be invalid or unconstitutional, such ruling shall not affect the validity or constitutionality of the remaining portions of these regulations.

PART 2. DEFINITIONS

16-201. The following definitions shall be used in the construction and interpretation of this ordinance.

ACCESSORY USE: A structure or use which is subordinate to and serves a principal building or principal use; and is subordinate in area, extent or purpose to the principal building, or principal use served; and contributes to the comfort, convenience or necessity of occupants, business or industry in the principal building

or the principal use served; and is located on the same lot as the principal building or principal use served.

AGRICULTURE: The use of a tract of ground for growing crops in the open, pasturage, dairy animals, poultry, livestock, fruits, and vegetables, including the structures necessary for carrying out such operations and the residence of the person or family who owns or operates such operation.

ALLEY: A dedicated public right-of-way, other than a street, that affords a secondary means of access to abutting property.

ANIMAL HOSPITAL: A facility designed to provide medical care to either large or small animals and which may have the capability of providing on-site extended care.

APPAREL STORES: Stores selling clothing for men, women or children at retail.

APPLIANCE REPAIR: The repairing and servicing of common household appliances.

APPLIANCE SALES: The sale and incidental repair of common household appliances.

AUTOMOBILE ACCESSORY STORES: Stores engaged primarily in the business of selling tires, batteries, seat covers and other automobile accessories.

AUTOMOBILE SALES: The sale of new and used automobiles and other motor vehicles in operating condition; the storage of automobiles and other motor vehicles in operating condition; but not including storage of trucks of more than five (5) tons in weight or buses; and the repair and servicing of such vehicles, but not including body work, painting, or motor rebuilding, unless specifically permitted by the zoning district regulations.

AUTOMOBILE SERVICE STATION: A structure and surrounding land used for storage and sale of petroleum fuel primarily to passenger vehicles and for accessory uses such as the sale of lubricants, accessories or supplies, the incidental washing of motor vehicles and the performing of minor repairs.

BANKS AND FINANCIAL INSTITUTIONS: Commercial banks, savings and loan associations, or credit unions, brokerage offices, insurance companies, and real-estate lending institutions, but not including pawn shops.

BED AND BREAKFAST HOME: A private, owner occupied, single-family residential dwelling containing no more than three (3) guest rooms of sleeping accommodations, none containing cooking facilities, providing accommodations and meals limited to transient overnight guests.

BED AND BREAKFAST INN: A commercial business that is occupied by either the owner, or a resident manager, and is operated in a residential building, containing no more than nine (9) guest sleeping rooms, providing accommodations and meals for transient overnight guests, and which may include meeting space and catered functions for non-overnight guests.

BEVERAGE DISTRIBUTORS: Warehouses for the storage and distribution of beer, soft drinks and other beverages, but not including bottling plants and similar industrial uses.

BOARDING HOUSE: See lodging/boarding houses/bed and breakfast.

BREW PUB: A restaurant that includes an accessory small-scale brewery which produces a maximum of 2,000 barrels of beer per year. Both the brewery and restaurant are contained in a single structure.

BUILDING: Any covered structure built for support, shelter or enclosure of persons, animals, chattels or movable property of any kind, and which is permanently affixed to land. (See structure.)

BULK REGULATIONS: Regulations controlling the size of structures and the relationships 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.
- (3) Minimum size of yard and setbacks.

BULK STORAGE: The storage of chemicals, petroleum products and other hazardous materials in above-ground containers for subsequent resale to distributors, or retail dealers or outlets.

BUSINESS AND PROFESSIONAL OFFICE: The office of an engineer, dentist, doctor, attorney, real-estate broker, insurance broker, architect, or other similar professional person, and any office used primarily for accounting, correspondence, research, editing or administration.

BUSINESS DISTRICT OR COMMERCIAL DISTRICT: Any zoning district designated as C-1, C-2, C-3, C-4, C-5, C-6, LM-SC or business or commercial PUDs.

COMPREHENSIVE PLAN: The Plan adopted pursuant to K.S.A. 12-747.

CONVENIENCE STORE: A retail establishment which sells gasoline and other petroleum products as well as other goods such as prepackaged food products, household items, and groceries, but does not provide automobile maintenance, repair or service.

CORNER LOT: See lot, corner.

CULTURAL FACILITY: A facility operated by a non-profit organization for the providing of activities of a historic, educational, or cultural nature, such as museums, art galleries, or performing arts.

DAY CARE HOME: A home occupation in which care is given to twelve (12) or fewer children.

DISABILITY: A physical or mental impairment which substantially limits one or more of such persons major life activities; a record of having such an impairment; or being regarded as having such an impairment. Such term does not include current, illegal use of or addiction to a controlled substance, as defined in Section 102 of the Controlled Substance Act (21 U.S.C. 802).

DRIVE-IN ESTABLISHMENT: An enterprise which accommodates the patron's automobiles and from which the occupants of the automobiles may make purchases, transact business, or view motion pictures or other entertainment.

DRIVEWAY: That area which is necessary for vehicular traffic intended for access to parking areas, garages, or loading and unloading areas.

DRUG STORE: A retail store where medicines, drugs and miscellaneous articles including food, cosmetics, sundries, and film are sold.

DWELLING: A building or portion thereof, including residential-design manufactured homes, but not a mobile home or manufactured home, designed or used for a residential occupancy.

DWELLING, ATTACHED: A residential building which is joined to another dwelling at one or more sides by a party wall or walls.

DWELLING, DETACHED: A residential building which is entirely surrounded by open space on the same lot.

DWELLING, MULTIPLE-FAMILY: A residential building containing three (3) or more dwelling units.

DWELLING, SINGLE-FAMILY: A residential building containing one (1) dwelling

unit only.

DWELLING, TWO-FAMILY: A residential building containing two (2) dwelling units only.

DWELLING UNIT: One (1) or more rooms in a residential building or residential portion of a building which are arranged, designed, used, or intended for use by one (1) family, and which includes lawful cooking space and lawful sanitary facilities reserved for the occupants thereof.

ELECTRONICS STORE: A retail establishment used for the selling or repairing of consumer electronic products such as home and car stereos, televisions, telephones, and personal computers.

FAMILY: Either (a) an individual or two (2) or more persons related by blood, marriage or adoption, or under foster care established by governmental action, living together as a single housekeeping unit; or (b) a group of not more than four (4) persons some of which are not related by blood, marriage, or adoption, living together as a single housekeeping unit. There shall be a rebuttable presumption that five (5) or more people living together as a single housekeeping unit are not a family.

FENCE: A structure of metal, masonry, composition or wood or any combination thereof resting on or partially buried in the ground and rising above ground level, and used for confinement, screening, landscaping, or partition purposes.

FLOOR AREA: The sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, computed as follows:

- (A) For Determining Gross Floor Area: The sum of the following areas: (1) the basement floor area when more than one-half (1/2) of the basement height is above the finished lot grade level where curb level has not been established; (2) elevator shafts and stairwells at each floor; (3) floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof); (4) penthouses; (5) attic space having headroom of seven (7) feet, ten (10) inches or more; (6) interior balconies and mezzanines; (7) enclosed porches, and (8) floor area devoted to accessory uses. Space devoted to off-street parking or loading shall not be included in the floor area. The floor area of structures devoted to bulk storage of materials including, but not limited to, grain elevators and petroleum storage tanks shall be computed by counting each ten (10) feet of height, or fraction thereof, as being equal to one floor.
- (B) For Determining Off-Street Parking and Loading Requirements: The sum of the following areas: (1) gross floor space devoted to the principal use of the

premises; (2) any basement area devoted to retailing activities or to the production or processing of goods or to business or professional offices. For this purpose, floor area shall not include space devoted primarily to storage purposes, off-street parking or loading facilities, including aisles, ramps and maneuvering space, or basement floor area other than area devoted to retailing activities, the production or processing goods, business or professional offices, or meeting rooms.

FOOD STORES: Stores which sell foods, fresh or frozen, and other items commonly sold in connection therewith and including, but not limited to, stores commonly referred to as dairy stores, delicatessens, fruit and vegetable markets, grocery stores, health food stores, nut shops and supermarkets. Sales must be made at retail on the premises, but not for consumption on the premises.

FLOODPLAIN: See Article 10.

FRATERNAL AND/OR SERVICE CLUBS: An association formally organized for a common purpose, or interest, and operated not for profit for persons who are bona fide members paying annual dues, which owns, hires, or leases premises, the use of which premises is restricted to such members and their guests. The affairs and management of such organization are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting. Food, meals and beverages may be served on such premises, provided adequate dining space and kitchen facilities are available. Alcoholic beverages may be sold or served to members and their guests, provided such service is secondary and incidental to the promotion of some other common objective of the organization, and further provided that such sale or service of alcoholic beverages is in compliance with all Federal, State, County and Local laws.

FRATERNITY/SORORITY: Any dwelling occupied by members of a social association recognized by Kansas State University or Manhattan Christian College as a fraternity/sorority and containing group living quarters for more than four (4) unrelated individuals, which may include lodging/dining facilities which are designed or used by the organization and their guests.

FRONT LOT LINES: See Lot Line, Front.

FRONT YARD: See Yard, Front.

FRONTAGE: The length of a front lot line or lines.

GARDEN STORES: Stores which sell growing plants, seeds, bulbs, shrubs and gardening and landscaping tools, implements and supplies, including lawn furniture.

GROUP DAY CARE CENTERS (NURSERY SCHOOL): A facility which is primarily designed, intended, or used for the providing of care for thirteen (13) or more children, for part or all of a day, away from the home of the parent or legal guardian.

GROUP HOMES: Any dwelling occupied by not more than ten (10) persons including eight (8) or fewer persons with a disability who need not be related by blood or marriage and not to exceed two (2) staff residents who need not be related by blood or marriage to each other or to the residents of the home, which dwelling is licensed by a regulatory agency of this State.

HAZARDOUS MATERIALS: Those chemicals or substances which are physical hazards or health hazards as defined in the Uniform Fire Code, as adopted by the City, whether the materials are in usable or waste condition.

HEALTH AND FITNESS CLUB: An athletic, recreational, health or fitness establishment which includes uses such as exercise equipment, racquetball courts, basketball courts and swimming pools.

HEIGHT, MAXIMUM: The greatest vertical distance, as specified in the applicable district regulations, measured from the average finished grade adjacent to a structure to the highest point of the structure.

HOME IMPROVEMENT CENTERS: Stores which sell hardware, lumber, building implements and materials, interior decorations, and other items with the purpose of aiding the do-it-yourself handyman with home improvements or repair. This is intended to include specialty building materials stores, such as hardware stores or lumber yards.

HOME OCCUPATION: A business, profession, occupation or trade conducted for gain or support entirely within a residential building, manufactured home, or mobile home; or, where permitted by Section 5-303, within a structure that is accessory to a residential building, manufactured home, or mobile home; and that is subordinate in area, extent, and purpose to the residential use, manufactured home, or mobile home. The renting of a portion of a residential building, manufactured home, or mobile home for habitation by other persons, in compliance with the Zoning Regulations, shall not be considered to be a home occupation.

HOSPITAL: A public or private institution primarily designed, intended or used for inpatient health services, including medical or surgical care to persons suffering illness, and injury and disease.

HOTEL: A building or portion thereof, or a group of buildings, which provides ten (10) or more rooms of sleeping accommodations for transients on a daily or weekly basis, whether such establishments are designated as a hotel, inn, motel, motor inn,

motor lodge, or otherwise.

HOUSEHOLD HAZARDOUS WASTE: Waste materials consisting of partially used, or unused, household products, automobile products, paints and pesticides and/or their containers that are typically generated by a household. Such materials shall not include materials and/or containers generated by businesses, industries or agricultural users.

INDUSTRIAL DISTRICT: Any zoning district designated as I-1, I-2, I-3, I-4, I-5, or LM-SC.

KENNEL: A business engaged in the breeding, buying, selling, trading, training or boarding of dogs or cats, or both dogs and cats. The term "business" shall include any operation which is primarily for the commercial gain of the owner or any operation which routinely engages in the acquisition and disposition of dogs or cats and routinely maintains in excess of five (5) animals, regardless of whether or not such operation results in commercial gain to the owner.

LANDSCAPING: The improvement of a lot, parcel or tract of land with grass, flowers, shrubs, trees, or other natural and decorative features.

LAUNDRY ESTABLISHMENT: An establishment providing self service washing, drying or dry cleaning machines, and/or laundry or dry cleaning services on the premises.

LAUNDRY PLANT: A facility providing laundry services primarily for commercial, institutional and industrial needs.

LODGING / BOARDING HOUSE: A dwelling which contains less than ten (10) rooms of sleeping accommodations, and no more than a single kitchen facility and whereby prearrangement and for compensation on a periodic basis, more than four (4) unrelated individuals can reside.

LOT: See Lot, Zoning.

LOT AREA: The area of a horizontal plane bounded by the front, side and rear lot lines.

LOT, CORNER: A lot which adjoins the point of intersection or meeting of two or more streets and in which the interior angle framed by the street lines is 135 degrees or less. If the street lines are curved, the angle shall be measured at the point of intersection of the extensions of the street lines, in the directions which they take at the intersections of the street line with the side lot line and with the rear lot line of the lot. If the street line is curved at its point of intersection with the side lot line or rear lot line, the tangent to the curve at that point shall be considered the direction of

the street line.

On corner lots having frontages on three (3) public rights-of-way, the right-of-way from which access is prohibited by plat, covenant or easement shall be considered a rear lot line.

LOT COVERAGE: That percentage of a lot which, when viewed directly from above, would be covered by a structure or structures, or any part thereof, including projecting roof eaves.

LOT DEPTH: The distance between the midpoints of the front lot line and the midpoint of the rear lot line.

LOT LINE: Lot Boundary Line. See Lot Line, Front; Lot Line, Rear; Lot Line, Side.

LOT LINE, FRONT: A street right-of-way line forming the boundary of a lot. On corner lots having frontages on three (3) public rights-of-way, the right-of-way from which access is prohibited by plat, covenant or easement shall be considered a rear lot line.

LOT LINE, REAR: The lot line that is most distant from, and is, or is most nearly, parallel to, the front lot line. If a rear lot line is less than fifteen (15) feet long, or if the lot comes to a point at the rear, the rear lot line shall be a line at least fifteen (15) feet long, lying wholly within the lot, parallel to the front line. On corner lots having frontages on three (3) public rights-of-way, the right-of-way from which access is prohibited by plat, covenant or easement shall be considered a rear lot line.

LOT LINE, SIDE: A lot line which is neither a front lot line or a rear lot line.

LOT OF RECORD: A lot which is part of a subdivision, the plat of which has been recorded at the office of the Register of Deeds of either Pottawatomie County or Riley County.

LOT, THROUGH: An interior lot having frontages on two (2) streets which do not intersect at a point contiguous to such lot. (Also called a double frontage lot)

LOT, UNBUILDABLE: A corner lot that meets the prescribed minimum lot area, width and depth of the zoning district, but on which there is no more than nineteen (19) feet between a front yard setback line and a parallel minimum side yard setback line.

LOT WIDTH: The distance on a horizontal plane between the side lot lines measured at right angles to the lot depth at the established front building line.

LOT, ZONING: A contiguous parcel of land that is designated by its owner or developer, at the time of applying for a building permit, as a tract all of which is to be used, developed, or built upon as a unit under single ownership. As long as it satisfies the above requirements, such lot may consist of:

- (1) A single lot of record, or
- (2) A portion of a lot of record, or
- (3) Any combination of lots of record, and/or portions of lots of record.

MANUFACTURED HOME: A structure, designed to be a residence, built on or after June 15, 1976, which meets the National Manufactured Home Construction and Safety Standards (42 U.S.C. Sec. 5403) has a permanent chassis, and is transportable in one (1) or more sections. (Does not include modular homes).

MANUFACTURED HOME LOT: A parcel of land, located in a Manufactured Home Park, designed for the placement of a manufactured home or a mobile home for single-family occupancy and the exclusive use of its occupants.

MANUFACTURED HOME PARK: A tract of real estate not less than five (5) acres under single ownership, which has been developed, subdivided, planned and improved for the placement of manufactured and mobile homes for nontransient use, but shall not include mobile home sales lots on which unoccupied mobile homes are parked for the sole purposes of display, inspection, sale or storage.

MANUFACTURED HOME, RESIDENTIAL DESIGN: See Residential-Design Manufactured Home.

MANUFACTURED HOME STAND: That part of an individual manufactured home lot on which the manufactured home or mobile home shall be placed and shall include that area which will be enclosed when skirts are applied below the outside walls of the manufactured or mobile home.

MOBILE HOME: A structure, designed to be a residence, built prior to June 15, 1976, which may or may not meet the National Manufactured Home Construction and Safety Standards (42 U.S.C. Sec. 5403) has a permanent chassis, and is transportable in one or more sections.

MODULAR HOME: A structure, designed to be used as a dwelling, which is constructed in accordance with the Uniform Building Code as adopted by the City of Manhattan, which is transportable in one or more sections but is not constructed on a permanent chassis, and which is placed on a permanent foundation.

MOTOR VEHICLE: A self propelled vehicle.

NONCONFORMITY: Any property or use which does not comply with all applicable provisions of these regulations.

NONPROFIT SOCIAL SERVICE FACILITIES: A nonprofit and nonresidential facility intended to provide a social service to the community such as food banks, counseling services, or other nonprofit social services organized for a common purpose.

NURSERY SCHOOL: See GROUP DAY CARE CENTER

NURSING HOME: A facility providing living quarters and care for persons who because of advanced age or disability are unable to live independently.

OFFICE: See Business and Professional Offices.

OFF-STREET LOADING: An off street space or berth primarily used for the unloading or loading of materials.

OUTDOOR STORAGE: The storage of goods and materials outside of any building or structure, but not including storage of a temporary or emergency nature.

PERSONAL WIRELESS TELECOMMUNICATIONS SERVICES: Any personal wireless service (as defined in the Communications Act of 1934, 47 U.S.C. §§ 151 *et seq.*, as amended, including the amendment known as the Telecommunications Act of 1996, and all future amendments), including FCC-licensed commercial wireless telecommunications services such as cellular, personal communications services, specialized mobile radio, enhanced specialized mobile radio, paging and unlicensed wireless services and common carrier wireless exchange access services. (see Article XII)

PLANNED UNIT DEVELOPMENT: A zoning district classification that combines the subdivision, zoning, site planning and design processes to accommodate a flexible and unified pattern of development which can more easily address unique constraints and conditions on a specific tract of land.

PRINCIPAL STRUCTURE: A structure in which is conducted the principal use of the lot on which it is located.

PRINCIPAL USE: The primary or predominant use of a lot as distinguished from an accessory use.

PRIVATE VOCATIONAL-TECHNICAL INSTITUTION: Any privately owned or operated facility used for education or instruction in such areas as martial arts, music, dance, beauty, business, electronics, or technology.

PUBLIC OPEN SPACE: 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 areas.

REAR LOT LINE: See Lot Line, Rear.

REAR YARD: See Yard, Rear.

RECYCLING CENTER: A facility in which recoverable resources such as paper, glass, and aluminum cans are collected, stored, flattened, crushed or bundled for the purpose of shipping and reusing such resource at another location. In addition, such facility may also include the collection of household hazardous waste, following accepted procedures for identification, cataloging and storage, as per applicable local, state and federal regulations.

RECYCLING COLLECTION POINT: An accessory use that serves as a neighborhood drop-off point for temporary storage of small recoverable resources, such as plastic and glass containers and newspapers, in a container or small structure.

RECYCLING PLANT: A facility in which recoverable resources and other materials, including household hazardous waste and business and agricultural wastes, are recycled, reprocessed and treated to return such products to a condition to which they may again be used for production, or in the case of non-recyclable materials, are properly stored for shipment to a disposal facility. The collection, identification, cataloging and storage of hazardous materials shall follow applicable local, state and federal regulations.

REMODELING: 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 bearing walls or partitions, columns, beams, girders or foundations; or the construction of any addition to, or enlargement of, a structure; or the removal of any portion of a structure.

RESEARCH FACILITY: Facilities engaged in scientific research, investigation, testing, experimentation and prototype production.

RESIDENTIAL BUILDING: A building all or part of which contains one (1) or more dwelling units, including single-family dwellings, two-family dwellings, multiple-family dwellings, lodging houses, dormitories, sororities and fraternities.

RESIDENTIAL-DESIGN MANUFACTURED HOME: A manufactured home that is designed to be a dwelling, and which is: placed on a permanent foundation; has a

minimum dimension of twenty-two (22) body feet in width; a pitched roof; siding and roofing materials which are customarily used on site built homes; and which meets architectural and aesthetic standards set forth in Section 3-413 of these regulations.

RESIDENTIAL DISTRICT: Any zoning district designated as RS, R, R-1, R-2, R-3, R-4, or R-5 or RM or any Planned Unit Development district that contains residential buildings.

RESIDENTIAL USE: A use conducted in a residential building.

RESTAURANT: A public eating or drinking establishment, including but not limited to the types of business establishments customarily referred to as cafeterias, coffee shops, dairy bars, restaurants and soda fountains, but not including any such establishment which has more than thirty-five (35) percent of its on premises sales, on an annual basis, devoted to alcoholic liquor or cereal malt beverage or a combination thereof.

RETAIL SALES: The sale of goods, merchandise and commodities for use or consumption.

SALVAGE YARD: An open area where waste or used materials are bought, sold, stored, processed or handled. Materials include but are not limited to scrap iron and other metals, tires, and inoperable vehicles.

SCHOOL: Any public or private facility which conducts regular classes pre-K through 12, or any portion thereof, and which meets the minimum educational standards set forth by the State of Kansas. In addition, school shall also include any publicly owned or operated vocational-technical institution. The term "School" shall not include Group Day Care Centers.

SERVICE CLUB: See Fraternal and/or Service Clubs.

SETBACK: The required minimum distance between the building line and the related front, side, and rear property line.

SETBACK, SIGN: The distance between the property line along a public right-of-way and any portion of the sign that is located closest to such right-of-way.

SIDE LOT LINE: See Lot Line, Side.

SIDE YARD: See Yard, Side.

SIGHT OBSCURING SCREENING: Walls, fences, hedges, berms, evergreen trees or any combination thereof that substantially obstructs structures or land uses from

view.

SIGN: Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

SITE PLAN: A development plan, drawn to scale, for one (1) or more lots on which is shown the existing and proposed conditions of the lot including: topography, vegetation, drainage, floodplains, egress, utilities, landscaping, structures, signs, utilities, easements and any other information that reasonably may be required.

STREET: A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles.

STRUCTURE: Anything constructed or erected with a fixed location on the ground. Among other things, structures include buildings, walls, fences, signs, billboards, sheds, towers, and bins. For purposes of these regulations, central air conditioning condensing units and similar cooling system apparatus, other than so-called "window" or "room" conditioners, shall be considered as structures.

SUPPORTED CANOPY: A supported canopy as regulated by these regulations shall include any structure made of cloth, metal or appropriate material with metal frames attached to a building, projecting over a public right-of-way/sidewalk, and carried by a frame supported by the ground or sidewalk.

TAVERN: A public eating or drinking establishment which is licensed to sell either cereal malt beverages or alcoholic liquor for the consumption on the premises and which has more than thirty-five (35) percent of its on premises sales, on an annual basis, devoted to alcoholic liquor or cereal malt beverage or a combination thereof.

TEMPORARY USE: Uses permitted in each zoning district unless restricted to particular zoning districts, subject to specific regulations and time limits and the other applicable regulations of the district in which the use is permitted.

THROUGH LOT: See Lot, Through.

TRAILER: A vehicle standing on wheels or on rigid supports which is used for transporting boats or cargo or property.

USE: Any purpose for which a structure or a tract of land may be designed, arranged, intended, maintained, or occupied; also, any activity, occupation, business or operation carried on, or intended to be carried on, in a structure or on a tract of land.

VEHICLE: Every device in, upon or by which any person or property is or may be transported or drawn upon a public highway.

VETERINARY OUT-PATIENT CLINIC: A facility designed to provide medical care to small animals, (such as dogs, cats, birds, hamsters, etc.) with no capability of providing on-site extended care.

VISION CLEARANCE TRIANGLE: A three (3) dimensional volume located within the area formed by the intersection of two (2) streets, a street and an alley, a street and a railroad, a street and a private drive, an alley and a sidewalk, or a private drive and a sidewalk, in which:

- (1) the base of the volume is a triangle, the measured sides of which are the closest right-of-way lines in the case of streets or alleys, the closest edge of the travelway in the case of private drives or sidewalks, or the closest edge of the bed of a railroad; and the third side is a line connecting the end points of the measured sides; and
- (2) the height of the volume begins two and one half (2 1/2) feet above the base and extends to ten (10) feet above the base.

WHOLESALE SALES: The sale of goods, merchandise and commodities for resale.

WIDTH, LOT: See Lot Width.

YARD: That area required by these Regulations to be open space, unoccupied, and unobstructed from its lowest level to the sky, except for structures permitted by these Regulations.

YARD, FRONT: A yard extending along the full length of a front lot line and back to a line drawn parallel to the front lot line at a distance therefrom equal to the depth of the minimum front yard. On a corner lot, each yard that abuts a front lot line shall be considered a front yard, except that on corner lots having frontages on three (3) public rights-of-way, the right-of-way from which access is prohibited by plat, covenant or easement shall be considered a rear lot line.

YARD, REAR: A yard extending along the full length of the rear lot line and back to a line drawn parallel to the rear lot line at a distance therefrom equal to the depth of the minimum rear yard. In the case of a corner lot, there shall be no rear yard as defined, and in such case the sides opposite the street sides shall be considered as side yards for setback purposes, except that on corner lots having frontages on three (3) public rights-of-way, the right-of-way from which access is prohibited by plat, covenant or easement shall be considered a rear lot line.

In the case of a through lot with one side abutting an arterial street, the yard abutting the street that does not give access to the lot shall be considered the rear yard.

YARD, SIDE: A yard extending along a side lot line and back to a line drawn parallel to the side lot line at a distance therefrom equal to the width of the minimum side yard, but excluding any area encompassed within a front yard or rear yard. Dimensions of minimum side yards specified in the district regulations of these regulations refer to the required width of each side yard rather than to the width of both side yards, unless otherwise specified.