

Chapter 18.110
RULES OF INTERPRETATION AND DEFINITIONS

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18.110.010 Rules of interpretation

For purposes of interpreting this ordinance, the following rules shall apply.

- A. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense, words used in the singular include the plural, words used in the plural include the singular, words importing the masculine gender include the feminine and neuter, the word "shall" is mandatory, the word "building" includes the word "structure", and the term "used for" includes "designed for" or "intended for."

- B. Unless specifically provided, in computing any period of time prescribed or allowed by this ordinance, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday or a legal holiday. When the period of time proscribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation. A half-holiday shall be considered as other days and not as a holiday. "Legal holiday" includes any day designated as a holiday by the Congress of the United States or by the Kansas legislature. Whenever a notice, petition or other document is required to be filed within a specified time period, the notice, petition or document must be filed with the appropriate city official or in the appropriate City office not later than 5:00 p.m. on the last day of the period as computed above.

- C. Where this ordinance permits or requires an act on the part of an "owner" or "landowner," and a particular lot or tract of land is owned by several persons, whether in joint tenancy, tenancy in common, partnership, joint venture or other form of joint ownership, the act shall be taken on behalf of, and with the express consent of, all such persons.

(History: Ord. ZRR-1725; ZRR-1637)

18.110.020 Definitions

- A. Where a word or term is not defined in this Chapter but is defined elsewhere in this ordinance or in the Code, such definition shall be applicable unless the context indicates that a standard dictionary definition is more appropriate.

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- B. Where a word or term is defined in this Chapter and also defined elsewhere in this ordinance, the definition contained in this Chapter shall be generally applicable except in the Chapter or Section to which the other definition applies.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

18.110.030 Accessory building

“**Accessory building**” means a subordinate building having a use customarily incident to and located on the lot occupied by the main building. A building housing an accessory use is considered to be an integral part of the main building when it has any part of a wall in common with the main building, or is under an extension of the main roof and designed as an integral part of the main building.

(History: Ord. ZRR-1725; ZRR-1637; ZRR-889 §18.02)

18.110.035 Accessory use

“**Accessory use**” means a use of a building or land which serves an incidental function to and is customarily associated with, and located on the same lot or premises as, the main use of the premises.

(History: Ord. ZRR-1725; ZRR-1637; ZRR-889 §18.02)

18.110.040 Agricultural use

“**Agricultural use**” refers to the use of land where such land is devoted to the production of plants, animals or horticultural products, including but not limited to: forages; grains and feed crops; dairy animals and dairy products; poultry and poultry products; beef cattle, sheep, swine and horses; bees and apiary products; trees and forest products; fruits, nuts and berries; vegetables; or nursery, floral, ornamental and greenhouse products. Agricultural use shall not include use of land for recreational purposes, suburban residential acreages, rural home sites or farm home sites and yard plots whose primary function is for residential or recreational purposes even though such properties may produce or maintain some of those plants or animals listed in the foregoing definition.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

18.110.045 Alley

“**Alley**” means a minor way, dedicated for public use, which is used primarily for vehicular access to the sides or rear of lots.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637; ZRR-889 §18.02)

18.110.050 Alteration

“**Alteration**” means any addition, removal, extension or change in location of any exterior wall of the main building or accessory building.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637; ZRR-889 §18.02)

18.110.052 Antenna

“**Antenna**” shall mean an exterior apparatus designed for transmitting or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic communication.

“**Communication Antenna**” shall mean an antenna or array of antennas at one location intended to broadcast and receive signals as part of a wide-area, communication system such as cellular telephone systems, pager systems or wireless computer networks, but excluding short-wave radio antennas operated primarily as a hobby.

“**Directional Antenna**” shall mean an antenna or array of antennas, including panels, microwave dishes and satellite dishes, designed to concentrate a radio signal in a particular direction.

“**Omni-directional Antenna**” shall mean an antenna that transmits signals in 360 degrees, such as a whip antenna.

“**Satellite Dish Antenna**” shall mean a dish-shaped antenna used to receive signals transmitted from satellites. Large Satellite Dish Antennas are those where the maximum diameter of the dish is greater than 36 inches. Small Satellite Dish Antennas are those where the maximum diameter of the dish is 36 inches or less in diameter.

(History: Ord. ZRR-2004 § 1, 96)

18.110.055 Apartment

“**Apartment**” means a room or a suite of rooms within an apartment house arranged, intended or designed for a place of residence of a single family or group of individuals living together as a single housekeeping unit.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637; ZRR-889 §18.02)

18.110.060 Apartment house

“**Apartment house**” means a building arranged, intended or designed for residence by more than two families.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637; ZRR-889 §18.02)

18.110.065 Arcade

“**Arcade**” shall mean any establishment housing 5 or more video games, pinball games, air hockey, or similar coin-operated amusement apparatus.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637; ZRR-1197; ZRR-889 §18.02)

Base flood elevation – see 18.110.505.

Base flood protection elevation – see 18.110.510.

18.110.070 Block

“**Block**” means a tract or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the Director of Planning

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and Development Services shall determine the outline of the block.

(History: Ord. ZRR-2343 §2, 2002; ZRR-1725; ZRR-1661; ZRR-1637; ZRR-889 §18.02)

18.110.071 Best Management Practice (BMP)

“**Best Management Practice**” or “**BMP**” mean physical facilities, schedules of activities, prohibitions of practices, maintenance procedures, and other management practices which, when properly designed, installed and maintained, will be effective to prevent or reduce the discharge of water or air pollution associated with land disturbance activities regulated by this Ordinance.

(History: Ord. ZRR-2420 §1, 2003)

18.110.072 Build-to line

“**Build-to line**” means a line, parallel to the respective lot line, and internal to the lot, which defines the required maximum and minimum setback for the entire building façade as specified in the district regulations.

(History: Ord. ZRR-2343 §3, 2002)

18.110.074 Building permit

“**Building permit**” means an official document or certificate issued by the Director of Planning and Development Services which authorizes any owner or authorized agent to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to install, enlarge, alter, remove, replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by Title 16 of the Overland Park Municipal Code, or to cause any such work to be done. A building permit may also specifically authorize land disturbance and installation of site improvements in lieu of separate site development and land disturbance permits.

(History: Ord. ZRR-2420 §2, 2003)

18.110.075 Church

“**Church**” means a building for public religious worship, and includes synagogues and temples.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

18.110.080 City

“**City**” means the City of Overland Park, Kansas.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

18.110.085 City Attorney

“**City Attorney**” means the duly appointed City Attorney of the City, or his or her designee.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

18.110.090 City Clerk

“**City Clerk**” means the duly appointed City Clerk of the City, or his or her designee.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

18.110.095 City Council

“**City Council**” means the duly elected or appointed City Council of the City.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

18.110.100 City Engineer

“**City Engineer**” means the duly appointed City Engineer of the City, or his or her designee.
(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

18.110.105 Club

“**Club**” means a Class A or Class B Club. Class A Club means a premises which is owned or leased by a corporation, partnership, business trust or association, and which is operated thereby as a bona fide nonprofit, social, fraternal or war veterans' club as determined by the Director of Alcoholic Beverage Control of the Kansas Department of Revenue, for the exclusive use of the corporate stockholders, partners, trust beneficiaries or associates and their families and guests accompanying them. Class B Club means a premises operated for profit by a corporation, partnership, or individual to which members of such club may resort for the consumption of food or alcoholic beverages and for entertainment.
(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637; ZRR-1447; ZRR-889 §18.02)

18.110.110 Code or O.P.M.C.

“**Code**” or “**O.P.M.C.**” means the Overland Park Municipal Code.
(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

18.110.115 Code Administrator

“**Code Administrator**” means the duly appointed Code Administrator of the City, or his or her designee.
(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

18.110.120 Commercial districts

“**Commercial districts**” means districts C-O, CP-O, C-1, CP-1, C-2, CP-2, C-3, CP-3, DD, MS-1, MS-2, MD, MXD, and SFD.
(History: Ord. ZRR-2478 §1, 2004; ZRR-2343 §4, 2002; ZRR-1725; ZRR-1661; ZRR-1637)

18.110.122 Communication Tower

“**Communication Tower**” shall mean a ground-mounted guyed, monopole or self-supporting tower, constructed as a free-standing structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic communication.

“**Monopole Tower**” shall mean a communication tower consisting of a single pole, constructed without guy wires and ground anchors.

“**Lattice Tower**” shall mean a guyed or self-supporting three or four sided, open, steel frame structure used to support telecommunications equipment.
(History: Ord. ZRR-2004 §2, 96)

18.110.125 Community Development Committee

“**Community Development Committee**” means the Community Development Committee of the City Council.
(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

18.110.130 Comprehensive plan

“**Comprehensive plan**” means the currently adopted Master Plan for the City.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

18.110.132 Continuing Care Community

“**Continuing Care Community**” means a multi-unit residential project, consisting of one or several buildings designed as a unified development, and providing health related services to its residents such as nursing care or assistance with activities of daily living. Continuing care communities typically provide a range of housing options, as well as common facilities to accommodate resident services such as meals, transportation and social activities. Free-standing buildings containing 4 or fewer dwelling units for independent senior living may be a component of the continuing care community provided they do not comprise more than 25 percent of the total units within the development.

(History: Ord. ZRR-2650 §1, 2007)

18.110.135 Court

“**Court**” means an open, unoccupied space, other than a yard, bounded on three or more sides by exterior walls of a building, or by exterior walls of a building and lot lines on which walls are allowable.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

18.110.140 Cul-de-sac

“**Cul-de-sac**” means a street having only one end open to traffic with the other end permanently terminated by a vehicular turnaround.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

18.110.145 Curb level

“**Curb level**” means the mean level of the curb in front of the lot or, in the case of a corner lot, along the abutting street, where the mean curb level is the highest.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637; ZRR-889 §18.02)

18.110.150 Customary passenger car

“**Customary passenger car**” means a motor vehicle with motive power designed for carrying 10 passengers or fewer, including vans, but excluding trailers and vehicles constructed on a truck chassis with a gross weight of more than 6,000 pounds.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

18.110.155 Day care

“**Day care**” means the provision of supervision, training, food, lodging or medical services to persons for less than 24 hours a day.

“**Child care center**” means a facility which provides care and educational activities for 13 or more children two weeks to 16 years of age for more than three hours and less than 24 hours per day including day time, evening, and nighttime care; or which provides before and after school care for school-age children. A facility may have fewer than 13

children and be licensed as a center if the program and building meet child care center regulations set out in K.S.A. Chapter 65 and K.A.R. Chapter 28.

“Day care home” means a structure designed and used as a one or two-family dwelling where day care is provided for a maximum of twelve (12) children, which is regulated under K.S.A. Chapter 65 and K.A.R. Chapter 28.

“Mother's Day Out” means a day care program operating more than five (5) consecutive hours or more than one day per week and in which any one child is enrolled for not more than one session per week.

“Preschool” means a day care facility providing educational experiences and operating in compliance with the definitions and regulations of the State of Kansas.

(History: Ord. ZRR-2903 §1, 2011; ZRR-1725; ZRR-1693; ZRR-1661; ZRR-1637; ZRR-1237; ZRR-889 §18.02)

18.110.160 Department Store

“Department Store” means a retail establishment with at least 80,000 square feet of gross floor area and offering a wide variety of merchandise and services, usually organized in separate departments.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

18.110.165 Detached

“Detached” means that a building does not have a wall, roof or other structure member in common with or in contact with another building.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637; ZRR-889 §18.02)

18.110.170 Developer

“Developer” means a person who engages in development of real estate, whether or not that person is the landowner.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

18.110.175 Development

Repealed.

(History: Ord. ZRR-2812 §14, 2009; ZRR-1725; ZRR-1661; ZRR-1637; ZRR-941; ZRR-889 §18.02)

18.110.180 Director of Planning and Development Services

“Director of Planning and Development Services” means the duly appointed Director of Planning and Development Services of the City, or his or her designee.

(History: Ord. ZRR-2343 §5, 2002; ZRR-1725; ZRR-1661; ZRR-1637)

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18.110.185 Display or catalog showroom

“**Display or catalog showroom**” means an establishment for the sale of merchandise exclusively from a display or catalog and where no exchange of merchandise takes place at the time of sale.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

18.110.187 Downtown Districts

“**Downtown Districts**” means districts MS-1, MS-2, MD, SFD, and DND.

(History: Ord. ZRR-2343 §6, 2002)

18.110.188 Drainageway

“**Drainageway**” means a man-made or natural conveyance that transports stormwater overland which is frequently referred to as a channel, swale, ditch, gully, stream, or watercourse. The drainageway includes all land inundated during the 1% design storm.

(History: Ord. ZRR-2564 §1, 2005)

18.110.190 Drinking establishment

“**Drinking establishment**” means a premises which may be open to the general public, where alcoholic liquor by the individual drink is served.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

18.110.195 Drive

“**Drive**” means a right-of-way which affords principal means of vehicular access to or through a lot or tract of land and which is owned and maintained by the landowner.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637; ZRR-889 §18.02)

18.110.200 Drive-in service

“**Drive-in service**” means the service of food or other goods, services or entertainment where patrons remain in their motor vehicles which are parked in spaces provided on the premises for that purpose.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637; ZRR-1148; ZRR-889 §18.02)

18.110.205 Drive-through service

“**Drive-through service**” means service where patrons are served through a window or other device while remaining in their motor vehicles and where products served to patrons are normally not consumed on the premises.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637; ZRR-1148; ZRR-889 §18.02)

18.110.210 Dwelling

“**Dwelling**” means a building or portion thereof designed exclusively for residential occupancy, including one-family, two-family and multi-family dwellings, but not including hotels or motels.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637; ZRR-889 §18.02)

18.110.215 Dwelling, multi-family

“**Dwelling, multi-family**” means a building, or portion thereof, arranged, intended or designed for occupancy by 3 or more families, and commonly referred to as a triplex, fourplex, townhouse

or apartment building. The term “multi-family dwelling” may also include residential projects designed for older adults but which do not provide the health related services of a continuing care community.

(History: Ord. ZRR-2650 §2, 2007; ZRR-1725; ZRR-1661; ZRR-1637; ZRR-889 §18.02)

18.110.220 Dwelling, one-family

“**Dwelling, one-family**” means a building arranged, intended or designed for occupancy by one family, but excluding manufactured homes or mobile homes.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637; ZRR-889 §18.02)

18.110.225 Dwelling, two-family

“**Dwelling, two-family**” means a building arranged, intended or designed for occupancy by 2 families, commonly referred to as a duplex.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637; ZRR-889 §18.02)

18.110.230 Dwelling unit

“**Dwelling unit**” means an enclosure containing sleeping, kitchen and bathroom facilities designed for and used or held ready for use as a permanent residence by one family.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

18.110.235 Easement

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

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

18.110.240 Family

“**Family**” means any of the following:

1. A group of not more than four (4) related or unrelated persons of any age living together by joint agreement and occupying a single housekeeping unit with common kitchen facilities, or a mixed group of related and non-related persons of any age who together constitute no more than a cumulative total of four (4) persons living together by joint agreement and occupying a single housekeeping unit with common kitchen facilities.
2. A group of any size and age consisting entirely of an immediate family. For the purpose of this section an “immediate family” shall be a group consisting of only a spouse, parent, child, grandchild, grandparent, brother or sister, all related by marriage or consanguinity, and all of who can provide documentation of such relationship within a reasonable time upon request by the appropriate enforcement officers of the City. Ten (10) calendar days shall constitute a reasonable period of time unless the occupants can establish the necessity of an extension of time to obtain such documentation from the authorized sources, and any request for an extension of time to the City must be submitted in writing prior to the expiration of the ten day response time, and must be accompanied by names, dates and location of the births or marriages sought to be documented.
3. A group of not more than seven (7) persons who are 18 years of age or older who are related by marriage or consanguinity, all living together and occupying a single housekeeping unit with common kitchen facilities, and all of who can provide

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documentation of such relationship within a reasonable time upon request by the appropriate enforcement officers of the City, as provided in subsection (2) above.

4. In any civil or criminal prosecution for violation of the permitted occupancy of a single-family dwelling, a court may, where appropriate, infer from the evidence presented in that prosecution, including, without being limited to, evidence that more than four (4) persons age 18 or older are occupying a single family dwelling, that such occupancy constitutes an occupancy in violation of the Municipal Code.

(History: Ord. ZRR-2281 §1, 2001; ZRR-1725; ZRR-1661; ZRR-1637; ZRR-889 §18.02)

18.110.245 Fence

“**Fence**” means a freestanding structure intended to provide privacy, prevent escape or intrusion or to redirect a person's direction of travel. A fence may be constructed of posts, wire, boards, stone or any standard building materials. Fence sections 16 feet or less in cumulative horizontal lengths, 4 feet or less in height and unattached to a fence shall be considered a landscape element and not a fence.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637; ZRR-1409; ZRR-889 §18.02)

18.110.250 Floodplain or 100-year floodplain

“**Floodplain**” or “**100-year floodplain**” is defined in Section 18.360.410.

(History: Ord. ZRR-2812 §1, 2009; ZRR-2450 §11, 2003; ZRR-1725; ZRR-1661; ZRR-1637; ZRR-1432; ZRR-941; ZRR-889 §18.02)

18.110.255 Floodway

“**Floodway**” is defined in Section 18.360.410.

(History: Ord. ZRR-2812 §2, 2009; ZRR-1725; ZRR-1661; ZRR-1637)

18.110.260 Flood fringe (formerly Floodway fringe)

“**Flood fringe**” is defined in Section 18.360.410.

(History: Ord. ZRR-2812 §3, 2009; ZRR-2450 §12, 2003; ZRR-1725; ZRR-1661; ZRR-1637)

18.110.265 Floor area

“**Floor area**” means the area of a building, or a portion of a building, measured in square feet.

“**Gross floor area**” or “**total floor area**” means the sum of the gross horizontal areas of the several stories of the building, including accessory buildings, measured from the exterior faces of the exterior walls or from the center line of party walls, and including garages, porches, utility rooms, stairways, recreation rooms and storage rooms, but excluding unenclosed balconies and patios.

“**Ground floor area**” means the gross floor area of the building at grade, also known as the building's footprint. The determination of floor area for purposes of calculating floor area ratios is governed by the Land Use Intensity System.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637; ZRR-889 §18.02)

18.110.270 Future Development Plan

“**Future Development Plan**” means the map portion of the Master Plan which is the graphic representation of the City's land use goals, subgoals, and strategies as developed and identified in the Plan Implementation section of the Master Plan.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

18.110.275 Garage

“**Garage**” means an accessory building or portion of a main building primarily used for storage of motor vehicles.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637; ZRR-889 §18.02)

18.110.280 Garden apartment building

“**Garden apartment building**” means 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.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

18.110.285 Governing Body

“**Governing Body**” means the Mayor and City Council of the City.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

18.110.290 Ground cover

“**Ground cover**” means landscape materials, or living low-growing plants other than turf grass, installed in such a manner so as to form a continuous cover over the ground surface.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

18.110.295 Gross land area

“**Gross land area**” means all land contained within the boundaries of a particular lot or tract of legally-described property, including all existing and proposed public and private streets and one-half of any abutting street rights-of-way, excluding state and federal street rights-of-way.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

18.110.300 Group boarding home for adults

“**Group boarding home for adults**” means a residential dwelling unit for 5 or more persons, 18 years of age or over, not constituting a “family” as defined at Section 18.110.240; provided, however, that this definition shall not include an existing or proposed use of a residential dwelling unit which also meets the definition of “group home” as defined in K.S.A. 12-736 and any amendments thereto and is otherwise in full compliance with that section of Kansas statutes. Such latter use shall be considered to be a single-family residential use and shall not be considered to be a “group boarding home for adults” for the purposes of this Unified Development Ordinance.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637; ZRR-889 §18.02)

18.110.305 Group boarding home for minors

“**Group boarding home for minors**” means a residential dwelling unit for 5 or more persons under 18 years of age who do not constitute a “family” as defined at Section 18.110.240, who for

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various reasons cannot reside in their natural home and where 24-hour adult care, supervision and consultation exists under license of the Kansas Secretary of Health and Environment or the Secretary of Social and Rehabilitation Services; provided, however, that this definition shall not include an existing or proposed use of a residential dwelling unit which also meets the definition of “group home” as defined in K.S.A. 12-736 and any amendments thereto and is otherwise in full compliance with that section of the Kansas statutes. Such latter use shall be considered to be a single-family residential use and shall not be considered to be a “group boarding home for minors” for the purposes of the Unified Development Ordinance.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637; ZRR-889 §18.02)

18.110.310 Height of a building or structure

“**Height of a building or structure**” means the vertical distance from the average ground level abutting a building or structure to the highest point of a building or highest point of any permanent part of a structure other than a building; except that for a single-family, two-family, or multi-family residence, the distance shall be from the average ground level at the front of the residence to the highest point of a flat roof, the deck line of a mansard roof, or the average height between the plate and ridge of a gable, hip, shed or gambrel roof. Height, where not regulated in feet, shall be regulated by stories, and a story shall be equal to 12 feet for purposes of measuring structures.

(History: Ord. ZRR-2134 §1, 98; ZRR-1925 §1,95; ZRR-1725; ZRR-1661; ZRR-1637; ZRR-889 §18.02)

18.110.315 Highway

“**Highway**” means a thoroughfare controlled and maintained by the Kansas Department of Transportation.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

18.110.320 Home occupation

“**Home occupation**” means an accessory use by the occupant(s) of a dwelling unit in which goods are produced or traded, or services are rendered, as an economic enterprise. Such use shall be clearly incidental or subordinate to the residential use of a dwelling.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

18.110.325 Industrial districts

“**Industrial districts**” means districts BP, M-1, MP-1, M-2 and MP-2.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

18.110.327 Infill Development

“**Infill Development**” shall mean development on a vacant or substantially vacant tract of land surrounded by existing development except that tracts of land larger than ten (10) acres shall not

be considered infill development.
(History: Ord. ZRR-2848 §1, 2010)

18.110.330 Junior department store

“Junior department store” means a retail establishment with less than 80,000 square feet of gross floor area and offering a wide variety of merchandise and services, usually organized in separate departments.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

18.110.335 Kennel

“Kennel” means a commercial operation that (i) provides food, shelter and care for more than 4 animals of 6 months of age or older for purposes not primarily related to medical care (a kennel may or may not be run by or associated with a veterinarian), or (ii) regularly engages in the breeding of animals for sale.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

18.110.336 Land disturbance

“Land disturbance” means any activity that changes the physical conditions of landform, vegetation and hydrology, creates bare soil, or otherwise may cause erosion or sedimentation. Such activities include, but are not limited to, clearing, removal of vegetation, stripping, grading, grubbing, excavating, filling, logging and storing of materials.

(History: Ord. ZRR-2420 §3, 2003)

18.110.337 Land disturbance permit

“Land disturbance permit” means an official document or certificate issued by the Director of Planning and Development Services authorizing land disturbance. A land disturbance permit may only be issued to the property owner.

(History: Ord. ZRR-2420 §4, 2003)

18.110.340 Landowner

“Landowner” means the legal or beneficial owner or owners of a lot or tract. The holder of a contract to purchase or other person having an enforceable proprietary interest in a lot or tract shall be deemed a landowner.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

18.110.345 Landscape material

“Landscape material” means such living materials as trees, shrubs, ground cover, vines, turf grasses, and non-living materials such as rocks, pebbles, sand, bark, brick pavers, earthen mounds (excluding pavement), and other items of a decorative or embellishment nature such as fountains, pools, walls, fencing, sculpture, etc.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

18.110.350 Landscaped open space

“Landscaped open space” means that part of the gross land area in open space which is free of streets, structures, or parking areas and provided to improve the drainage, microclimate and aesthetics of the site. Such areas are usually landscaped and appropriately located to achieve

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maximum effect and appeal. Typically, such space includes lawn areas, shrubs and trees, walkways, paved terraces, sitting areas and outdoor recreational areas. Unpaved land areas within private or public street rights-of-way are not counted as landscaped open space unless they are in excess of minimum right-of-way standards.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637; ZRR-1427; ZRR-889 §18.02)

18.110.355 Landscaped open space ratio

“Landscaped open space ratio” means the numerical ratio between the landscaped open space and the gross land area of a site.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

18.110.360 Landscaped setback

“Landscaped setback” means the area between the street right-of-way (in the case of a public street) or the curb line (in the case of a private street) and the building setback line.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

18.110.365 Landscaping

“Landscaping” means the bringing of the soil surface to a smooth finished grade and installing of sufficient trees, shrubs, ground cover and grass to soften building lines, provide shade and generally produce a pleasing visual effect of the premises.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637; ZRR-889 §18.02)

18.110.370 Land Use Intensity System

“Land Use Intensity System” means the procedure of applying floor area ratios, open space requirements, densities and other development criteria to proposed development. Such criteria are contained in a separate manual and are not contained in this ordinance.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637; ZRR-889 §18.02)

18.110.375 Lot

“Lot” means a parcel of land occupied, or to be occupied, by one main building or unit group of buildings, and the accessory buildings or uses customarily incident thereto, including such open spaces as are required under these regulations, and having its principal frontage upon a public street. A lot as used in this ordinance may consist of one or more platted lots or tracts, or parts thereof.

“Platted lot” means a portion of a subdivision intended as a unit for transfer of ownership or for development.

“Corner lot” means a lot abutting upon 2 or more streets at their intersection. A corner lot shall be deemed to front on that street on which it has its least dimension, unless otherwise specified by the Director of Planning and Development Services, except that a lot made up of more than one platted lot shall be deemed to front on the street upon which the platted lots front.

“Double-frontage lot” means a lot abutting upon 2 or more streets, at least 2 of which do not intersect.

“Interior lot” means a lot whose side lot lines do not abut upon any street.

“Through lot” means an interior, double-frontage lot.

(History: Ord. ZRR-2343 §7, 2002; ZRR-1725; ZRR-1661; ZRR-1637; ZRR-889 §18.02)

18.110.380 Lot coverage

“Lot coverage” means that portion of the net site area which is covered by the ground floor of any structure, parking lots, and private streets and drives. Pools, tennis courts, sidewalks and plazas are not counted toward lot coverage.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637; ZRR-1427; ZRR-889 §18.02)

18.110.385 Lot depth

“Lot depth” means the mean horizontal distance from the front lot line to the rear lot line.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637; ZRR-889 §18.02)

18.110.390 Lot line

“Lot line” means the boundary line of a lot.

“Front lot line” means that lot line abutting a street or private drive. In the case of a corner lot where there are two lot lines abutting intersecting streets, the front lot line shall normally be the one with the shortest length. In the case of a through lot, the front lot line shall be the one adjacent to the street which provides primary access to the lot or towards which the main building on the lot is oriented.

“Side lot line” means any lot line which intersects the front lot line. A side lot line shall include any linked line segments or arcs which have a bearing which is within 45 degrees of a line drawn perpendicular to the front lot line.

“Rear lot line” means any lot line which is not a front lot line or a side lot line.

Where the application of the rules is ambiguous or where the property owner requests an alternative designation, the Director of Planning and Development Services may specifically designate the various lot lines for a particular lot.

(History: Ord. ZRR-2343 §8, 2002; ZRR-1725; ZRR-1661; ZRR-1637; ZRR-889 §18.02)

18.110.395 Lot width

“Lot width” means the horizontal distance between the side lot lines, measured at the front setback line or the front platted building line, whichever is greater.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637; ZRR-889 §18.02)

18.110.400 Main building or main structure

“Main building” or **“main structure”** means the primary building or structure on a lot or a building or a structure that houses a principal use.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

18.110.405 Manufactured home

“**Manufactured home**” means a structure which is subject to the federal manufactured home construction and safety standards established pursuant to 42 U.S.C. Section 5403.

“**Residential-design manufactured home**” means a manufactured home on a permanent foundation which has (A) minimum dimensions of 22 body feet in width, (B) a pitched roof and (C) siding and roofing materials which are customarily used on site-built homes. (History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

18.110.410 Master Plan

“**Master Plan**” means the current comprehensive plan adopted by the Planning Commission pursuant to K.S.A. 12-747. (History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

18.110.415 Mobile home

“**Mobile home**” means a transportable, factory-built structure, designed to be used as a year-round residential dwelling, built prior to enactment of the National Manufactured Home Construction and Safety Standards Act, which became effective June 15, 1976. (History: Ord. ZRR-1725; ZRR-1661; ZRR-1637; ZRR-889 §18.02)

18.110.420 Mobile home park

“**Mobile home park**” means a tract of land meeting the requirements of this ordinance containing suitable drives, utilities and other supporting elements, and devoted to the sole purpose of accommodating mobile homes or manufactured homes on a permanent or a semi-permanent basis. (History: Ord. ZRR-1725; ZRR-1661; ZRR-1637; ZRR-889 §18.02)

18.110.425 Mobile home space

“**Mobile home space**” means that area of land within a mobile home park set aside for use as a site for one mobile home or manufactured home, including the open spaces around said home. (History: Ord. ZRR-1725; ZRR-1661; ZRR-1637; ZRR-889 §18.02)

18.110.430 Native grasses

“**Native grasses**” means those species of perennial grass other than those designated as noxious weeds by the Kansas Department of Agriculture and Entomology. (History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

18.110.435 Net site area

“**Net site area**” means the land area of a lot or tract remaining after subtraction of all public street and alley rights-of-way as are required by this ordinance. (History: Ord. ZRR-1725; ZRR-1661; ZRR-1637; ZRR-889 §18.02)

18.110.440 Nonconforming situation

“Nonconforming situation” means a situation that occurs when, on the effective date of this ordinance, an existing lot, structure or improvement, or the use of an existing lot, structure or improvement no longer conforms to one or more of the regulations applicable to the zoning district in which the lot, structure or improvement is located.

“Nonconforming dimension” means a nonconforming situation that occurs when the height, size or minimum floor area of a structure or the relationship between an existing building or buildings and the other buildings or lot lines does not conform to the regulations applicable to the zoning district in which the property is located.

“Nonconforming lot” means a lot existing on the effective date of this ordinance (and not created for purposes of evading the restrictions of this ordinance) that does not meet the minimum area requirement of the zoning district in which the lot is located.

“Nonconforming project” means any structure, development or undertaking that is incomplete on the effective date of this ordinance and would be inconsistent with one or more of the regulations applicable to the zoning district in which it is located if completed as proposed or planned.

“Nonconforming sign” means a sign that, on the effective date of this ordinance, does not conform to one or more of the regulations set forth in this ordinance.

“Nonconforming site improvement” means a nonconforming situation that occurs when, on the effective date of this ordinance, an existing site improvement on a lot, including but not limited to parking areas, storm drainage facilities, sidewalks and landscaping, no longer conforms to one or more of the regulations of this ordinance applicable to the property.

“Nonconforming use” means a nonconforming situation that occurs when property is used for a purpose or in any manner made unlawful by the use regulations or development and performance standards applicable to the zoning district in which the property is located. The term also refers to the activity that constitutes the use made of the property. For purposes of these definitions, the “effective date of this ordinance” shall be deemed to include the effective date of any amendments to this ordinance if the amendment, rather than this ordinance as originally adopted, creates a nonconforming situation.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637; ZRR-889 §18.02)

18.110.445 Official Street Map

“Official Street Map” means the current official map adopted by the Governing Body pursuant to K.S.A. 12-765.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

18.110.450 Official Zoning Map

“**Official Zoning Map**” means the zoning map adopted by the City pursuant to K.S.A. 12-753. (History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

18.110.455 100-year frequency flood

“**100-year frequency flood**” is defined in Section 18.360.410. (History: Ord. ZRR-2812 §4, 2009; ZRR-1725; ZRR-1661; ZRR-1637; ZRR-889 §18.02; ZRR-832)

18.110.460 Open space

“**Open space**” means the total horizontal area of uncovered open space plus one-half of the total horizontal area of covered open space subject to the limitations set forth below.

“**Uncovered open space**” means the total gross land area not covered by buildings plus open exterior balconies and roof areas improved as recreation space.

“**Covered open space**” means the usable open space closed to the sky but having two unobstructed open or partially open sides. “Partially open” is to be construed as fifty percent or more open. Examples of covered open space are covered balconies, carports, roofed porches, covered portions of improved roof areas, or spaces under buildings supported on columns or posts, or cantilevered. The number of square feet countable as open space shall not exceed the number of square feet of the open sides.

“**Open Space Lands**” means that portion of a tract of land zoned RP-OE or RP-OS that is set aside for the protection of sensitive natural features, farmland, scenic views, and other unique features. Open space lands may or may not be accessible to the residents of the development and the general public.

(History: Ord. ZRR-2345 §1, 2002; ZRR-1725; ZRR-1662; ZRR-1637)

18.110.465 Open space ratio

“**Open space ratio**” means the numerical ratio between the open space of the site and the gross land area of the site.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

18.110.470 Ordinance

“**Ordinance**” means the Unified Development Ordinance.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

18.110.475 Overlay district

“**Overlay district**” means a district which acts in conjunction with the underlying zoning district or districts.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637; ZRR-889 §18.02)

18.110.480 Planned zoning district

“**Planned zoning district**” means the zoning of a lot or tract to permit that development as specifically depicted on plans approved in the process of zoning that lot or tract.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637; ZRR-889 §18.02)

18.110.485 Platted

“**Platted**” means real property which is subject of a final plat recorded with the Register of Deeds.

“**Final plat**” means a drawing of a permanent nature showing the precise location and dimension of such features as streets, lots, easements and other elements pertinent to transfer of property and prepared for permanent record.

“**Preliminary plat**” means a drawing showing the proposed general patterns of streets, lots and land uses within a tract to be subdivided.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

18.110.490 Play equipment

“**Play equipment**” means equipment or apparatus primarily intended for use by children for recreational purposes, including but not limited to basketball goals, swingsets, jungle gyms and slides, but not including bicycle or skateboard ramps.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

18.110.495 Recreational vehicle

“**Recreational vehicle**” means a vehicular-type unit built on or for use on a chassis and designed primarily as living quarters for recreational, camping, vacation or travel use and which has its own motive power or is mounted on or drawn by another vehicle, and which has a body width not exceeding 8 feet and a body length not exceeding 40 feet; provided, however, that such term shall not include a unit which has no electrical system which operates above 12 volts and has no provisions for plumbing, heating and any other component or feature for which a standard is adopted by K.S.A. 75-1212 et seq.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

18.110.500 Recycling collection point

“**Recycling collection point**” means an accessory use or structure that serves as a drop-off point for recyclable materials. The temporary storage of such items would be permitted, but no processing would be allowed.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

18.110.503 Redevelopment

“**Redevelopment**” shall mean development on a tract of land that has been previously developed in accordance with a development plan, either under City or County zoning codes or where all or most of the existing structures and/or site improvements built under that plan are proposed to be

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razed and a new structure or structures or other site improvements are proposed to be constructed in accordance with an approved development plan or plat.

(History: Ord. ZRR-2848 §2, 2010)

18.110.505 Base flood elevation (formerly Regulatory flood elevation)

“**Base flood elevation**” is defined in Section 18.360.410.

(History: Ord. ZRR-2812 §5, 2009; Ord. ZRR-2450 §13, 2003; ZRR-1725; ZRR-1661; ZRR-1637; ZRR-941; ZRR-889)

18.110.510 Base flood protection elevation (formerly Regulatory flood protection elevation)

Repealed.

(History: Ord. ZRR-2812 §14, 2009; ZRR-2450 §14, 2003; ZRR-1725; ZRR-1661; ZRR-1637; ZRR-941; ZRR-889)

18.110.515 Residential districts

“**Residential districts**” means districts DND, RE, RP-OE, RP-OS, R-1, RP-1, R-1A, RP-1A, RP-1N, R-2, RP-2, R-3, RP-3, RP-4, R-5, RP-5, R-6, RP-6, PRN, former District R-4, and Oxford Township Districts RR, R-1A, R-1B, R-2, R-3 and R-4 (per the March, 1982 Zoning and Subdivision Regulations for Oxford Township).

(History: Ord. ZRR-2590 §1, 2005; ZRR-2507 §1, 2004; ZRR-2343 §9, 2002; ZRR-1725; ZRR-1661; ZRR-1637)

18.110.520 Residentially zoned property

“**Residentially zoned property**” means property zoned for any residential district.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

18.110.525 Restaurant

“**Restaurant**” means a building wherein food is prepared and served in ready-to-eat form to the public for human consumption. ”Restaurant” includes cafe, cafeteria, grill, pizza parlor, diner, snack shop, hamburger shop and steak house.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637; ZRR-889 §18.02)

18.110.530 Retail liquor store

“**Retail liquor store**” means any business or facility which sells at retail or offers for sale at retail alcoholic liquors (as defined in Overland Park Municipal Code, Chapter 5.48) in the original package for consumption off the premises.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

18.110.535 Rezoning

“**Rezoning**” means an application for amendment of the zoning district classification applicable to one or more specific lots or tracts.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

18.110.540 Rule exception

“**Rule exception**” means the allowing of a subdivision to deviate from one or more specific

standards and requirements of these rules and regulations.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

18.110.545 Setback line

“**Setback line**” means a line, parallel to the respective lot line and internal to the lot, which defines the required building setback as specified in the district regulations.

“**Front setback line**” shall be parallel to the front lot line and shall extend from side lot line to side lot line.

“**Rear setback line**” shall be parallel to all rear lot lines and shall extend from side lot line to side lot line. If there is no rear lot line, there shall be no rear setback line.

“**Side setback lines**” are parallel to any side lot line and extend from the front setback line to the rear setback line or another side setback line.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

18.110.550 Shopping center

“**Shopping center**” means a group of commercial establishments planned, developed, owned or managed as a unit, related in size (gross floor area) and type of shops to the trade area that the unit serves, and with off-street parking provided on the property.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

18.110.555 Shrub

“**Shrub**” means any self-supporting, woody plant of a species which normally grows to an overall height of less than 15 feet in this region.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

18.110.560 Sign

“**Sign**” means any surface or object which is used to display or which is fabricated to create words, numerals, figures, devices, designs, trademarks or logos, and which is sufficiently visible to persons located outside of any building to attract the attention of such persons or to communicate information to them. A single “sign” shall include all related sign elements on the same business façade or structure. Sign elements are related if they are all constructed in a similar manner and are located so that the maximum separation is no more than five feet horizontally or vertically. Additionally, in order to be considered a single sign, the façade on which the elements of the sign are mounted can be offset by no more than five feet. “Sign” includes sign supports.

“**Attention attracting device**” means any device with flashing, blinking, rotating or moving action, or any banner, searchlight, costumed person or balloons designed or intended to attract the attention of the public to an establishment or to a sign.

“**Business**” as used in reference to sign regulations, means a commercial or industrial establishment, a public or private organization or agency, or a similar organizational entity operating independent of other such businesses on the same site. A business shall

be considered independent of other businesses on the same site if it: (1) has its own exterior entry that leads directly to its own interior space that is physically defined and can be physically separated from the interior space of any other business; (2) has its own employees that are scheduled and supervised separately from any adjacent business; (3) has separate cash registers or payment systems for any merchandise that is sold or service that is rendered; and (4) has separate storage, processing or fabrication areas from any adjacent business.

“Business Facade” means the portion of the building facade that is directly adjacent to the tenant space or building floor area occupied by that business. “Business facade” shall include parapet walls, canopies, towers or similar building features that are directly adjacent to the tenant space or building floor area occupied by that business and clearly associated with that business space, but shall not include facade area that is associated with building floor area that is vacant or occupied by another tenant. No part of a building may be counted as part of more than one business facade. Where a business utilizes more than one building or structure, or occupies a building with multiple building surfaces or planes, the “business facade” shall be equal to all of the building surfaces that are oriented in the same direction or within 45 degrees of the same direction.

“Detached sign” means any sign located on the ground or on a structure located on the ground and not attached to a building.

“Directly illuminated sign” means any sign where the source of illumination of the sign, such as, but not limited to, an incandescent bulb, neon tube or florescent tube, is visible to a person standing on the ground, excepting lighting that has been approved by the Planning Commission or City Council as architectural lighting for the building.

“Electronic Message Panel” means any sign or portion of a sign where the sign content or graphic display is designed to be changeable or moveable by electronic, electro-mechanical or optical means.

“Indirectly illuminated sign” means any sign which is partially or completely illuminated at any time by a light source which is so shielded as to not be visible at eye level.

“Internally illuminated sign” (or **“backlighted sign”**) means any sign which is illuminated from a light source located inside or behind the sign face and where light is transmitted through a translucent material that is part of the sign face or surface surrounding the sign face.

“Marquee sign” means any sign attached flat against or under the marquee or permanent sidewalk canopy of a building, but not on the upper surface of a marquee or canopy.

“Monument sign” is a detached sign where the width of the base of the sign is a minimum of one-half the width of the widest part of the sign face. The base of a monument sign shall be architectural in nature and utilize materials consistent with the design of the business or center they are identifying.

“Neon sign” means a directly illuminated sign or display which is a free-formed surface or tubular shape that creates words, numerals, figures, devices, designs, trademarks or logos, and for which the light source is luminescent gas.

“Nonconforming sign support” means the supporting members of the sign such as frame, poles, brackets or structure by which a sign is mounted on or affixed to a building or the ground which do not comply with the standards established in Chapter 18.440 and Overland Park’s adopted building codes.

“Obsolete sign” means a commercial sign for a business or activity which is no longer operated on the premises.

“Outdoor Advertising” means any sign with a sign content that refers to a business, organization, product or service that is not located or available on the site where the sign is located. “Outdoor advertising” includes signs affixed or painted onto structures such as benches and shelters, and freestanding signs commonly referred to as billboards or poster panels.

“Pole Sign” means a detached sign with one or more vertical supports that does not meet the definition of a “monument sign.”

“Portable Sign” means a sign that is designed to be readily moveable from location to location either by being carried or by being towed or pulled.

“Political sign” means a sign relating to a candidate, political party, ballot issue, or other political issue to be voted upon in any public election, or relating to the expression or communication of constitutionally protected speech, other than commercial speech, and excluding any permitted billboard.

“Poster panel” or **“billboard”** means a sign, generally known as outdoor advertising, mounted on a permanent or semi-permanent structure and depicting information not directly related to the property upon which it is placed. Except where a specific distinction is drawn, the term “billboard” includes “poster panel.”

“Primary sign element” means the words, numerals and logos used to identify a business name.

“Project identification sign” means a sign identifying primarily the name of a residential subdivision, multi-family residential project, or an office, industrial or business park.

“Projecting sign” means any sign, including a time and/or temperature instrument located on the face of the building, extending more than one foot from the face of the building to which it is attached.

“Recreational sponsor sign” means a form of outdoor advertising similar to a poster panel or billboard, but located at an athletic field or similar recreational facility with the sign faces oriented toward the participants or spectators.

“Roof sign” means any sign erected, constructed and maintained wholly upon or over the roof of the building and having the roof as a principal means of support.

“Secondary sign element” means the phrases, figures or descriptions used to further identify the business or define products or services of the business. A single rectangle drawn around all secondary sign elements shall be no more than 30 percent of the total sign area.

“Sign Area” shall be calculated as the width multiplied by the height of a single rectangle, parallel with the ground, that contains all sign elements and any internally illuminated or backlighted panel, fabric or similar material not approved by the Planning Commission as an architectural design element. “Sign area” shall also include cabinets, background panels or colors that are part of the sign installation and not part of the building architecture or supporting sign base. Where a sign consists of more than one sign face, “sign area” shall be equal to the size of the largest single sign face.

“Sign Face” means the surface of a sign that is separated from the front of any other sign face on the same sign structure by an exterior angle of at least 270 degrees.

“Snipe sign” means any sign of a material such as cardboard, paper, pressed wood, plastic or metal which is attached to a fence, window, tree, utility pole, portable stand or temporary structure, or any sign which is not securely fastened to a building or firmly anchored to the ground, excluding permitted political signs or real estate signs.

“Time and/or temperature instrument” means a sign displaying only time and/or temperature information with no additional advertising or comments.

“Wall Sign” means any sign attached to and erected parallel to and within one foot of the face or wall of a building, including signs painted on or projected on the walls of buildings. “Wall sign” shall include signs attached to canopies, awnings, mansard roofs or similar near-vertical elements of a building façade, but which are not part of the building roof. Wall signs shall not contain elements that extend above the wall surface on which they are mounted.

(History: Ord. ZRR-2848 §§1 and 2, 2010; ZRR-2683 §1, 2008; ZRR-2491 §1, 2004; ZRR-2427 §1, 2003; ZRR-1725; ZRR-1661; ZRR-1637; ZRR-1366; ZRR-1186; ZRR-960; ZRR-959; ZRR-889)

18.110.565 Sign alteration

“**Sign alteration**” means the replacement, enlargement, reduction, reshaping or adding to a sign, frame, pole, brackets or any supporting member.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637; ZRR-960)

18.110.570 Sign maintenance

“**Sign maintenance**” means the normal care and minor repair that is necessary to retain a safe, attractive and finished structure, frame, pole, brackets or surface. Changing copy or logo without increasing sign dimensions shall be considered maintenance if the information, product or service depicted remains the same and if the sign is to serve the identical establishment using the same business firm name as before the change.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637; ZRR-960)

18.110.575 Sign refacing

“**Sign refacing**” means changing or replacing the words, numerals or other surface of the sign to serve a different establishment or business, or to create a substantially different visual effect, without altering, moving or replacing the structure, frame, pole or bracket supporting the sign.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637; ZRR-960)

18.110.580 Sign support

“**Sign support**” means the supporting members of the sign such as frame poles, brackets or structures by which a sign is mounted on or affixed to a building or the ground.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637; ZRR-960)

18.110.583 Site development permit

“**Site development permit**” means an official document or certificate issued by the Director of Planning and Development Services authorizing installation of site improvements, including but not limited to, pavement, curbs, sidewalks, stormwater facilities, retaining walls and bank stabilization, and work related to such construction, including but not limited to clearing, grading, and grubbing.

(History: Ord. ZRR-2420 §5, 2003)

18.110.585 Stable

“**Stable**” means a structure or premises for the keeping of horses, ponies or mules.

“**Private stable**” means a stable for horses, ponies or mules which are owned by the occupants of the premises and which are not kept for remuneration, hire or sale.

“**Public stable**” means a stable other than a private stable or riding stable.

“**Riding stable**” means a stable in which horses, ponies or mules used exclusively for pleasure riding or driving are housed, boarded or kept for remuneration, hire or sale.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637; ZRR-889 §18.02)

18.110.590 Storage or stored

“Storage” or “stored” shall mean the keeping of items, equipment, vehicles, trailers or materials for a period of time longer than would be involved in the normal day-to-day use or consumption of the same.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637; ZRR-935; ZRR-889)

18.110.595 Story

“Story” means that part of a building included between the surface of one floor and the surface of the floor above or, if there is no floor above, that part of the building which is between the surface of the floor and the ceiling next above. A top story attic is a half-story when the main line of the eaves is not above the middle of the interior height of such story. The first story is a half-story when between 50 and 75 percent of the area of its exterior walls are exposed to outside light and air entirely above grade in which exterior walls contain windows or doors permitting the entrance of daylight and outside air. When less than 50 percent of the area of the walls of the first story is exposed to outside light and air entirely above grade, that story shall be classed as a basement and in the case of multiple-family dwellings may not be occupied as a residence by other than a caretaker or manager.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637; ZRR-889 §18.02)

18.110.600 Street

“Street” means a right-of-way which affords principal means of vehicular access to property abutting thereon.

“Private street” means 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.

“Public street” means 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.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637; ZRR-889 §18.02)

18.110.605 Street line

“Street line” means the dividing line between the street right-of-way and the abutting property.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637; ZRR-889 §18.02)

18.110.610 Structural alteration

“Structural alteration” means any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637; ZRR-889 §18.02)

18.110.615 Utility Structure (formerly Structure)

“**Utility Structure**” means any cabinet, pedestal, box, building or other structure used for public utility services, public service corporations, or telecommunications providers including any associated equipment such as condensing units and generators. Towers, poles and traffic signal controllers shall not be considered utility structures. Facilities with a footprint smaller than one square foot, or underground facilities that extend no more than six inches above grade are exempt from this definition.

(History: Ord. ZRR-2262 §1, 2001; ZRR-1725; ZRR-1661; ZRR-1637; ZRR-941; ZRR-889)

18.110.620 Subdivider

“**Subdivider**” means a person, firm or corporation undertaking the subdividing of land.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

18.110.625 Subdivision

“**Subdivision**” or “**subdivision of land,**” except for “**lot-split**” as defined below, means the division of a lot, tract or parcel of land into two or more lots, plots, sites, tracts or parcels where any such division results in one or more lots, plots, sites, tracts or parcels of less than five acres in size. The meaning of this term, except for “lot split” as defined below, shall include the resubdivision of land that has already been platted and the creation of new streets, alleys or other public ways by dedication. This term shall not include the vacation of public rights-of-way or easements, or the dedication of additional rights-of-way in conjunction with an existing street.

“**Lot-Split**” means the division of a lot into two or more lots or portions thereof.

(History: Ord. ZRR-1893; ZRR-1725; ZRR-1661; ZRR-1637)

18.110.630 Tract

“**Tract**” means a single unit of real property under one ownership, which may be platted or unplatted.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

18.110.635 Trailer

“**Trailer**” means a vehicle other than a mobile home or manufactured home, equipped with wheels and normally towed over the road behind a motor vehicle.

“**Advertising trailer**” means a trailer carrying, or having attached thereto a sign, billboard, or other media for advertising purposes, such advertising being the prime purpose and use of the trailer.

“**Hauling trailer**” means a trailer designed and normally used for over-the-road transportation of belongings, equipment, merchandise, livestock and other objects, but not equipped for human habitation.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637; ZRR-889 §18.02)

18.110.640 Tree

“**Tree**” means any self-supporting, woody plant of a species which normally grows to an overall minimum height of 15 feet in this region.

“**Deciduous trees**” mean those trees which shed their leaves annually, such as ash, sycamore and willow.

“**Evergreen trees**” mean those trees which do not shed their leaves annually, such as pine, spruce and juniper.

“**Small trees**” mean trees 30 feet or less in height at maturity, including ornamental flowering trees and “patio” trees.

“**Medium trees**” mean trees 30 to 70 feet in height at maturity.

“**Large trees**” mean those species of trees that reach a height of 70 feet or taller at maturity. The American Standard for Nursery Stock, as published by the American Association of Nurseryman and incorporated by reference herein, shall be referred to in determining the applicability of the above definitions.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

18.110.645 Unified Development Ordinance

“**Unified Development Ordinance**” means Ordinance No. ZZR-1637, and amendments thereto. (History: Ord. ZRR-1725; ZRR-1661; ZRR-1637)

Utility structure – see 18.110.615.

18.110.650 Variance

“**Variance**” means a variation from a specific requirement in this ordinance applicable to a specific piece of property.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637; ZRR-889 §18.02)

18.110.655 Yard

“**Yard**” means an open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between a lot line and the building shall be used. Where lots abut a street that is designated a thoroughfare street on the

Official Street Map, all yards abutting the street shall be measured from a line one-half the proposed right-of-way width from the center line or from the lot line, whichever provides the greater setback. On other lots, all yards abutting a street shall be measured from a line 25 feet from the center line, or from the lot line, whichever provides the greater setback.

“Front yard” means a yard across the full width of the lot extending from the front line of the main building to the front lot line.

“Rear yard” means the yard between the rear lot line and the rear line of the main building and the side lot lines.

“Side yard” means a yard between the main building and the adjacent side line of the lot, and extending entirely from a front yard to the rear yard.

“Required yard” means that portion of any yard constituting the minimum area required in any zoning district, but excluding that portion of the yard in excess of the minimum required area.

“Yard setback” or **“building setback”** means that area between a lot line and the respective setback line which shall remain unobstructed by buildings or structures from the ground to the sky, except as may be specifically permitted by other provisions of the zoning ordinance.

(History: Ord. ZRR-1725; ZRR-1661; ZRR-1637; ZRR-889 §18.02)

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