

## **ARTICLE 2. DEFINITIONS**

### **Section 1. INTERPRETATION OF TERMS OR WORDS:**

**For the purpose of these regulations, certain terms or words when used herein shall be construed as follows:**

- A. Words in the singular number include the plural, those in the plural number include the singular.
- B. Words used in the present tense include the past and future tenses, and words used in the future tense include the present tense.
- C. Words importing the masculine gender include the feminine and neuter genders.
- D. The word "shall" is mandatory, while the word "may" is permissive.
- E. The word "erected" includes the words "constructed", "enlarged", "reconstructed", "moved", "located", "relocated".
- F. The word "building" includes the word "structure", the word "dwelling" includes the word "residence", and the word "lot" includes the word "plot", "parcel", or "tract".
- G. The word "map" or "zoning map" means the official "zoning map" of Johnson County, Kansas.
- H. The term "these regulations" means the Zoning and Subdivision Regulations of Johnson County, Kansas.
- I. The words "road" and "street" shall be considered to be interchangeable.

### **Section 2. SPECIAL INDEXES FOR TERMS RELATED TO AIRPORTS, FLOOD PLAINS, SIGNS, SUBDIVISIONS, AND COMMUNICATION TOWERS:**

These special indexes are provided for convenience of the reader, and list defined terms which may be of special or particular interest to each of the five index categories. The reader is cautioned that other defined terms not included in these special indexes also may be of interest and also shall be applicable. These special indexes and the groupings of terms therein shall not be regarded to affect, limit, or establish the applicability of terms used or terms defined in these regulations.

A. Index of defined terms which may be of particular interest for Airport Vicinity Overlay Zoning:

- |  |                                    |
|--|------------------------------------|
| 1. Airport                                   | 12. Nonprecision Instrument Runway |
| 2. Airport Zoning Commission                 | 13. Person                         |
| 3. Airport Elevation                         | 14. Precision Instrument Runway    |
| 4. Airport Hazard                            | 15. Primary surface                |
| 5. Airport Hazard Area                       | 16. Runway                         |
| 6. Airport Hazard Overlay Zones              | 17. Structure                      |
| 7. Approach Surface                          | 18. Transitional Surfaces          |
| 8. Conical Surface                           | 19. Tree                           |
| 9. Horizontal Surface                        | 20. Utility Runway                 |
| 10. Larger than Utility Runway               | 21. Visual Runway                  |
| 11. Nonconforming Use Building, Lot, or Yard |                                    |

B. Index of defined terms which may be of particular interest for the Flood Plain Overlay Zoning District:

- |  |  |
|--|--|
| 1. A Zone  | 33. Flood Proofing   |
| 2. A99 Zone  | 34. Flood Protection Elevation, Regulatory                                 |
| 3. Accessory Building or Accessory Structure                       | 35. Floodway Encroachment Lines  |
| 4. Accessory Use   | 36. Floodway Fringe  |
| 5. Actuarial or Risk Premium Rates                                 | 37. Floodway or Regulatory Floodway  |
| 6. AE Zone and A1-A30 Zones  | 38. Freeboard  |
| 7. AH Zone   | 39. Future-Conditions Flood Hazard Area, or, Future-Conditions Flood Plain |
| 8. AO Zone   | 40. Future-Conditions Hydrology  |
| 9. Appeal  | 41. Height   |
| 10. Area of Future-Conditions Flood Hazard                         | 42. Highest Adjacent Grade   |
| 11. Area of Shallow Flooding                                       | 43. Historic Structure   |
| 12. Area of Special Flood Hazard                                   | 44. Johnson County Flood Insurance Rate Map (FIRM)                         |
| 13. Base Flood   | 45. Lowest Floor   |
| 14. Base Flood Elevation   | 46. Manufactured Home  |
| 15. Basement   | 47. Manufactured Home Park or Subdivision                                  |
| 16. D Zone   | 48. Market Value or Fair Market Value                                      |
| 17. Development  | 49. Mean Sea Level   |
| 18. Elevated Building  | 50. New Construction   |
| 19. Elevation Certificate  | 51. New Manufactured Home Park or Subdivision                              |
| 20. Existing Construction  | 52. One Hundred Year Frequency Flood                                       |
| 21. Existing Manufactured Home Park or Subdivision                 | 53. Other Areas in X Zone  |
| 22. Expansion of an Existing Manufactured Home Park or Subdivision | 54. Other Flood Areas in X Zone  |
| 23. Flood or Flooding  | 55. Overlay District Zoning Map  |
| 24. Flood Damage Reduction System                                  | 56. Principally Above Ground   |
| 25. Flood Elevation, Regulatory                                    | 57. Reasonably Safe From Flooding Recreational Vehicles                    |
| 26. Flood Hazard Area  | 58. Start of Construction  |
| 27. Flood Insurance Study  | 59. Structure  |
| 28. Flood Plain  | 60. Substantial Damage   |
| 29. Flood Plain Development Permit                                 | 61. Substantial Improvement  |
| 30. Flood Plain Management   | 62. Variance   |
| 31. Flood Plain Management Regulations                             | 63. Violation  |
| 32. Flood Plain, Regulatory  | 64. Water Surface Elevation  |
|  | 65. Zone D   |
|  | 66. Zone X   |
|  | 67. Zone X (Future Base Flood) Zone  |

C. Index of defined terms which may be of particular interest for Signs:

- |                               |                                    |
|-------------------------------|------------------------------------|
| 1. Nonconforming Sign         | 8. Sign Structure                  |
| 2. Nonconforming Sign Support | 9. Signable Wall Area              |
| 3. Sign Alteration            | 10. Signs                          |
| 4. Sign Area                  | a. Attention Attracting Device     |
| 5. Sign Face                  | b. Directly Illuminated Sign       |
| 6. Sign Maintenance           | c. Handbills, Placards, or Posters |
| 7. Sign Refacing              | d. Indirectly Illuminated Sign     |

- e. Internally Illuminated Sign
- f. Off-Premise Sign
- g. On-Premise Sign
- h. Outdoor Advertising Signs
- 11. Signs, Functional Types
  - a. Advertising Signs
    - 1). Bulletin Sign
    - 2). General Advertising Sign
    - 3). Incidental Advertising Signs
      - a). Minor Advertising Sign
      - b). Real Estate Lot Sign
      - c). Real Estate Project Sign
      - d). Special Event Sign
    - 4). Junior Poster Panel Sign
    - 5). Poster Panel Sign
  - b. Identification Signs
    - 1). Business Sign
    - 2). Development Complex Sign
  - 3). Incidental Identification Signs
    - a). Construction Site Sign
    - b). Instruction Sign
    - c). Minor Identification Sign
  - 4). Institutional Sign
  - 5). Nameplate Sign
  - 6). Neighborhood Sign
- c. Noncommercial Speech Signs
- 12. Signs, Structural Types
  - a. Awning Sign
  - b. Detached Sign
  - c. Marquee, Canopy, or Overhead Canopy Sign
  - d. Monument Sign
  - e. Pole Sign
  - f. Projecting Sign
  - g. Roof Sign
  - h. Under-Canopy Sign
  - i. Wall Sign
- 13. Symbol

D. Index of defined terms which may be of particular interest for Subdivisions:

- 1. Access
- 2. Alley
- 3. Arterial Street
- 4. Block
- 5. Bond
- 6. Collector Street
- 7. Cul-de-Sac
- 8. Cul-de-Sac Street
- 9. Dead-end Street
- 10. Dedication
- 11. Double Frontage Lot
- 12. Easement
- 13. Final Plat
- 14. Frontage Road
- 15. Improvements
- 16. Local Street
- 17. Lot
- 18. Lot Depth
- 19. Lot Frontage
- 20. Lot Line
- 21. Lot Line, Front
- 22. Lot Line, Rear
- 23. Lot Line, Side
- 24. Lot, Corner
- 25. Lot, Interior
- 26. Lot, Through
- 27. Lot Width
- 28. Major Street Plan
- 29. Major Subdivision
- 30. Minor Local Street
- 31. Minor Subdivision
- 32. Monument, Survey
- 33. No Access Easement
- 34. Offset Street
- 35. Plat
- 36. Plat, Preliminary
- 37. Right-of-Way
- 38. Sidewalk
- 39. Street
- 40. Street Line
- 41. Subdivider
- 42. Subdivider's Agent
- 43. Subdivision
- 44. Subdivision Regulations
- 45. Tract or Lot Split

E. Index of defined terms which may be of particular interest for Communication Towers and Communication Antennas:

1. Antenna Support Structure
2. Architecturally Designed Antenna
3. Associated Equipment Structure
4. Co-Location
5. Communication Antenna
6. Communication Tower
  - a. Guyed Tower
- b. Lattice Tower
- c. Monopole Tower
- d. Self-Support Tower
7. Service Provider
8. Site Equipment
9. Telecommunications Consultant

**Section 3. DEFINITIONS OF BASIC TERMS:**

Unless otherwise specifically provided for herein, or unless clearly required by the context, the phrases, terms and words defined in this Section shall have the meaning indicated in this Section when used in these regulations. Phrases, terms, and words underlined in the list of definitions are those which are themselves defined in this Section.

"A Zone"

Area of Special Flood Hazard without water surface elevations determined. Because detailed hydraulic analyses have not been performed, neither Base Flood Elevations nor depths of flooding are shown.

"A99 Zone"

Area of Special Flood Hazard subject to inundation by a flood that has a one percent (1%) or greater chance of occurrence in any given year, but that ultimately will have flood risks reduced by a federal Flood Damage Reduction System that is being constructed. Flood Damage Reduction Systems in this zone include dikes, dams, and levees on which construction progress has reached specified federal statutory milestones for considering the system complete for Flood Insurance rating purposes. No Base Flood Elevations or depths of flooding are shown.

"AB-3"

Unwashed crushed limestone gravel consisting of multiple aggregate sizes, rock chips, and rock dust as typically available in Johnson County.

"Access"

A way or means of approach to provide physical entrance to a property or building.

"Accessory Building or Accessory Structure"

A building or structure subordinate to and detached from but located on the same lot as the principal building or structure, the use of which is incidental and accessory to that of the principal building or structure.

"Accessory Use"

A use that: a) is clearly incidental to and customarily found in connection with a principal building or use; b) is subordinate to and serves a principal building or a principal use; c) is subordinate in area, extent, or purpose to the principal building, structure or use served; d) contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal building, structure, or use served; and e) is except in the Rural District, RUR, located on the same lot as the principal building, structure or use served.

"Actuarial or Risk Premium Rates"

Those rates established by the Federal Insurance Administrator pursuant to individual community studies and investigations, which are undertaken to provide flood insurance in accordance with

Section 1307 of the National Flood Disaster Protection Act of 1973, and the accepted actuarial principles. "Risk Premium Rates" include provisions for operating costs and allowances.

"Adult-Care Center"

See "Day-Care Center".

"Advertising Signs"

Any sign which primarily identifies or directs attention to goods, merchandise, property, business, commodity, service or entertainment conducted, sold, produced, provided, bought, furnished or offered and including the following: Bulletin Sign; General Advertising Sign; Incidental Advertising Sign; Junior Poster Panel Sign; and Poster Panel Sign.

"AE Zone and A1-A30 Zones"

Area of Special Flood Hazard with water surface elevations determined by detailed engineering analysis methods that meet the Federal Emergency Management Agency (FEMA) criteria for such analyses. Base flood elevations are shown within the AE Zone. (The AE Zone is used on new and revised maps in place of A1-A30 Zones.)

"Affected jurisdiction(s)"

The municipal or quasi-municipal entities which have adopted the Airport Overlay District regulations in Article 21 of these regulations, specifically the City of Olathe, Kansas; the City of Overland Park, Kansas; the County of Johnson, Kansas; and the Johnson County, Kansas Airport Commission.

"Agricultural Building or Structure"

A building or structure used solely for an agricultural use.

"Agricultural Use"

The use of land, building(s), or structure(s) for the raising of crops; animal husbandry; dairying; pasturage; general farming; truck farming; cultivation of field crops; orchards; groves; raising fish, birds or poultry, wholesale tree farms, wholesale shrub farms and wholesale plant nurseries; and accessory uses, necessary for the carrying out of farming operations, including structures for storage, processing and sale of products raised on the premises. For purposes of these regulations, the processing and sale of products raised on the premises shall not include the following:

1. The operation or maintenance of commercial greenhouses, nurseries or hydroponic farms operated at retail.
2. Wholesale or retail sales as an accessory use unless the same are permitted by these regulations.

"AH Zone"

Area of Special Flood Hazard having shallow water depths or unpredictable flow paths, or both, where depths are between one (1) and three (3) feet with Base Flood Elevations determined. These are usually areas of ponding.

"Airport"

Any area of land or water designed, set aside or used for the landing and take-off of aircraft including all necessary facilities for the housing and maintenance of aircraft and also including the Johnson County Executive Airport near 151st Street and Pflumm road and the New Century AirCenter near 175th Street and Interstate Highway 35 and any privately owned airport which uses its facilities to provide a service to the public and which is located within unincorporated Johnson County or within 5 miles of the territorial limits of unincorporated Johnson County and for which the Board has found that airport zoning is necessary to protect the public interest in the services afforded by said privately owned airport.

"Airport Elevation"

The highest point of the usable landing area of an airport measured in feet from mean sea level.

"Airport Hazard"

Any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking-off at any airport or is otherwise hazardous to such landing or taking-off of aircraft.

"Airport Hazard Area"

Any area of land or water upon which an airport hazard might be established if not prevented as provided in Article 21 of these regulations.

"Airport Hazard Overlay Zones"

The approach, transitional, horizontal, and conical zones. These zones apply to the area under the approach, transitional, horizontal, and conical surfaces defined in Subpart C of Federal Aviation Regulations (FAR), Part 77 and as described herein, and as shown on the Johnson County Airspace Zoning Map on file with the County Planning Office. These surfaces are also referred to as "imaginary surfaces."

"Airport Zoning Commission"

The commission duly appointed by the Board and charged with airport planning and zoning duties as provided in these regulations.

"Alley"

A minor public right-of-way or minor private easement other than a street not intended for general traffic circulation and which provides only a secondary means of public access to abutting property which also has principal access to a street.

"Alteration"

Any change, addition or modification in construction or occupancy of an existing building or structure.

"Amusement, Arcade"

Any business establishment housing four or more amusement devices, including video games, pinball, or similar coin-operated amusement devices.

"Amusement, Device"

Any machine, device that is coin operated, or otherwise available for hire, which permits a person or operator to use the device as a game or contest of skill, regardless of registering a score. It includes, electronic or mechanical game machines, pool games, mechanical children's rides, electronic video games, shooting gallery type games or similar operations. This definition does not include merchandise vending machines or coin-operated phonographs, televisions or other devices which are not designed for manipulation by the person operating the device.

"Animal Hospital or Clinic"

An establishment where animals are admitted principally for examination, treatment, or care by a Doctor of Veterinary Medicine. This does not include boarding or breeding kennels other than boarding limited to short-term care incidental to the hospital/clinic use.

"Antenna Support Structure"

A pole, telescoping mast, tower tripod, or any other structure which supports a communication antenna.

"AO Zone"

Area of Special Flood Hazard having shallow water depths or unpredictable flow paths, or both, where depths are between one (1) and three (3) feet with average depths of inundation determined. These are usually areas of sheet flow on sloping terrain.

"Apartment"

A room or suite of rooms comprising an independent self-contained dwelling unit with private bath and kitchen facilities within a building containing, arranged, intended or designed for more than two dwelling units.

"Apartment, Garden"

An apartment house/building located on a lot either singly or together with other similar buildings generally one or two stories in height, and having grounds completely landscaped.

"Apartment House/Building"

A building arranged, intended or designed for more than two families.

"Appeal"

A request for the Board of Zoning Appeals to review the Zoning Administrator's interpretation of any provision of these regulations or a request for a variance.

"Applicant"

The owner, lease holder, contract buyer or person duly authorized to be a representative of the legal owner of the land proposed to be subdivided, or for which a building permit, conditional use permit, variance, rezoning, zoning amendment, or zoning permit has been requested.

"Approach Surface"

A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 3 of Article 21 of these regulations. In plan view the perimeter of the approach surface coincides with the perimeter of the approach zone.

"Approach, transitional, horizontal, and conical zones"

The height hazard zones as established and set forth in Article 21 of these regulations.

"Architecturally Designed Antenna"

A communication antenna designed as an architectural or sculptural element in terms of material, style or other design considerations, so that it is architecturally compatible with the structure on which it is mounted or the existing use and structures of the site, and with the character of the neighborhood.

"Area of Future Conditions Flood Hazard"

The land area that would be inundated by a flood having a one percent (1%) or greater chance of occurrence in any given year based on analyses that account for future-conditions hydrology. The Area of Future Conditions Flood Hazard is comprised of areas designated as the Zone X (Future Base Flood) Zone on the Johnson County Flood Insurance Rate Map (FIRM).

"Area of Shallow Flooding"

Area of Special Flood Hazard designated AO Zone or AH Zone on the Johnson County Flood Insurance Rate Map (FIRM) with a one percent (1%) or greater chance of flooding in any given year to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of Special Flood Hazard"

The land in the flood plain within unincorporated Johnson County according to the Johnson County Flood Insurance Rate Map (FIRM) that has a one percent (1%) or greater chance of flooding in any given year. The Area of Special Flood Hazard is comprised of areas designated either A Zone, AE Zone, AH Zone, AO Zone, A99 Zone, or Floodway Areas in AE Zone on the Johnson County Flood Insurance Rate Map (FIRM). For purposes of that portion of the Flood Plain Management

Regulations contained within the Zoning and Subdivision Regulations, the term “Special Flood Hazard Area” is synonymous in meaning with the phrase “Area of Special Flood Hazard”.

"Arterial Street"

A street or road which primarily serves as a transportation link for vehicular traffic into, out of, or around the County and carries or is expected to carry high traffic volumes. Arterial streets serve neighborhoods and large areas of the County. Generally, section line roads become arterial streets as the area along the section line develops. Existing and proposed major streets in the County are depicted on the Comprehensive Arterial Road Network Plan (CARNP). Arterial streets do not generally provide direct access to residential driveways except in very unusual circumstances where such access clearly would be of an interim or temporary nature.

"Associated Equipment Structure"

A structure containing the equipment necessary for the operation of a communication tower or communication antennas.

"Attention Attracting Device"

Any sign or portion of a sign with flashing, blinking, rotating, or moving action, banner, representation of animal or human forms, searchlight or balloons designed or intended to attract attention of the public to an establishment or to a sign.

"Automotive Repair Shop"

A building or place used as a repair garage for passenger cars, pick-up trucks, light-duty trucks, motorcycles, truck tractors with or without attached freight trailer), , and other such similar motorized vehicles where repair is provided totally within a completely-enclosed building.

"Awning"

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

"Awning Sign"

Any sign affixed directly on, painted on or attached to a non-permanent shelter supported entirely from the exterior wall of a building and composed of non-rigid material except for the supporting framework.

"Base Flood"

The flood having a one percent chance of being equaled or exceeded in any given year.

"Base Flood Elevation"

See "Flood Elevation, Regulatory"

"Basement"

That portion of a building which has more than one-half of its floor-to-ceiling height below the average grade of the adjoining ground. For purposes of that portion of the Flood Plain Management Regulations contained within the Zoning and Subdivision Regulations, any area of the building having its floor subgrade (below ground level) on all sides.

"Berm"

A mound of earth, or the act of moving earth into a mound.

"Block"

A tract or parcel of land entirely bounded by streets, or by a combination of streets and public parks, cemeteries, railroads, rights-of-way, shoreline or waterways, or boundary lines of municipalities other than alleys. In cases where platting is incomplete or disconnected, the outline of block(s) is determined based on typical, current development patterns in the neighborhood and the County.

"Board" or "BOCC"

The Board of County Commissioners.

"Board of County Commissioners"

Those members duly elected or appointed to the Johnson County Board of County Commissioners pursuant to state statutory law and constituting the Board as a whole.

"Board of Zoning Appeals" (BZA)

Those members of the Johnson County Board of Zoning Appeals duly appointed by the Board of County Commissioners pursuant to state statutory law and constituting the Board of Zoning Appeals as a whole.

"Boarding House or Lodging House"

Any building, or part thereof in which lodging is provided by the owner or operator to not less than three persons for compensation, with meals served to paying guests or with provisions for cooking in any of the rooms occupied by paying guests, but not for general public or transient use. A rooming house or furnished rooming house shall be deemed a boarding house.

"Bond"

A form of security including a cash deposit, surety bond, or instrument of credit in an amount and form satisfactory to the County's Attorney. All bonds shall be approved by Johnson County whenever a bond is required by these regulations prior to the commencement of any construction.

"Bonus Lot"

In Planned Rural Development Subdivisions, an additional lot that is allowed at the rate of one (1) additional lot per thirty (30) acres of real property platted into a Planned Rural Development Subdivision in return for arranging the subdivision to front all lots onto Local or Collector streets.

"Buffer Area"

An open and unobstructed land area of a tract used to visibly separate one use from another or to shield or block noise, lights or other nuisances or potential nuisances and usually in addition to any required yards around the perimeter of any building or structure where required.

"Building"

Any structure having a roof or dome and built for the support, shelter or enclosure of any individual, persons, process, equipment, goods, animals, chattels, materials or movable property of any kind or nature.

"Building Code"

The building code duly adopted by the Board to regulate the construction of buildings or structures in the County and including all related or ancillary codes pertaining to the electrical, plumbing, structural, and the like regarding aspects of the construction of buildings or structures.

"Building Front"

The side of a building with the main entrance door.

"Building Height"

See "Height".

"Building Permit"

A permit for new construction, remodeling or additions pursuant to the building code as adopted by the County.

"Building, Principal"

Any building where the main or principal use is conducted on the tract or lot on which it is located. The phrases "Principal Building" and "Main Building" shall be considered to be interchangeable.

"Bulletin Sign"

Any advertising sign from 301 through 650 square feet in sign area.

"Business Park"

See "Industrial Park".

"Business Sign"

Any identification sign for an individual business establishment which identifies or directs attention to the activity, business, entertainment, product, profession, or service conducted, furnished, offered, provided, or sold on the premises where the sign is located.

"Camp"

Any plot, including its area of land or water, where two or more cabins, tents, shelters, houseboats or other accommodations of the design or character suitable for seasonal or other, more or less, temporary living purposes, for recreation, education or vacation purposes, but not including a day camp, trailer camp, boarding house, rooming house, tourist home, hotel, summer colony, hospital, place of detention, school of general instruction or nursery school.

"Camping Trailer"

See "Trailer, Camping/Travel Trailer".

"Capital Budget"

The budget adopted for capital improvements in the County.

"Capital Improvement Plan"

The plan duly prepared and adopted by the Board for the Capital Improvement Program for Johnson County, Kansas.

"Capital Improvement Program" (CIP)

The process and products of addressing all future capital improvements for public facilities or public facilities projects to identify needs; solutions and options, if any; priorities for implementation; capital budget resources; and the associated allocation of funds for construction of public facilities or public facilities projects. The common product of the needs assessment, identification of solutions and options and priority setting activities in the capital improvements program process is the Capital Improvements Plan.

"Car Wash"

A building, portion thereof, or area containing facilities for washing automobiles, trucks, motor vehicles for ground transportation purposes only and using production line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices; or providing space, water, equipment or soap for the complete or partial hand-washing of automobiles, whether by operator or by customer.

"Central Water System"

A water system serving a subdivision or grouping of two (2) or more nearby building lots established and operated in accordance with applicable codes and license requirements either privately to serve the general area of the property considered for development or established and operated by a water utility district serving general areas of the County. This includes the associated water treatment and distribution facilities.

"Change of Use"

The act of altering the use of land, building(s), or structure(s) to a use which substantially differs in quality or nature from the previous use.

"Channel"

A natural or artificial watercourse of perceptible extent with a definite bed and banks to confine and conduct the normal continuous or periodical flow of water.

"Channel Flow"

The water which is flowing within the limits of a defined channel.

"Child" or "Children"

Human being(s) not over the age of twelve (12).

"Child-Care Center"

See "Day-Care Center".

"Church"

A building or structure, or parts thereof, or groups of buildings or structures, which by design and construction are primarily intended for the conduction of organized religious services and accessory uses associated therewith.

"Club, Private"

A building or premises used for social, recreational, dining, or philanthropic purposes. Normal use is limited to specific members, patrons or otherwise listed and enumerated persons.

"Cluster Development"

The site planning technique of grouping buildings in specific areas on the site around courts or common open spaces to allow the remaining land to be used for recreation, the preservation of environmentally sensitive features, such as agricultural lands or land for future development.

"Co-Location"

Locating wireless communication equipment from more than one service provider on a single structure.

"Code Enforcement Officer"

The Zoning Administrator or any person or employee of the County appointed by the Board of County Commissioners to administer and enforce the provisions of these regulations.

"Collector Street"

A street intended to move traffic from local streets to arterial streets. A collector street typically is located along or near the half section lines in each land section of the Section, Township and Range geographic location system grid. A collector street typically serves a neighborhood or large subdivision, and it is designed to limit the number of residential properties facing onto it or having direct driveway access to it unless such access is clearly of an interim or temporary nature.

"College"

Any accredited educational institution authorized to award baccalaureate or higher degrees.

"Commercial Greenhouse"

Any structure in which plants, vegetables, flowers, or similar growth are grown for sale.

"Commercial Use"

An occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee.

"Commercial Vehicle"

Any motor vehicle licensed by the state as a commercial vehicle.

"Communication Antenna"

An apparatus designed for transmitting or receiving television, AM/FM radio, radar, digital, microwave, cellular, telephone, or similar forms of electronic communication, except ground-mounted satellite dish antennas, which are not used for domestic purposes (i.e., television or radio antennas for single family dwellings).

"Communications Nuisance"

A use or structure which creates interference with radio communications and electronic navigational aids or devices, including instrument landing systems, for aircraft using an airport.

"Communication Tower"

A guyed or self-supporting tower, constructed as a free-standing structure or in association with a building or other permanent structure or equipment, which contains one or more communication antenna. The following types of communication towers are referred to in these regulations:

1. "Guyed Tower"  
A tower that is supported, in whole or in part, by guy wires.
2. "Lattice Tower"  
A guyed or self-support tower that is generally three or four sided and has a lattice frame.
3. "Monopole Tower"  
A self-support tower consisting of a single pole.
4. "Self-Support Tower"  
A tower that is constructed without guy wires.

"Compensatory Storage"

An artificially excavated, hydrologically equivalent volume of storage within the Area of Special Flood Hazard or the Area of Future Conditions Flood Hazard used to balance the loss of natural storage capacity when encroachments are placed within the floodplains.

"Completely Enclosed Building"

A building separated on all sides from adjacent open space or from other buildings by fixed exterior walls or party walls, pierced only by windows and entrance or exit doors, and covered by a permanent roof.

"Composting Yard"

A special type of salvage yard where a controlled process of degrading organic matter by microorganisms by one or a combination of methods such as follows: 1) a mechanical method in which the compost is continuously and mechanically mixed and aerated; 2) a ventilated cell method in which the compost is mixed and aerated by being dropped through a vertical series of ventilated cells; 3) a windrow, open-air method in which compostable material is placed in windrows, piles, or ventilated bins or pits and occasionally turned or mixed.

"Comprehensive Plan"

The "Rural Comprehensive Plan: A Plan for the Unincorporated Area of Johnson County" adopted by the County for the development of the entire unincorporated area of the county, pursuant to the applicable Revised Statutes of Kansas, showing the desirable land use patterns which may include streets, bridges, viaducts, parks, public reservations, roadways in parks, sites for public buildings and structures, zoning districts, waterways and drainage systems, and such other features, existing and proposed, as will provide for the improvement of the County and its future growth, protection and development, and will afford adequate facilities for the housing, transportation, distribution, comfort, convenience, public health, safety and general welfare of the population of the county.

"Conditional Use"

A use permitted only upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of such use as specified in these regulations and authorized by the Board.

"Conditional Use Permit"

A permit issued after authorization by the Board pursuant to the provisions of Article 23 of these regulations. The resolution adopted by the Board authorizing the conditional use shall be considered the permit.

"Conical Surface"

A surface extending outward and upward from the periphery of the horizontal surface at a slope of one foot (1') upward for each twenty feet (20') outward for a horizontal distance of four thousand feet (4,000').

"Construction Contractor's Shop" "Construction Contractor's Yard"

Except for site(s) on which permitted construction is underway, any land area, building, building and adjacent yard, or portion thereof which is used for the storage of construction equipment, tools, vehicles, supplies, or materials or any combination of such items and including places employees or workers, other than agricultural employees or workers, arrive at on more than an occasional basis for dispatching to off-site construction work site(s).

"Construction Landfill"

See, "Demolition Landfill".

"Construction Plans"

The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the subdivision regulations, adopted construction standards for streets or storm drainage systems, and the conditions of the approval of the subdivision plat.

"Construction Site Sign"

Any temporary identification sign located on a construction site and providing general information about the construction project underway or the participants.

"Conventional Subdivision"

A style of subdivision that generally places lots across the entirety of the tract being subdivided and that is designed and developed in accordance with these regulations.

"Correctional Care Institution"

Any residential institution occupied by individuals a) assigned to a community corrections program or a diversion program, b) on parole from a correctional institution or on probation for a felony offense, or c) assigned to or in a state mental institution following a finding of not guilty by reason of insanity pursuant to K. S. A. 22-3428, and amendments thereto.

"Costs"

The estimated cost of public facilities or public facilities as stated in the Capital Improvements Plan.

"County"

Johnson County, Kansas.

"County's Attorney"

The attorney in charge of the Johnson County Legal Department, or such person's designee.

"Court"

An open area, unobstructed from the ground to the sky which is bounded on three or more sides by exterior walls of one or more buildings.

"Cul-de-Sac"

The turnaround at the end of a dead-end street.

"Cul-de-Sac Street"

A local street with only one (1) outlet and having a circular turnaround for the safe and convenient reversal of traffic movement.

"Curb Level"

The average level of the curb in front of a lot, or, in the case of a corner lot, along each abutting street where the curb level is the highest.

"D Zone"

Areas where there are possible but undetermined flood hazards.

"Datum"

For the purpose of determining the height limits in the Airport Overlay District or the Flood Plain Overlay District zones set forth in these regulations, the datum shall be mean sea level elevation unless otherwise specified.

"Day Camp"

Any plot of land, including any building or structure thereon, if any, used for any assembly of persons for what is known as "day camp" purposes, including any area of land or water, or both, on which are located facilities, accommodations, buildings or structures of a design or character not suitable for permanent or year-round occupancy but suitable for recreational purposes, primarily for children, but not including any nursery school nor including any living quarters except for one principal single-family residence on the plot.

"Day-Care Center"

An agency, organization, or individual providing daytime care to (i) children not related by blood, marriage or adoption and not the legal wards or foster children of the attendant adult, or (ii) adults not related by blood or marriage and not the legal wards of the attendant adult.

"dB(A)"

The unit of measurement of sound levels on the A-weighted decibel scale which gives greater weight to the middle frequencies to which the human ear is more sensitive and which are the frequencies useful for human communication.

"dB(C) C-Weighted Sound Level"

The measurement of sound pressure level which is designed to be more responsive to low-frequency noise. C-weighting is intended to represent how the ear perceives sound at high decibel levels and is also used for evaluating impact or impulse noise such as demolition or mining blasting, artillery firing and bomb explosions using conventional explosives of less than approximately one ton.

"Dead-End Street"

A street having only one (1) outlet.

"Decibel"

The unit for expressing and measuring the relative intensity of sounds on a scale from zero for the average least perceptible sound for the human ear to about 135 for the average sound level which inflicts pain to humans.

"Dedication"

The setting aside of land for public use; the appropriation or donation of land by its owner for some public use.

"Delicatessen"

A place serving food already prepared without the use of an on-site kitchen or foods that require little on-site preparation whether for on-site consumption or for carry-out.

"Demolition Landfill, Construction Landfill"

The use of a lot for the disposal and burial of trash, refuse, rubble, junk, discarded materials solely from the demolition or construction of buildings, structures, or pavement in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover material over all exposed waste at the completion of landfilling within each approved layer and landfill cell area within the boundaries of the landfill.

"Density"

The average number of persons or dwelling units per unit of land. The density is usually expressed as "persons per acre or dwellings per acre".

"Destroyed"

Damaged by any cause whatsoever to the extent of more than fifty percent (50%) of the value immediately prior to damage.

"Detached Sign"

Any free-standing sign placed upon or set onto the ground or supported by one or more uprights or braces independent of any building or other structure.

"Developer"

Any applicant with respect to any parcel of land, who causes it to directly or indirectly be used for development; one who directly or indirectly sales, leases or develops or offers to sell, lease or develop, any lot, plot, parcel, site, unit or interest for a development; one who engages directly or indirectly or through an agent in the business or occupation of selling, leasing, developing or offering for sale, lease or development, a development use of any lot, plot, parcel, site, unit or interest for a development use; or one who is directly or indirectly controlled by, or under direct or indirect common control with, any of the foregoing shall be deemed to be a developer.

"Development"

Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials or any other activity which requires the issuance of a permit.

For purposes of that portion of the Floodplain Management Regulations contained within the Zoning and Subdivision Regulations, Development does not include: a) maintenance of existing buildings or facilities, such as, re-roofing, re-siding, or resurfacing of roads when there is no increase in the building footprint, ground or road surface elevation; b) gardening, tilling, plowing or similar agricultural practices that do not involve filling, grading, terracing of land, or construction of levees; c) erection of a storage shed, accessory building, fence, or playground equipment that: 1. has a footprint of less than 80 square feet; 2. is not located in a floodway or within 10 feet of a property line, and 3. is properly anchored to withstand surface water flows.

"Development Complex"

A group of three (3) or more free-standing buildings, or buildings intended for permitted use as apartment complexes, townhouse complexes, office or business parks, shopping centers, industrial parks, hotels and motor hotels and constructed in such a way as to give an appearance of being inter-related because of architectural similarity and interconnected drives and parking areas; or a building divided into three or more separate offices, businesses or apartments for three or more tenants or business establishments.

"Development Complex Sign"

Any identification sign giving the name, address, logo, symbol, etc. of a development complex.

"Development Plan"

The plan drawings for one or more tracts on which is shown the existing and proposed conditions of the tract including: topography, vegetation, drainage, building outline(s), site pavement, locations of ingress and egress, utility services, signs, outside illumination, site screening, and any other information that reasonably may be required in order that an informed decision can be made by the Board.

"Directly Illuminated Sign"

Any sign where the source of illumination of the sign is exposed to the human eye, such as incandescent bulb or florescent tube but not including neon tube.

"Director"

The Director of Planning for Johnson County, Kansas or such person's designee.

"Double Frontage Lot"

A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot which fronts on two intersecting streets.

"Drive-In/Drive-Through Establishment"

An establishment which by design, physical facilities, service, or by packaging procedures encourages or permits patrons to be served or otherwise conduct their business while remaining in their motor vehicle which is parked or stopped in a space provided on the premises for that purpose.

"Drive/Driveway"

A surfaced area specifically designated and reserved on the lot for the movement of vehicles from one lot to another or from a lot to a public street.

"Dustless Surface"

A concrete or hot mix asphalt surface or a compacted stone or gravel base treated with oil, a chip and seal, calcium chloride or a similar dust-inhibiting chemical and maintained in good condition at all times or any other such surface specified upon development plan approval.

"Dwelling"

A building or portion thereof, with dwelling unit(s) designed exclusively for human habitation, including One-Family, Two-Family and Multiple-Family dwelling structures or complexes, Manufactured Home, Boarding and Lodging Houses, Apartment Houses and Townhouses but not Hotels.

"Dwelling, Accessory"

A dwelling without a kitchen.

"Dwelling, Detached"

A dwelling which is not attached to any other dwelling.

"Dwelling, Efficiency or Efficiency Unit"

An apartment intended for occupancy by one person, generally having one or two rooms.

"Dwelling, House, Condominium"

A building containing dwelling units that are separated by a party wall and designed and intended to be separately owned.

"Dwelling, Multiple-Family"

A building used for occupancy by three or more families living independently of one another.

"Dwelling, One-Family or Single-Family"

A building with one dwelling unit arranged, intended or designed for occupancy by one family and including Residential Design Manufactured Homes and including Group Homes Type One.

"Dwelling, Permanent"

A permanent building or portion there, designed exclusively for human habitation, including one-family, two-family and multiple-family dwellings, boarding and lodging houses, apartment houses and townhouses, but not hotels.

"Dwelling, Townhouse"

A single-family dwelling constructed as part of a series or row of dwellings, each of which has its own front and rear access to the outside, and all of which are either attached to the adjacent dwelling or dwellings by party walls or are located immediately adjacent thereto, and no unit is located over another unit, and each unit is separated from any other unit by one or more common fire-walls.

"Dwelling, Two-Family or Duplex"

A building containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall except for a common stairwell exterior to both dwelling units and designed for occupancy by two families.

"Dwelling Unit"

One or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of one family maintaining a household.

"Easement"

The right which one person has to use the land of another for a specific purpose.

"Effective Floor Area Ratio, (Effective F.A.R. or Effective FAR)"

See "Floor Area Ratio, Effective ('F.A.R., Effective' or 'FAR, Effective')"

"Elevated Building"

For Flood Plain Management purposes, a non-basement building which has its lowest elevated floor raised above ground elevation by foundation walls, shear walls, posts, piers, pilings, or columns.

"Elevation Certificate"

The Federal Emergency Management Agency's form titled "Elevation Certificate" that is an important administrative tool of the National Flood Insurance Program. The form is to be used to provide the elevation information necessary to ensure compliance with community floodplain management ordinances, to determine the proper insurance premium rate, and to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision Based on Fill (LOMR-F).

"Environmental Overlay Analysis"

A copy of the Preliminary Plat of a proposed subdivision, or at least a tracing vellum map overlay on a copy of the Preliminary Plat of a proposed subdivision, on which Environmental Review Information as required by Article 30, Section 4 of these regulations is depicted and also any written calculation sheets, reports, descriptions, explanations, or other such information submitted to supplement or complete the Environmental Overlay Analysis.

"Equivalent sound pressure levels"

The steady sound level that, over 10-minute measurement periods, would produce the same energy equivalence as the fluctuating sound level actually occurring.

"Established Setback"

The average setback along the same side of the street as established by three (3) or more existing buildings not farther than three hundred (300) feet apart and not beyond any intersecting street.

"Excavation"

The removal or recovery by any means whatsoever of soil, rock, minerals, stone, sand, gravel, loam, topsoil, or other earth or earth product from water or land or from beneath the surface thereof on a lot, tract or parcel of land, except for removal or recovery necessary for the construction of a building, structure, roadway or other paved area.

"Existing Construction"

For the purposes of determining flood insurance rates, structures for which "Start of Construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRM's effective before that date. "Existing Construction" may also be referred to as "Existing Structure."

"Existing Manufactured Home Park or Subdivision"

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the August 3, 2009, effective date of that portion of the Flood Plain Management Regulations contained within the Zoning and Subdivision Regulations.

"Existing Use"

The use of a lot or tract or building or structure at the time of enactment of these regulations.

"Exotic Birds or Animals"

Birds or animals not commonly kept domestically.

"Expansion of an Existing Manufactured Home Park or Subdivision"

The construction of facilities for servicing additional lots on which manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"FAA"

The Federal Aviation Administration.

"Factory"

A building in which semi-finished or finished materials are converted to a different form or state or where goods are manufactured, assembled, treated, or processed.

"Family"

One or more individuals who are occupying and living together in and occupying a single housekeeping unit with common kitchen facilities.

"Farm"

A place, with or without buildings or structures, where an agricultural use is conducted.

"Farm Stand"

A booth or stall located on a farm from which produce or other products of the farm are sold to the general public and operated only by person(s) who reside on or operate the farm.

"Farmer's Market"

A place, with or without buildings or structures, where fruit, vegetables, produce, dairy products, and the like are sold from more than one fruit or vegetable stand operated partially or wholly by persons who do not reside on the property. Any flea market where perishable food products are sold.

"Farmhand"

An individual who works primarily on the farm on which they reside.

"Feed Lot"

A confined area of land, structure, pen or corral relatively small in proportion to the number of animals kept thereon and used for fattening farm animals or for holding temporarily for shipment.

"Fence"

An unroofed barrier or unroofed wall other than a retaining wall which encloses, partially encloses or screens and which is built of any materials or combination of materials erected to enclose, partially enclose or screen areas of land but not including barriers around sites where construction is actively underway.

"Fence, Ornamental"

A fence which is designed and built to be decorative and to add to the aesthetics or attractiveness of the lot or tract upon which it is placed.

"Final Plat"

See "Plat, Final".

"Flea Market"

Any place, with or without permanent buildings or structures, where the owner or operator thereof allows more than one person to sell merchandise from stalls, booths, stands, etc., which are not open for business on a daily basis or which are not regularly used by the same persons selling the merchandise.

"Flood" or "Flooding"

A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland waters;
2. The unusual and rapid accumulation of runoff of surface waters from any source; or
3. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by the unusually high water level in a natural body of water, accompanied by severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding as defined above in item (1).

"Flood Damage Reduction System"

Those physical structural works for which funds have been authorized, appropriated, and expended and that have been constructed specifically to modify flooding in order to reduce the extent of the area within the County subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

"Flood Elevation, Regulatory"

The elevation indicated on the Johnson County Flood Insurance Rate Map (FIRM) as the elevation of a flood that has a one percent (1%) or greater chance of occurrence in any given year. The term "Regulatory Flood Elevation" is synonymous in meaning with the phrase "Base Flood Elevation."

"Flood Hazard Area"

The areas of the County designated as "Area of Shallow Flooding," "Area of Special Flood Hazard," "Floodway," "Regulatory Floodway," or "Floodway Fringe" as provided in these regulations.

"Flood Insurance Study"

The official two volume report for Johnson County, Kansas (which is designated as Community Number 200159), with a revised date of, August 3, 2009, and any amendments thereto, if any, as provided by the Federal Emergency Management Agency and which report is on file with the County Planning Office. The report contains flood profiles, as well as the Johnson County Flood Insurance Rate Map (FIRM) and the water surface elevations of the base flood.

"Flood Plain"

Any land area susceptible to being inundated by water from any source.

"Flood Plain, Regulatory"

Any land area adjacent to a watercourse subject to inundation from a flood having a chance of occurrence in any one year of one percent (1%) or greater.

"Flood Plain Development Permit"

A permit signed by the Zoning Administrator authorizing development in a flood plain, which includes all necessary supporting documentation such as: (1) the site plan; (2) an elevation certificate when required by these regulations; and (3) any other necessary or applicable approvals or authorizations from federal, state or local authorities.

"Flood Plain Management"

The operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works and Flood Plain Management Regulations.

"Flood Plain Management Regulations"

The zoning and subdivision regulations, building codes, Johnson County Environmental Sanitary Code and special purpose regulations (such as riparian buffer and grading regulations) and other applications of police power that provide standards for the purpose of flood damage prevention and reduction.

"Flood Plain, Regulatory"

Any land area indicated on the Johnson County Flood Insurance Rate Map (FIRM) that is subject to inundation from a flood having a one percent (1%) or greater chance of occurrence in any given year.

"Flood Proofing"

Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which would preclude the entry of flood waters. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

"Flood Protection Elevation, Regulatory"

An elevation two (2) feet higher than the Regulatory Flood Elevation.

"Flood Protection System"

Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within the County subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound federal engineering standards.

"Floodway" or "Regulatory Floodway"

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.

"Floodway Encroachment Lines"

The lines marking the limits of floodways on federal, state and local flood plain maps.

"Floodway Fringe"

That area of the flood plain, outside of the Floodway Encroachment Lines, but still within the boundaries of the Regulatory Flood Plain.

"Floor Area, Gross"

The sum of the gross horizontal areas of all floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six feet.

"Floor Area, Main"

The sum of the gross floor area of a building and the gross horizontal areas of all interior parking spaces, loading spaces for motor vehicles where the floor-to-ceiling height is greater than six (6) feet and any attached structure.

"Floor Area, Net"

The total of all floor areas of a building, excluding elevator shafts and stair wells, hallways, incidental storage rooms, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

"Floor Area Ratio, (F.A.R.)"

The gross floor area of all buildings on any lot divided by the lot area.

"Floor Area Ratio, Effective ('F.A.R., Effective' or 'FAR, Effective')"

The floor area ratio that is calculated to include permanent open spaces, primary flight corridor areas for airports, flight operations areas at the airports, park and open space areas dedicated to the public, regulatory flood plain areas and similar such open areas around or adjacent to the development site as shown in detail on the Preliminary and Final Development Plans for any lot.

"Freeboard"

A factor of safety usually expressed in feet above a flood level for purposes of Flood Plain Management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.

"Front Building Line"

A line extending across a lot, parallel to the street and defining the minimum distance back from street which any building may be located. The front building line is established by zoning regulations or by covenant if greater than the setback required by these regulations.

"Frontage"

The side of a lot abutting on a street or way and ordinarily regarded as the front lot line and including the street side lot line of a corner lot.

"Frontage Road"

A public or private access roadway generally paralleling and contiguous to a street or highway providing access to abutting properties and which is designed to promote safety by eliminating ingress and egress to such street or highway by providing points of access at generally uniformly spaced intervals.

"Future-Conditions Flood Hazard Area" or "Future-Conditions Flood Plain"

See "Area of Future-Conditions Flood Hazard."

"Future-Conditions Hydrology"

The flood discharges associated with projected land-use conditions based on the County's Rural Comprehensive Plan, zoning map, or full development with land uses typical in existing developed areas of the County whichever would allow the most intensive uses, without consideration of projected future construction of flood detention structures or projected future hydraulic modifications within a stream or other waterway, such as bridge and culvert construction, fill, and excavation.

"Garage"

A building or part of a building used or intended to be used for the parking and storage of motor vehicles for ground transportation on highways, streets or roads.

"Garage, Community or Storage"

A garage other than a repair garage, used exclusively for the parking and storage for vehicles owned or operated by residents of nearby dwelling units and their guests or for development complexes within three hundred (300) feet of the garage and in lieu of private garages and not available to the general public.

"Garage, Private"

A building or portion of a main building accessory to a dwelling or business and used for the parking and storage of vehicles owned and operated by the residents or occupants of the property, and which is not a separate commercial enterprise or available to the general public.

"Garage, Public"

A garage other than a repair garage or private garage, used exclusively for the parking and storage for vehicles and available to the general public.

"Garage, Repair"

A building or-premises designed or used for the storage, care, repair, servicing or refinishing of vehicles including both minor and major mechanical overhauling, paint and body work.

"Gasoline Sales Facility"

Any use of land, including any buildings or structures thereon, that is used for the supply of gasoline or other fuel for the propulsion of vehicles, without any area, building or structure used for polishing, greasing, washing, spraying, cleaning, servicing or repairing of motor vehicles.

"Gasoline Service Station"

Any use of land, including any buildings or structures thereon, that is used for the supply of gasoline or other fuel for the propulsion of vehicles, including any area, building or structure used for polishing, greasing, washing, spraying, cleaning, servicing or repairing of motor vehicles.

"General Advertising Sign"

Any advertising sign no larger than the general sign area requirements for the zoning district in which the sign is located.

"Glare"

The effect produced by brightness sufficient to cause annoyance, discomfort, or a reduction in visual performance and visibility.

"Governing Body"

The Board of County Commissioners of Johnson County, Kansas.

"Grade"

The elevation of a surface, specified in feet above a reference mark elevation.

"Gradient"

The slope of the surface of land or a road, street or other public way specified in percent (%).

"Grading"

Any stripping, removing, terracing, cutting, filling, stockpiling or other altering of earth or land.

"Ground Cover"

Grasses or other plants grown to keep soil from being blown or washed away or to improve the appearance of the land area.

"Group Home"

Type One: Any dwelling occupied by not more than ten individuals including a) eight (8) or fewer individuals with a disability who need not be related by blood or marriage and b) not to exceed two staff residents who need not be related by blood or marriage to each other or to the eight or fewer other said individuals, who are occupying and living together in a single-family dwelling licensed by a regulatory agency of the State of Kansas as a group home. For purposes of this definition, the term "disability" means, with respect to an individual:

- A. A physical or mental impairment which substantially limits one or more of such individual's major life activities;
- B. A record of having such an impairment; or
- C. 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).

Type Two: Any dwelling occupied by not more than ten individuals including a) eight (8) or fewer individuals who need not be related by blood or marriage and who are:

- A. assigned to a community corrections program or a diversion program, or
- B. on parole from a correctional institution or on probation for a felony offense, or
- C. in a state mental institution following a finding of not guilty by reason of insanity pursuant to K. S. A. 22-3428, and amendments thereto, or
- D. mentally ill individuals who have either not been evaluated by a licensed provider or who have been evaluated by a licensed provider and such provider has determined that the mentally ill individual is dangerous to others or such provider has determined that the mentally ill individual is unsuitable for placement in a Group Home Type One; and b) not to exceed two staff residents who need not be related by blood or marriage to each other or to the residents of the home.

"Growth Policy Area"

The area(s) designated for certain land use and development policies established by the "Rural Comprehensive Plan: A Plan for the Unincorporated area of Johnson County," for areas designated as "Growth Policy Areas" by that Plan.

"Guest House"

Accessory dwelling residential accommodations for temporary or occasional guests:

- 1. in a detached accessory building located on the same premises as a main residential building,
- 2. primarily for use by temporary guests of the occupants of the premises,
- 3. without kitchen facilities,
- 4. without separate utilities, and
- 5. not rented or otherwise used as a separate dwelling.

"Habitable Floor"

Any floor used for living, which includes working, sleeping, eating, cooking or recreation or combination thereof. A floor used only for storage purposes is not a habitable floor.

"Handbills, Placards or Posters"

Any temporary sign made of cardboard, paper, pressed wood, plastic, or metal and attached to a fence, tree, post, utility pole, building or structure, or inside a window.

"Head-In Parking"

Parking provided at an angle to the curb or edge of street surface that requires the automobile to use the traffic lanes when backing out of the parking space.

"Height"

The vertical distance measured from the average finished grade adjoining the front of 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. Chimneys, towers, spires, mechanical equipment, equipment penthouses, tanks, and other similar projections or appurtenances not intended for human occupancy shall be excluded but in no case shall any of these projections or appurtenances exceed the maximum allowed height by more than 25 feet. Height, where not regulated in feet, shall be regulated by stories. A story shall be equal to twelve feet for purposes of measuring structures other than buildings. For purposes of the Airport Overlay District zones, the datum for height measurements shall be mean sea level unless otherwise specified and the height limits in all Airport Overlay Zones shall be as established on the Airport Zoning Map. For purposes of the Flood Plain Overlay District zones, the datum for height measurements shall be mean sea level unless otherwise specified, and the elevation limits in all Flood Plain Overlay Zones shall be the elevations as established on the Flood Plain Zoning Map(s).

"Helipad"

The designated takeoff and landing area for helicopters at a heliport.

"Helipad Primary Surface"

A horizontal plane area which coincides with the size and shape of the helipad and which is at the established elevation of the helipad.

"Heliport"

A landing, loading and takeoff area used by helicopters, whether at ground level or elevated on a structure, and including necessary passenger and cargo facilities, maintenance equipment and overhaul areas, fueling, service, storage, tie-down areas, hangars, and other necessary buildings and open spaces.

"Highest Adjacent Grade"

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Highway"

A thoroughfare controlled and maintained by the Kansas Department of Transportation.

"Highway, Limited Access"

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

"Historic Structure"

Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the Secretary of the Interior; or
  - b. Directly by the Secretary of the Interior in states without approved programs.

**"Home Occupation"**

Any profession, other occupation, or activity carried out for gain, or carried out for benefit of a nonprofit organization and by a resident conducted as an accessory use which is clearly incidental and secondary to the use of the premises as a dwelling.

**"Horizontal Surface"**

A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan-view coincides with the perimeter of the horizontal zone.

**"Hotel, Motel or Motor Hotel"**

A building offering transient lodging accommodations to the general public which is open for year-round occupancy, and including establishments designated as auto courts, tourist cabins, and the like.

**"Identified Primary Flight Corridors"**

The linear-shaped areas of the width and length established by Article 21 of these regulations which are located along and centered on the extended centerline of runways at the Johnson County Executive Airport and the New Century AirCenter and which are labeled in a general fashion as "Primary Flight Corridors" by the Johnson County Executive Airport Comprehensive Compatibility Plan and by the New Century AirCenter Comprehensive Compatibility Plan.

**"Identification Signs"**

Any on-premise sign which primarily identifies or directs attention to the name, symbol, or address of a building, development, development complex, institution, or person, and including the following: "Business Sign", "Development Complex Sign", "Incidental Identification Signs", "Institutional Sign", "Nameplate Sign", and "Neighborhood Sign".

**"Illumination Nuisance at an Airport"**

A use which creates difficulty for pilots to distinguish between navigational lights or markers and other lights or which otherwise impairs visibility with respect to aviation operations in the vicinity of an airport.

**"Imaginary Surfaces"**

The approach, transitional, horizontal, and conical surfaces as defined and established by the regulations in Article 21 of these regulations.

**"Improvements"**

All facilities constructed or erected within a subdivision or development by the developer, or persons, employees or agents of the developer, or the County, to permit and facilitate the use of lots or blocks for a principal residential, commercial, or industrial use.

**"Incidental Advertising Signs"**

Certain temporary or accessory advertising signs customarily associated with certain uses or events, as follows: See "Real Estate Lot Sign", "Real Estate Project Sign", "Special Event Sign".

"Incidental Identification Signs"

Certain temporary or accessory identification signs customarily associated with certain uses or events, as follows: See "Construction Site Sign", "Instruction Sign", "Minor Identification Sign".

"Indirectly Illuminated Sign"

Any sign illuminated by a light source directed onto the sign surface but which is so shielded as to not be visible at eye level.

"Individual On-Site Sewage Disposal System"

Any system for the disposal of wastewater in the ground, which is so designed and constructed as to treat wastewater in a manner that will retain most of the settleable solids in a septic tank and discharge the liquid portion to an adequate disposal field or any other on-site wastewater sewage treatment device or disposal method approved by either the County or the State Board of Health in accordance with applicable regulations.

"Industrial Park" (or "Business Park")

A planned, coordinated development of a tract of land with two or more separate industrial or business buildings. Such developments are designed, planned, constructed, managed and equipped as an integrated and coordinated facility to accommodate a community of businesses or industries, providing them with all necessary facilities and services with special attention to on-site vehicular circulation, parking, utility needs, open space, and building design and orientation compatible with surrounding buildings.

"Infrastructure"

Facilities and services needed to accommodate commercial, industrial and residential uses.

"Inoperable Vehicle or Equipment or Parts"

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

"Institutional Use"

A non-profit or quasi-public use or institution such as a church, library, public or private school, hospital, or governmentally operated building, structure or land used for a public purpose.

"Institutional Sign"

Any identification sign for an institutional use which identifies or directs attention to the activity, entertainment, or service conducted, furnished, offered, or provided on the premises where the sign is located.

"Instruction Sign"

Any sign no larger than four (4) square feet providing general instructions such as "Enter", "Exit", "No Hunting", "No Trespassing", "Open", or "Vacancy".

"Internally Illuminated Sign"

Any sign illuminated by an internal light source diffused through a translucent material.

"Johnson County Flood Insurance Rate Map (FIRM)"

An official map of Johnson County, Kansas, with a revised date of June 17, 2002, on which the results of the Flood Insurance Study have been delineated to show the Area of Special Flood Hazard and the Risk Premium Rate areas applicable to Johnson County.

"Junior Poster Panel Sign"

Any advertising sign not exceeding 100 square feet in sign area but larger than a General Advertising Sign.

"Junk"

Any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition.

"Junk Yard"

See "Salvage Yard".

"Kennel"

Any place, area, building, or structure on any tract smaller than 20 acres where more than an aggregate total of four (4) adult cats or dogs, more than one (1) year old, are kept, boarded, bred or trained, whether or not for commercial gain or as pets; or, any place, area, building, or structure on any tract 20 acres or more where more than an aggregate total of seven (7) adult cats or dogs, more than one (1) year old, are kept, boarded, bred or trained, whether or not for commercial gain or as pets.

"Kitchen"

Any place or part of a building that is used for the preparation and cooking of food and the washing of dishes. For purposes of restaurants per these regulations, a food service establishment shall be deemed to have a kitchen if it has any place or part of a building that in any manner exceeds either of the following two food service establishment classifications which are based on the food service establishment classifications of the Kansas Department of Health and Environment:

Class One: Restricted food service establishments including those facilities serving non-potentially hazardous food in the original container or in single-service containers. Facilities serving potentially hazardous food also are Class One facilities if the potentially hazardous food is served in the original container. Class One establishments shall not prepare potentially hazardous food on site. Examples of Class One food service establishment foods include prepackaged popcorn, microwave pizza and sandwiches (these foods are only heated and not prepared on site). Further examples of Class One food service establishments include taverns that do not serve draft beer or a concession stand at a ball park. Class One establishments shall have a hand sink, but, if there is dish washing on site, then the establishment is not a Class One food service establishment. If a place needs to wash utensils, it shall be a Class Two food service establishment.

Class Two: Limited food service establishments shall include facilities serving or preparing potentially hazardous food with no on-site cooking activities or facilities. For example, deli sandwiches (cold meat) that are made on site. Another example is satellite food service uses, such as at schools, where food is served or prepared but not cooked on-site. All Class Two Food Service Establishments should have dish washing and shall have a hand washing facility. Foods shall not be served on reusable tableware, and reusable eating utensils shall not be used. Instead, all tableware and eating utensils shall be single-use, disposable items. However, reusable serving ware and serving utensils may be used and may be washed on site.

"Landscaping"

The bringing of the soil surface to a smooth finished grade, installing trees, shrubs, ground cover or mulch of decorative stone or wood chips or similar materials to soften building lines, provide shade and generally enhance the appearance of the premises and produce an aesthetically pleasing effect.

"Larger than Utility Runway"

A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum ground weight or jet powered aircraft.

"Ldn"(day-night average sound level)"

The unit of measurement of sound levels on the day-night loudness decibel scale which averages the decibel levels of sounds over a 24-hour period and reflects the tendency for sounds to be more

disruptive between 10:00 P.M. and 7:00 A.M. by adding ten decibels (10 dB) to all sound intensities occurring between those hours.

"Leq"

The unit of measurement of sound levels on the loudness equivalent decibel scale which averages the decibel levels over a 24-hour period.

"Light-duty Truck"

A pick-up, van, or box-van truck not exceeding 12,500 pounds gross vehicle weight.

"Light Industry"

A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

"Limited Garden Use"

A garden use such as a vegetable garden, berry patch, orchard, or grove for the cultivation of crops:

1. For consumption solely by the occupants of the premises on which the crops are cultivated, or
2. In an area which is not larger than fifty percent (50%) of the tract on which the crops are cultivated, if some of the crops are not consumed solely by the occupants of the premises on which the crops are cultivated.

"Local Street"

A street intended to provide access from individual properties to collector streets and, in unusual circumstances, occasionally to arterial streets. A local street serves or is designed to serve not more than 25 dwelling units per block, has individual building lots fronting onto it, and provides direct access to individual lot driveways.

"Long-Range Road Network Plan"

The plan, duly prepared by the Planning Commission and adopted by the Board in accordance with applicable state laws regarding the preparation and adoption of such plans, and designating the hierarchy of existing and future streets as to design and improvement capacity and specifying the relative importance of the streets for transportation in and through the community.

"Lot"

A portion of a subdivision or other parcel of land intended as a unit of ownership and occupied or intended to be occupied by a main building and its accessory building or a complex of buildings, including the open spaces and parking required by these regulations and having its principal frontage on a street.

"Lot Area, Nominal"

For purposes of compliance with the minimum lot area requirements in the RUR, Rural District, the PRUR, Planned Rural District, or the PRLD, Planned Residential Low-Density District, the lot size that is determined by the sum of the lot area and the area of abutting street rights-of-way between the front lot line and the land Section Line or the centerline of the street, whichever is the case adjacent to the property.

"Lot, Corner"

A lot abutting upon two or more streets at their intersection. A corner lot shall be deemed to front on that street on which the lot has its least dimension.

"Lot Depth"

The mean horizontal distance from the front lot line to the rear lot line.

"Lot Frontage"

The distance for which the front lot line and the right-of-way are coincident.

"Lot Improvement"

Any building, structure, work of art, or such other object or improvement of the land which constitutes a physical betterment of real property, or any part of such betterment.

"Lot, Interior"

A lot without a side lot line abutting any street.

"Lot Line"

A line of record bounding a lot which divides one lot from another lot or from a street right-of-way or easement line or any other public space.

"Lot Line, Front"

The lot line separating a lot from the street or road easement line on which it fronts; or, on a corner lot, the shorter lot line or road easement line abutting a street.

"Lot Line, Rear"

The lot line which is opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots or when the side lot lines meet in a point, the rear lot line shall be assumed to be a line at least ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

"Lot Line, Side"

Any lot line not a front or rear line thereof. A side lot line may be a party lot line, a line bordering an alley or a street.

"Lot Split"

The division of a lot into not more than two lots or portions thereof as provided in these regulations.

"Lot, Through"

"See Double Frontage Lot".

"Lot Width"

The least horizontal distance between the side lot lines, measured at the minimum front yard setback required for the applicable zoning district.

"Lowest Floor"

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, **provided** that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of these regulations.

"Machinery Repair Shop"

A building or place used as a repair garage for motor vehicles, tractors, construction equipment, farm implements, and other such similar motorized equipment and machinery where repair is provided totally within a completely-enclosed building.

"Major Street Plan"

The plan, duly prepared by the Planning Commission and adopted by the Board in accordance with applicable state laws regarding the preparation and adoption of such plans, and analyzing the conditions and capabilities of existing streets and projecting the needs to improve existing streets and to develop new streets for development in the community.

"Major Subdivision"  
See, "Subdivision, Major".

"Manufacture"  
Any method of processing, developing, fabricating, assembling, either raw materials, semi-finished materials or parts into a semi-finished or finished product.

"Manufactured Home"  
A structure transportable in one or more sections, which is designed to be used as a dwelling, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities and which is constructed to meet the National Manufactured Home Construction and Safety Standards (HUD, June 15, 1976). For floodplain management and for flood insurance purposes, the term "manufactured home" does not include a vehicle which is: 1. built on a single chassis; 2. 400 square feet or less when measured at the largest horizontal projection; 3. designed to be self-propelled or permanently towable by a light duty truck; and 4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreation, camping, travel, or seasonal use.

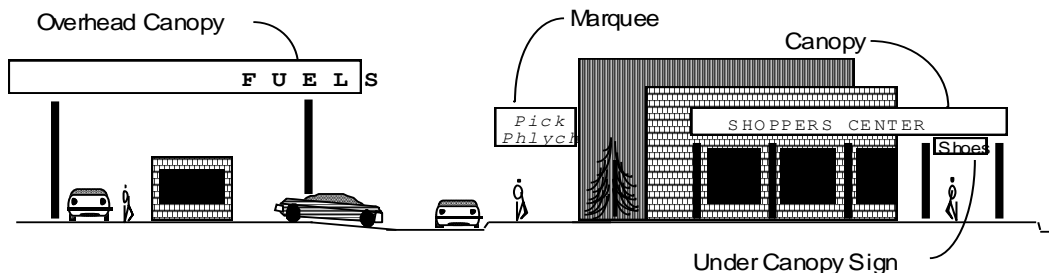
"Manufactured Home Pad"  
That portion of an individual lot on which a manufactured home unit and any associated accessory structure or building is placed.

"Manufactured Home Park or Subdivision"  
A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Manufactured Home Skirting"  
The enclosing of the area between the manufactured home and the ground with a durable and solid material designed to obscure from view the chassis of a manufactured home or designed to enclose the area beneath the manufactured home from the elements.

"Market Value" or "Fair Market Value"  
For purposes of that portion of the Flood Plain Management Regulations contained within the Zoning and Subdivision Regulations, an estimate of what is fair, economic, just and equitable value under normal local market conditions.

"Marquee, Canopy, or Overhead Canopy Sign"  
Any sign affixed flat against, painted on, mounted on or supported by a marquee, canopy or overhead canopy. For purposes of these regulations, marquees or canopies shall be permanent roof-like shelters extending more than one (1) foot from the face of a building or structure; and marquees shall be supported solely by or from the side of a building; and canopies shall be any permanent roof-like structure supported in part by a building and in part by posts or columns to the ground; and overhead canopies shall be permanent roof-like structures built above a building or any part of a building, such as over the pump islands and a building at a gasoline sales facility. Marquee and canopy surfaces with slopes less than 75% from horizontal shall be considered to be roof surfaces.



"Mean Sea Level"

The National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on the County's Flood Insurance Rate Map are referenced.

"Median"

A curbed island or other device that acts as a barrier placed on a street between lanes of traffic flowing in opposite directions.

"Median Break"

A place where a street median is not continuous and that is intended for left-turn or U-turn movements by vehicles.

"Minor Advertising Sign"

Any advertising sign with a commercial message that is not legible to a person with 20/20 corrected vision standing at any property line of the lot or tract on which the sign is located, and including, for example, menu board signs, price signs and operating instructions on vending machines, or similar advertising signs not legible as provided herein.

"Minor Identification Sign"

Any identification sign with an informational message that is not legible to a person with 20/20 corrected vision standing at any property line of the lot or tract on which the sign is located, and including, for example, signs stating directives such as "no parking", "entrance", "loading only", "telephone", or "no smoking".

"Minor Local Street"

A street intended to serve abutting properties by providing access to local streets and collector streets. It serves or is designed to serve no more than seven (7) dwelling units and only in very unusual circumstances would it provide direct access to arterial streets unless such access is of an interim or temporary nature as in the case of a street which is initially developed as a minor local street but for which future plans indicated that the street will be extended to become a local street or collector street.

"Minor Subdivision"

See "Subdivision, Minor".

"Mobile Home"

A transportable structure designed to be used as a dwelling, built on a permanent chassis before June 15, 1976, which contains plumbing, heating, air conditioning and electrical systems, which is installed and used with or without a permanent foundation, and which is not subject to HUD standards.

"Model Home "

A dwelling unit used initially for display purposes which typifies the type of units that will be constructed in the subdivision.

"Modular Home"

A transportable structure designed to be used as a permanent dwelling, which is not built on a permanent chassis but is designed and built to be placed on a permanent foundation, which contains plumbing, heating, air conditioning and electrical systems installed primarily at the place of manufacture and which is constructed in accordance with the building codes adopted by the County.

"Monument, Survey"

The device, usually a metallic bar or tube, used to mark and identify the corners in the boundaries of subdivisions or lots.

"Monument Sign"

Any detached sign mounted on an enclosed, solid base or structural base which is not narrower than three-fourths the width of the widest part of the sign face.

"Motel"

See "Hotel, Motel, or Motor Hotel".

"Motor Vehicle"

A motorized vehicle with more than three rubber tires including passenger cars, pick-up trucks, light-duty trucks, trucks, and self-propelled farm equipment such as tractors, combines and the like.

"Nameplate Sign"

Any identification sign no larger than ten (10) square feet and including just the name or symbol or address and where applicable, a professional title, of the person(s) occupying the building, portion of a building.

"Natural Drainage Flow"

The pattern and characteristics of surface and storm water drainage from a particular site before the construction or installation of improvements or before any grading.

"Neighborhood Sign"

Any identification sign giving the name, logo, symbol, and the like of a single-family or multi-family residential neighborhood, subdivision or development.

"Net Site Area"

The land area of a lot or tract after all public street and alley rights-of-way as are required by the provisions of these regulations have been subtracted.

"New"

After the effective date of these regulations.

"New Construction"

For the purposes of determining flood insurance rates, "new construction" means structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For purposes of that portion of the Flood Plain Management Regulations contained within the Zoning and Subdivision Regulations, "new construction" means structures for which the "start of construction" commenced on or after the effective date of the Flood Plain Management Regulations adopted by the County on August 14, 1980, pursuant to County Resolution No. 065-80 and includes any subsequent improvements to such structures.

"New Manufactured Home Park or Subdivision"

A manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of July 31, 2003, for the Flood Plain Management Regulations contained within the Zoning and Subdivision Regulations.

"No access Easement"

A land area at least one (1) foot wide located along a lot line abutting a street, upon which no vehicular driveway shall be permitted.

"Noise-sensitive land use"

(A) an activity or use of property which is sensitive to aircraft noise generation (examples include, but are not limited to: residential uses; educational classroom or assembly facilities; religious classroom or worship facilities; hospitals and similar health service facilities; transient lodging quarters; outdoor

places of public assembly such as amphitheaters, stadiums, arenas, and the like; indoor places of public assembly such as auditoriums, convention centers, concert halls, meeting halls, theaters, offices; and the like) or (B) such unconstructed uses as listed above, having an approved subdivision plat, development plan or building permit.

"Nominal Lot Area"

See "Lot Area, Nominal".

"Noncommercial Speech Sign"

Any sign stating opinion(s), or general information of an ideological nature and not otherwise provided for in these regulations.

"Nonconforming Sign"

Any sign that does not comply with the standards established at the time these regulations came into effect.

"Nonconforming Sign Support"

The supporting members of the sign such as frame, poles, brackets or structure by which a sign is mounted on or fixed to a building or the ground which do not comply with the standards established at the time these regulations came into effect.

"Nonconforming Use, Building, Lot, or Yard"

A use, building, lot, or yard which does not, by reason of design, use or established dimensions, conform to these regulations for the district in which the use, building, lot or yard is situated; which complied with the applicable regulations at the time it was established; and which existed as such on the date of adoption of these regulations.

"Nonprecision Instrument Runway"

A runway having a nonprecision instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or is planned and for which no precision approach facilities are planned or indicated on an approved airport layout plan or any other officially adopted airport planning document.

"Nursery, Landscape"

Any land used to raise trees, shrubs, flowers or other plants for retail sale on-site.

"Off-Premise Sign"

Any sign not located at the site of that which is advertised or identified.

"Offset Intersection"

A street intersection where one or more of the intersecting streets does not have a straight common centerline with another of the intersecting streets.

"Offset Street"

A continuous street whose centerline is not a straight line or is not tangent through an intersection.

"Office Park"

A development complex which contains a planned, coordinated development of a tract with two or more separate office buildings. Such developments are designed, planned, constructed, managed and equipped as an integrated and coordinated facility to accommodate a community of office businesses, providing them with all necessary facilities and services, with special attention to on-site vehicular circulation, parking, utility needs, open space, and building design and orientation compatible with surrounding buildings.

"Official Street Line"

A line for the future widening or opening of a street or road at sixty (60) feet from the section line, or half-section line, or centerline along all Major Arterial Streets and along all Minor Arterial Streets in unincorporated Johnson County as indicated in the Comprehensive Arterial Road Network Plan (CARNP). Required Yards abutting a CARNP-designated Major Arterial Street or a Minor Arterial Street shall be measured from the Official Street Line, if applicable. (See "Yard, Required" for more information regarding the measurement of Yards.)

"One Percent Annual Chance Frequency Flood"

A flood that has a chance of occurrence of one percent (1%) in any given year.

"On-Premise Sign"

Any sign located at the site which is advertised or identified.

"Open Space"

Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners or occupants of land adjoining or neighboring such area.

"Other Areas in X Zone"

Areas determined to be outside the flood plain that have a two-tenths of a percent (0.2%) chance of being flooded in any given year.

"Other Flood Areas in X Zone"

Areas that have a two-tenths of a percent (0.2%) chance of being flooded in any given year; areas that have a one percent (1%) chance of being flooded in any given year with average depths of less than 1 foot or with a contributing drainage area less than one (1) square mile; or areas protected by levees from a flood that has a one percent (1%) chance of occurrence in any given year.

"Outdoor Advertising Signs"

See "Bulletin Signs," " Junior Poster Panel Signs" and "Poster Panel Signs".

"Outdoor Storage"

The storage of goods, materials, junk, merchandise, or vehicles outside of any building or structure for more than twenty-four (24) continuous hours, but not including storage of an emergency nature.

"Overlay District Zoning Map"

The official map(s) for the Airport Area Overlay District prepared by the Johnson County Planning Office and the official map(s) for the Flood Plain Overlay District on file with the Johnson County Planning Office and duly adopted by the Board and any amendments thereto.

"Owner"

Any person who has record title to or an equitable interest in a tract of land. In the event two (2) or more persons own a tract, "owner" shall be defined as follows:

1. If joint tenants, "owner" means all of the joint tenants;
2. If tenants in common "owner" means both a majority of the number of tenants in common and the holders of a majority of the undivided interests in the tract;
3. If the tract is held by a life tenant and a remainderman, "owner" means the life tenant;
4. If the tract is held by a tenant under a recorded lease providing for a lease term of ten (10) years or longer and a remainderman, "owner" means both such tenant and remainderman;
5. If one holds title to the surface and another holds title to the minerals, "owner" means the surface title holder.

"Package Sewer Treatment Plant"

Small, self-contained wastewater collection and treatment facilities built to serve development in an outlying area beyond the service area of sanitary sewers.

"Parking Lot"

Any portion of a parcel of land used for parking or storage of operable motor vehicles on a temporary basis.

"Parking Space"

A surfaced area exclusive of driveways, available for the temporary storage of one motor vehicle and connected with a street or alley by a surfaced driveway which affords satisfactory ingress or egress for motor vehicles.

"Parkways"

The roads designated as Type III corridor routes by the Comprehensive Arterial Road Network Plan (CARNP).

"Particulate Matter"

Dust, smoke, fumes, mist, spray, fog or any other airborne material in the form of minute, separate particles.

"Paved"

Constructed with an asphaltic concrete or portland cement concrete surface and in accordance with adopted standards and regulations.

"Performance Standard"

A criterion or limit related to nuisance elements and established to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosion hazards, and glare or heat generated or inherent in uses of land or buildings.

"Permitted Use"

Any use allowed in a zoning district and subject to the restrictions and standards applicable to that zoning district.

"Person"

Any individual, firm, copartnership, corporation, company, association, joint stock association, or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof.

"Plan-view"

The image of an object or area as would be seen from directly above all points on the object or area being viewed.

"Planned Cluster Development"

Development which clusters or concentrates buildings in a pattern which provides additional or common open space, retains land areas for limited garden uses, protects environmentally sensitive or valuable areas, or focuses development outside sensitive areas such as the Critical Corridors in Airport Interest Areas.

"Planned District Zoning"

The zoning of lot(s) or tract(s) to planned zoning districts as provided in these regulations and the permitted development specifically depicted on plans approved in the process of zoning the lot(s) or tract(s).

"Planned Rural Development Subdivision"

A subdivision of land in the Planned Rural District in accordance with the requirements of Article 9 of these regulations.

"Planning Commission"

The planning commission established by the Board of County Commissioners in accordance with K.S.A. 19-2956 *et seq.*, and any amendments thereto, if any.

"Plat"

A map or drawing to scale showing a division or divisions of a tract of real property or showing the boundaries of a lot or lots resulting from the subdivision of a tract of real property as provided in these regulations.

"Plat, Final"

The final map or plan or record of the plat of a subdivision or the boundaries of a lot or lots resulting from the subdivision of a tract of real property and any accompanying materials and endorsements, as set forth in these regulations.

"Plat, Preliminary"

The preliminary drawing or drawings of a as set forth in the Subdivision Regulations herein, which indicates the proposed manner or layout of the subdivision and includes any accompanying material(s) and endorsements, if any.

"Plot"

See "Lot".

"Pole Sign"

Any detached sign mounted on a structural base that has at least 80% of its height narrower than three-fourths the width of the widest part of the sign face.

"Poster Panel Sign"

Any advertising sign from 100 through 300 square feet in sign area.

"Potentially hazardous food"

Any food that consists in whole, or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacean, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms; or the growth and toxin production of *Clostridium botulinum*. "Potentially hazardous food" includes an animal food (a food of animal origin) that is raw or heat-treated; a food of plant origin that is heat-treated or consists of raw seed sprouts; cut melons; and garlic and oil mixtures. The term does not include:

1. An air-cooled hard-boiled egg with shell intact;
2. A food with a water activity (aW) value of point eighty-five (.85) or less;
3. A food with a hydrogen ion concentration (pH) level of four point six (4.6) or below when measured at 24° C (75° F);
4. A food, in an unopened hermetically sealed container, that is commercially processed to achieve and maintain commercial sterility under conditions of non refrigerated storage and distribution; and
5. A food for which laboratory evidence that is the basis of a variance granted by the regulatory authority demonstrates that rapid and progressive growth of infectious and toxigenic microorganisms or the slower growth of *C. botulinum* cannot occur.

"Poultry"

Domesticated poultry commonly associated with farming in the County and including only chickens, ducks, or geese.

"Precision Instrument Runway"

A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also includes a runway for which a precision approach

system is planned and is so indicated on an approved airport layout plan or any planning document officially adopted by the Board.

"Preliminary Plat"

See "Plat, Preliminary".

"Preplatting Conference"

A meeting between the Zoning Administrator or such person's designee and the applicant(s) or prospective applicant(s) regarding the Preliminary Plat of a Subdivision, before submission of the application requesting approval of said Preliminary Plat.

"Preschool"

A facility which provides learning experiences for children who have not attained the age of eligibility to enter kindergarten prescribed in K.S.A. 72-1107 and any amendments thereto and who are 30 months of age or older and which conducts sessions not exceeding three hours per session, does not enroll any child in more than one session per day, and does not serve a meal.

"Primary Surface"

A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section 9, Table 1 of Article 21 of these regulations. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. (See also "Helipad Primary Surface").

"Principally Above Ground"

For purposes of that portion of the Flood Plain Management Regulations contained within the Zoning and Subdivision Regulations, at least 51 percent of the market value of the structure, less land value, is above ground.

"Professional Office"

An office for the conduct of a profession by a person engaged in a recognized professional occupation, vocation or calling, especially one of the three vocations of theology, law and medicine and not solely commercial, mechanical or agricultural in nature, and in which knowledge or skill in some science or learning is used by its practical application to the affairs of others, either advising or guiding them in serving their interest or welfare through the practice of a profession.

"Projecting Sign"

Any sign that is wholly or partially attached to and dependent upon a building for support and which projects more than one (1) foot beyond the plane of the wall of the building.

"Public Facilities or Public Facilities Project"

Any or all of the following, and including acquisition of land, construction, improvements, equipping, and installation of same and all other work auxiliary thereto,:

1. Parks and recreational facilities.
2. Street and highways, including such ancillary facilities such as sidewalks, street lighting, curbs, gutters, signalization, signage, and landscaping.
3. Sanitary sewers and sewage collection, treatment, and disposal facilities.
4. Water supply facilities.
5. Storm sewers, drains, and drainage retention facilities.
6. Schools and school sites.
7. Police, fire, sheriff, and similar public safety and protection facilities.
8. Libraries.
9. Other necessary governmental services which require facilities in designated development areas.

"Public Improvement"

Any improvement, facility or service together with its associated public site or right-of-way necessary to provide transportation, drainage, public or private utility, energy or essential public services.

"Pure Tone"

A sound whose instantaneous sound pressure is a simple sinusoidal function of the time and is characterized by a single frequency or singleness of pitch. For the purpose of these regulations, a pure tone shall exist if the one-third octave band sound pressure level in the bandwidth of the tone exceeds the arithmetic average of the sound pressure levels on the two contiguous one-third octave bands by 5 dB for center frequencies of 500 Hz and above, and 8 dB for center frequencies between 160 and 400 Hz, and by 15 dB for center frequencies less than or equal to 125 Hz.

"Quarry"

Any place where minerals, ore, rock, soil, stone or similar materials are excavated for sale or for off-site use.

"Real Estate Project Sign"

Any temporary sign identifying or directing attention to the sale or lease of lots or tracts or any structure(s) or portion(s) of structure(s) in a development complex or a subdivision.

"Real Estate Lot Sign"

Any temporary sign identifying or directing attention to the sale or lease of a lot or a tract or any structure(s) or portion(s) of structure(s) on which the sign is located.

"Reasonably Safe From Flooding"

A quality of development where the base flood will not inundate or damage land or structures removed from or to be removed from the Area of Special Flood Hazards or from the Area of Future Conditions Flood Hazard and where any subsurface waters related to the base flood will not damage existing or proposed buildings.

"Recreation Facility"

Any place designed or equipped for the conduct of recreational sports, leisure time activity or other customary and usual recreational activities.

"Recreational Vehicles"

Vehicles such as boats and boat trailers, travel trailers, pick-up campers, buses or trucks converted into a camper, motor homes, or camping trailers. For purposes of that portion of the Flood Plain Management Regulations contained within the Zoning and Subdivision Regulations, a vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projections; (c) designed to be self-propelled or permanently able to be towed by a light-duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Recycling Center"

Any salvage yard where more than 1,200 cubic feet of materials being recycled or to be recycled are handled, stored or gathered during any four (4) week period.

"Registered Land Surveyor"

A land surveyor lawfully licensed and registered in the State of Kansas.

"Regulations"

These zoning and subdivision regulations for Johnson County, Kansas.

"Regulatory Flood Elevation"

See "Flood Elevation, Regulatory".

"Regulatory Flood Protection Elevation"

See, "Flood Protection Elevation, Regulatory".

"Research Laboratory"

An establishment or other facility for carrying on investigation in the natural, physical or social sciences, or engineering and development as an extension of investigation with the objective of creating end products or with the objective of investigations or experimentations for academic purposes which could be expected to lead to or contribute to knowledge.

"Residential Care Institution"

Any residential institution where social and personal care are provided for children, the aged, or for special categories of individuals with some limits on ability for self-care, including medical hospices, extended care facilities, convalescence hospitals, nursing homes and residential institutions for mentally ill individuals who have either not been evaluated by a licensed provider or who have been evaluated by a licensed provider and such provider has determined that the mentally ill individual is dangerous to others or such provider has determined that the mentally ill individual is unsuitable for group-home placement. For purposes of this definition, a group home shall not be a licensed provider for the purposes of evaluating or approving for placement a mentally ill individual in a group home.

"Residential Institution"

A residence occupied by more than ten (10) individuals including more than eight (8) individuals who need not be related by blood or marriage.

"Residential Grouping"

In Planned Rural Development Subdivisions, lots intended for permanent, single-family dwellings that are arranged with at least seventy-five percent (75%) of the lots in groupings of three (3) or more lots contiguous to one another or across a local street from one another.

"Residential Lot"

A lot in a Residential Subdivision.

"Residential Subdivision"

A subdivision of real property that has residential district zoning or planned residential district zoning.

"Residential-Design Manufactured Home"

A prefabricated or panelized structure designed to be used as a permanent dwelling, built on a chassis, built to meet the National Manufactured Home Construction and Safety Standards (HUD, June 15, 1976), and any amendments thereto, and which meets the following design and construction criteria:

1. The structure shall be permanently attached to a basement, crawlspace, slab or similar foundation, and the foundation or perimeter wall shall form a complete enclosure under all exterior walls;
2. The longest exterior dimension of the structure shall be less than three (3) times the narrowest exterior dimension of the structure;
3. The structure shall have at least 880 square feet of first floor living area;
4. The structure shall be at least twenty-two (22) feet wide;
5. The land on which the unit is located and the structure itself shall constitute real property;
6. The structure shall be comparable to site built housing with regard to overall design and exterior finish materials, and it shall have the following:
  - a. At least seventy five percent (75%) of the roof surface shall have an actual pitch of at least two and one-half (2-1/2) inches vertical in every twelve (12) inches horizontal;
  - b. A residential rather than a recreational appearance;
  - c. A roof overhang of at least one (1) foot on at least the two longer sides of the structure and the roof guttering may be included in that one (1) foot overhang;
  - d. A roof surface of composition, wood, tile or similar materials but not of corrugated fiber glass, corrugated aluminum or other corrugated metal roofing surface;



owing to conditions peculiar to the property and not the result of actions or the situation of the applicant, literal enforcement of these regulations would result in an unnecessary and undue hardship.

"Runway"

A defined area on an airport prepared for landing and take-off of aircraft along its length.

"Rural Lot"

A lot in a Rural Subdivision.

"Rural Policy Area" "(RPA)"

The area(s) designated for certain land use and development policies established by the "Rural Comprehensive Plan: A Plan for the Unincorporated Area of Johnson County," for areas designated as "Rural Policy Areas" by that Plan.

"Rural Subdivision"

A subdivision of real property that has rural district zoning or planned rural district zoning.

"Salvage Yard"

An area of land, with or without buildings, used for or occupied by a deposit, collection or storage, outside a completely enclosed building, of used or discarded materials such as waste paper, rags or scrap material; or used building materials, house furnishings, machinery, vehicles or parts thereof with or without the dismantling, processing, salvage, sale or other use or disposition of the same; the deposit, parking or storage on a tract of one or more wrecked or inoperable vehicles, or parts of one or more such vehicles, for one week or more in a residential district, or for three weeks or more in any other district except for open storage as allowed by Article 16, Section 4 of these regulations.

"Sanitary Landfill"

The use of a lot for the disposal and burial of garbage, sewage, trash, refuse, junk, discarded machinery or motor vehicles or parts thereof, or other waste in accordance with applicable governmental regulations, standards, and permits and in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover material over all exposed waste at the end of each operating day and upon completion of landfilling within each approved layer and landfill cell area within the boundaries of the landfill but not including a solid waste transfer station.

"Sanitary Sewer"

A system which collects untreated or partially treated sewage from individual establishments or premises or areas and transports it from the establishment, premises or areas by means of pipes or conduits to a plant or location for treatment, and which is available for use by any person within the geographic area served by such system. This includes, 1) systems built, served, or operated by public sewer districts and municipal sewer systems; and 2) systems which are privately owned and operated but which are required to obtain a permit under the National Pollution Discharge Elimination System (NPDES).

"School of General Instruction"

Any public, private or parochial learning facility including any school commonly referred to as a grammar or elementary school; a junior high or middle school; or a high school and which offers courses in general instructions at least five days per week and seven months per year which is lawfully licensed by the State of Kansas, accredited by the State Board of Education or, where required, certified as a preschool by the Kansas Department of Health and Environment.

"School of Special Instruction"

A school for the teaching of technical skills, trades, and or the arts which is lawfully licensed by the State of Kansas.

"Screening, Visual"

Either, (1) a strip of land with natural growth or densely planted shrubs or trees at least four feet high when planted and of species which have formed or will form a year-around dense screen at least six feet high, or, (2) an opaque wall, fence or barrier at least six feet high installed along or within the lines of a tract to buffer and protect adjoining or nearby properties.

"Secretary of the Board of Zoning Appeals"

The person appointed and charged with the duty of preparing a proper record to be kept of the proceedings of the Board of Zoning Appeals.

"SEL (Sound Exposure Level)"

The unit of measurement of single-event sound levels which combines both the maximum intensity and the duration of the sound event.

"Service Provider"

A person or company providing telecommunication services.

"Setback"

The least horizontal distance between an existing or proposed building or structure and the street easement, right-of-way line, Official Street Line, or lot line, whichever is nearest to the existing or proposed building or structure. If the lot abuts a private road in which there is not a road easement line, the setback shall be measured from the lot line or a line twenty-five feet from the road centerline, whichever is nearest to the existing or proposed building or structure.

"Setback, Required"

See "Yard, Required". May be more specifically referred to as "Required Front Yard Setback", "Required Rear Yard Setback", or "Required Side Yard Setback".

"SIC"

Standard Industrial Classification codes as established in the *Standard Industrial Classification Manual*, 1987 edition, published by the Office of Management and Budget, Executive Office of the President of the United States.

"Sidewalk"

A paved walkway located along the side of and usually separated from a street.

"Sign"

Any description, device, identification, message, or symbol, which is used for decoration or to convey information or advertise or promote or direct attention to a product, service, place, activity, person, institution, business or solicitation, including any permanent or temporary display of merchandise, non-governmental flags, pennants, banners or placards, designed to advertise, identify, or conveying information, including all supporting structure, and including, but not limited to the following: "Attention Attracting Device", "Directly Illuminated Sign", "Handbills, Placards or Posters", "Indirectly Illuminated Sign", "Internally Illuminated Sign", "Off-Premise Sign", "On Premise Sign", "Outdoor Advertising Sign", "Signs, Functional Types", and "Signs, Structural Types".

"Sign Alteration"

The replacement, enlargement, reduction, reshaping or adding to a sign, frame, pole, brackets or any supporting member.

"Sign Area"

The entire area per sign face within which copy could be placed including the outer extremities of all letters, figures, characters and delineations and including the outer extremities of the sign framework or background and including any sign background which is different from or in contrast with any building

wall surface upon which it is mounted. The support for the sign background, whether it be columns, a pylon, or a building or part thereof, shall not be included in the sign area.

**"Sign Face"**

A message surface of a sign.

**"Sign Maintenance"**

The normal care and minor repair that is necessary to retain a safe, attractive and finished structure, frame, sign pole, brackets or surface.

**"Sign Refacing"**

Changing or replacing the words, numerals, or other message surface of the sign to serve a different establishment or business or create a substantially different visual effect and without altering, moving or replacing the structure, frame, pole, bracket or supporting members by which a sign is mounted on or affixed to a building or the ground.

**"Sign Structure"**

Any element or assemblage of elements which supports or is capable of supporting a sign. A sign structure may be free-standing, attached to a building, an integral part of the building, or a combination thereof.

**"Signable Wall Area"**

The surface area of the "elevation-view" of the facade(s) of a building or the similar exterior surface of structures. For purposes of these regulations, the "elevation-view" shall consist of the entire, continuous plane view of the building or structure facade(s) or exterior surface(s) bounded by the top of the wall, the ground line and the outer ends of the building or structure facade(s) or exterior surfaces. Such elevation-view areas shall be used in the calculation of the maximum allowable sign area for each building or structure facade or exterior surface. For buildings or structures with multiple facades or exterior surfaces which would be shown in an overall, elevation-view, the signable wall areas is the total areas visible in that overall, elevation-view or fifty percent (50%) of the area of the facade or surface on which the sign would be located, whichever is less.

**"Signs, Functional Types"**

See "Advertising Signs", "Identification Signs", and "Noncommercial Speech Signs",

**"Signs, Structural Types"**

See "Awning Sign"; "Detached Sign"; "Marquee, Canopy or Overhead Canopy Sign"; "Monument Sign"; "Pole Sign"; "Projecting Sign"; "Roof Sign"; "Under-Canopy Sign"; "Wall Sign".

**"Site Plan"**

See "Development Plan".

**"Site Equipment"**

All telecommunication equipment located at a particular Communication Tower Site, including but not limited to the Communication Tower, if any, Communication Antenna, feedline system and electronic equipment, regardless if owned or operated by the conditional use permit applicant.

**"Sketch Plat"**

A rough sketch map submitted for the preplatting conference for a major subdivision or prior to the submission of a preliminary plat application for minor subdivisions and intended to assist the subdivider in submitting a plat consistent with the requirements of these regulations.

**"Small Equipment"**

Equipment which can be carried by one person with or without the use of a dolly.

"Special Event Sign"

Any handbill, placard or poster no larger than twenty-five (25) square feet and mounted inside a window of a business. Any handbill, placard or poster no larger than four (4) square feet used in conjunction with political elections, garage sales, estate or household auctions or sales, home tours, etc.

"Stable, Boarding" and "Stable, Training"

A structure and related premises designed or used for the feeding, housing and exercise of horses not owned by the owner of the premises and where instruction in riding, jumping or showing may be offered or provided.

"Stable, Private"

An accessory and related premises designed or used for the keeping of horses, ponies, mules, or cows, owned by the occupants of the premises, and not kept for hire, rental or for the sale of more than six (6) stabled animals per year.

"Stable, Riding"

A structure and related premises in which horses, ponies or mules, used exclusively for pleasure riding or driving, are housed, boarded or kept for remuneration, hire or sale.

"Stall-Control"

A braking mechanism on wind turbines where the rotor blades are bolted to the hub at a fixed angle. The rotor blade profile is aerodynamically designed to ensure that the moment the wind speed becomes too high it creates turbulence on the side of the rotor blade which is not facing the wind. This stall prevents the lifting force of the rotor blade from acting on the rotor.

"Start of Construction"

For purposes of that portion of the Flood Plain Management Regulations contained within the Zoning and Subdivision Regulations, the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was commenced within 180 days of the permit date. The **actual start** of construction means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets or walkways; nor does it include the excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation of buildings, such as garages or sheds not occupied as accessory uses for dwelling units or not part of the main structure. For a substantial improvement, the **actual start of construction** means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the exterior dimensions of the building.

"Steep Slope"

Land surface slopes exceeding fifteen percent (15%).

"Storage Tank Farms"

An open air facility containing two or more above-ground, large containers for the bulk storage of material in liquid, powder or pellet form.

"Story"

That part of the building included between the surface of one floor and the surface of the floor above, or if there is not floor above, that part of the building which is between the surface of a 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 and

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 classified as a basement and in the case of multi-family dwellings may not be occupied as a residence by other than a caretaker or manager.

"Street"

A right-of-way, other than an alley, which provides principal access for adjacent properties, nearby neighborhoods, or major areas of the community. A street may be classified further as a major arterial, minor arterial, collector, local, minor local, cul-de-sac, or dead-end street.

"Street Line"

See "Right-of-Way".

"Structural Alterations"

Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

"Structure"

Anything more than three (3) feet in height constructed or erected by man which requires location on the ground, or attached to something having location on the ground. For purposes of that portion of the Flood Plain Management Regulations contained within the Zoning and Subdivision Regulations, "structure" shall include a walled and roofed building; or a gas or liquid storage tank, that is principally above ground; as well as a manufactured home. For flood insurance coverage purposes, a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

"Subdivider"

Any person who has an interest in land, and causes it, directly or indirectly to be divided into a subdivision.

"Subdivision"

Except for "lot-split," the division or resubdivision of a lot, tract or parcel of land into two or more resulting lots, tracts, or other parcels of land and also the establishment of new streets, alleys or other public ways.

"Subdivider's Agent"

Any person who represents or acts for or on behalf of a subdivider.

"Subdivision, Major"

All subdivisions not classified as minor subdivisions, including, but not limited to, subdivision of four (4) or more lots, or any size subdivision requiring any new street longer than seven hundred (700) feet or extension of public facilities, or public improvements of any sort.

"Subdivision, Minor"

Any subdivision:

1. Containing not more than three (3) residential lots, and
2. Not involving the construction of more than one (1) new street or road which would be longer than seven hundred (700) feet or which new street or road would be located such that its final gradient would be changed more than five (5) feet vertically from the existing gradients, and
3. Not involving topography for which a detailed drainage study or drainage improvements would be needed, and
4. Not involving the extension of public facilities, and

5. Which would not adversely affect the development of the remainder of the parcel or adjoining property.

"Subdivision Regulations"

The official subdivision regulations of the County, together with all amendments thereto, adopted pursuant to K.S.A. 19-2956 *et seq.* and any amendments thereto, if any.

"Substantial Damage"

Damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

"Substantial Improvement"

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Surety"

A deposit of cash, performance bond, maintenance bond, letter of credit, cashier's check, or such other security acceptable to the County's Attorney, provided in lieu of the completion of work or improvements required for final plat approval.

"Swimming Pool, Club"

A swimming pool operated for members and their guests, whether or not operated for gain.

"Swimming Pool, Private"

A swimming pool which is an accessory use to a residence for the exclusive use of the occupants of the residential building and their guests.

"Symbol"

Any crest, design, emblem, figure, illustration, logo, or trademark included on a sign.

"Telecommunications Consultant"

A person or company which provides telecommunications services, including but not limited to interference analysis, to Johnson County Government and such appendage bodies as police or fire.

"Thematic Use"

As provided in these regulations, uses which express a distinct theme and provide a real and measurable public value and purpose with respect to meaningful social, artistic, cultural, historic, educational, religious, or other values. Thematic uses shall include but not be limited to the following: museums; historic sites; cultural sites; artistic talents; scenic or geographic attractions; dude ranches; historic, cultural or religious festivals or pageants; unusual or exotic animal farms; unusual or exotic plant farms; or self-awareness facilities.

"Tourist Home"

An establishment in a private dwelling which supplies temporary sleeping accommodations to overnight guests for a fee.

"Township"

A duly established political unit of local government as established under state law.

"Township Zoning Board"  
See "Zoning Board".

"Tract"  
A single unit of real property under unified ownership whether platted or unplatted and whether or not title is publicly or privately held by an owner.

"Tract or Lot Split"  
The dividing or redividing of a lot or tract of land into not more than two (2) tracts or lots subject to the standards and requirements within these regulations.

"Trailer"  
A vehicle other than a manufactured home, equipped with wheels and normally towed over the road behind a motor vehicle and used for short-term human habitation, carrying materials, goods or objects, or as a temporary office at a construction site.

"Trailer, Advertising"  
A trailer carrying, or having attached thereto, a sign, billboard, or other media for advertising purposes, such as advertising being the prime purpose and use of the trailer.

"Trailer, Camping/Travel Trailer"  
A vehicle other than a mobile home equipped with wheels and which is either affixed to another vehicle which is self-propelled or is normally towed over the road behind a motor vehicle and which is normally used as sleeping quarters and shelter while traveling and not for permanent habitation.

"Trailer, Hauling"  
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.

"Trailer, Utility"  
A trailer designed and normally used for hauling household-type belongings, equipment, livestock and other objects; towable behind a passenger car or light-duty truck; and not equipped for human habitation.

"Transitional Surfaces"  
Those surfaces which extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of one foot (1') upward for each seven feet (7') outward horizontally from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces which project through and beyond the limits of the conical surface, extend a distance of five thousand feet (5,000') measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

"Tree"  
For purposes of the Airport Vicinity Overlay Districts and Zones as provided in Article 21 of these regulations, any object of natural growth.

"Under-Canopy Sign"  
Any sign attached to the underside of a canopy. (See drawing at "Marquee, Canopy, or Overhead Canopy Sign".)

"Underlying zoning district"  
The existing zoning district beneath a particular portion of an Overlay District.

"Urban Fringe Policy Area"

The area(s) designated for certain land use and development policies established by the "Rural Comprehensive Plan: A Plan for the Unincorporated Area of Johnson County," for areas designated as "Urban Fringe Policy Areas" by that Plan.

"Use, Nonconforming"

See "Nonconforming Use".

"Utility Runway"

A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

"Variance"

Permission to depart from specific requirement(s) of the Zoning Regulations that do not regard application procedures or permitted uses in any zoning district that is not an overlay zoning district. For flood plain regulation purposes it means a grant of relief to a property from the requirements of the flood plain regulations which permits construction in a manner otherwise prohibited by the flood plain regulations, where specific enforcement of the flood plain regulations would result in unnecessary hardship. Flood insurance requirements shall remain in place and cannot be varied by the BZA or Board, even if a structure is otherwise granted a variance.

"Veterinary Clinic"

See "Animal Hospital or Clinic".

"Vibration "

The periodic displacement, measured in inches of displacement.

"Violation"

The breach of these regulations as set forth in Article 6 herein. For purposes of that portion of the Flood Plain Management Regulations contained within the Zoning and Subdivision Regulations, it shall also mean the failure of a structure or other development to be fully compliant with the County's Flood Plain Management Regulations in Article 22 of these regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in § 60.3 (b)(5), (c)(4), (c)(10), or (d)(3), of Title 44 CFR, Volume 1, Chapter 1, Part 60 (10-1-00 Edition) is presumed to be in violation until such time as that documentation is provided.

"Visual Runway"

A runway intended solely for the operation of aircraft using visual approach procedures.

"Wall Sign"

Any sign attached to or painted on a wall in such a manner that the exposed face of the sign is in a plane approximately parallel to and not more than one (1) foot from the plane of the wall.

"Water Surface Elevation"

The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified) of floods of various magnitudes and frequencies in the flood plain.

"Well-Designed Braking System"

The primary braking system on wind turbines, which uses a mechanical brake, pitch-control of the turbine blades, or stall-control to bring the turbine to a stop in such a way that stall-induced vibrations/noise are avoided.

"Wholesale"

The sale of commodities in quantity usually for resale or to other than the end user of the commodity.

“Wholesale Nursery.”

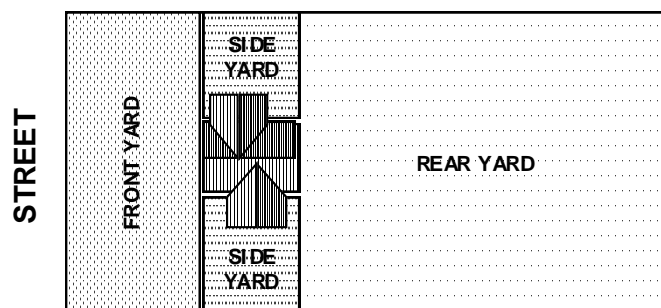
Any land or building used to raise trees, shrubs, flowers or other plants for wholesale or bulk distribution but not retail.

“Wind Energy Conversion System”

A Wind Energy Conversion (WEC) system consists of a wind turbine including blades or paddles, a tower, and associated control or conversion electronics which is intended to reduce on-site consumption of electrical power from a utility company. WEC systems are not intended to serve multiple, off-site users.

"Yard"

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 for herein.



"Yard, Front"

A yard across the full width of the lot extending from the front line of the main building to the front line of the lot.

"Yard, Open Residential Front"

Open and unobstructed ground area of the tract from the front line of the main dwelling to the front line of the lot or road easement along the property or the Official Street Line as adopted by the County, if applicable, and extending the full width of the main dwelling plus the width of the required side yards.

"Yard, Rear"

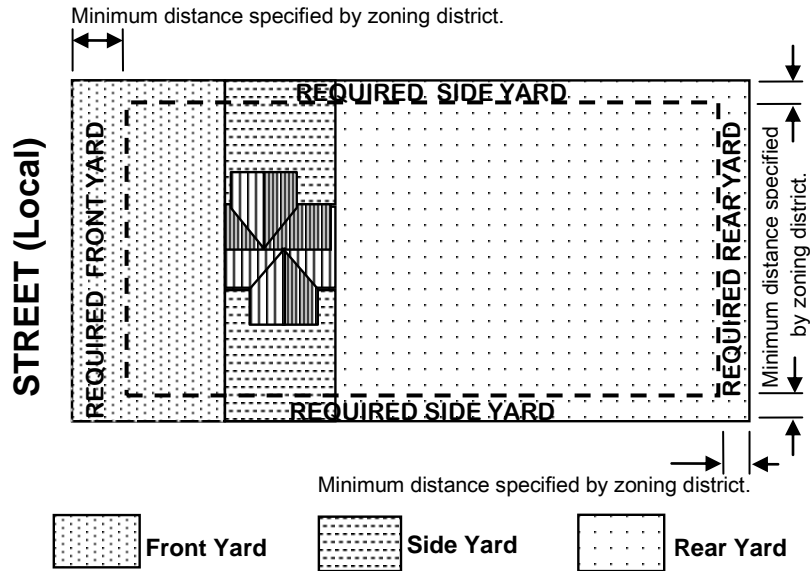
A yard between the rear lot line and the rear line of the main building.

"Yard, Required"

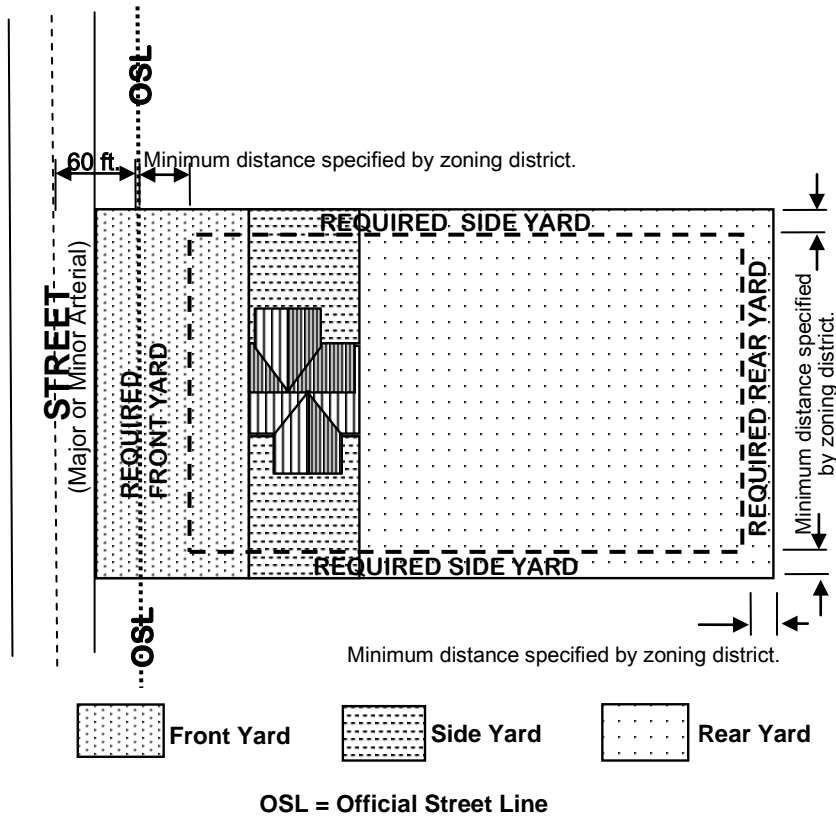
This term is also known as “Setback, Required”. Open and unobstructed ground area of the tract extending inward from a lot line the least horizontal distance specified for that particular yard in the regulations for the district in which it is located, except as otherwise provided by other provisions of these regulations, and excluding that portion of yard in excess of the minimum required area.

In the case of a yard abutting a road, the required yard shall be measured inward from the lot line, road easement along the property, the right-of-way line, or the Official Street Line as adopted by the County, if applicable, whichever is nearest to the existing or proposed building or structure. In the case of a yard abutting a private road in which there is not a road easement along the property, the required yard shall be measured from the lot line or a line twenty-five feet from the street centerline, whichever is nearest to the existing or proposed building or structure.

Example 1: Measuring “Required Yard” when abutting street DOES NOT have an Official Street Line.

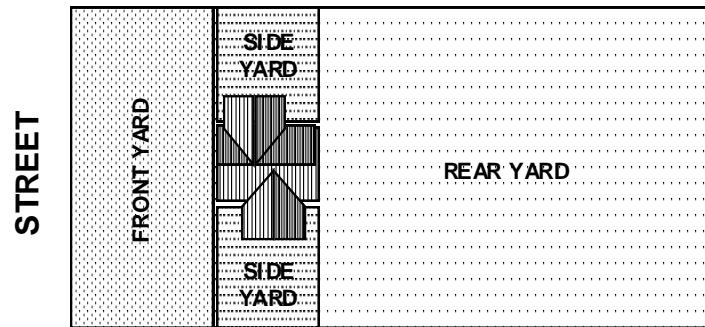


Example 2: Measuring “Required Yard” when abutting street has an Official Street Line.



**"Yard, Side"**

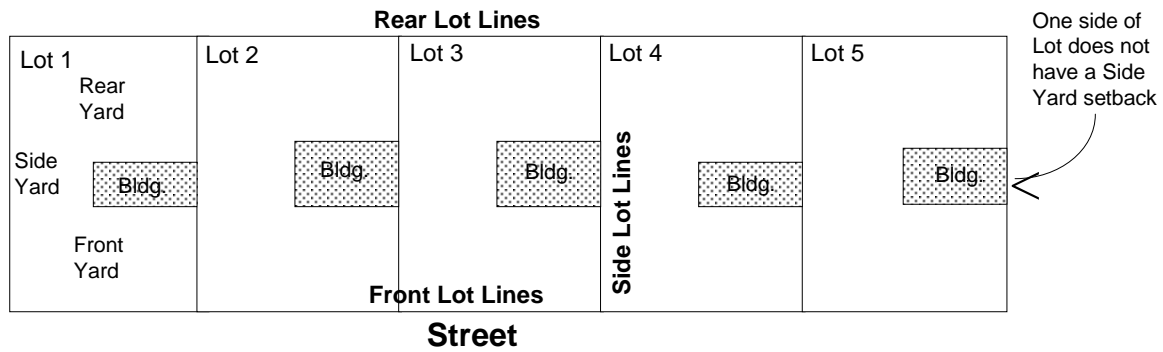
A yard between the main building and the adjacent side lot line and extending entirely from the front yard to the rear yard.



**"Zero Lot Line Development"**

Development which does not require any setback from not more than one side lot line.

**EXAMPLE: ZERO LOT LINE DEVELOPMENT**



**"Zone D"**

Areas in which flood hazards are undetermined.

**"Zone X"**

Zone X is the flood insurance risk zone that corresponds to areas outside the 0.2-percent-annual-chance floodplain, areas within the 0.2-percent-annual-chance floodplain, areas between the existing-conditions and future-conditions 1-percent-annual-chance floodplain boundaries, areas of 1-percent-annual-chance flooding where average depths are less than 1 foot, areas of 1-percent-annual-chance flooding where the contributing drainage area is less than 1 square mile, and areas protected from the 1-percent-annual-chance flood by levees. No Base Flood Elevations or base flood depths are shown within this zone.

**"Zone X (Future Base Flood) Zone"**

The flood insurance risk zone that corresponds to the 1-percent-annual-chance floodplains that are determined based on future-conditions hydrology. No Base Flood Elevations or base flood depths are shown within this zone.

**"Zoning Administrator"**

The Director of the Johnson County Planning Office, or such persons designate, assigned the responsibility to administer the Zoning and Subdivision Regulations of unincorporated Johnson County.

"Zoning Board"

The board of residents of unincorporated Johnson County appointed by the Board as provided in Article 3 of these regulations, including the "Airport Zoning Commission" and any consolidated zoning board appointed by the Board.

"Zoning Map"

The zoning map(s) showing zoning districts for land subject to the zoning authority of Johnson County as prepared by the Johnson County Planning Office and duly adopted by the Board and any amendments thereto.

"Zoning Permit"

A document signed by the Zoning Administrator to acknowledge that a tract has been satisfactorily developed in accordance with an approved development plan or Conditional Use Permit as provided in these regulations.

"Zoning Regulations"

The official zoning regulations of Johnson County, together with all amendments thereto, adopted pursuant to K.S.A. 19-2956 *et seq.* and any amendments thereto, if any

