

1 **SECTION 2**

2
3 **DEFINITIONS**

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5
6 Sections:

7
8 2-1 Definitions

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11 **Section 2-1. Definitions**

12
13 **2-1.01** Unless specifically defined below, words or phrases used in these
14 regulations shall be interpreted so as to give them the meaning they have
15 in common usage and to give these regulations their most reasonable
16 application. Words used in the present tense include the future; words
17 in the singular number include the plural, and words in the plural
18 number include the singular; the word "shall" or the word "must" is
19 mandatory and not discretionary.

20
21 **100-year Flood:** See "base flood."

22
23 **ACCESS:** The right to cross between public and private property,
24 allowing pedestrians and vehicles to enter and leave property.

25
26 **ACCESSORY BUILDING:** A detached building that is customarily
27 incident to or subordinate to the main building located on the same tract
28 or incidental or subordinate to the use of the land on which it is located.

29
30 **ACCESSORY USE:** The use of a building that is customarily incident to
31 and located on the same lot or premises as the main use of the premises.
32 A building housing an accessory use is considered an integral part of the
33 main building when it has any part of a wall in common with the main
34 building or is under an extension of the main roof and designed as an
35 integral part of the main building.

36
37 **ACTUARIAL OR RISK PREMIUM RATES:** Those rates established by
38 the Director of Community Development pursuant to individual
39 community studies and investigations that are undertaken to provide
40 flood insurance in accordance within Section 1307 of the National Flood
41 Disaster Protection Act of 1973 and the accepted actuarial principles.
42 "Risk premium rates" include provisions for operating costs and
43 allowances.

1
2 **ADULT DAY CARE CENTER:** A facility for adults having some or all of
3 the characteristics of homes for the elderly, whether operated for profit or
4 not, which through its operation provides one (1) or more personal
5 services for four (4) or more persons not related by blood or marriage to
6 the owner or operator, for a period of less than twenty-four (24) hours.
7 Personal services are in addition to housing and food service and include,
8 but are not limited to, personal assistance with bathing, dressing,
9 housekeeping, supervision, eating, supervision of self-administered
10 medication and assistance in securing health care from appropriate
11 sources.

12
13 **ADULT ENTERTAINMENT USE DEFINITIONS**

14
15 **ADULT:** Persons who have attained the age of at least eighteen
16 (18) years.

17
18 **ADULT ENTERTAINMENT ESTABLISHMENT:** An establishment
19 having as a substantial or significant portion of its business the
20 offering of entertainment, stocks in trade of materials, scenes or
21 other presentations characterized by emphasis on depiction or
22 description of Specified Sexual Activities or Specified Anatomical
23 Areas as defined by these regulations. An establishment that has
24 more than two (2) percent of its stock in trade of video recordings
25 consisting of video recordings depicting Specified Sexual Activities
26 or Specified Anatomical Areas shall be considered to be an adult
27 entertainment establishment.

28
29 **ADULT BOOK STORE:** An establishment having as a substantial
30 or significant portion of its stock in trade books, magazines or
31 other periodicals that are distinguished or characterized by their
32 emphasis on matter depicting, describing or relating to Specified
33 Sexual Activities or Specified Anatomical Areas as defined by these
34 regulations, or an establishment or section devoted to the sale or
35 display of such material.

36
37 **ADULT MOTION PICTURE THEATER:** An enclosed building with
38 a capacity of fifty (50) or more persons used for presenting material
39 distinguished or characterized by an emphasis on matter
40 depicting, describing or relating to Specified Sexual Activities or
41 Specified Anatomical Areas as defined by these regulations, for
42 observation by patrons therein.

1 **ADULT MINI-MOTION PICTURE THEATER:** An enclosed building
2 with a capacity of less than fifty (50) persons used for presenting
3 material distinguished or characterized by an emphasis on matter
4 depicting, describing or relating to Specified Sexual Activities or
5 Specified Anatomical Areas as defined by these regulations, for
6 observation by patrons therein.

7
8 **SPECIFIED SEXUAL ACTIVITIES**

- 9
- 10 1. Human genitals in a state of sexual stimulation or arousal;
 - 11
 - 12 2. Acts of human masturbation, sexual intercourse or sodomy;
 - 13 and
 - 14
 - 15 3. Fondling or other erotic touching of human genitals, pubic
 - 16 region, buttock or female breast.
 - 17

18 **SPECIFIED ANATOMICAL AREAS**

- 19
- 20 1. Less than completely and opaquely covered
 - 21 a. human genitals and pubic regions,
 - 22 b. buttock, and
 - 23 c. female breast below a point immediately above the top of the areola; and
 - 24
 - 25
 - 26
 - 27
 - 28 2. Human male genitals in a discernibly turgid state, even if
 - 29 completely and opaquely covered.
 - 30

31 **AGRICULTURE:** The planting, cultivating, harvesting and storage of
32 grains, hay or plants commonly grown in Jackson County, Missouri. The
33 storage of crops, grains, feeds or other products shall be limited to those
34 raised on or to be consumed on the premises.

35

36 **ALLEY:** A dedicated public right-of-way that provides a secondary
37 means of access to and from streets and lots.

38

39 **ALTERATION:** Any addition, removal, extension or change in the
40 location of any exterior wall of a main building or accessory building.

41
42
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1 **ANIMAL HOSPITAL OR CLINIC:** An establishment where animals are
2 admitted principally for examination, treatment, board or care by a
3 Doctor of Veterinary Medicine. This includes kennels that are totally
4 enclosed within the establishment and that have no outdoor facilities.
5

6 **APARTMENT:** A room or suite of rooms within a multi-household
7 dwelling arranged, intended or designed for a place of residence of a
8 single household or group of individuals living together as a single
9 housekeeping unit.
10

11 **AREA, BUILDING:** The total area taken on a horizontal plane at the
12 largest floor level of the main or principal building and all accessory
13 buildings on the same lot exclusive of uncovered porches, terraces, steps,
14 awnings, marquees and non-permanent canopies and planters.
15

16 **AREA, GROSS FLOOR:** The sum of the gross horizontal areas of the
17 several stories of a building excluding cellar and basement floor areas
18 not devoted to residential use, but including the area of walled-in and
19 roofed porches and terraces. All dimensions shall be measured between
20 exterior faces of walls.
21

22 **AREA, FLOOR, HABITABLE:** The sum of the horizontal areas of all
23 rooms in a building used for habitation, such as living room, dining
24 room, kitchen, bedroom, bathroom or closet, but not including hallways,
25 stairways, service rooms or utility rooms, unheated rooms such as
26 enclosed porches or rooms without at least one (1) window or skylight
27 opening onto a yard or court, measured between the interior faces of
28 walls.
29

30 **APPEAL:** A request for a review of the Community Development
31 Director's interpretation of any provision of this ordinance or, in the case
32 of flood protection, a request for a variance.
33

34 **AREA OF SHALLOW FLOODING:** A designated AO or AH zone on a
35 community's Flood Insurance Rate Map (FIRM) with a one percent (1%)
36 or greater annual chance of flooding to an average depth of one (1) to
37 three (3) feet where a clearly defined channel is unpredictable and where
38 velocity flow may be evident. Such flooding is characterized by ponding
39 or sheet flow.
40

41 **AREA OF SPECIAL FLOOD HAZARD:** The land in the flood plain within
42 a community subject to one percent (1%) or greater chance of flooding in
43 any given year.
44

1 **BASE FLOOD:** A flood having a one-percent (1%) chance of being equaled
2 or exceeded in any given year.

3
4 **BASEMENT:** Any area of the building having its floor subgrade (below
5 ground level) on all sides.

6
7 **BED AND BREAKFAST HOME OR INN:** A dwelling where for
8 compensation one (1) or more rooms are available for lodging and
9 breakfast served to lodgers only. When conducted as a home occupation,
10 such facilities are designated as "home." When designated as an "inn,"
11 such facilities may be operated as a home occupation or as a business
12 enterprise. When specifically permitted, tea rooms for a limited number
13 of customers may be operated in conjunction with bed and breakfast
14 inns.

15
16 **BOARD OF ALDERMEN:** The Board of Aldermen of Raytown, Missouri.

17
18 **BOARD OF ZONING ADJUSTMENT:** The Board of Zoning Adjustment of
19 Raytown, Missouri.

20
21 **BOARDING HOUSE OR LODGING HOUSE:** A building, other than a
22 hotel, occupied as a single housekeeping unit, where lodging or meals
23 are provided for three (3) or more persons for compensation, pursuant to
24 previous arrangements, but not for the public or transients.

25
26 **BREEZEWAY:** A pedestrian connection between two (2) buildings,
27 having a permanent roof and floor and having no sidewalls, except that
28 screenwire or lattice having at least fifty percent (50%) open area may be
29 attached in the form of sidewalls.

30
31 **BUILDING:** A structure having a roof supported by columns or walls
32 whether or not completely enclosed. When separated by common walls
33 without openings, it shall be deemed a separate building. When divided
34 by other than common or contiguous walls, each portion or section of
35 such building shall be regarded as a separate building, except that two
36 (2) buildings connected by a breezeway having a continuous roof shall be
37 deemed as one (1) building.

38
39 **BUILDING HEIGHT:** The vertical measurement from grade to a point
40 midway between the highest and lowest points of the roof.

41
42 **BUILDING, ATTACHED:** A building having at least one (1) wall or more
43 in common with another building.

1 **BUILDING, DETACHED:** A building having no walls in common with
2 another building.

3
4 **BUILDABLE WIDTH:** The width of that part of a lot not included within
5 the open spaces herein required.

6
7 **BULK REGULATIONS:** The Height, Area, Yard and Parking Regulations
8 associated with permitted uses in zoning districts.

9
10 **BUSINESS AND PROFESSIONAL OFFICE:** The office of a dentist,
11 doctor, attorney, real estate agent, insurance agent, architect, engineer
12 or other similar professional person and any office used primarily for
13 accounting, correspondence, research, editing or administration, but not
14 including rooms for the overnight care of patients.

15
16 **CAMPGROUND:** Any parcel of ground that provides space for transient
17 occupancy and is used or intended to be used for the parking of one (1)
18 or more camping trailers or similar recreational vehicles or tents. The
19 term campground does not include sales lots on which unoccupied
20 camping trailers, whether new or used, are parked for the purpose of
21 storage, inspection or sale.

22
23 **CAMPING TRAILER:** Any vehicular portable dwelling unit designed
24 especially for short-term occupancy such as: travel trailers, tent trailers,
25 truck or auto-mounted camping units, converted buses and trucks, and
26 all other similar units whether self-propelled, pulled or hauled, and
27 designed primarily for highway travel without the necessity of a special
28 permit.

29
30 **CHILD FOSTER CARE FACILITY:** Any private residence licensed by the
31 Division of Family Services or Department of Mental Health to provide
32 foster care to one (1) or more but less than seven (7) children who are
33 unrelated to either foster parent by blood, marriage or adoption.

34
35 **CHILD NURSERY:** A building where five (5) or more children under six
36 (6) years old, other than members of the household occupying such
37 building, are served and taken care of for compensation.

38
39 **City:** Raytown, Missouri.

40
41 **COMMON OPEN SPACE:** A parcel of land or an area of water, or
42 combination of both land and water, and designed and intended for the
43 use and enjoyment of the residents of the development. Common open
44 space does not include streets, alleys, parks, off-street parking or loading

1 area, publicly-owned open space or other facilities dedicated by the
2 developer for public use. Common open space must be substantially free
3 of structures.

4
5 **COMMUNICATIONS TOWER:** A guyed, monopole or self-supporting
6 tower, constructed as a free-standing structure or in association with a
7 building, other permanent structure or equipment, containing one (1) or
8 more antennas intended for transmitting or receiving television, AM/FM
9 radio, digital, microwave, cellular, telephone or similar forms of electronic
10 communication.

11
12 **CONDITIONAL USE:** A use of any building, structure or parcel of land
13 deemed by the Planning Commission that, by its nature, is perceived to
14 require special care and attention in siting so as to assure compatibility
15 with surrounding properties and uses. Conditional uses may have
16 special conditions and safeguards attached to assure that the public
17 interest is served.

18
19 **CONTINGENCY PLANS:** Detailed plans for control, containment,
20 recovery and clean up of hazardous materials released during floods,
21 fires, equipment failures, leaks and spills.

22
23 **COURT:** An open space, bounded on three (3) or more sides by exterior
24 buildings, walls or by exterior walls of a building and lot lines upon
25 which walls or fences are allowable.

26
27 **CURB LEVEL:** The mean level of the curb in front of the lot, or in the
28 case of a corner lot, along that abutting street where the mean curb level
29 is the highest.

30
31 **DEVELOPER:** The owner, or any other person, firm or corporation
32 authorized by the owner, undertaking proceedings under the provisions
33 of these regulations for the purpose of rezoning or seeking a conditional
34 use on land.

35
36 **DEVELOPMENT:** Any man-made change to improved or unimproved
37 real estate, including, but not limited to, buildings or other structures,
38 levee, levee systems, mining, dredging, filling, grading, paving, excavation
39 or drilling operations or storage of equipment or materials.

40
41 **DRIVE-IN ESTABLISHMENT:** An enterprise that accommodates the
42 patrons' automobiles and from which the occupants of the automobiles
43 may make purchases, transact business or view motion pictures or other
44 entertainment.

1 **DWELLING:** Any building or portion thereof that is designed and used
2 exclusively for residential purposes.

3
4 **DWELLING, MULTI-HOUSEHOLD:** A building designed for or occupied
5 exclusively by three (3) or more households living independently of each
6 other.

7
8 **DWELLING, SINGLE-HOUSEHOLD:** A detached dwelling, designed for
9 or occupied by one (1) single household, containing one (1) dwelling unit.

10 For the purposes of these zoning regulations, foster homes and small
11 group living shall be considered single household dwellings.

12
13 **DWELLING TWO-HOUSEHOLD:** A building designed for or occupied by
14 two (2) households living independently of each other in separate
15 dwelling units.

16
17 **DWELLING UNIT:** One (1) or more rooms constituting all or part of a
18 dwelling that are used exclusively as living quarters for one (1) household
19 and not more than two (2) roomers or boarders, and that contain a stove,
20 sink and other kitchen facilities.

21
22 **ELEVATED BUILDING:** For flood insurance purposes, a non-basement
23 building which has its lowest elevated floor raised above ground level by
24 foundation walls, shear walls, posts, piers, pilings, or columns.

25
26 **EXISTING CONSTRUCTION:** For the purposes of determining flood
27 insurance rates, structures for which the "start of construction"
28 commenced before the effective date of the Flood Insurance Rate Map
29 (FIRM) or before January 1, 1975, for FIRMs effective before that date.
30 "Existing construction" may also be referred to as "existing structures."
31

32 **EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:** Means a
33 manufactured home park or subdivision for which the construction of
34 facilities for servicing the lots on which the manufactured homes are to
35 be affixed (including, at a minimum, the installation of utilities, the
36 construction of streets, and either final site grading or the pouring of
37 concrete pads) is completed before the effective date of the floodplain
38 management regulations adopted by a community.

39
40 **EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR**
41 **SUBDIVISION:** Means the preparation of additional sites by the
42 construction of facilities for servicing the lots on which the manufactured
43 homes are to be affixed (including the installation of utilities, the
44 construction of streets, and either final site grading or the pouring of

1 concrete pads).

2
3 **FACILITY:** Something built, installed or established for a particular
4 purpose.

5
6 **FAST FOOD RESTAURANT:** Any business establishment whose
7 principal business is providing for the preparation or sale of prepared
8 foods, frozen desserts, or beverages for either carry out/delivery or for
9 consumption on the premises where either (1) foods, frozen desserts or
10 beverages are usually served in edible containers or in paper, plastic or
11 other disposable containers, and where customers are not served their
12 food, frozen desserts or beverages by a restaurant employee at the same
13 table or counter where the items are consumed, or (2) the establishment
14 includes a drive-up or drive-through service facility or offers curb service.

15
16 **FINANCIAL INSTITUTION:** An establishment primarily or as an
17 accessory use engaged in the provision of financial and banking services.
18 Typical institutions include banks, independent Automatic Teller
19 Machines (ATM) not located on the property of a financial institution,
20 savings and loan institutions, credit unions, loan and lending services,
21 pawnshops and loan brokers as defined in Chapter 367, R.S.Mo.

22
23 **FLOOD OR FLOODING:** A general and temporary condition of partial or
24 complete inundation of normally dry land areas from: (1) The overflow of
25 inland or tidal waters. (2) The unusual and rapid accumulation or runoff
26 of surface waters from any source.

27
28 **FLOOD INSURANCE RATE MAP (FIRM):** An official map of a
29 community, issued by the Federal Flood Insurance Administrator, where
30 the boundaries of the flood areas having special flood hazards have been
31 designated as (unnumbered or numbered) A zones.

32 **FLOOD INSURANCE STUDY:** An examination, evaluation and
33 determination of flood hazards and, if appropriate, corresponding water
34 surface elevations.

35
36 **FLOODPROOFING:** Any combination of structural and nonstructural
37 additions, changes or adjustments to structures that reduce or eliminate
38 flood damage to real estate or improved real property, water and sanitary
39 facilities, structures and their contents.

40
41 **FLOODWAY:** The channel of a river or other watercourse and the
42 adjacent land areas that must be reserved in order to discharge the base
43 flood without cumulatively increasing the water surface elevation more
44 than one (1) foot.

1 **FLOODWAY FRINGE:** The area of the floodplain, outside of the
2 floodway, that on the average is likely to be flooded once every one
3 hundred (100) years (i.e., that has a one (1) percent chance of flood
4 occurrence in any one year).

5
6 **FLOOR AREA RATIO:** The ratio of the floor area of a building to its lot
7 area. For example, when a floor area ratio of four-tenths (0.4) is
8 specified, the floor area of a building constructed on a lot of ten thousand
9 (10,000) square feet in area is limited to a maximum of four thousand
10 (4,000) square feet. The number of stories being optional, the building
11 area may be four thousand (4,000) square feet for one (1) story, two
12 thousand (2,000) square feet for each of two (2) stories, and so forth. The
13 purpose of this ratio is to control the bulk of buildings.

14
15 **FOSTER HOME:** A single-household dwelling that is the private
16 residence of one or more household members providing twenty-four-hour
17 care to one or more but less than seven children who are unattended by
18 parent or guardian and who are unrelated to either foster parent by
19 blood, marriage, or adoption.

20
21 **FREEBOARD:** A factor of safety usually expressed in feet above a flood
22 level for purposes of flood plain management. "Freeboard" tends to
23 compensate for the many unknown factors that could contribute to flood
24 heights greater than the height calculated for a selected size flood and
25 floodway conditions, such as wave action, clogged bridge openings and
26 the hydrological effect of urbanization of the watershed.

27
28 **GARAGE, AUTO REPAIR:** Any building or premise used for the storage,
29 care or repair of motor vehicles which is operated for commercial
30 purposes.

31
32 **GARAGE, CARPORT:** A partial enclosure attached to a dwelling or other
33 building for storage only of motor vehicles.

34
35 **GARAGE, STORAGE:** A building or portion thereof, except those defined
36 as a private, public or community garage, providing storage for motor
37 vehicles, with facilities for washing but no other services.

38
39 **GROUP LIVING, LARGE:** Any dwelling occupied by more than ten (10)
40 unrelated persons that cannot be defined as a household.

41
42 **GROUP LIVING, SMALL:** Any dwelling occupied by at least four but no
43 more than ten (10) unrelated persons that cannot be defined as a
44 household.

1 **GUEST HOUSE:** Living quarters within a detached accessory building
2 located on the same lot with the main building for use by temporary
3 guests of the occupants of the premises, such quarters having no kitchen
4 facilities and not rented or otherwise used as a separate dwelling.

5
6 **HAZARDOUS MATERIALS:** A material that is defined in one or more of
7 the following categories:

- 8
9 a. Ignitable: A gas, liquid or solid that may cause fires through
10 friction, absorption of moisture or that has low flash points:
11 Examples: white phosphorous and gasoline.
12
13 b. Carcinogenic: A gas, liquid or solid that is normally considered to
14 be cancer causing or mutagenic. Examples: PCBs in some waste
15 oils.
16
17 c. Explosive: A reactive gas, liquid or solid that will vigorously and
18 energetically react uncontrollably if exposed to heat, shock,
19 pressure or combinations thereof. Examples: dynamite, organic
20 peroxides and ammonium nitrate.
21
22 d. Highly Toxic: A gas, liquid or solid so dangerous as to afford an
23 unusual hazard to life. Examples: parathion and chlorine gas.
24
25 e. Moderately Toxic: A gas, liquid or solid that through repeated
26 exposure or in a single large dose can be hazardous. Example:
27 atrazine.
28
29 f. Corrosive: Any material, whether acid or alkaline, that will cause
30 severe damage to human tissue, or in case of leakage might
31 damage or destroy other containers of hazardous materials and
32 cause the release of their contents. Examples: battery acid and
33 phosphoric acid.
34

35 **HIGHEST ADJACENT GRADE:** The highest natural elevation of the
36 ground surface prior to construction next to the proposed walls of a
37 structure.
38

39 **HISTORIC STRUCTURE:** Any structure that is: (a) Listed individually
40 in the National Register of Historic Places (a listing maintained by the
41 United States Department of Interior) or preliminarily determined by the
42 Secretary of the Interior as meeting the requirements for individual
43 listing on the National Register; (b) Certified or preliminarily determined
44 by the Secretary of the Interior as contributing to the historical

1 significance of a registered historic district or a district preliminarily
2 determined by the Secretary to qualify as a registered historic district; (c)
3 Individually listed on a state inventory of historic places in states with
4 historic preservation programs that have been approved by the Secretary
5 of the Interior; or (d) Individually listed on a local inventory of historic
6 places in communities with historic preservation programs that have
7 been certified either: (1) By an approved state program as determined by
8 the Secretary of the Interior or (2) Directly by the Secretary of the Interior
9 in states without approved programs.

10
11 **HOME OCCUPATION:** Any occupation or business activity conducted
12 for financial gain that results in a product or service and is conducted in
13 whole or in part in the dwelling unit, and is clearly subordinate to the
14 residential use of the dwelling unit.

15
16 **HOSPITAL:** A place devoted primarily to the maintenance and operation
17 of facilities for the diagnosis, treatment or care for not less than twenty-
18 four consecutive hours in any week of three or more non-related
19 individuals suffering from illness, disease, injury, deformity or other
20 abnormal physical conditions; or a place devoted primarily to provide for
21 not less than twenty-four consecutive hours in any week medical or
22 nursing care for three or more non-related individuals. The term
23 "hospital" does not include a dwelling used for group living, large or
24 small, or residential care facilities.

25
26 **HOTEL:** A building occupied or used as a more or less temporary
27 abiding place of individuals or groups of individuals who are lodged with
28 or without meals, and in which there are more than five (5) sleeping
29 rooms.

30
31 **HOUSEHOLD:** One or more persons living together and sharing common
32 living, sleeping, cooking and eating facilities within an individual dwelling
33 unit, no more than three of whom may be unrelated. The following
34 persons shall be considered related for the purpose of this definition:

- 35 (a) Persons related by blood, marriage or adoption;
- 36 (b) Persons residing in a household for the purpose of adoption;
- 37 (c) Person(s) living in a household at the direction of a court.

38
39 **INDIRECT ILLUMINATION:** Lighting of a sign or object in such a way
40 that the source of light cannot be seen.

41
42 **JUNK:** Old or scrap copper, brass, rope, rags, batteries, paper, trash,
43 rubber, debris, waste, iron, steel and other old or scrap ferrous or
44 nonferrous material.

1 **JUNK YARD:** Premises or a building that is maintained, operated or
2 used for storing, keeping, buying or selling junk. The term shall include
3 garbage dumps.
4

5 **KENNEL:** A commercial operation that a) provides food, shelter and care
6 for more than three (3) dogs of six (6) months of age or older for purposes
7 not related to medical care, or b) regularly engages in the breeding of
8 animals for sale.
9

10 **LOADING SPACE:** A space within the main building or on the same lot,
11 providing for the loading or unloading of trucks, within a minimum of
12 fourteen (14) feet by fifty (50) feet and a vertical clearance of eighteen (18)
13 feet.
14

15 **LOT:** A parcel of land occupied or intended for occupancy by one main
16 building or a complex of buildings together with the accessory structures
17 and including the open spaces and parking required by these
18 regulations, which may include more than one (1) lot of record or metes
19 and bounds, described tract having its principal frontage upon a public
20 street.
21

22 **LOT AREA:** The total area within the property lines of a lot or tract.
23

24 **LOT, CORNER:** A lot abutting upon two (2) or more streets at their
25 intersection. A corner lot shall be deemed to front on that street on
26 which it has its least dimension, unless otherwise specified by the
27 Director of Community Development or the Director=s designee. A corner
28 lot has two (2) front yards.
29

30 **LOT, DEPTH OF:** The mean (average) horizontal distance between the
31 front and rear lot lines.
32

33 **LOT, INTERIOR:** A lot whose side lines do not abut upon any street.
34

35 **LOT LINES:** The boundary lines of a lot. If a zoning lot has two (2) or
36 more front lot lines, the Director of Community Development shall
37 designate the yards.
38

39 **LOT OF RECORD:** A lot that is part of a subdivision, the map of which
40 has been recorded in the office of the County Recorder of Deeds, or a lot
41 that is described by metes and bounds, the description of which has
42 been recorded in the office of the Recorder of Deeds.
43
44

1 **LOT, THROUGH:** An interior lot having frontage on two (2) streets.

2
3 **LOT, WIDTH OF:** The horizontal distance between the side lot lines as
4 measured at the front building line.

5
6 **LOWEST FLOOR:** The lowest floor of the lowest enclosed area (including
7 basement). An unfinished or flood-resistant enclosure, usable solely for
8 parking of vehicles, building access or storage, in an area other than a
9 basement area, is not considered a building's lowest floor, provided that
10 such enclosure is not built so as to render the structure in violation of
11 the applicable floodproofing design requirements of these regulations.

12
13 **MANUFACTURED HOME:** A structure, transportable in one or more
14 sections, that is built on a permanent chassis and is designed for use
15 with or without a permanent foundation when connected to the required
16 utilities. For floodplain-management purposes, the term "manufactured
17 home" does not include a "recreational vehicle." Manufactured homes
18 will only be allowed in property zoned as Manufactured Home Park
19 Residential District (MH).

20
21 **MANUFACTURED HOME PARK OR SUBDIVISION:** A parcel (or
22 contiguous parcels) of land divided into two or more manufactured home
23 lots for rent or sale.

24
25 **MODULAR HOME:** A structure, transportable in more than one (1)
26 section, that is not built on a permanent chassis and is designed for use
27 with a permanent foundation when connected to the required utilities.
28 Such structure shall conform to the provisions of the applicable building
29 code at the time of its construction. Such structure will be allowed
30 anywhere that site-built housing is a permitted use.

31
32 **NEW CONSTRUCTION:** For the purpose of determining insurance rates,
33 structures for which the "start of construction" commenced on or after
34 the effective date of an initial Flood Insurance Rate Map (FIRM) or after
35 December 31, 1974, whichever is later, and includes any subsequent
36 improvements to such structures. For floodplain-management purposes,
37 "new construction" means structures for which the "start of construction"
38 commenced on or after the effective date of a floodplain-management
39 regulation adopted by the City and includes any subsequent
40 improvements to such structures.

41
42 **NEW MANUFACTURED HOME PARK OR SUBDIVISION:** A
43 manufactured home park or subdivision for which the construction of
44 facilities for servicing the lot on which the manufactured homes are to be

1 affixed (including at a minimum, the installation of utilities, the
2 construction of streets, and either final site grading or the pouring of
3 concrete pads) is completed on or after the effective date of floodplain
4 management regulations adopted by the City.

5
6 **NONCONFORMING LOT:** An unimproved lot that does not comply with
7 the lot requirements for any permitted use in the zoning district in which
8 it is located.

9
10 **NONCONFORMING STRUCTURE:** Any building or structure in
11 existence at the time of the effective date of these regulations that does
12 not conform to the provisions of the same.

13
14 **NONCONFORMING USE:** Any land occupied by a use at the time of the
15 effective date of these zoning regulations that does not conform with the
16 provisions of the same.

17
18 **OPEN SPACE:** The lot area unoccupied by a building, parking areas,
19 and driveways, which is either landscaped or developed for recreational
20 use by the occupants of such premises.

21
22 **OVERLAY DISTRICT:** A district in which additional requirements act in
23 conjunction with the underlying zoning district(s). The original zoning
24 district designation does not change.

25
26 **PARKING SPACE, OFF-STREET:** A paved area constructed of concrete
27 or asphalt or similar material that is at least nine (9) feet wide and
28 eighteen (18) feet deep, enclosed or unenclosed, to store one automobile,
29 having the minimum dimensions as determined by the Community
30 Development Director, to which an automobile has direct access.

31
32 **PERSON:** Any individual, firm, copartnership, corporation, company,
33 association, joint stock association or body politic, and includes any
34 trustee, receiver, assignee or other similar representative thereof.

35
36 **PLANNED DEVELOPMENT:** A tract of land under single ownership or
37 control at least one (1) acre in size that is to be developed in accordance
38 with a plan adopted by resolution and the boundaries of which are
39 established by the Zoning District Map.

40
41 **RECREATIONAL VEHICLE:** a vehicle which is (a) built on a single
42 chassis; (b) 400 square feet or less when measured at the largest
43 horizontal projections; (c) designed to be self-propelled or permanently
44 towable by a light- duty truck; and (d) designed primarily not for use as a

1 permanent dwelling but as temporary living quarters for recreational,
2 camping, travel, or seasonal use.

3
4 **REGULATORY FLOOD ELEVATION:** The water surface elevation of the
5 100-year flood.

6
7 **RESIDENTIAL CARE FACILITY:** A "Residential Care Facility I,"
8 "Residential Care Facility II," Intermediate Care Facility," or "Skilled
9 Nursing Facility" as those terms are defined in Chapter 198 RSMo. The
10 term "Residential Care Facility" does not include a hospital.

11
12 **RESTAURANT:** A building wherein food is prepared and served to the
13 public in ready-to-eat form, including a bed and breakfast home or inn.
14 The term shall include café, cafeteria, grill, pizza parlor, diner, snack
15 shop, hamburger shop and steak house.

16
17 **SALVAGE YARD:** An area of land with or without a building used for or
18 occupied by a deposit, collection or storage of used or discarded
19 materials such as wastepaper, rags or scrap material, or used building
20 materials, house furnishings, machinery, motor vehicles or parts thereof
21 with or without the dismantling, processing, salvage, sale or other use or
22 disposition of the same. Such materials shall be stored outside a
23 completely enclosed building. A salvage yard shall also include the
24 dismantling or wrecking of used motor vehicles or trailers, or the storage,
25 sale or dumping of dismantled or wrecked vehicles or their parts. The
26 presence on any lot or parcel of land of two (2) or more motor vehicles,
27 which for a period exceeding thirty (30) days have not been capable of
28 operating under their own power or from which parts have been removed
29 for reuse or sale, shall cause the parcel to be considered to be a salvage
30 yard.

31
32 **SERVICE STATION:** Any building or land used for the sale or retail of
33 automobile fuels, oils and accessories, including lubrication of
34 automobile and replacement or installation of minor parts and
35 accessories, but not including major repair work such as motor
36 replacement, body and fender repair or spray painting.

37
38 **SIGN:** Any structure or part thereof or any device attached to, printed on
39 or represented on a building, fence or other structure, upon which is
40 displayed or included any letter, word, model, banner, flag, pennant,
41 insignia, decoration, device or representation used as, or which is in the
42 nature of, an announcement, direction, advertisement, or other
43 attention-directing device. A sign shall not include a similar structure or
44 device located within a building except illuminated signs within show

1 windows. A sign includes any billboard. It does not include a flag,
2 pennant or insignia of any of the following:
3 a. any nation or association of nations
4 b. any state, city or other political unit
5 c. any political, charitable, educational, philanthropic, civic drive,
6 movement or event.

7
8 **SPECIAL FLOOD HAZARD AREA:** See "Area of Special Flood Hazard."
9

10 **START OF CONSTRUCTION:** For flood-plain management purposes,
11 the date the building permit was issued, including for substantial
12 improvements, provided the actual start of construction, repair,
13 reconstruction, rehabilitation, addition, placement or other improvement
14 was within one hundred and eighty (180 days) of the permit date. The
15 actual start means either the first placement of permanent construction
16 of a structure on a site, such as the pouring of slab or footings, the
17 installation of piles, the construction of columns, or any work beyond the
18 stage of excavation, or the placement of a manufactured home on a
19 foundation. Permanent construction does not include land preparation,
20 such as clearing, grading and filling; the installation of streets and/or
21 walkways; excavation for a basement, footings, piers or foundations or
22 the erection of temporary forms, nor does it include the installation on
23 the property of accessory buildings, such as garages or sheds not
24 occupied as dwelling units or not part of the main structure. For a
25 substantial improvement, the actual start of construction means the first
26 alteration of any wall, ceiling, floor or other structural part of a building,
27 whether or not that alteration affects the external dimensions of the
28 building.

29
30 **STRUCTURE:** A walled and roofed building that is principally above
31 ground, a manufactured home or gas or liquid storage tank that is
32 principally above ground. The term does not include fences or public
33 structures such as utility poles, street light fixtures and street signs. For
34 floodplain management purposes, a walled and roofed building, including
35 a gas or liquid storage tank, that is principally above ground, as well as a
36 manufactured home. For flood insurance purposes, a walled and roofed
37 building, other than a gas or liquid storage tank, that is principally above
38 ground and affixed to a permanent site, as well as a manufactured home
39 on a permanent foundation; the term includes a building while in the
40 course of construction, alteration or repair, but does not include building
41 materials or supplies intended for use in such construction, alteration or
42 repair, unless such materials or supplies are within an enclosed building
43 on the premises.
44

1 **STRUCTURAL ALTERATIONS:** Any change in the supporting members
2 of a building, such as bearing walls or partitions, columns, beams or
3 girders, or any complete rebuilding of the roof or the exterior walls. For
4 the purpose of these regulations, the following shall not be considered a
5 structural alteration:

- 6
7 1. Attachment of a new front where structural supports are not
8 changed.
- 9
10 2. Addition of fire escapes where structural supports are not
11 changed.
- 12
13 3. New windows where lintels and support walls are not
14 materially changed.
- 15
16 4. Repair or replacement on non-structural members.
- 17

18 **SUBSTANTIAL DAMAGE:** Damage of any origin sustained by a
19 structure whereby the cost of restoring the structure to its before-
20 damaged condition would equal or exceed fifty (50) percent of the market
21 value of the structure before the damage occurred.

22 **SUBSTANTIAL IMPROVEMENT:** Any reconstruction, rehabilitation,
23 addition or other improvement of a structure, the cost of which equals or
24 exceeds fifty (50) percent of the market value of the structure before the
25 "start of construction" of the improvement. This term includes
26 structures that have incurred "substantial damage," regardless of the
27 actual repair work performed. The term does not, however, include
28 either: (1) Any project for improvement of a structure to correct existing
29 violations of state or local health, sanitary or safety code specifications
30 that have been identified by the local code-enforcement official and that
31 are the minimum necessary to assure safe living conditions or (2). Any
32 alteration of an "historic structure," provided that the alteration will not
33 preclude the structure's continued designation as an "historic structure."
34

35 **TOWNHOUSE:** A building containing two or more dwelling units, which
36 dwelling units are separated by a party wall and which dwelling units are
37 designed and intended to be separately owned in fee under the
38 condominium statutes of the State of Missouri.

39
40 **TRAILER:** The term "trailer" shall include a separate vehicle not driven
41 or propelled by its own power, drawn by some independent power. For
42 purposes of these regulations, the term "trailer" shall not include mobile,
43 manufactured or modular homes.
44

1 **USE:** The specific purpose for which land or a building is used.

2
3 **VARIANCE:** An appeal from the provisions of these regulations granted
4 by the board of zoning adjustment, where there are practical difficulties
5 or unnecessary hardships in the way of carrying out the strict letter of
6 the regulations. Variances shall apply to the construction or alteration of
7 buildings or structures, excluding the use of land, so that the spirit of
8 the ordinance shall be observed, public safety and welfare secured and
9 substantial justice done. For the purposes of the floodplain overlay
10 district, a variance is a grant of relief to a person from the requirements
11 of the floodplain overlay district.

12
13 **VIOLATION OF FLOODPLAIN-MANAGEMENT REGULATIONS:** The
14 failure of a structure or other development to be fully compliant with the
15 community's floodplain management regulations. A structure or other
16 development without the elevation certificate, other certifications, or
17 other evidence of compliance required in these regulations is presumed
18 to be in violation until such time as that documentation is provided.

19
20 **VISION TRIANGLE:** A triangular area at a street intersection in which
21 nothing shall be erected, placed (including automobiles, trucks and other
22 large vehicles or trailers), planted, or allowed to grow in such a manner
23 as to materially impede vision and, therefore, the safety of vehicles and
24 pedestrians, between the height of thirty (30) inches and ten (10) feet
25 above the grades of the bottom of the curb of the intersecting streets.
26 Such area on a corner lot shall have two (2) sides that are measured from
27 the center of the lot line intersection and a third side across the lot
28 joining the ends of the other two (2) sides. Where the lot lines at
29 intersections have rounded corners, the lot lines will be extended in a
30 straight line to a point of intersection. In all residentially zoned districts,
31 the vision triangle shall have the requirement that the two sides forming
32 the corner lot line intersection shall be a minimum distance of thirty (30)
33 feet from the center of the lot line intersection, and in all other zoning
34 districts such distance shall be a minimum of twenty (20) feet (except
35 that there shall be no vision triangle requirements in the Town Square
36 Overlay District).

37
38 **YARD:** A required open space, other than a court, unoccupied and
39 unobstructed by any structure or portion of a structure from the ground
40 upward, provided, however, that fences, walls, poles, posts, and other
41 customary yard accessories, ornaments and furniture may be permitted
42 in any yard subject to height limitations and requirements limiting
43 obstruction of visibility.

1 **YARD, FRONT:** A yard extending across the full width of the lot, the
2 depth of which is the least distance between the lot line or road easement
3 or right-of-way line and the front building line.

4

5 **YARD, REAR:** A yard extending across the full width of the lot between
6 the rear building line and the rear lot line, the depth of which is the least
7 distance between the rear lot line and the rear building line.

8

9 **YARD, SIDE:** A yard between the side building line and the side lot line
10 and extending from the front yard to the rear yard and being the least
11 distance between the side lot line and the side building line.

12