

**ARTICLE 2
RULES AND DEFINITIONS**

1. Rules of Construction and Interpretation:

A. Rules:

- (1) In the construction of these regulations, the provisions and rules of this section shall be preserved and applied, except when the context clearly requires otherwise:
 - a. Words used in the present tense shall include the future.
 - b. Words in the singular number include the plural number, and words in the plural number include the singular number.
 - c. The phrase “used for” shall include the phrases “arranged for”, “designed for”, “intended for”, “maintained for”, and “occupied for”.
 - d. The word “shall” is mandatory.
 - e. The word “may” is permissive.
 - f. The word “person” includes individuals, firms, corporations, associations, governmental bodies and agencies, and all other legal entities.
 - g. The word “Board” means the Board of Zoning Appeals.
 - h. Unless otherwise specified, all distances shall be measured horizontally.
 - i. The word “City” means City of De Soto, Kansas.
 - j. The abbreviation N/A means not applicable.
- (2) Any word or phrase which is defined in these regulations shall have the meaning as so defined whenever the word or phrase is used in these regulations, unless such definition is expressly limited in its meaning or scope.

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B. Interpretation:

- (1) Minimum Requirements: In their interpretation and application, the provision of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare.
- (2) Overlapping or Contradictory Regulations: Where the conditions imposed by any provision of these regulations upon the use of land or structures are either more restrictive or less restrictive than comparable conditions imposed by other provision of any other law, ordinance, resolution, rule or regulations of any kind, the regulations which are more restrictive shall govern.
- (3) Private Agreement: These regulations are not intended to abrogate, annul or otherwise interfere with any easement, covenant or any other private agreement of legal relationship; provided, however, that where the provisions of these regulations are more restrictive (or impose higher standards or requirements) than such easements, covenants or other private agreements or legal relationships, the provisions of these regulations shall govern.
- (4) Unlawful Uses: No structure or use which was not lawfully existing at the time of the adoption of these regulations shall become or be made lawful solely by reason of the adoption of these regulations; and to the extent that, and in any respect that, said unlawful structure or use is in conflict with the requirements of these regulations, said structure or use remains unlawful hereunder.

2. Definitions: For the purpose of this Zoning Regulation, certain terms or words used herein shall be interpreted or defined as follows, unless the context clearly indicates otherwise:

Accessory Dwelling: *A dwelling that may be used year round by the owner, manager, guard or caretaker of a facility, but only if such dwelling is required in order to provide needed services such as security, care or maintenance. (Ord. 2241)*

Accessory Structure: A subordinate structure that serves a function customarily incidental to that of the main structure. Customary accessory structure includes garages, carports, and small storage sheds.

Accessory Use: A subordinate use that serves an incidental function to that of the main use of the premises. Customary accessory uses include tennis courts, swimming pools, air conditioners, barbecue ovens, and fireplaces.

Adult Entertainment: Any live exhibition, performance, display or dance of any type, including but not limited to, talking, singing, reading, listening, posing, serving food or beverages, soliciting for the sale of food, beverages or entertainment, pantomiming, modeling, removal of clothing, or any service

offered for amusement on a premises where such exhibition, performance, display or dance is intended to seek to arouse or excite the sexual desires of the entertainer, other entertainers or patrons.

Adult Entertainment Business: Any business including but not limited to:

1. Adult media outlet;
2. Adult motion picture theaters;
3. Juice bars; and
4. Establishments providing live dancers, models, entertainers or other performers, having as a material portion of its business the offering of entertainment, stock in trade or materials, scenes or other presentations predominantly distinguished or characterized by emphasis or depiction or description of an erotic nature including, but not limited, depiction or descriptions of “specified sexual activities” or “specified anatomical areas” (as defined by the adopted adult entertainment ordinance) to which the public, patrons or members are invited or admitted and wherein an entertainer, manager, or server, provides adult entertainment to a member of the public, patron or a member.

AGL: *Above ground level. Ground level shall be determined by the average elevation of the natural ground level within a radius of 50 feet from the center location of measurement. (Ord.2055)*

Agricultural Accessory Building/Structure: *Building or structure used primarily for an agricultural use or accessory agricultural use. (Ord. 2241)*

Agriculture/Agricultural Use: *The use of land and buildings or structures for Agricultural Activity as defined by K.S.A.2-3203. Agriculture or Agricultural Use shall not include the operation of a feedlot, the disposal of or feeding of garbage or offal to animals, a slaughterhouse or logging operations. (Ord. 2241)*

Alley: A dedicated public right-of-way, other than a street, which provides only a secondary means of access to abutting property, the right-of-way of which is twenty (20) feet or less in width.

Alteration: Alteration, as applied to a structure, is a change or rearrangement in the structural parts of an existing structure. Enlargement, whether by extending a side, increasing in height, or the moving from one location or position to another, shall be considered as an alteration.

Antenna: *Any device that transmits and/or receives radio waves for voice, data or video communications purposes including, but not limited to, television, AM/FM radio, microwave, cellular telephone and similar forms of communications. The term shall exclude satellite earth station antennae less than 2 meters in diameter (mounted within 12 feet of the ground or building-mounted) and any receive-only home television antennae. (Ord.2055)*

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Arcade: Any establishment displaying for public patronage or keeping for operation four or more amusement devices including, but not limited, to pool tables, air hockey tables, “pong” games, mechanical rides for children, electronic games and shooting gallery games.

Archery Range: Facilities that may or may not include structures, for the purpose of discharging or otherwise using archery equipment. (Ord. 2241)

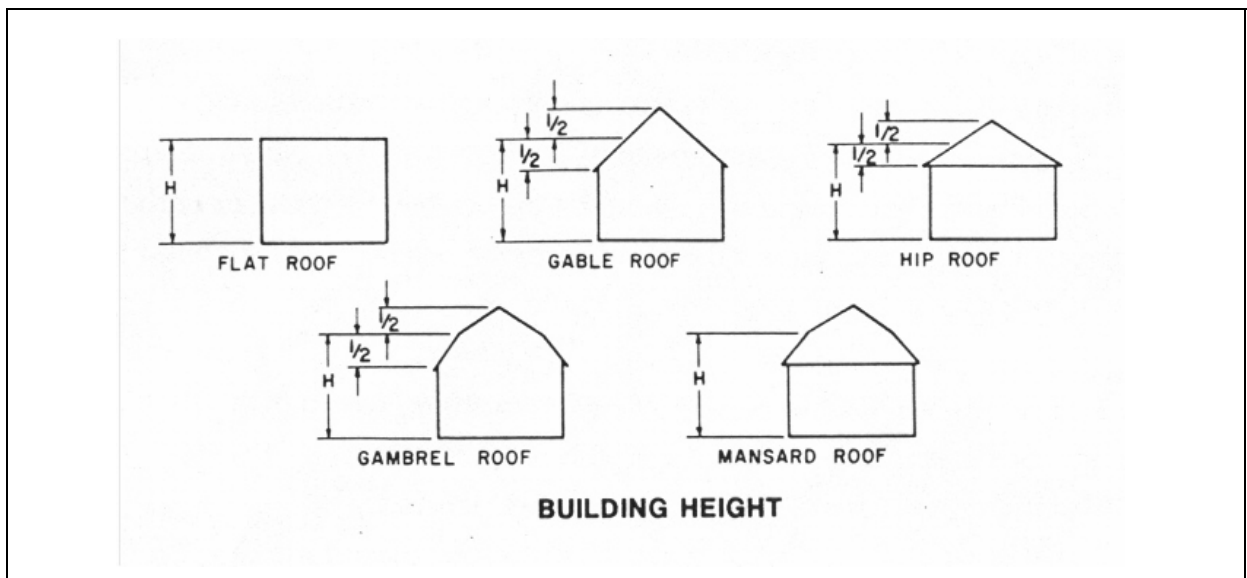
Basement: That portion of a structure having more than one-half of its height below grade.

Bed and Breakfast: A family home, occupied as a permanent dwelling by the proprietor, in which lodging and meals are provided for time-limited durations to not more than four groups of patrons in a 24-hour period.

Board of Zoning Appeals: That Board which has been created by the Governing Body having jurisdiction and which has the statutory authority to hear and determine appeals and variances to the zoning regulations.

Building Height: See Figure 1.

Figure 1 - Vertical Dimensions of Structure Heights



Building Inspector: The person or persons authorized and empowered by the City Council to administer and enforce the permitting and inspecting process within the City.

Cabinet: *A structure for the protection and security of communications equipment associated with one or more antennae where direct access to equipment is provided from the exterior and that has horizontal dimensions that do not exceed 4 feet by 6 feet, and vertical height that does not exceed 6 feet. (Ord.2055)*

Cemetery: *Land and structures used or intended to be used for the burial or interment of the dead, whether human or animal, including mausoleums and mortuaries. (Ord. 2241)*

Certified Site Plan: *A drawing or drawings of the proposed site, prepared, signed and sealed by a licensed profession engineer, land surveyor, or architect. (Ord. 2195)*

City Council: The Governing Body of the City of De Soto, Kansas.

Commercial Use: *anything that is non-residential in nature—office, retail, business, light industrial, institutional, recreational, civic, educational, etc. (Ord. 2195)*

Common Open Space: An area of land or water or combination thereof planned for passive or active recreation, which does not include areas utilized for streets, alleys, driveways, private streets or roads, off-street parking or loading areas. However, the area of recreational activities such as swimming pools, tennis courts, shuffleboard courts, etc., may be included as common open space.

Communication Tower Multi-Use Interest Area: *An area as designated by the map of the same title indicating general locations in which more than one wireless service provider may potentially seek to locate an antenna facility and in which the construction of co-locatable towers will be required. The map may be periodically revised in response to new information received regarding tower sites sought by wireless providers. A Multi-Use Interest Area shall be designated as appropriate for towers within one mile of each other, unless the applicant demonstrates to the contrary. The Multi-Use Interest Area Map shall include the area within the City limits and within one and one-half miles of its corporate boundaries. (Ord.2055)*

Compost Manufacturing: *The process of mixing together natural, organic materials to produce compost. Such process includes the controlled biological decomposition of organic material that has been sanitized through the generation of heat & stabilized to the point that it is beneficial to plant growth. (Ord. 2241)*

Condominium: A single dwelling unit under individual ownership within a multiple dwelling unit structure. A multiple-family structure with two condominiums shall be considered a two-family dwelling and a structure with more than two condominiums shall be considered a multiple-family dwelling.

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Crematory: *A building or part of a building with a furnace called a retort which is used to cremate (reduce to ashes) remains. This use may be part of a funeral home or mortuary use or it can be an independent business available to the public. (Ord. 2241)*

Day Care Center: A structure or place where care, supervision, custody or control is provided for more than six (6) unrelated children or adults for any part of a 24-hour day up to twelve (12) hours.

Day Care Home: A dwelling or structure in which care, supervision, custody or control is provided for six (6) or fewer unrelated children or adults for any part of a 24-hour day up to twelve (12) hours.

Day Care Nursery: A structure or place where care, supervision, custody or control is provided for six (6) or fewer infants for any part of a 24-hour day up to twelve (12) hours.

Director: *The Director of Planning of the City or his/her designee. (Ord.2055)*

Disability: A physical or mental impairment which substantially limits one or more of such person's major life activities, a record of having such an impairment, or being regarded as having such an impairment. Such term does not include current, illegal use of or addiction to a controlled substance, as defined in Section 102 of the Controlled Substance Act (21 U.S.C. 802); or any person assigned to a community corrections program or diversion program, on parole from a correctional institution or on probation for a felony offense, or in a state mental institution following a finding of not guilty by reason of insanity.

Disguised Support Structure: *Any free-standing, man-made structure designed for the support of antennae, the presence of which is camouflaged or concealed as an appropriately-placed architectural or natural feature. Depending on the location and type of disguise used, such concealment may require placement underground of the utilities leading to the structure. Such structures may include but are not limited to clock towers, campaniles, observation towers, light standards, flag poles and artificial trees. (Ord.2055)*

District: A section or sections of the zoning area for which these regulations governing the use of land, the height of structures, the size of yards and the intensity of use are uniform.

Dog: Any canine species over six (6) months of age.

Drinking Establishment: An establishment in which the primary function is the public sale and serving of alcoholic and/or cereal malt beverages for consumption on the premises, including establishments in which alcoholic and cereal malt beverages are served only to members and their guests.

Dwelling: A structure or portion thereof, not including manufactured homes, which is designed and used exclusively for residential purposes.

Dwelling, Single-Family: A residential structure having accommodations for and occupied exclusively by one family.

Dwelling, Two-Family: A residential structure having accommodations for and occupied exclusively by two families, independently.

Dwelling for the Elderly and/or Handicapped: A two-family or multiple-family residential structure having accommodations for and occupied exclusively by elderly or handicapped residents and necessary maintenance personnel. Elderly residents are those people who are at least sixty-two (62) years of age. Handicapped persons are those people having an impairment which is expected to be of long, continuous and indefinite duration, is a substantial limitation to their ability to live independently, and is of a nature that such ability could be improved by more suitable housing.

Dwelling, Multiple: A residential structure having accommodations for and occupied exclusively by more than two families, independently.

Earth-Sheltered Dwelling: A dwelling designed as a complete structure below or partially below ground level, whose perimeter walls comply with the yard requirements of the district in which it is located.

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

FAA: *The Federal Aviation Administration. (Ord.2055)*

Family: *One or more persons related by blood, marriage, or adoption, living together as a single housekeeping unit; or a group of not more than four (4) unrelated persons living together as a single housekeeping unit; plus in either case, usual domestic servants. A family shall under no circumstances be construed as a boarding house, fraternity or sorority house, club, lodging house, hotel, motel or commune.*

Farm Stand or Produce Stand: *An open structure, where agricultural produce or other products of the farm where the stand is located, are sold to the general public by people who reside on the farm. (Ord. 2241)*

FCC: *The Federal Communications Commission. (Ord.2055)*

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Feedlot: A limited or confined land area, building or combination of such used for the short term (60-90 days) fattening of livestock for market purposes, and the ratio of livestock per acre is high enough that a vegetative cover cannot be maintained during the growing season. (Ord. 2241)

Fence: A protective, confining or decorative barrier separate from any structure and not including any living plant material.

Floor Area: For Computing Off-Street Parking Requirements: Shall mean the gross floor area of the structure measured from the exterior faces of the exterior walls or from the centerline of walls separating two structures and shall include the following areas:

1. The basement floor area.
2. The area of each floor of the structure.
3. The attic space having headroom of seven (7) feet or more.

Foster Home: A dwelling or structure in which more than twelve (12) hour care is provided to no more than five (5) children, one or more of which are unrelated to the foster parents. Foster homes shall be permitted in all residential structures, the same as would a family.

Frontage: The length of the property abutting on one side of a street measured along the dividing line between the property and the street.

Gasoline Service Station: A service station shall consist of a structure or group of structures and surfaced area where automotive vehicles may be refueled and serviced. Self-service pumps without structures shall also be included. Such service shall not include tire recapping, body repairs, or major overhaul.

Governing Body: The City Council of De Soto, Kansas.

Greenhouse: A building or structure in which light, temperature and humidity can be controlled for the cultivation of fruit, herbs, flowers, vegetables or other plants. A commercial greenhouse will include on-site sale of products in a manner that exceeds the limitations of a 'farm stand'. (Ord. 2241)

Group Home: Any dwelling occupied by not more than ten (10) persons, including eight (8) or fewer persons with a disability, as defined in these regulations, who need not be related by blood or marriage and not to exceed two (2) staff residents who need not be related by blood or marriage to each other or to the residents of the home, and which is licensed by the Department of Social and Rehabilitation Services or the Department of Health and Environment.

Height: *The vertical distance measured from the average grade of the base of the structure at ground level to its highest point and including the main structure and all attachments thereto. (Ord.2055)*

Home Occupation: A business, profession, service or trade conducted for gain or support entirely within a residential structure.

Hotel, Motel, or Tourist Court: A structure which contains rooms furnished for the purposes of providing lodging, which may or may not also provide meals, entertainment or various other personal services to transient guests, and which is kept, used, maintained, advertised or held out to the public as a place where sleeping accommodations are sought for pay or compensation by transient guests for periods of not more than 28 consecutive days; and having more than two bedrooms furnished for the accommodation of such guests.

A structure or portion thereof, or a group of structures, used as a transient abiding place which may or may not serve meals and whether such establishments are designated as a hotel, inn, automobile court, motel, motor inn, motor lodge, motor court, tourist cabin, tourist court, or other similar designation.

Incidental Use: *Any use authorized herein that exists in addition to the principal use of the property. (Ord.2055)*

Kennel-Boarding: Any place, area, or structure where dogs are boarded, housed, cared for, fed, or trained by other than the owner.

Kennel-Breeding: Any place, area, or structure where more than three (3) dogs are kept for purposes of breeding, raising, or as pets.

Livestock: *Domestic animals normally raised on a farm including equine (horses); bovine (cattle); goats, ovine (sheep); swine; llamas and alpacas; ostriches, emus and other large birds; ducks, geese, pheasant, chickens and similar birds or poultry; small birds; including miniature, dwarf or pygmy variations of all the foregoing animals. (Ord. 2241)*

Lodging or Boarding House: A structure which meets the definition of a “Hotel”, except that such a house shall contain no more than two bedrooms for accommodation of guests.

Lot, Corner: A lot abutting upon two or more streets at their intersection.

Lot, Depth of: The mean horizontal distance between the front and the rear lot lines.

Lot, Double Frontage: A lot having a frontage on two nonintersecting streets, as distinguished from a corner lot.

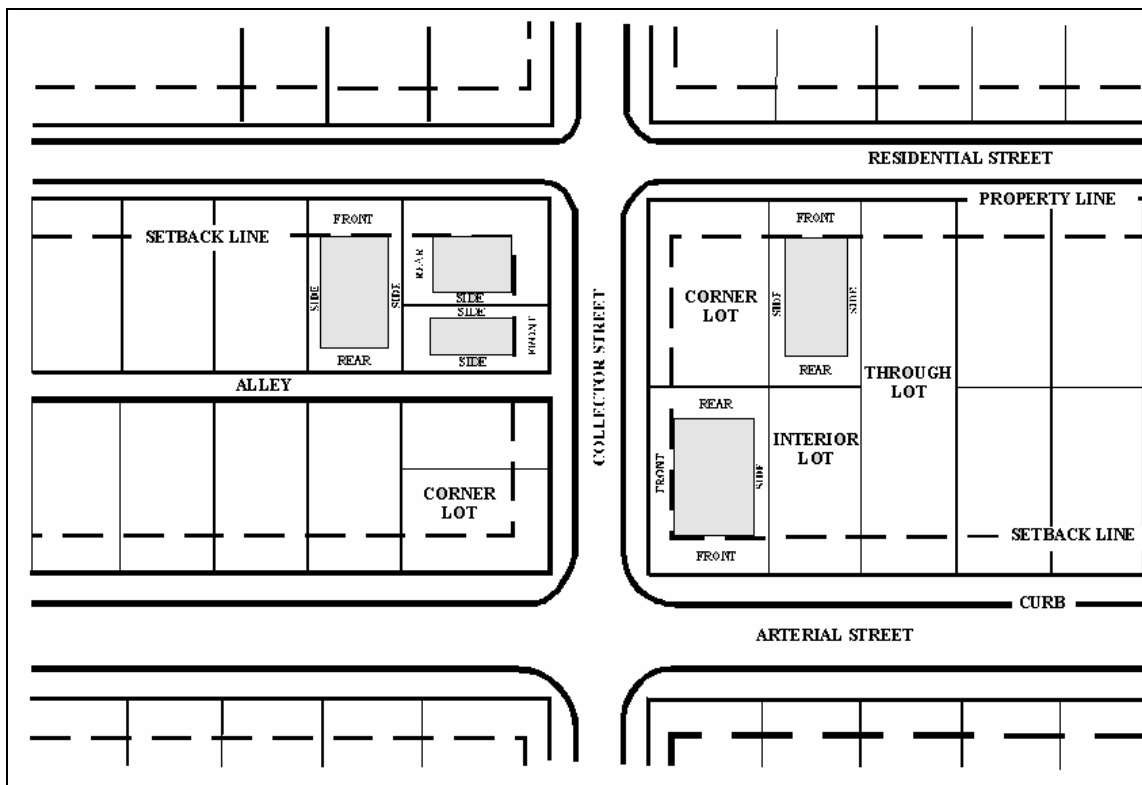
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Lot, Zoning: A parcel or tract of land used, developed, or built upon as a unit under single ownership or control. Said parcel or tract may consist of one or more lots of record, one or more portions of a lot or lots of record, or any combination thereof; and shall be contiguous parcels.

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

Lot of Record: A lot which is a part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds; or a lot described by metes and bounds, the description of which has been recorded in the office of the Register of Deeds prior to the adoption of the various zoning regulations for the City as set out in Article 4 - General Provisions.

Figure 2 - Lot Types and Setbacks



Manufactured Home: A structure which is subject to the Federal Manufactured Home Construction and Safety Standards established pursuant to 42 U.S.C. § 5403, and constructed on or after June 15, 1976.

Manufactured Home Residential-Design: A manufactured home that satisfies the following additional criteria:

1. The manufactured home shall have minimum dimensions of 22 feet in width and 40 feet in length;
2. The pitch of the roof of the manufactured home shall have a minimum vertical rise of four feet for each 12 feet of horizontal run and the roof finished with a type of shingle that is commonly used in standard residential construction in the City;
3. All roof structures shall provide an eave projection of no less than 12 inches, exclusive of any guttering;
4. The exterior siding shall consist of vinyl or metal horizontal lap siding (whose reflectivity does not exceed that of low luster white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction in the City;
5. The manufactured home shall be set up in accordance with the recommended installation procedures of the manufacturer and the standards set by the National Conference of States on Building Codes and Standards and published in "Manufactured Home Installations, 1987" (NCS BCS A225.1), and a continuous, permanent masonry foundation or masonry curtain wall, or poured concrete wall, unpierced except for required ventilation and access, is installed under the perimeter of the Residential-Design Manufactured Home;
6. Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the building code and attached firmly to the primary structure and anchored securely to the ground; and
7. A Residential Design-Manufactured Home, when installed, shall have substantially the appearance of an on-site, conventionally built, single-family dwelling.

Marina: *Facilities for water-oriented recreational activities such as yachting/rowing clubs; boat rental, storage and launching; fishing; excursions and sight-seeing and limited accessory uses directly supporting such activities. (Ord. 2241)*

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Medical Clinic: Any structure designed for use by one or more persons lawfully engaged in the diagnosis, care and treatment of physical or mental diseases or ailments of human beings; including, but not limited to, doctors of medicine, dentists, chiropractors, osteopaths, optometrists, podiatrists, and in which no patients are lodged overnight, but which may include a pharmacy.

Mines and Quarries: *Excavations, including sand or gravel pits, for the purpose of removing, screening, crushing, washing, or storage of ore, soil, stone, gravel or similar materials for the purpose of resale of the mined material. Landfill accessory uses to such activities shall not be included as part of the definition of a mine or quarry. (Ord.2004)*

Mixed Use: *A mix of commercial and/or residential uses. (Ord. 2195)*

Mobile Home: A transportable structure larger than 320 s.f. in floor area, designed to be used as a year-round residential dwelling, and built prior to the enactment of the Federal Mobile Home Construction and Safety Act of 1974, which became effective for all mobile home construction on June 15, 1976.

Modification: *Any addition, deletion, or change, including the addition or replacement of antennae, or any change to a structure requiring a building permit or other governmental approval. (Ord.2055)*

Modular Home: A manufactured residential structure built to a nationally-recognized and accepted construction standard published by the Building Officials Conference of America (BOCA) or the International Conference of Building Officials (ICBO) and the unit is inspected and certified at the factory that it meets said standard. A modular home shall have exterior structure materials and appearance similar to the customary single-family structures in the neighborhood and shall be permanently situated on a concrete foundation.

Nonconforming Structure: A structure which does not comply with the lot size requirements or bulk regulations applicable to new structures in the zoning district in which it is located.

Nonconforming Use: An existing use of structure or land which does not conform with the regulations of the district in which it is situated as established by this regulation or any amendments hereto.

Nursery: *Structure/land used for the propagation, growth & development of plants, vegetables, flowers or other plant products for food, ornamental or landscaping purposes. A commercial nursery will include on-site sale of plants and/or products in a manner that exceeds the limitation of a 'farm stand'. (Ord. 2241)*

Nursing Homes or Convalescent Homes: An institution or agency licensed by the State for the reception, board, care, or treatment of three (3) or more unrelated individuals, but not including facilities for the care and treatment of mental illness, alcoholism, or narcotics addiction.

Pedestrian Scale: *The placement, proportioning, and detailing of structures and other site design elements to be readily accessible and inviting for use by pedestrians. Elements of pedestrian scale include: (Ord. 2195)*

- *Commercial structures placed close to the street or in an alignment that will aid the new structure to blend in with the existing structure placement pattern;*
- *Ample, well defined sidewalks along both sides of streets that connect to both commercial and residential networks;*
- *Use of street amenities in commercial locations such as benches, street trees, low-height lighting, coordinated signage and banners.*
- *Public spaces—ranging in size from a small park for street concerts or gatherings to individual ‘pockets’ set into the fabric of the street where people may move out of the traffic stream for a conversation;*
- *Street level articulation of commercial structures—i.e. recessed doorways, large show windows, canopies, projecting wall signs, etc.;*
- *Street level articulation of residential structures—i.e. porches, low fences or walls, awnings, gardens, etc.;*
- *Architectural articulation of commercial structures between street level and upper stories;*
- *Screening and/or buffering of areas such as parking, utility equipment, dumpsters, etc.;*
- *Minimize gaps between buildings;*
- *Provision of on-street parking in both commercial and residential areas. Parking lots and parking areas located in the rear of the building and accessed via alleys or public spaces.*

Photovoltaic Cells: *Extremely thin solar energy collection cells, usually made of silicon, that collect solar energy and convert it to direct current (DC) electricity. (Ord. 2244)*

Planning Commission: The De Soto City Planning Commission.

Planning and Zoning Department: The person or persons authorized and empowered by the City Council to administer the requirements of these zoning regulations.

Poultry and Fowl: *Any domesticated birds which are bred or kept for the primary purpose of producing eggs or meat or of being exhibited--including chickens, turkeys, waterfowl and game birds. (Ord. 2241)*

Public Utility: Any business which furnishes the general public (a) telephone service, (b) telegraph service, (c) electricity, (d) natural gas, (e) water and sewer, or (f) cable television.

Recreational Camp or Retreat: *Land and structures providing dining, lodging, recreational, meeting and conference facilities for individuals or groups as temporary guests. (Ord. 2241)*

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Recreational Vehicle: See Travel Trailer.

Residence or Dwelling: *A place or house in which a person lives. Includes single and multifamily structures. It may be a primary residence, vacation home, rental property, a condominium, mobile, or manufactured home. (Ord. 2241)*

Restaurant: An establishment whose primary purpose is the sale, dispensing or service of food, refreshments or beverages, other than in automobiles, including those establishments where customers may serve themselves.

Restaurant--Drive-Through: An establishment whose primary purpose is the sale, dispensing or service of food, refreshments or beverages, including service and/or consumption of food in automobiles.

Right-of-Way: A strip of land occupied or intended to be occupied by a street, alley, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer, or for another special use.

Salvage Yard: A place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, handled or prepared for recycling, which shall include auto wrecking yards, but shall not include retail secondhand furniture stores or the purchase and storage of used or salvaged materials as a part of a manufacturing operation.

Sanitary Landfill: A lot or parcel of land used primarily for the disposal and burial of garbage, sewage, trash, refuse, junk, discarded machinery or motor vehicles or parts thereof, or other waste.

Setback: The required minimum horizontal distance between the structure line and the related front, side, or rear property line.

Shelter: *A building for the protection and security of communications equipment associated with one or more antennae and where access to equipment is gained from the interior of the building. Human occupancy for office or other uses or the storage of other materials and equipment not in direct support of the connected antennas is prohibited. (Ord.2055)*

Sign: Any device which shall display or include any letter, word, model, banner, flag, pennant, insignia, device, or representation used as, or which is in the nature of, an advertisement or announcement which directs attention to an object, product, place, activity, person, institution, organization, or business, but shall not include any display of official notice or official flag.

Sight Triangle: An area at a street intersection in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of 2-1/2 feet and 8 feet above the grades of the outside edge of the street surface of the intersecting streets, measured from the point of intersection of the centerline of the streets, 90 feet in each direction along the centerline of the streets. The City Engineer shall establish sight distance triangles based upon standards in the policy manual published by the American Association of State Highway and Transportation Officials (AASHTO).

Solar Energy Conversion System: *Equipment and wiring needed to collect, store and convert solar energy into a useable form. Active solar systems rely upon mechanical means to collect light and/or heat from the sun and convert it into usable energy. Passive systems use natural, non-mechanical techniques to obtain energy from the sun including daylighting, south-facing windows, natural shading and ventilation, and building materials that absorb heat from the sun and slowly release it. (Ord. 2244)*

Special Use Permit: A special use permit is a permit issued by the Planning and Zoning Department with the authorization of the City Council. A special use permit provides permission under special conditions to make certain special uses of land in certain zoning districts as stipulated in each of the district zoning regulations.

Street: A right-of-way, dedicated to the public use, which provides vehicular and pedestrian access to adjacent properties.

Street Line: A dividing line between a lot, tract, or parcel of land and the contiguous street.

Street Network:

1. **Local Street** - provides access to properties.
2. **Collectors** - conducts traffic from local streets to arterials, with access to properties.
3. **Arterials** - carries traffic out of and through the area, subject to certain control of entrances, exits and curb cuts.

Structure: Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, but not including fences or public items such as utility poles, street light fixtures, and street signs.

Structural Alterations: Any change in the supporting members of a structure, such as bearing walls or partitions, columns, beams, or girders, or any complete rebuilding of the roof or the exterior walls. For the purpose of this regulation, the following shall not be considered a structural alteration:

1. Attachment of a new front facade where structural supports are not changed.
2. Addition of fire escapes where structural supports are not changed.
3. New windows where lintels and support walls are not materially changed.
4. Repair or replacement of non-structural members.

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Structure Height: The vertical dimension measured from the average elevation of the finished lot grade at the front of the structure to the highest point of ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the average height between the plate and ridge of a gable, hip, or gambrel roof.

Support Structure: *A Tower or Disguised Support Structure. (Ord.2055)*

Tower: *A structure designed for the support of one or more antennae and including guyed towers, self-supporting (lattice) towers or monopoles but not disguised support structures or buildings. The term shall also not include any support structure including attachments of 65 feet or less in height owned and operated solely for use by an amateur radio operator licensed by the Federal Communication Commission. (Ord. 2055)*

Townhouse: A dwelling unit located in a group of three or more attached townhouse dwelling units with no other dwelling unit located above or below another and with each dwelling unit having at least one interior common wall and a private exterior entrance.

Townhouse Structure: A grouping of three or more townhouses.

Townhouse Site: A townhouse, the total land area beneath the townhouse and the facilities associated with the townhouse.

Travel Trailer or Recreational Vehicle: A vehicular-type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Examples are travel trailers, camping trailers, truck campers, and motor homes. Manufactured homes and modular homes shall not be considered trailers or recreational vehicles.

Wall Articulation: *Where the flat plane of a wall is offset by a recess or extrusion such as an alcove or bay window or a simple change in the plane by a 90 degree angle. Change in the plane should be a minimum of two feet. (Ord. 2195)*

Wind Energy Conversion Facilities: *These are generally classified as either utility scale or private. Private systems or facilities are sized to primarily serve the needs of a home, farm, or small business on the same site where they are located. These normally consist of a single turbine that may or may not be connected to the utility grid. Utility scaled facilities are any system sized larger than what is generally needed to serve an individual site. (Ord. 2244)*

Wind Energy Conversion System (WECS). *For the purposes of these regulations, wind energy systems include any device commonly or technically, referred to as a wind charger, windmill, wind turbine, or*

wind generator and includes all components of that system such as support and stabilization structures, connections, wiring, conversion equipment, etc. which act together to collect and convert wind energy to a form of usable energy. A small wind system is generally less than 100 kW rated power and may also be termed a residential or private wind energy system. A micro wind system is generally rated at 10kW or less. (Ord. 2244)

Wind System Total Height: *The height above average grade of all the components of the system including the tower, turbines and the blades extended to the point of their maximum height. (Ord. 2244)*

Yard: A space on the same lot with a main structure, open, unoccupied and unobstructed by structures from the ground upward.

Yard, Front: A yard extending across the full width of the lot, the depth of which is the least distance between the street right-of-way and the structure setback line.

Yard, Rear: A yard extending across the full width of the lot, the depth of which is the least distance between the rear lot line and the rear setback line.

Yard, Side: A yard extending from the front yard, or front lot line where no front yard is required, to the rear yard.

Zone or District: A section of the Zoning Area for which uniform regulations governing the use, height, area, size, and intensity of use of structures, land, and open space are herein established.

Zoning Area: The area to be zoned as set out on the Official Zoning Map filed of record.

Zoning Regulations: The term “zoning regulations” or “this or these regulations” shall mean the requirements stipulated in the regulations herewith attached, and shall mean the lawfully adopted zoning ordinances of the City of De Soto.

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