

12-315 DEFINITIONS

12-315.1 USE CATEGORIES

Accessory Dwelling Unit	A smaller, independent residential dwelling unit located on the same lot or parcel as a detached dwelling.
Agriculture	<p>The use of land for the following purposes:</p> <ul style="list-style-type: none"> • animal husbandry, • dairying, • pasturing livestock, • operating and maintaining a concentrated feeding operation, truck farming, • cultivating and growing field crops, hay, and sod, • cultivating and growing orchards and groves, • raising fish, birds, poultry, bees, • cultivating trees, shrubs, and flowers for wholesale distribution, the operation or maintenance of greenhouses, nurseries or hydroponic farms, and • operating a farm winery and tasting room as defined by state statute. <p>Also includes activities directly related to such uses including the storage, processing, and sale of products. For purposes of these regulations the breeding, boarding, or training of kennel operations are not considered agricultural uses.</p>
Agritourism	The intersection of agriculture and tourism, when the public visits agricultural areas for recreation, education, enjoyment, entertainment, adventure or relaxation. Typical uses include, but are not limited to corn mazes, farm stays, agriculturally related educational and learning experiences, recreation-related operations, and assembly type uses.
Amateur and receive only antennas	Amateur radio, also known as ham radio, is the use of radio frequency spectrum for purposes of non-commercial exchange of messages, private recreation, and emergency communication. Receive only antennas are typically used to receive radio waves and convert them to sound, as in radios.
Ancillary Agricultural retail sales	The limited sales of products not raised, grown, or otherwise produced on the site that are ancillary to an on-site agricultural use.
Animal Hospital or Clinic	Medical care facility for large or small animals, includes veterinarian hospital or office.
Asphalt or concrete batch plant	A temporary facility that produces or processes asphalt or concrete only for use in a particular construction project and only for the duration of that project.
Bank/Financial Institution	This office use includes banks, savings and loan, credit union, and other similar uses.
Bar or Tavern	A commercial establishment whose primary activity is the sale of alcoholic beverages to be consumed on the premises. Bars

	include taverns, night clubs, private clubs, and similar facilities serving alcoholic liquor.
Bed & Breakfast	An establishment located within a detached dwelling that is the principal residence of the operator, where short-term lodging is offered for compensation and that includes the service of one or more meals to guests.
Boat or other recreational vehicle sales/rental/service	The sales, rental, or service of boats and other recreational vehicles. Recreational vehicles include, but are not limited to snowmobiles, jet-skis, and all-terrain vehicles as well as motor homes and other recreational vehicles used as dwellings.
Boat/RV Storage	The storage of boats and other recreational vehicles. Recreational vehicles include, but are not limited to snowmobiles, jet-skis, and all-terrain vehicles as well as motor homes and other recreational vehicles used as dwellings
Campgrounds, Developed and Primitive	Any parcel wherein sites are offered for the use of the public or members of any organization for the establishment of temporary living sites to be occupied with recreational vehicles, tents, cabins, etc. A primitive campground has no facilities provided for the comfort or convenience of the campers. A developed campground has amenities such as restrooms, bathing facilities, etc. as well as roadways leading to all campsites.
Camping, Personal	A property owner's use of their own property for temporary overnight accommodations for them or their guests in recreational vehicles, tents, etc.
Camping, Special Event	Any temporary overnight accommodations proposed as part of a special event.
Caretaker/manager's residence	An accessory dwelling on a nonresidential premises, occupied by the person who oversees the nonresidential operations, and their family members.
Cemeteries	Land used for the burial of the dead and dedicated for cemetery purposes, excluding columbariums, crematories, mausoleums and mortuaries.
Clustered Housing	A development design that concentrates buildings in specific areas on a site. Typical uses include, but are not limited to manufactured home parks and tiny homes communities.
College and Schools,	An institution for the teaching of children or adults. This use Includes primary or elementary schools, junior high or middle schools, high schools, colleges, universities, and trade or business schools.
Commercial Compost	A solid-waste processing facility where organic matter such as yard, garden and non-meat food production wastes, but not including bio-solids, derived primarily or solely from off-site is processed by decomposition for commercial purposes. Activities of a commercial compost facility may include management, collection, transportation, composting, curing, storage, and marketing of compost.

Commercial Dog Kennel	Any place where two or more adult dogs are kept for a boarding or other fee, or any place where more than five dogs over three months of age are kept for any purpose.
Commercial Grain Storage	Structures or areas for storage and shipment of grain not raised on the site, as a commercial enterprise, rather than as an individual agricultural use. Typical uses include, but are not limited to seed houses and grain elevators.
Commercial Riding Stable or Academy	An establishment where horses are boarded and cared for, and where instruction in riding, jumping, and showing is offered. Horses may also be rented for riding.
Commercial Slaughtering/Processing General	A facility used for the killing and butchering of livestock that were not raised on the premises and the refining of their byproducts. Products are typically sold to butcher shops or grocery stores.
Commercial Slaughtering/Processing Limited	A small-scale facility used for the killing and butchering of livestock that were not raised on the premises and the refining of their byproducts. Products may be sold to butcher shops or grocery stores, but the service may also commonly be contracted by individuals.
Community Center, Libraries, Museums or art galleries	Facilities for preservation of historical or culturally significant items, collections of books or works of art, or assembly areas for neighborhood members or groups.
Construction Sales & Services	Construction activities and incidental storage on properties other than the construction sites. Includes the retail or wholesale sale from the premises of materials used in the construction of buildings or other structures including paint, fixtures and hardware but excludes
Contractor Shop/Yard	An establishment used for the repair, maintenance, or storage of a contractor's equipment or materials and may include the contractor's business office.
Day Care Center	A place, other than an occupied dwelling, where supervision and care is provided for children or elderly or functionally impaired adults for less than 24 hours a day.
Day Care Home	Care is provided for less than 24 hours a day for 12 or fewer individuals (not including the care of members of the provider's own family) as an accessory use to an occupied residence in which the occupant is the primary provider of the care.
Day Care Home non-occupant provider (CUP)	Care is provided for less than 24 hours a day for 12 or fewer individuals as an accessory use to an occupied residence in which the occupant is not the primary provider of the care. The primary provider resides elsewhere and travels to the facility.
Detached (Single-Family) Dwelling	A dwelling which is not attached to any other dwelling, excluding accessory dwelling units, and designed for or occupied as living quarters by a single family, a person, or group of persons living together as a household. Residential Design Manufactured Homes are a type of detached dwelling.

Equipment Storage (Heavy)	Storage of vehicles or equipment such as large trucks, farm equipment, excavation equipment.
Event Center/Public Assembly	A structure and/or grounds that accommodates a variety of social events such as, but not limited to, banquets, weddings, receptions, parties, community events. Meetings, or any other event that is intermittent and temporary in nature. This definition does not include a religious institution and similar congregations where a wedding or funeral is an ancillary use.
Extended Care Facility	A long term facility or part of an institution occupied by persons with a disability who require the provision of health care services under medical supervision for 24 or more consecutive hours and who need not be related by blood or marriage. The term 'disability' as used in this definition refers to a physical or mental impairment which substantially limits one or more of such person's major life activities, a record of having such impairment, or being regarded as having such impairment.
Exterior Storage	Outdoor storage of materials related to the principal use of the site, not including areas for special events, temporary outdoor events, seasonal events, or any other outdoor area dedicated to the sale of retail goods. Outdoor storage and sales areas open to the public and in which transactions can occur are not considered exterior storage. (Exterior storage that is incidental to a detached dwelling is not included in this term).
Fairgrounds	An area where buildings, structures, and land are used for the exhibition of livestock and farm products, agricultural related offices, carnivals, community meeting or recreational buildings.
Farm Employee Housing	Dwellings accessory to an agricultural/farm use that are occupied by farm employees and their family members. A farm employee housing unit may not meet the definition of an Accessory Dwelling Unit due to the fact that the housing is located on a parcel without a principal dwelling present or there may be more than one Farm Housing unit present on a property.
Farm Implement Repair Service	Repair service for agricultural machinery and equipment.
Farm Stand	A building, structure, or open-air stand used for the seasonal retail sales of unprocessed fruits, vegetables, flowers, herbs or other agricultural products grown on the premises.
Farmer's Market	An area, with or without buildings or structures, at which vendors gather to sell produce, eggs, honey or other products. The sale of other products such as pies and breads may also be permitted as part of the farmer's market.
Fireworks Sales	The seasonal sales of fireworks.
Gas and Fuel Sales	Retail sales from the premises of vehicular fuels with incidental sale of tires, batteries, and replacement items, lubricating services, minor repair services and food and beverage items.

	Typical uses include gas stations with or without convenience stores.
General Service and Repair Establishment	Establishments primarily engaged in the provision of individuals and households (excluding automotive and equipment repair use types). Typical uses include appliance repair shops, shoe repair, watch or jewelry repair shops, or repair of musical instruments.
Government Buildings	A building or structure owned, operated, or occupied by governmental agency to provide a governmental service to the public.
Group Home, General	Any dwelling occupied by 11 or more persons, including 8 or more persons with a disability who need not be related by blood or marriage and staff residents who need not be related by blood or marriage to each other or to other residents of the home. The dwelling is licensed by one or more of the following regulatory agencies of the State: Department of Social and Healing Arts, Behavioral Sciences Regulatory Board, or State Board of Healing Arts. Disability means, with respect to a person (a) a physical or mental impairment which substantially limits one or more of such person's major life activities; (b) a record of having such impairment, or (c) being regarded as having such impairment. Such term does not include current illegal use or addiction to a controlled substance, as defined in Section 102 of the Controlled Substance Act (21 U.S.C.802)
Group Home, Limited	Any dwelling occupied by not more than 10 persons, including 8 or fewer persons with a disability who need not be related by blood or marriage and not to exceed 2 staff residents who need not be related by blood or marriage to each other or to other residents of the home. The dwelling is licensed by one or more of the following regulatory agencies of the State: Department of Social and Healing Arts, Behavioral Sciences Regulatory Board, or State Board of Healing Arts. Disability means, with respect to a person (a) a physical or mental impairment which substantially limits one or more of such person's major life activities; (b) a record of having such impairment, or (c) being regarded as having such impairment. Such term does not include current illegal use or addiction to a controlled substance, as defined in Section 102 of the Controlled Substance Act (21 U.S.C.802)
Heavy equipment repair/service	Repair of heavy construction equipment, aircraft, farm equipment, and other heavy equipment as well as the sale, installation, or servicing of automotive equipment and parts together with body repairs, painting, and steam cleaning. Typical uses include engine repair shops, body shops, and motor freight maintenance groups.
Heavy Equipment Sales and Rentals	Sale, retail or wholesale, or rental from the premises of heavy construction trucks, farm equipment, and other heavy equipment together with incidental maintenance. Typical uses include heavy construction equipment dealers and farm implement sales.
Hobby Farm	The raising of livestock, farm animals, fish, birds, bees, and crops that is operated accessory to a residential use or without the

	expectation of being a primary source of income. The farm is operated primarily for personal use or pleasure instead of a business venture.
Home Occupation Type 1	An occupation or business conducted within a dwelling by a resident of the property and is clearly incidental to the residential use. Typical uses include but are not limited to, the following low impact uses: small art class instruction, home crafts, office facilities, beauty shops.
Home Occupation Type 2	An occupation that is operated out of the home or within an accessory building and has no more than 4 employees. Typical uses include but are not limited to, the following medium impact uses: assembly, distribution, and repair of dairy equipment; assembly of mechanical devices and components; automobile painting, upholstering, rebuilding, and body work; welding and machine shops; and contractor's equipment and material storage.
Landfill	A place to dispose of refuse and other waste material by burying it and covering it over with soil, especially as a method of filling in or extending usable land.
Landscape and Lawn Care Businesses	A business principally engaged in the decorative and functional alteration, planting, and maintenance of grounds. Such a business may be engaged in the installation and construction of underground improvements (such as irrigation and drainage facilities).
Light equipment repair/service	Repair of automobiles and other light equipment and the sale, installation, and serving of automobile equipment and parts but excluding body repairs and painting. Typical uses include tire repair and alignment, muffler shops, auto or motorcycle repair garages, and auto glass shops.
Light Equipment Sales and Rentals	Sale (retail or wholesale) or rental from the premises of autos, noncommercial trucks, motorcycles, trailers with less than 10,000 pounds gross cargo weight, motor homes and boats, together with incidental maintenance. Typical uses include automobile and boat dealers, car rental agencies, and recreational vehicles sales and rental agencies.
Major utilities	Services and utilities that have substantial impacts. Typical uses include, but are not limited to, major water storage facilities, public airports, and power generation plants.
Manufacturing & Production, General	The processing and manufacturing of materials or products predominately from extracted or raw materials. This manufacturing or production may produce noise, vibrations, illumination, or particulate matter that is perceptible to adjacent land uses.
Manufacturing & Production, Light	The manufacturing, assembly, fabrication, packaging, or other industrial processing of finished parts or products primarily from previously prepared materials. The manufacturing or production process will not produce noise, vibration, air pollution, fire hazard,

	or noxious emission that create significant impacts to adjacent land uses.
Medical or Dental Clinics or Offices	An office building or a group of offices for one or more physicians or dentists engaged in treating the sick or injured but not including rooms for abiding patients.
Mini- or Self- Storage	Storage or warehousing service within a building for individuals to store personal effects.
Mining, excavation and/or extraction of natural resources	The process of obtaining and processing sand, rock, aggregate, clay, or similar materials from an open excavation in the earth or the removal of top soil or soil from a site for sale or off-site use.
Minor utilities	Public utilities that have a local impact on surrounding properties. Typical uses include, but are not limited to, rural water district booster stations and water towers. Utilities such as transformers and gas meters are not considered minor utilities.
Motel/Hotel	A building or group of buildings in which lodging is provided to the transient guests, offered to the public for compensation.
Nature preserve	Open space areas generally or predominantly remaining in a natural or undeveloped state, including natural wildlife and plant habitat areas. Such areas may include hiking, bicycling, and equestrian trails and sitting and picnic areas.
Non-profit educational or philanthropic institutional uses	A variety of uses which are operated as non-profit, educational, philanthropic, or institutional uses. The following are examples of the types of uses that fit into this category: <ul style="list-style-type: none"> • Congregate living/group home for troubled youth that do not have disabilities as noted in the definition for a 'group home'; • Multiple group homes for developmentally challenged individuals on one property to create an agricultural community. The facility includes a community building, indoor riding arena, and greenhouse; • Open space visitor center;
Offices	Professional, governmental, executive, management, or administrative offices of private organizations or government agencies. Typical uses include, but are not limited to, government offices, attorney offices, architectural or engineering consulting firms.
Oil or natural gas drilling, storage. distribution	Infrastructure, equipment, and storage facilities for the drilling, storage, and distribution of oil, natural gas, and other similar natural resources.
Personal Services	Provision of small personal items or consumer oriented, personal services in a small scale setting. These include various general retail sales and personal services of a small neighborhood-scale. Typical uses include alteration/tailor shops, beauty salons and barbershops, nail salons, fine arts studios or other small scale craft classrooms.

Private Airstrip/ Heliport (Public or Private)	An airstrip or landing pad restricted, except for aircraft emergencies, to use by the owner and, on an infrequent and occasional basis, by invited guests.
Public Parks/Playgrounds	A noncommercial, not-for-profit facility designed to serve the recreation needs of the residents of the community.
Radio, Television, and Microwave Towers	Towers for the placement of antennas for the purpose of sending and/or receiving radio, television, and/or microwave signals.
Recycling Collection Center	A center or facility for the acceptance by donation, redemption, or purchase of recyclable materials from the public. Typical collection measures include attended or unattended mobile collection units such as all-weather roll-off containers or bins, and indoor facilities ancillary to the primary activity of a business or organization.
Recycling Processing	A building or enclosed space used for the preparation of materials for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, cleaning, and remanufacturing.
Religious Institution,	An institution for religious services involving public assembly such as customarily occurs in synagogues, temples, mosques, and churches.
Research Facility, Ag Related	Research of an agricultural nature generally provided as a service or conducted by a public agency or private firm.
Restaurant	An establishment, with or without a drive-thru, at which food and/or beverages is prepared and sold for consumption on the premises to patrons.
Retail Sales	Companies or individuals involved in the sale, lease, or rental of new or used produces to the general public.
Sale Barn/Auction House	A structure or enclosure where goods or livestock are sold to the highest bidder.
Salvage yards	A parcel of land with or without buildings used for storage of discarded materials where secondhand materials may be bought, sold, exchanged, store, processed, or handled. Materials include but are not limited to scrap iron and other ferrous metals, rubber tires, discarded goods, machinery, and inoperable motor vehicles.
Sexually Oriented Business	Sexually Oriented Business uses for the purposes of these regulations shall be broadly interpreted to include the following types of uses and activities: 1) <u>Adult arcade</u> means any place to which the public is permitted or invited, wherein there are coin-operated, slug-operated, electronically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices which are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or

	<p>describing of "certain sexual activities" or "specified anatomical areas."</p> <p>2) <u>Adult Media Outlet</u> means a commercial establishment which offers for sale or for rental, or another form of consideration, "adult media" and which meets at least one of the following tests:</p> <ul style="list-style-type: none"> a) More than thirty (30%) of the floor area is devoted to adult media (not including storerooms, stock areas, bathrooms, basements or any portion of the business not open to the public); b) More than thirty percent (30%) of the gross sales (including rentals) result from the sale or rental of adult media; c) More than thirty percent (30%) of the dollar value of all merchandise displayed at any time is attributable to adult media; d) More than thirty percent (30%) of all inventory consists of adult media at any time; e) More than thirty percent (30%) of the merchandise displayed for sale consists of adult media; or f) More than thirty percent (30%) of the stock in trade consists of such items at any time. <p>3) <u>Adult cabaret</u> means a nightclub, bar, restaurant, or similar commercial where a significant and substantial portion of its business is featuring:</p> <ul style="list-style-type: none"> a) Persons who appear in a state of nudity; or b) Live performances, which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or c) Films, motion pictures, videocassettes, slides, or other photographic reproductions, which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas." <p>4) <u>Adult Encounter Parlor</u> – An establishment where a significant and substantial portion of its business is the provision of premises where customers either congregate, associate, or consort with employees who engage in "specified sexual activities" with or in the presence of such customers, or who display "specified anatomical areas" in the presence of such customers, with the intent of providing sexual stimulation or sexual gratification to such customers.</p> <p>5) <u>Adult Media</u> means books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations which are distinguished or</p>
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	<p>characterized by their emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas”.</p> <p>6) <u>Adult motel</u> means a hotel, motel or similar commercial establishment which:</p> <ul style="list-style-type: none"> a) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or “specified anatomical areas”; and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions, or b) Offers a sleeping room for rent for a period of time that is less than 10 hours, or c) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours. <p>7) <u>Adult Motion Picture Theater</u> means a commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides, or other similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."</p> <p>8) <u>Adult live theater</u> means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities”.</p> <p>9) <u>Adult Retail Establishment</u> means a business which offers for sale or rent instruments, devices, gifts or paraphernalia which are designed or marketed for use in connection with “specified sexual activities”, clothing that graphically depicts “specified anatomical areas” or any of the material sold or rented in an adult media outlet, if a substantial or significant portion of such items are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “ specified anatomical areas.” For purposes of this subsection, the presumptions relative to what constitute “substantial or significant” portion of business set forth in the definition of “adult media outlet”</p>
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	<p>shall apply here. In determining whether an item is “designed or marketed for use” in connection with specified sexual activities, the following guidelines may be considered:</p> <ul style="list-style-type: none"> a) Expert testimony as to the principle use of the item; b) Evidence concerning the total business of a person or business establishment and the type of merchandise involved in the business; c) National and local advertising concerning the use of the item; d) Evidence of advertising concerning the nature of the business establishment; e) Instructions, graphics or other material contained on the item itself or on the packaging materials for the item; f) The physical or structural characteristics of the item; and g) The manner in which the item is displayed, including its proximity to other regulated merchandise or signage relating to items in a display area. <p>10) <u>Escort</u> means a person whom, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.</p> <p>11) <u>Escort agency</u> means a person or business association who furnishes, offers to furnish, or advertises to furnish, escorts as one of its primary business purposes for a fee, tip, or other consideration.</p> <p>12) <u>Establishment</u> means and includes any of the following:</p> <ul style="list-style-type: none"> a) The opening or commencement of any sexually oriented business as a new business; b) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business; c) The addition(s) of any sexually oriented business to any other existing sexually oriented business; or d) The relocation of any sexually oriented business. <p>13) <u>Permittee and/or licensee</u> means a person in whose name a permit and/or license to operate a sexually oriented business has been issued, as well as the</p>
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	<p>individual listed as an applicant on the application, for a permit and/or license.</p> <p>14) <u>Nude model studio</u> means any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.</p> <p>15) <u>Nudity or a state of nudity</u> means the appearance of a human bare buttock, anus, male genitals, female genitals, or female breast.</p> <p>16) <u>Person</u> means an individual, proprietorship, partnership, corporation, association, or other legal entity.</p> <p>17) <u>Semi-nude</u> means a state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.</p> <p>18) <u>Sexual encounter center</u> means a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:</p> <ul style="list-style-type: none"> a) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or b) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude. <p>19) <u>Sexually oriented business</u> means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.</p> <p>20) <u>Specified anatomical areas</u> means</p> <ul style="list-style-type: none"> a) Less than completely and opaque covered: human genitals, pubic region, buttocks and female breast a point immediately above the top of the areola; and b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered. <p>21) <u>Specified sexual activities</u> means and includes any of the following:</p> <ul style="list-style-type: none"> a) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; b) Sex acts, normal or perverted, actual or simulated,
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	<p>including intercourse, oral copulation, or sodomy;</p> <p>c) Masturbation, actual or simulated, or</p> <p>d) Excretory functions as part of or in connection with any of the activities set forth in (1) through (3) above.</p> <p>22) <u>Massage Parlor</u> - An establishment whose business, or a portion thereof, is the act or art of treating the human body by rubbing, kneading, compression, vibration, or other like activities, whether by manual or mechanical means, to stimulate circulation, increase suppleness or other effects on the various portions of the human body, excluding those acts and/or services provided to patients by a licensed health care provider or licensed physicians, chiropractors, or licensed massage therapists.</p> <p>23) <u>Substantial enlargement (substantially enlarge)</u> a non-conforming, sexually oriented business that is altered or enlarged as an expansion of a non-conforming use [as defined in Article 20, Non-Conforming uses].</p> <p>24) <u>Transfer of ownership or control of a sexually oriented business</u> means and includes any of the following:</p> <p>a) The sale, leases, or subleases of the business,</p> <p>b) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or</p> <p>c) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.</p> <p>Sexually Oriented Businesses shall include but not be limited to the following:</p> <ol style="list-style-type: none"> 1. Adult arcades; 2. Adult media outlet, 3. Adult cabarets; 4. Adult motels; 5. Adult motion picture theaters; 6. Adult retail establishment; 7. Adult theaters 8. Escort agencies; 9. Nude model studios; and 10. Sexual encounter centers move to standards
<p>Small Scale Industrial Uses</p>	<p>A small scale industrial use is a home occupation which has grown to the point it no longer meets the home occupation requirements but is not large enough to justify relocation to a non 'A' zoned property or within city limits. The use is small scale and has</p>

	operational characteristics so as to be compatible with nearby land uses, while maintaining the rural character of the area.
Special Event	A short-term use of land or structures which is not otherwise included as a permitted or accessory use by the Zoning Regulations.
Sports or Recreation, Participant (Indoor/Outdoor)	Provision of sports or recreation primarily by and for participants. (Spectators would be incidental and on a nonrecurring basis.) Typical indoor uses include, but are not limited to, bowling alleys, billiard parlors, fitness centers, indoor softball practice. Typical outdoor uses include, but are not limited to, driving ranges, golf courses, and swimming pools.
Stand of Mature Trees	An area of ½ acre (21,780 sq ft) or more located on the 'development land area' or on other contiguous properties containing trees that are 25 feet or more in height, or are greater than 8" Caliper, in an amount adequate to form a continuous or nearly continuous canopy. (Canopy may be determined from resources such as, but not limited to, NAIP: National Agricultural Imaging Program, County GIS aerials, and field surveys.)
Stream Corridor	A strip of land 100 feet wide, of which the centerline shall be the centerline of a stream that is not an ephemeral stream: a stream where flow occurs for only a short time after extreme storms and does not have a well-defined channel, similar to a drainage-way.
Temporary Business Use	The conduction of limited business uses on property that is not owned and regularly used by the applicant/sponsor of the business for such purpose; proved that, the temporary business use shall not include the activities of persons, families, groups, or social or religious organizations that conduct fund raising, social or religious activities on real property which is leased or borrowed for that activity. Typical uses include temporary batch plant, construction materials yard, flea market, and movie or video filming operations.
Temporary housing during Construction	Housing which is provided on site to facilitate the construction of another structure on the site. Temporary housing may be provided in various means including, but not limited to, RV's or accessory structures.
Vacation rentals	Any dwelling or portion thereof that is available for use or is used for accommodations or lodging of guests paying a fee or other compensation for a period of less than 30 consecutive days.
Value Added Agricultural Business	The process of increasing the economic value of an agricultural product through one of the following: <ul style="list-style-type: none"> • A change in the physical state or form of the commodity or product (such as milling wheat into flour, slicing produce, making brandy from fruit, or forming heating bricks from straw); • Production manner enhances the value (such as organically produced products);

	<ul style="list-style-type: none"> Physical segregation of a commodity or product in a manner that enhances the value (such as identity preserved marketing system)
Wholesale storage & Distribution/ Warehousing	The storage and distribution of goods, as well as activities involving significant movement and storage of products or equipment. Uses include, but are not limited to, truck terminals, moving and storage facilities, and storage warehouses.
Wind energy Conversion System/ Commercial	Machines that converts the kinetic energy in the wind into electrical energy for the primary purpose of resale or off-site use; commonly known as a wind turbine.
Wind Turbine/ Residential or Accessory	Machine that converts the kinetic energy in the wind into electric energy, with a maximum capacity to produce up to 50 kilowatts of electrical power for on-site use.
Wireless Facilities	Structures, equipment, and appurtenances used to transmit, receive, distribute, provide, or offer wireless telecommunications services.

12-315-2 General Terms

Accessory Structure: A subordinate structure, or building, the use of which is clearly incidental to or customarily found in connection with, and located on the same lot or eligible parcel as the principal building or principal use of the land.

Accessory Use: A use which is clearly incidental to or customarily found in connection with, and on the same lot or parcel as the principal use of the premises.

Adjacent: Property that abuts another property; has a common border with or is contiguous to another property.

Agricultural Exemption Criteria:

- 1) If the premises on which the proposed building is located consists of 40 or more contiguous acres, the Department of Zoning & Codes will generally rely upon the owner’s certification that the **existing or proposed building is, or will be** used solely for agricultural purposes, without further documentation.
- 2) If the premises on which the proposed building is located consists of less than 40 contiguous acres, the property owner shall provide the Department of Zoning & Codes additional documentation to establish to its satisfaction that the owner or tenant of the premises uses the premises for an agricultural use and that the existing or proposed building is, or will be used as an accessory to such agricultural use. Such documentation shall generally include a copy of Schedule F to the property owner’s most recent IRS Form 1040, and may include additional documentation. (from Resolution 08-25)

Basement: That portion of a building that is partly or completely below the grade plane. A basement shall be considered as a story above the grade plane where the finished surface of the floor above the basement is:

1. More than 6 feet above the grade plane; or
2. More than 12 feet above the finished ground level at any point.

Base Setback Line: The line from which all required setbacks are measured for those sides of a property with road frontage. The Base Setback Line corresponds to the established ultimate road right-of-way line as set forth in the Subdivision Regulations [Section 11-110(e)(5)(2) County Code]. If the dedicated right-of-way exceeds the width required in the Subdivision Regulations, the existing right-of-way line is the Base Setback Line.

Board: The Board of Zoning Appeals of Douglas County.

Building: Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, or property of any kind.

Building, Completely Enclosed: Any building having no outside openings other than ordinary doors, windows, and ventilators.

Building, Principal: Any building which houses the principal use on the property.

Commission: The Lawrence-Douglas County Metropolitan Planning Commission.

Detached Dwelling: A residence which is not attached to any other residence; is surrounded by open space.

District: Any section of Douglas County within which the zoning regulations are uniform.

Dwelling: A building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, trailer, or mobile home.

Dwelling, Residential-Design Manufactured Home: Any structure that is manufactured to the standards embodied in the National Manufactured Home Construction and Safety Standards (generally known as the HUD Code) established in 1976 pursuant to 42. U.S.C. Sec. 5403.

Eligible Parcel: An eligible parcel is a piece of property that has a vested right to a building permit due to the fact that it was divided in accordance with the Subdivision Regulations in place at the time the division occurred or was in the current configuration prior to the adoption of zoning in the unincorporated portion of the County, 1966. These include rural development parcels created through the certificate of survey process, vested parcels as defined in Section 11-101(e) of the Subdivision Regulations, and exempt parcels which meet the criteria in Section 11-101(d)(2)(vi) of the Subdivision Regulations.

Family: One or more persons occupying a single housekeeping unit and using common cooking facilities, provided that unless all members are related by blood or marriage, no such family shall contain over four (4) persons.

Frontage: That portion of the Lot or parcel that lies between the side property lines and is adjacent to the road from which access is taken.

Full Maintenance Road: A road in the unincorporated area of the County that receives maintenance on a regular basis in accordance with its road classification and traffic counts. A road which has not been officially designated a 'Minimum Maintenance Road.'

Garbage: Animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Grade (also called Grade Plane): A reference plane representing the average of finished ground level slopes away from the exterior walls. The reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet from the building, between the building and a point 6 feet from the building.

Health Authority: The Lawrence Douglas County Health Officer or an authorized representative.

Health Hazard: Any condition which, in the opinion of the Health Authority, is capable of producing acute or chronic illness in humans. Such conditions include, but are not limited to: sewage on the surface of the ground; rat, fly and mosquito breeding; the proliferation of toxic plants; and the release of toxic or infectious gases, aerosols, sprays, liquids or dusts.

Height Of Building: The vertical distance from the grade to (a) the highest point of the coping of a flat roof; (b) the deck line of a mansard roof; (c) to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

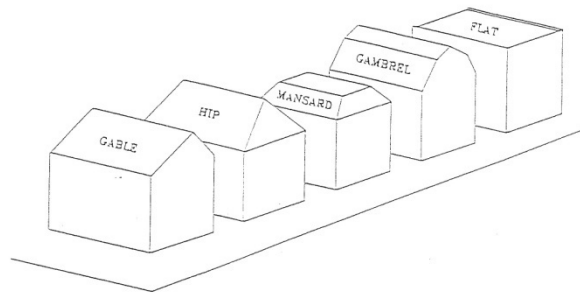


Diagram 1. Height of Building

Heliport: The area of land, water or a structure used or intended to be used for the landing and takeoff of helicopters, together with appurtenant buildings and facilities.

Lagoon Or Sewage Lagoon: An artificial pond designed to exclude surface water and receive raw sewage through a submerged sewer, for biological decomposition.

Litter: "Garbage", "refuse" and "rubbish" as defined herein and all other waste material which is discarded or deposited as herein prohibited or in a manner which creates a health hazard to the public.

Livestock: Any animal customarily kept by humans for the purpose of providing food, clothing, or work, including but not limited to horses or animals of the equine species, cattle or species of the bovine species, goats or animals of the caprine species, sheep or all animals of the ovine species, hogs or all animals of the porcine species, and fowl; but excluding bees, rabbits, fish, and domesticated animals such as cats and dogs.

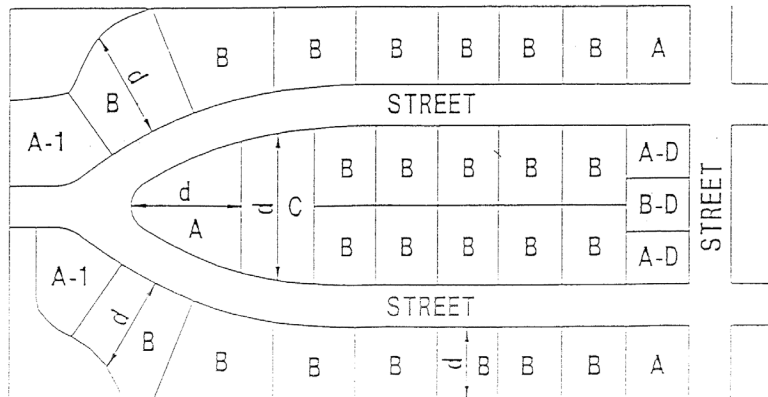
Loading Space: A space within the main building, or on the same lot or eligible parcel, providing

for the standing, loading, or unloading of trucks.

Lot: A designated area of land established through a Plat through the Subdivision Process to be used, transferred, developed or built upon as a unit.

Lot Area: The total horizontal area within the lines of the lot.

Lot/RDP/Eligible Parcel, Corner: A Lot, RDP, or Eligible Parcel located at the intersection of two or more roads. (See lots marked A in the diagram which follows.) A lot abutting a curved road or roads shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees. See lots marked A-1 in the diagram.



Lot/RDP/Eligible Parcel, Depth: The distance between the midpoint of the front lot, RDP, or parcel line and the midpoint of the rear boundary line. In irregularly shaped lots, RDPs or parcels, it is the mean (average) distance between the front and rear lot lines.

Lot/RDP/Eligible Parcel, Interior: A lot, RDP, or parcel bounded on both sides by other lots or parcels. (See lots "B" on the diagram.)

Lot/RDP/Eligible Parcel, Line: The line marking the boundary of a platted lot.

Lot/RDP/Eligible Parcel, Through: A platted lot abutting two roads but not at their intersection. A corner lot is not considered a through lot.

Lot/RDP/Eligible Parcel, Width: The distance between the side lot lines of a lot at the required front setback line, measured parallel to the abutting road.

Manufactured Home: A structure which is subject to the federal manufactured home construction and safety standards established pursuant to 42 U.S.C. Sec. 5403.

Nonconforming Lot, RDP, or Eligible Parcel: A nonconforming lot or eligible parcel is a tract of land, designated on a duly recorded subdivision plat or by a duly recorded deed, or by other lawful means, that was established prior to adoption of the County's first zoning regulations (September 23, 1966) or that complied with all applicable area, width and depth standards of the Zoning District in which it was located at the time of its creation, but which does not comply with the minimum area, width and depth requirements of the zoning district in which it is now located.

Parcel: A contiguous piece of land under the same ownership that was created by a survey, deed, or other instrument recorded with the Douglas County Register of Deeds. This term is typically used to refer to a property that has not been platted as a lot or tract.

Parking Space: All-weather surfaced area permanently reserved for the temporary storage of one automobile and connected to a road or alley by an all-weather surfaced driveway which affords satisfactory ingress and egress for automobiles.

Planning Director: The Director of the Lawrence-Douglas County Metropolitan Planning Office or his or her designee.

Premises: A lot or parcel together with all buildings and structures thereon.

Public Water Supply System: a system for delivery to the public of piped water for human consumption that has at least 10 service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. This term includes any source, treatment, storage or distribution facilities used in connection with the system.

Refuse: All wastes (except body wastes) including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles or parts, abandoned farm machinery and solid market and industrial wastes.

Rural Development Parcel: A parcel created through the certificate of survey process that is eligible for building permits for permitted uses, buildings and structures.

Road: A public thoroughfare which affords the principal means of access to property abutting thereon.

Road, Classification of: The functional classification given to a road based on anticipated future growth, posted speeds, and the current and anticipated traffic levels. For the purposes of these Zoning Regulations, County road classifications are established in Exhibit 9-506 of Chapter 9 of

the County Code.

Road Line: The perimeter line of a road right-of-way or road easement.

Rubbish: Non-putrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper wrappings, cigarettes, cardboard, cans, yard clippings, leaves, wood, glass, rags, bedding, crockery and similar materials.

Runway, Non-Precision Instrument: A runway with an instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved, or planned, and for which no precision approach facilities are planned, or indicated on an FAA planning document.

Runway, Precision Instrument: a runway with an instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). If a runway plans a precision approach system it must be so indicated on a FAA planning document.

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

Runway, Visual: A visual runway is a runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an FAA approved airport layout plan, a military service approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

Sewage: Any liquid waste containing animal or vegetable matter in suspension or solution, including all household wastes from toilets, sinks, showers, washing facilities and floor drains, and may include liquids from laboratories, businesses or industrial operations, containing minerals in solution.

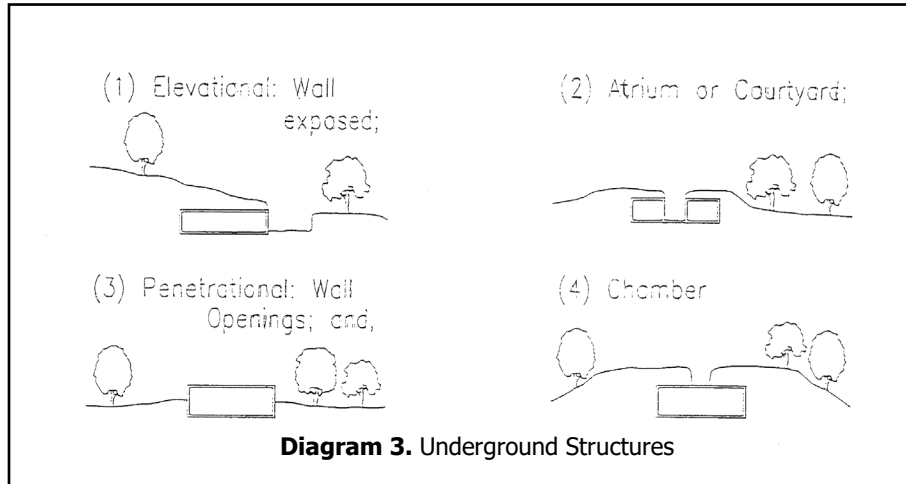
Story: That portion of a building other than a basement, included between the surface of any floor and the surface of the floor next above it; or if there be no floor above it, then the space between such floor and the ceiling next above it.

Story, Half: A space under a sloping roof at the top of the building, the floor of which is not more than two feet below the plate, shall be counted as a half-story when not more than 60% percent of said floor area is used for rooms, baths, or toilets. A half-story containing living quarters shall be counted as a full story.

Structure: Anything constructed or erected which requires permanent location on the ground or attached to something having a permanent location on the ground, excluding fences and walls that are used as fences. Structures include, but not limited to, carports, advertising signs, billboards, and manufactured homes.

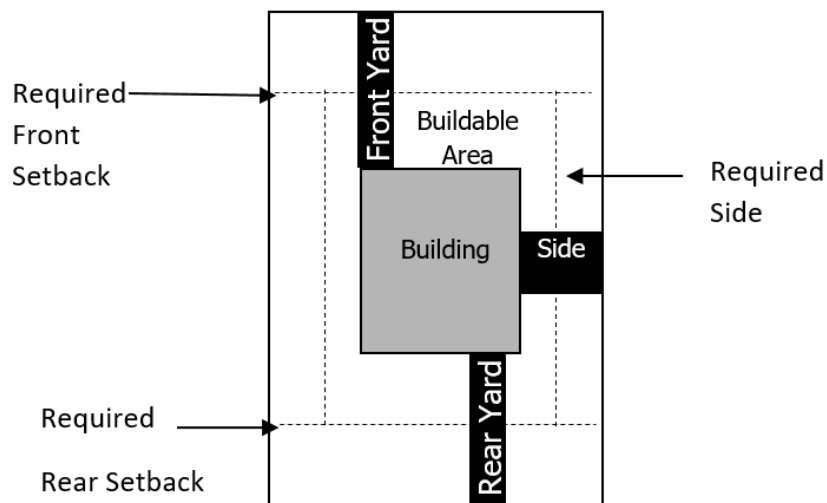
Structural Alterations: Any change in the supporting members of a building, including but not limited to bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

Underground Structures: Any completed building that was designed to be built partially or wholly underground. A completed structure which was not intended to serve as a substructure or foundation for a building. Four types of underground structures are recognized by these regulations; they are:



Village: Town sites or communities established or platted many years ago which never incorporated into towns or cities. Villages in Douglas County include the following: Vinland, Stull, Big Springs, Clinton, and Lone Star

Yard: An open space other than a court, on a lot eligible parcel which is unoccupied and unobstructed from the ground upward, except as otherwise provided in these Regulations. 'Yard' refers to the actual open area that exists between a building and a lot or parcel line as opposed to the 'Required Yard' which is determined by the minimum setback listed in Section 12-xxx.



ZONING AND CODES DIRECTOR. The director of the Zoning and Codes Office and his or her designees.