**ARTICLE 3**

**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:

1. Words used in the present tense shall include the future.
2. Words in the singular number include the plural number,

And words in the plural include the singular number.

1. 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 Carbondale, 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.

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.

1. 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.

1. Private Agreement: These regulations are not intended to

abrogate, annul or otherwise interfere with any easement, covenant or any other private agreement or legal relationship; provided, however, that where the provisions of these regulations are more restrictive (or imposed higher standards or requirements) than such easements, covenants or other private agreements or legal relationships, the provisions of these regulations shall govern.

**2. Separability:** It is hereby declared to be the intention of the City that the several provisions of these regulations are separable, in accordance with the following rules:

1. If any court of competent jurisdiction shall adjudge any provision of these regulations to be invalid, such judgment shall not affect a

other provisions of these regulations.

1. If any court of competent jurisdiction shall adjudge invalid the

application of any provision of these regulations to a particular property or structure, such judgment shall not affect the application of said provisions to any other property or structure.

**3.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 Structure: A subordinate structure, which serves a function customarily incidental to that of the main structure. Customary accessory structures include garages, carports, and small storage sheds, but do not include camping trailers or trailers.

Abandonment: The discontinuance of a use or the vacating of a building for a period of three (3) months (90 consec­utive calendar days) or longer, except however, such discontinuance or vacation shall not be interpreted to be abandonment when resulting from actions other than those of the owner of said use or business.

Accessory Use: A subordinate use, which 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. Does not include camping trailers.

Agricultural Use: The use of a tract of land of not less than 40 acres for the growing of crops, pasturage or nursery, including the structures necessary for carrying out farming operations and the dwellings of those owning or operating the premises, a member of the family thereof, or persons employed thereon, and the family thereof, but such use shall not include feedlots as defined by State statute.

Airport or Aircraft Landing Field: Any landing area, runway

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 an alteration.

Animal Hospital: An establishment where animals are ad­mitted principally for examination or treatment by a doctor of veterinary medicine, and shall not include “kennel”.

Area of Building: The total of building area taken on a horizontal plane at the main grade level of the principal building and all necessary buildings exclusive of uncovered porches, terraces, and steps.

Automobile Service Station: Any business establishment having facilities for the general servicing of automobiles such as battery, tire, or accessories and parts replace­ment, sale or dispensing of gasoline or motor fuels and oil, mechanical repair and maintenance, but not to include such major repair work as wreck rebuilding, body and fender re­pair, auto paint shops, and tire recapping.

Automobile and Mobile Home Sales Area: Any business estab­lishment, used for the display or sale of new or used automobiles or mobile homes, and where no repair work is done except minor incidental repair of automobiles or mobile homes to be displayed and sold on the premises.

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.

Boarding Home: Any establishment used for the reception, board, care, or treatment of three (3) or less babies or children, pensioners, or aged persons, who by reason of illness, physical infirmity, or social cause are unable to sufficiently or properly care for themselves.

Building Area: That area of a plot within which a structure can be built without conflicting with any requirements es­tablished by these Zoning Regulations.

Building: Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, but shall not include mobile homes.

Building, Height of: The vertical distance measured from the average elevationof the finished grade at the front of the building to the highest point of the coping of a flat roof, or to the deck line of a measured roof, or the main height level between eaves and ridges for a gable, hip, or gambrel roof.

Building, Principal: A building in which the principal use of the plot on which said building is situated is conducted.

Camping Trailer: Any vehicular portable dwelling unit designed especially for short-term occupancy such as: travel trailers, tent trailers, truck or auto mounted camp­ing units, converted buses and trucks, and all other similar units whether self-propelled, pulled, or hauled, and designed primarily for highway travel without the necessity of a special permit.

Cellar: A room or set of rooms below or mainly below the surface of the ground, usually under a building but may be separate. For the purposes of these Zoning Regulations, “cellar” shall include all bomb, fallout, or storm shelters*.*

Child Care: Any establishment used for the purposes of a day nursery, nursery school, day school, kindergarten (not connected with a school as defined herein) or similar use which constitutes the normal care of physically and mentally sound children during daytime hours only. A maximum of 10 children under 16 years of age, with a limited number of children under kindergarten age in accordance with K.A.R. 28-4-113 et.seq

Clinic: An establishment where patients who are not lodged overnight, are admitted for examination or treatment.

Club or Lodge, Private: A non-profit association or organ­ization formed for either fraternal, social, educational, philanthropic, or other purpose including unions as well as professional organization and not to include “Fraternity or Sorority House, Collegiate”.

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 or private 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.

Community Service Organization: Any organization, group, or association formed for the single purpose of providing a philanthropic service for the community, but not to in­clude any use, which provides social or physical entertain­ment, except as a part of the philanthropic service.

Conditional Use: Any use, allowed by right when designated within a particular district, but having additional condi­tions to be met in order for a “Conditional Use Permit” to be issued.

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.

Density of Screen or Fence: The percent of vision obstruc­tion caused by physical properties of a planted screen or fence when viewed from a point perpendicular to the surface.

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.

District Map: A map showing the delineation of zoning dis­tricts of that portion of Osage County under jurisdiction of the Osage County Regional Planning Commission for the purpose of these Zoning Regulations and which map is at­tested and on file in the offices of the City Clerk, County Clerk, and the County Planning Commission.

Dog: Any canine species over four (4) months of age.

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.

Dwelling Unit: An enclosure con­taining sleeping, kitchen and bathroom fa­cilities designed for and used or held ready for use as a permanent residence by one family.

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.

Exception: An exception shall always mean the allowance of an otherwise prohibited use within a given district, such use and the conditions by which it may be permitted being clearly and specifically stated within these Zoning Regula­tions, and the allowance being by express permission of the appropriate Board of Zoning Appeals.

Establishment: Shall mean all the physical facilities, land, and buildings or portions thereof, which, when con­sidered, as a whole comprises a specific use.

Fabrication: That part of manufacturing which relates to stamping, cutting or otherwise shaping the processed mate­rials into useful objects and may include extraction, refining, or other initial processing of basic raw mate­rials such as metal ores, lumber, or rubber.

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

Filling Station: Any establishment having pumps and stor­age tanks and appurtenant facilities for the retail sale or dispensing of gasoline or other motor fuels, oil, and accessories for the use of motor vehicles.

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:

A. The basement floor area.

B. The area of each floor of the structure.

C. The attic space having headroom of seven (7) feet or more.

Floor Area Ratio: The total gross floor area of the build­ings on a plot, divided by the area of the plot.

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

Garage, Automobile Repair: Any business establishment hav­ing the facilities for the general repair of automobiles such as maintenance, mechanical repair, wreck rebuilding, body and fender repair, tire recapping, auto glass replace­ment.

Garage, Car Wash: Any business establishment having facilities designed for cleaning motor—driven vehicles.

Garage, Storage, or Parking: An establishment having facilities designed or used exclusively for housing motor-driven vehicles, not necessarily used by occupants of the plot on which said building or portion thereof is situated.

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 Carbondale, Kansas.

Grade: A. For buildings having walls adjoining one (1) street only, the grade is the elevation of the sidewalk at the center of the wall adjoining the street.

B. For buildings having walls adjoining more than one (1) street, the grade is the average of the elevation of the sidewalk, at the centers of all walls adjoining the streets.

C. For buildings having no wall adjoining the street, the grade is the average level of the finished sur­face of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to and not more than five (5) feet from a street right-of-way line is to be consideredas adjoining the street. Where no sidewalk exists, the City Engineer or County Engineer shall establish the grade as appropriate*.*

Group Home: Any dwelling occupied by not more than ten persons, including eight 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 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.

Group Housing Facility: Any establishment built or designed solely for the purpose of housing four or more unrelated persons using common facilities.

Guest House: Living quarters within a detached accessory building located on the same plot as the principal building, for use by temporary guests and not rented or otherwise used as a separate dwelling.

Handcrafts: Any occupation in which articles are fashioned totally or chiefly by hand with manual and often artistic skill involved, materials normally being, but not limited to, leather, malleable metals, plastics, glass, fabrics, or wood.

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

Hospital: Any establishment used for the provision of health services, primarily for in—patients, and medical or surgical care of the sick or injured.

Institution, Non-Profit: Any land or building occupied by a non-profit organization or establishment for public and semi-public use.

Kennel: Any establishment used for keeping four (4) or more domesticated animals, commonly considered to be house­hold pets, more than four (4) months old, but shall not include “Animal Hospital”

Kennel-Boarding: Any place, area, or structure where dogs (including those under one (1) year of age) are boarded, housed, cared for, fed, or trained by other than the owner.

Laboratory, Medical, Optical, or Dental: An establishment, which provides bacteriological, biological, medical, x-ray, pathological and similar analytical or diagnostic services. Fabrication is limited to customfabrication of dentures, optical lenses, braces, or other orthopedic appliances

Laundromat: Any business establishment equipped withindividual coin operated washing, drying, or dry-cleaning machines.

Lawful: Uses and structures that meet and adhere to all requirements set forth in these regulations. It may include pre-existing, non-conforming uses or structures.

Lot: An area of land delineated on a “Subdivision Plat” as a separate and distinct parcel of land intended for the pur­pose of transfer of ownership, or of individual buildings or uses.

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.

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.

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 Types and Setbacks**

****

Manufacture: Any method of processing, developing, fabri­cating, assembling, either raw materials, semi-finished materials or parts of any product destined to be sold either for further processing, fabrication or consumption.

Manufactured House. A dwelling unit substantially assembled in an off-site manufacturing facility for installation or assembly at the dwelling site, bear­ing a label certifying that it was built in compliance with National

Manufactured Home Construction and Safety Standards (24 CFR 3280 et seq.) promulgated by the U.S. Housing and Urban Development. A mobile home is not a manufactured house.

Manufactured Home: A structure, which is subject to the federal manufactured home construction and safety standards established pursuant to U.S.C. 42 5403, and constructed on or after June 15, 1976. U.S.C.

Manufactured Home Residential-Design (also know as Residential Design Manufactured House)

A manufactured home, which satisfies the following additional criteria:

A. The manufactured home shall have minimum dimensions of 22 feet in width and 40 feet in length.

B. 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.

C.All roof structures shall provide an eave projection of no less than 12 inches, exclusive of any guttering.

D. 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;

E. 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, un-pierced except for required ventilation and access, is installed under the perimeter of the Residential-Design Manufactured Home.

F. 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 all running gear, tongues, axles, and wheels must be removed at the time of the installation of the house on the lot.

G. A Residential Design-Manufactured Home, when installed, shall have substantially the appearance of an on-site, conventionally built, single-family dwelling.

Manufactured Home Park: Any area, piece, parcel, tract, or plot of ground equipped as required for support of manufactured homes and offered for use by the owner or representative for manufactured home park purposes and/or ground upon which three or more manufactured homes are parked, whether for compensation or not, including all accessory uses thereof. The term "manufactured home park" does not include sales lots on which unoccupied manufactured homes are parked for the purpose of inspection and sale, or camping trailers. See Supplementary District Regulations.

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.

Mezzanine: An intermediate or fractional story between the floor and ceiling of a main story, and extended over only part of the main floor.

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.

Mobile Home: means a structure which is transportable in one or more sections which, in the traveling mode, is 8 body feet or more in width and 36 body feet or more in length and is build on a permanent chasses and designed to be used as a dwelling, with or without a permanent foundation, when connected tothe required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein.

Mobile Home Park: Any area, piece, parcel, tract, or plot of ground equipped as required for support of mobile or component homes and used or intended to be used by one or more occupied mobile or component homes, but under no cir­cumstances shall the mobile home spaces be sold or offered for sale individually. The term ‘mobile home park’ does not include sales lots on which unoccupied mobile homes, whether new or used, are parked for the purposes of stor­age, inspection or sale or camping trailers.

Mobile Home Space: A plot of ground within a mobile home park, which can accommodate one mobile or component home, and which provides the necessary utility services for water, sewerage and electricity.

Mobile Home Subdivision: Any area, piece, parcel, tract or plot of ground used or intended to be used for the purpose of selling lots for occupancy by mobile homes or component homes.

Night Clubs: Any business establishment normally provid­ing dancing, entertainment, food, and alcoholic beverages, and including taverns, beer halls, membership night clubs, or similar appellations

Nonconforming Structure: A building or portion thereof lawfully existing at the time of the passage of this zoning ordinance and amendments thereto, which does not conform with the provisions of this ordinance or amendments thereto.

Nonconforming Use: Any land lawfully occupied by a use, at the time of the passage of this ordinance or amendments thereto, which does not conform with the provisions of this ordinance or amendments thereto.

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.

Nursing Home: Any establishment or agency licensed by the State Board of Health for the reception, board, care, or treatment of three (3) or more unrelated, aged individuals, operated for gain.

Occupancy Use Permit: A certificate issued by the appro­priate Zoning Administrator which permits the use of a building in accordance with the approved plans and speci­fications and which certifies compliance with the provisions of any applicable ordinances or resolutions for the use and occupancy of the building.

Parking Garage: See “Garage-Storage or Parking”.

Parking Space: An area sufficient in size to store one (1) automobile having a permanent access connecting the parking space with a street or alley permitting ingress and egress.

Planning Commission: The Carbondale City Planning Commission.

Plat: See “Subdivision Plat”.

Platting: Whenever the term “platting” or “platted” is used within these Zoning Regulations, it shall refer to the process established by “The Subdivision Regulations” for the proper and legal method for effectuating a “Sub-division Plat” as defined herein.

Plot: Any part of a lot, two or more adjacent lots, or any parcel of land or tract, occupied or intended for oc­cupancy by a principal building or use together with its accessory buildings and uses.

Plot Area: The total horizontal area within the plot lines.

Plot Corner: A plot abutting upon two (2) or more streets at their intersection, said intersection having an angle of not more than one hundred and thirty-five (135) degrees.

Plot Continuous Corner: A corner plot the side street line of which is substantially a continuation of the front plot line to the rear plot line.

Plot Coverage: The total “area of building” expressed as a percentage of the total “plot area

Plot Depth: The mean horizontal distance between the front and rear plot lines.

Plot Double Frontage: A plot having a frontage on two (2) non-intersecting streets, as distinguished from a corner plot.

Plot Interior: A plot other than a corner plot.

Plot, Width Of: The mean horizontal distance between the side plot lines.

Plot Lines: The lines bounding a plot as defined herein.

Private Club: A non-profit association of persons who are bona fide members paying annual dues, which owns, hires, or leases a structure or premises, or portion thereof, the use of such structure or premises being restricted to members and their guests. The affairs and management of such private club are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting. It shall be permissible to serve (foods) and meals on such premises providing adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed, provided it is secondary and incidental to the promotion of some other common objective by the organization, and further provided that such sale of alcoholic beverages is in compliance with the applicable Federal, State and Municipal laws.

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.

Public Way: Any sidewalk, street, alley, highway, or other thoroughfare dedicated for public use.

Recreational Vehicle: See Travel Trailer.

Residential: The use of a building or any portion thereof for dwelling purposes

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.

Rooming House: Any building, other than a motel or hotel, where generally semi-transient single individuals are pro­vided pre-arranged lodging for compensation. A boarding house, lodging house, furnished room house, or dormitory (when not accessory to an institutional use) shall be deemed a rooming house.

School: An education facility including parochial, public or private under the direction and control of the State Board of Education and the State Superintendent of Public Instruction.

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

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. See Article 8 for all sign definitions

Site 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).

**Site Triangle**

****

Special Use Permit: A special use permit is a permit issued by the Zoning Administrator 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.

Story: That portion of a building, other than a basement (except a basement used for active business or dwelling purpose) included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between the floor and the ceiling next above it.

Story, Half: A space under a sloping roof which has the line of intersection of the roof decking and wall face not more than three (3) feet above the top floor level and in which space not more than two-thirds (2/3) of the floor area is finished for use. A half-story containing inde­pendent apartment or living quarters shall be counted as a full story.

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.

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 Alternations:

1. Any change in the supporting members of a building, such as bearing walls or partitions, columns, floors, beams, or girders or any substantial change in the roof or in the exterior walls.

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.

**Vertical Dimensions of Structure Heights**

****

**2.** 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:

A. Attachment of a new front facade where structural supports are not changed.

B. Addition of fire escapes where structural supports are not changed.

C. New windows where lintels and support walls are not materially changed.

D. Repair or replacement of non-structural members.

Subdivision: The division of a parcel of land into two or more plots for the purpose of transfer of ownership or building development, if provided, thedivision of land for agricultural purposes into plots or parcels each of which is of ten (10) acres or more and not involving a new street shall not be deemed a subdivision.

Subdivision Plat: A plan or map prepared in accordance with the provisions of the “Subdivision Regulations” and recorded in the office of the Register of Deeds of Osage County.

Swimming Pool: A container of sufficient size and depth of water to allow an individual to swim, float, or wade in the container. See page 72

Tavern: An establishment in which the primary function is the public sale and serving of alcoholic and cereal malt beverages for consumption on the premises, including establishments commonly known as key clubs, which are open, and in which alcoholic and cereal malt beverages are served only to members and their guests.

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.

Tract: An area or parcel of land other than a “lot” des­cribed and recorded in the office of the Register of Deeds of Osage County as a single parcel of land under individual ownership

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.

Use: The specific purpose, for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted use” or its equivalent shall not be deemed to include any illegal non-conforming use.

Variance: A variance is a granting of permission within the general intent and purpose of the District Zoning Reg­ulations by the Board of Appeals to allow the development of a plot for uses allowed within a given zoning district but beyond one (1) or more specific controls and limitations of the “District Zoning Regulations” only enough to pre­vent the “District Zoning

Regulations” from being confisatory or causing undue hardship.

Violation: See Article 17.

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 Administrator: The person or persons authorized and empowered by the City Manager to administer the requirements of these zoning regulations.

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 Carbondale.