

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:
 - a. Words used in the present tense shall include the future.
 - b. Words in the singular number include the plural number, and words in the plural number include the singular number.
 - c. The phrase “used for” shall include the phrases “arranged for”, “designed for”, “intended for”, “maintained for”, and “occupied for”.
 - d. The word “shall” is mandatory.
 - e. The word “may” is permissive.
 - f. The word “person” includes individuals, firms, corporations, associations, governmental bodies and agencies, and all other legal entities.
 - g. The word “Board” means the Board of Zoning Appeals.
 - h. Unless otherwise specified, all distances shall be measured horizontally.
 - i. The word “City” means City of El Dorado, 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.

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- (2) **Overlapping or Contradictory Regulations:** Where the conditions imposed by any provision of these regulations upon the use of land or structures are either more restrictive or less restrictive than comparable conditions imposed by other provision of any other law, ordinance, resolution, rule or regulations of any kind, the regulations which are more restrictive shall govern.
 - (3) **Private Agreement:** These regulations are not intended to abrogate, annul or otherwise interfere with any easement, covenant or any other private agreement of legal relationship; provided, however, that where the provisions of these regulations are more restrictive (or impose higher standards or requirements) than such easements, covenants or other private agreements or legal relationships, the provisions of these regulations shall govern.
 - (4) **Unlawful Uses:** No structure or use which was not lawfully existing at the time of the adoption of these regulations shall become or be made lawful solely by reason of the adoption of these regulations; and to the extent that, and in any respect that, said unlawful structure or use is in conflict with the requirements of these regulations, said structure or use remains unlawful hereunder.
2. **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:
 - A. If any court of competent jurisdiction shall adjudge any provision of these regulations to be invalid, such judgment shall not affect any other provisions of these regulations.
 - B. 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 Apartment: An accessory use residential unit that is located detached from a principal single-family residential unit.

Accessory Structure: A subordinate structure which serves a function customarily incidental to that of the main structure. Customary accessory structures include, but are not limited to, garages, carports, and small storage sheds.

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. In terms of land use, the term “accessory” may be used interchangeably with “incidental” or “ancillary.”

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Adult Entertainment Establishment: Any establishment meeting the definitions found in Chapter 5.36 of the Municipal Code of the City of El Dorado and are legally licensed by the appropriate agencies to operate as such.

Agricultural Use - Crops: The use of a tract of land of not less than 40 acres for the growing of crops 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.

Agricultural Use - Livestock: The use of a tract of land of not less than 40 acres for the raising or breeding of livestock or pasturage 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.

For the purposes of this code, livestock means animals that are bred, hatched, raised, housed, pastured or otherwise kept by an individual for the purpose of producing animal products (e.g. milk, wool or honey), sales or value increase. Includes, but is not limited to cattle, hogs, sheep, goats, poultry, horses, rabbits and bees. May include such animals that are kept as family pets or show animals.

Airport or Airstrip: An establishment that provides facilities that support the landing and taking off of aircraft. Typically includes landing areas, runways, taxiways, hangars, aprons, aircraft storage and tie-down areas, aircraft repair and fueling facilities. May also include passenger air terminals.

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

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

Banking – Drive-Through: An establishment primarily engaged in deposit banking and lending services that includes facilities, such as windows and intercom systems, for provision of services to individuals in automobiles. Typical uses include banks, savings and loans and credit unions.

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.

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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.

Body Art Studio: A commercial establishment primarily engaged in the practice of tattooing a person's skin, piercing body parts and other forms of body art. Does not include establishments that offer piercing services only for ears. Such activities shall take place within an enclosed building.

Business Support Services: An establishment primarily engaged in services that support the operation of businesses/offices and the carrying out of personal business. Typical uses include photocopying, reproduction photo developing, blueprinting services, parcel/postal pick up, business machine repair, small sign and banner fabrication, security services, building cleaning and janitorial services. Incidental sales of office supplies and stationary may be included. Does not include outdoor storage of materials and scrap.

Campground: Establishments primarily engaged in providing overnight or short-term camping sites for recreational vehicles, travel trailers, campers or tents.

Car Wash: An establishment primarily engaged in the cleaning or detailing of motor vehicles, whether self-service or automated. Does not include truck washes intended for semi trucks and heavy equipment.

Cemeteries and Mausoleums: Establishments primarily engaged in subdividing real property into cemetery lots and developing it for resale. Typical uses include cemeteries, animal cemeteries and mausoleums.

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.

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.

Convenience Store: A commercial establishment primarily engaged in the retail sale of gasoline, food, beverages, and other household and automotive merchandise. May include a car wash as an accessory use (see "Car Wash"). Does not include vehicle repair services.

Correctional Institution: A facility providing housing and care for individuals confined for violations of law. Typical uses include, jails, prisons and juvenile detention centers.

Dance/Entertainment Club: An establishment primarily engaged in providing entertainment and/or social gathering space for persons under the age of 21 years. Such establishments shall not be eligible to sell or serve alcoholic or cereal malt beverages. Typical uses may include dancing, billiards, video arcades, vending machines, snacks and non-alcoholic beverages such as coffees, teas, soda pops and juices.

Day Care Center: A commercial establishment appropriately licensed by the Kansas Department of Health and Environment where care, supervision, custody or control is provided for more than ten (10) unrelated infants, children or adults for any part of a 24-hour day up to twelve (12) hours.

Day Care, Church: Any day care facility licensed by the Kansas Department of Health that is located on the campus of a legally recognized religious organization and operated by that same organization.

Day Care Home: A home occupation operated by an individual appropriately licensed by the Kansas Department of Health and Environment in which care, supervision, custody or control is provided for ten (10) or fewer unrelated infants, children or adults for any part of a 24-hour day up to twelve (12) hours. Such uses shall only be allowed in single-family and two-family residential dwellings.

Day Care Nursery: A home occupation operated by an individual appropriately licensed by the Kansas Department of Health and Environment where care, supervision, custody or control is provided for six (6) or fewer infants for any part of a 24-hour day up to twelve (12) hours. Such uses shall only be allowed in single-family and two-family residential dwellings.

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

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

Dog: Any canine species over twelve (12) months of age.

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

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

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.

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.

Educational Centers, Parks and Gardens: A public or private owned facility that provides educational services and opportunities for the general public. Typical uses include zoos, aquariums, botanical gardens, observatories and planetariums.

Educational Institutions: Public or private establishments and campuses primarily engaged in educational processes. Typical uses include libraries, elementary schools, middle schools, junior and senior high schools, technical schools, professional training schools, community colleges, colleges, universities and support offices and facilities. May also include accessory uses such as dormitories, gymnasiums, etc. Does not include sports arenas and stadiums.

Equipment Rental, General: Establishments primarily engaged in renting or leasing equipment that does not require special training or licensure for operation, such as moving trucks, pickup trucks, vans, automobiles, tools, power tools, moving equipment and yard maintenance equipment. May include the outdoor storage and incidental sales of such equipment.

Equipment Rental, Heavy: Establishments primarily engaged in renting or leasing large equipment that normally requires special training or licensure for operation, such as heavy equipment, construction equipment, earth moving equipment and semi-trucks. May include the outdoor storage and incidental sales of such equipment.

Equipment Storage Yard: An outdoor facility primarily used for the storage of construction or industrial equipment. Such uses are typically associated with businesses in the construction or building trades. Ancillary uses such as offices, storage buildings, guard shacks, etc. are often associated with the primary use.

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

Farmer’s Market: An outdoor place or market area where individuals primarily engage in the sale of produce or agricultural products they have typically grown or raised. Other items offered for sale may include dried flowers, crafts that are made in the home, original artwork and prepared foods such as baked goods, jellies and preserves, pickles and cheese.

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

Floor Area: 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, excluded for accessory structure calculations.
- B. The area of each floor of the structure.
- C. The attic space having headroom of seven (7) feet or more.

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

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

Funeral Home: An establishment primarily engaged in preparing the human deceased for burial or cremation and arranging and managing funerals. May also include incidental sales of caskets, urns, etc.

Gas and Fuel Storage: An establishment primarily engaged in the bulk storage and distribution of flammable liquid, gas, solid fuel or chemicals. May include the wholesale or retail sales of such fuels. Does not include petroleum refining.

Gasoline Service Station: An establishment engaged in the refueling of automotive vehicles, whether self or full-service. . Such establishments shall not include major vehicle repair services. May include limited vehicle repair services and incidental sales of snacks and beverages.

Golf Courses and Country Clubs: A tract of land developed for the purpose of providing private and/or public golf recreation and support facilities. May include other recreational amenities such as locker rooms, tennis courts and swimming pools. May also include sports pro shops, restaurants and bars, when such uses are legally licensed.

Governing Body: The City Commission of El Dorado, Kansas.

Grain Storage: Facilities for the warehousing of harvested agricultural products and grains. Typical uses include grain elevators.

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.

Hair and Beauty Services: Commercial establishments primarily engaged in provided services to individuals intended to improve their personal appearance. Typical uses include barber shops, beauty shops, hair dressers, ear piercing, manicure/pedicure salons, day spas, massage parlors and cosmetology studios. May include incidental sales of hair and beauty products. Does not include medical therapies, acupuncture or body art studios.

Health/Sports Club: An establishment primarily engaged in providing equipment and services for personal or group exercise, sports and health activities. May include uses such as swimming pools, gymnasiums, tennis courts, handball/racquetball courts, locker rooms and sports fields, if adequate room is available.

Home Improvement Center: A commercial establishment primarily engaged in selling lumber and other building materials such as paint, glass, hardware, wallpaper, nursery stock, lawn and garden supplies, plumbing supplies, flooring materials, electric supplies and tools. Such activities occur within a space greater than 50,000 square feet and may occur either indoors or outdoors.

Home Occupation: A business, profession, service or trade conducted for gain or support entirely within a residential structure maintained as the primary residence of the business owner and that is accessory to the residential use

Hospital: An institution that offers medical services more intensive than is typically provided in a medical office or clinic. Such institutions provide room, board, personal services and general nursing care for the diagnosis, treatment or care of illness, injury, deformities, infirmity, abnormality, disease or pregnancy. Available services typically include clinical laboratory services, diagnostic nuclear medicine services, therapeutic treatments, surgical procedures, obstetrical care and other medical treatment of a similar extent. May also include medical or dental offices, pharmacies, gift shops, cafeterias or restaurants, medical laboratories and other related uses typically found in such establishments.

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

for periods of not more than 28 consecutive days; and having more than two bedrooms furnished for the accommodation of such guests.

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

Kennel: A premises wherein an owner has more than four dogs or four cats, or any combination thereof, or any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats.

Class 1 Kennel: (authorized to house five or more dogs or cats or combination of either) No Class 1 Kennel license may be located in a residential zone unless grandfathered in by Animal Control Ordinance G-935.

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

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

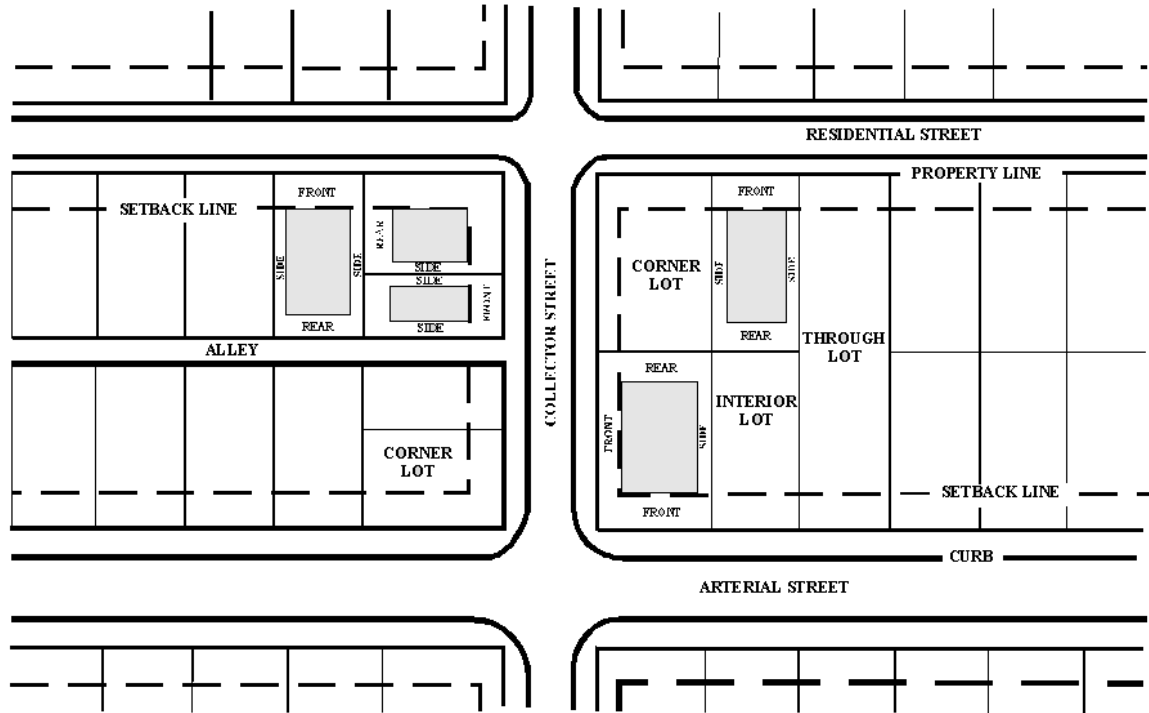
Lot, Depth of: The mean horizontal distance between the front and the rear lot lines.

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

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.

Figure 1 - Lot Types and Setbacks



Manufacturing, General: An establishment engaged in the manufacture, predominantly from previously prepared or finished materials, of finished goods, products or parts. Typical uses include garment factories, laundry/dry cleaning plants, furniture and fixture production, machine shops, rubber and plastics product manufacturing, bakeries, food production, vehicle assembly plants, pharmaceutical/toiletry production, beverage production and bottling (not including breweries), electrical equipment and electronics production, printing/publishing (except copy shops), etc. Generally includes ancillary uses such as storage, offices, guard shacks, etc.

Manufacturing, Limited: An establishment engaged primarily in the on-site production, finishing, assembly or packaging of crafts and goods by hand, hand tool or small machinery. Typical uses include ceramic shops, candle making, fabrication of advertising signs and billboards, custom jewelry manufacturing, electronic and computer products assembly, millwork, cabinetry, custom carpentry shops, monument/stone carving, engraving shops, upholstery shops, scientific and medical instrument production, microbrewery, precision machining of tools, etc. Generally includes ancillary uses such as incidental sales of items produced on-site, offices, storage, etc.

Manufacturing, Processing: An establishment engaged in the processing of predominantly extracted or raw materials into finished, or partially finished goods, products or parts. Also includes those industries that have the potential to produce commonly recognized offensive conditions, such as noxious fumes or odors. Typical uses include fat rendering plants, poultry plants, slaughterhouses, meat processing, brewery, textile mills, pet food production, tanneries, pulp processing, paper

products manufacturing, chemical plants, cement plants, fertilizer production, stockyards and feedlots, garbage incineration, metal foundries and petroleum refineries. Generally includes ancillary uses such as storage, offices, guard shacks, etc.

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

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 of which unoccupied manufactured homes are parked for the purpose of inspection and sale. See Supplementary District Regulations.

Manufactured Home Residential-Design: 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, unpierced 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

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

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.

Microbrewery: An appropriately licensed brewery that produces no more than 5,000 barrels of beer per year and does so in a completely enclosed building. May also include restaurants and sales of alcoholic and cereal malt beverages as legally licensed.

Mining or Quarrying: The extraction, processing and/or storage of metallic and nonmetallic minerals, excluding oil or natural gas. Includes, but not limited to, sand, soil and gravel pit operations; concrete plants; asphalt plants; quarries and mines. May also include the crushing, grinding, washing, preparing and bulk sales of such minerals.

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

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.

Motion Picture Theater: A commercial establishment primarily engaged in the indoor exhibition of motion pictures. May include incidental concessions, restaurants or arcades.

Motor Freight Terminal: Establishments primarily engaged in the shipping or transfer of materials, equipment or products within a building. Typical uses include trucking terminals, parcel terminals (UPS, FedEx, USPS, etc.), moving companies, etc. Does not include post offices or rail yards.

Museums, Studios and Galleries: An establishment primarily engaged in the creation or display of works of fine art and/or the display of collectibles or historic items. Typical uses include history museums, art museums, art studios, photographic studios, art galleries, etc.

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

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

Nursery and Garden Centers: Commercial establishments primarily engaged in the sale of plants, trees, seeds, sod and garden supplies and tools. May also include services such as gardening classes and landscaping design. May include plant and tree nurseries and greenhouses.

Nursing or Convalescent Home: 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.

Oil or Gas Extraction: Activities that include the subsurface removal of gas or oil and other actions that support such activities. This includes, but is not limited to, exploration, drilling, oil and gas well operation and maintenance.

Parks and Recreation: A park, playground, gymnasium, trail, recreation center or other publicly-owned community facility that provides opportunities for active or passive recreational activities.

Passenger Transportation Services: Establishments engaged primarily in transporting people by vehicular means. Typical uses include bus depots, rail depots and airport passenger terminals. Does not include vehicle storage yards or bus barns.

Personal Services: Commercial establishments engaged primarily in providing services that maintain or care for an individual's personal clothing items or belongings. Typical uses include laundry services laundromats, dry cleaning services, shoe shine services, shoe repair, tailors and clothing alteration services. Does not include industrial dry cleaning or laundering plants.

Pipelines: Structures built specifically for the pipeline transportation of petroleum and other commodities, except natural gas.

Planning Commission: The City of El Dorado Planning Commission.

Post Office: A facility or structure owned by the U.S. Postal Service that is used for the collection, sorting and distribution of mail and parcels. May have limited retail services for the general public, such as the sale of stamps and postcards.

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 goods 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.

Professional or Government Office: An establishment primarily engaged in providing executive, administrative, management, professional or governmental services that take place within an office environment. Typical uses include engineering, architecture, accounting, insurance sales and brokerage, real estate sales and brokerage, stock sales and brokerage, deposit banking without drive-through services, advertising agencies, travel agencies, attorneys and legal services, private investigations, bail bonds, social services, local government agencies, state government agencies, federal government agencies, court rooms, etc. Does not include retail sales, medical clinics, hospitals or drive-through banking services.

Public Assembly Venue: An establishment that primarily provides sufficient space and facilities for more than 20 people to congregate for a singular purpose or event. Typical uses include public or private auditoriums, houses of worship, meeting halls, community centers, performing arts theaters and concert halls. Does not include motion picture theaters, sports arenas and stadiums, conference rooms associated with businesses or offices. May include incidental concessions, gymnasiums non-commercial kitchens and offices.

Public Safety: A typically publicly-owned facility providing services that provide for the safety of the general public. Typical uses include police or law enforcement stations, fire stations and ambulance services.

Public Utility, Major: A facility associated with producing or supplying the general public with (a) telephone service, (b) internet service, (c) electricity, (d) natural gas, (e) water and sewer, or (f) cable television. Does not include the minor infrastructure by which such utilities are distributed, such as poles and lines, structures not exceeding 150 cubic feet in size and six feet in height that do not generate discernable noise, odor or vibration and that otherwise comply with these regulations.

Recreation and Entertainment, Indoor: A privately-owned establishment offering recreation, entertainment or games of skill that is wholly enclosed in a building. Typical uses include bowling alleys, bingo parlors, pool halls, video game arcades and amusement rides. May include incidental concessions.

Recreation and Entertainment, Outdoor: A privately-owned establishment offering recreation, entertainment or games of skill to the general public or members wherein any portion of the activity takes place outdoors. Typical uses include archery ranges, batting cages, golf driving ranges, motion picture drive-ins, skeet and trap clubs, shooting ranges, miniature golf courses, go cart tracks, theme parks and amusement rides. Does not include golf courses, parks, open space and recreation facilities.

Recreational Vehicle: See Travel Trailer.

Recycling Processing Center: An establishment primarily engaged in the receipt, separation, storage, baling, conversion and/or processing of recyclable materials. Does not include salvage yards.

Recycling/Refuse Collection and Transfer: An indoor facility primarily engaged in the collection and temporary storage of recyclable materials and garbage.

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. Ancillary use may also include the legally licensed sales of alcoholic and cereal malt beverages for consumption on premises, whose food and non-alcoholic beverage sales comprise of at least fifty percent (50%) of their monthly sales.

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 and includes the facilities, such as windows and intercom systems, to service persons in automobiles.

Retail, General: An establishment primarily engaged in the sale or rental of commonly used goods and merchandise for personal or household use. Typical uses include grocery stores, department stores, furniture stores, clothing stores, pawn shops, resale shops, pay day loans, check cashing services and establishments providing the following products or services: household electronics, sporting goods, bicycles, office supplies, home furnishings, household appliances, video tapes and discs, hardware, wallpaper, carpeting and flooring materials, flowers, medical supplies, art supplies books, drugs, jewelry, cosmetics, antiques, liquor, cereal malt beverages, automotive parts and accessories, etc. Does not include deposit banking, vehicle sales, heavy equipment sales, manufactured home sales, malls, supercenters or home improvement centers.

Retail, Malls and Supercenters: Any establishment that meets the definition of “Retail, General” in these regulations wherein such activities take place within an enclosed building or structure under common ownership/proprietorship of over 50,000 square feet.

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

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

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

Self-storage Facilities: A storage facility of a commercial nature containing individual, fully enclosed bays that are leased to persons exclusively for the storage of their household goods or personal property. Does not include outdoor storage of vehicles, boats or equipment.

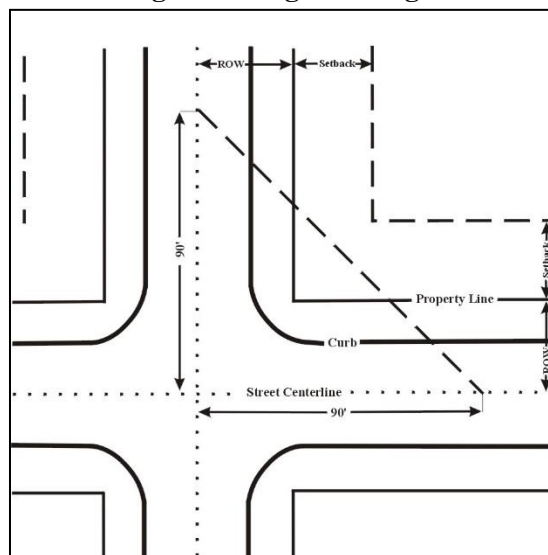
Setback: The required minimum horizontal distance between the structure line and the related front, side, or rear property line.

Shipping Container: A steel container with strength to withstand shipment, storage, and handling. Such containers include reusable steel boxes, freight containers, and bulk shipping containers; originally a standardized reusable vessel that was designed for and used in the parking, shipping, movement, transportation, or storage of freight, articles or goods, or commodities; generally capable of being mounted or moved on a rail car, truck trailer, or loaded on a ship.

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

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

Figure 2 – Sight Triangle



Special Trade and Building Services: Establishments engaged in providing services that require special skills, experience and/or licensure, which activities are carried out upon buildings, structures or items. Typical uses include electronics repairs, refrigeration repair, heating and air conditioning repair, watch and clock repair, jewelry repair, carpet/upholstery cleaning, handyman services, plumbing services, electrician services and pest control services. May include ancillary office uses, indoor storage of materials and chemicals as allowable by law, incidental outdoor storage of service business-related vehicles, etc.

Special Use Permit: A Special Use Permit is a permit issued by the Zoning Administrator with the authorization of the City Commission. 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.

Sports Arenas and Stadiums: An indoor or outdoor structure primarily intended to provide space for teams and individuals to practice or compete in sporting events, which includes adequate seating and facilities for spectators. May also be used for ancillary events and gatherings, such as concerts and performing arts events. Typical uses include football stadiums, baseball stadiums, horse arenas, rodeo arenas, ice rinks and basketball arenas. Does not include public sports field bleachers or gymnasiums associated with schools, houses of worship or health clubs.

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

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

Street Network:

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

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

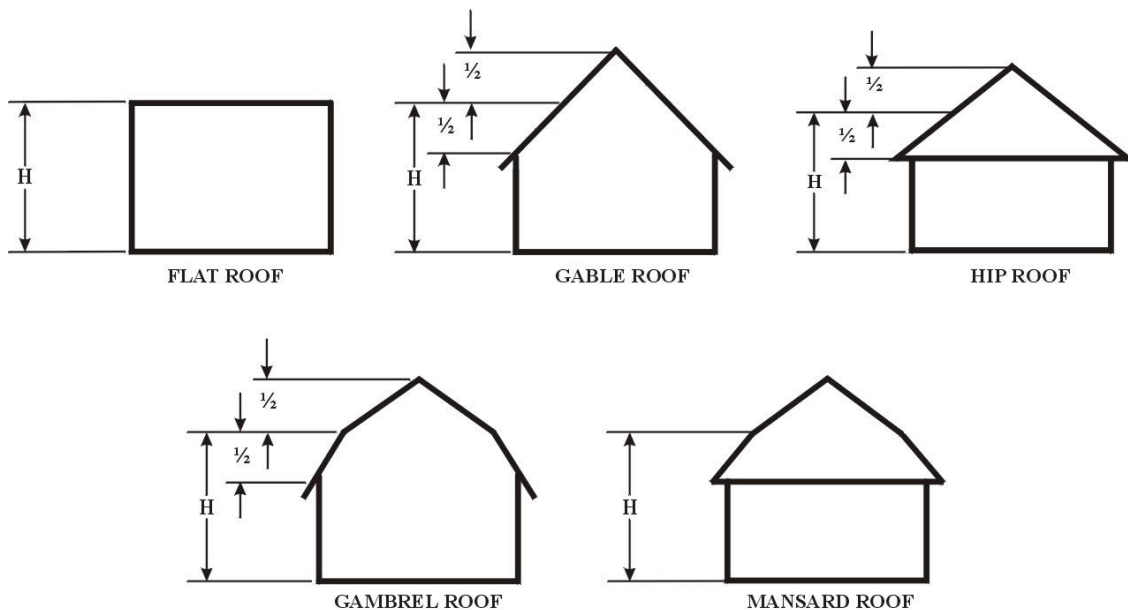
- A. Attachment of a new front façade where structural supports are not changed.
- B. Addition of fire escapes where structural supports are not changed.
- C. New windows where lintels and support walls are not materially changed.

D. Repair or replacement of non-structural members.

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.

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.

Figure 3 - Vertical Dimensions of Structure Heights



Tavern, Bar or Night Club: A legally licensed establishment in which the primary function is the public sale and serving of alcoholic and cereal malt beverages for consumption on the premises. Ancillary use may also include dancing, billiards, darts, vending machines, video games and the legally licensed sales of food and non-alcoholic beverage sales, which comprise of at less than fifty percent (50%) of their monthly sales.

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

Townhouse Structure: A grouping of three or more townhouses.

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

Transitional Housing: A facility, occupied by not more than 30 residents, with staff members as needed, which provides transitional housing for the purpose of facilitating the movement of homeless individuals and families to permanent housing, and which may also include providing ancillary services such as employment counseling, vocational training, dining and food preparation, and individual or group behavioral health interventions.

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.

Truck Stop/Truck Wash: An establishment primarily engaged in the sale of diesel fuel for semi-trucks and heavy equipment and providing goods and services for over-the-road truck drivers and the travelling public. Such establishments may include convenience stores, restaurants, car washes, truck washes, vehicle repair services, locker rooms/showers, etc. that are otherwise permitted by these regulations.

Urban or Loft Apartment: A residential dwelling unit located in the core downtown area that is typically attached to a structure that contains other dwelling units or land uses.

Vehicle and Equipment Sales: An establishment primarily engaged in the sales of new and used automotive vehicles, semi-trucks, agricultural equipment, heavy equipment, recreational vehicles and/or manufactured homes. May include the auction of such vehicles and equipment and limited or major vehicle repair services.

Vehicle Repair, Limited: Establishments providing specialized motor vehicle repair or maintenance services, which activities take place within an enclosed building, excluding paint and body shops or other major vehicle repair services. Typical services include electronic tune ups, brake repairs, air conditioning repairs, tire repairs, front end alignments, battery recharging and oil/lubrication services. May also include the sales, repair or installation of parts and accessories, such as tires, batteries, windshield wipers, hoses, windows, etc.

Vehicle Repair, Major: Establishments providing major motor vehicle, recreational vehicle semi-truck or heavy equipment painting, body work and repair services. Typical services include major engine repairs and rebuilding, painting, body work, frame repairs, etc.

Vehicle Storage Yard: An establishment engaged in the outdoor storage of vehicles, recreational vehicles, travel trailers, boats, etc. May include impound lots. Ancillary uses may include vehicle rentals, on-site self-storage units, offices, etc.

Veterinary Services – Large Animal: Establishments operated by doctors of veterinary medicine offering on-site veterinary services for large livestock or zoo animals.

Veterinary Services – Small Animal: Establishments operated by doctors of veterinary medicine offering veterinary services for animals that are generally considered to be household pets. Does not include overnight boarding, except as required for emergency cases.

Warehousing and Wholesaling: Establishments primarily engaged in the indoor storage, distribution or sales of materials, equipment or products within a building. Typical uses include wholesale distributors, beer/liquor distributors, indoor vehicle storage, commercial warehousing, etc. Does not include self-storage facilities.

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 El Dorado.