



The resolutions in this chapter and all other chapters, sections, and appendices shall constitute and be designated the "Code of Saline County, KS". The construction of this codebook was done for the convenience of users of the Code and shall have no legal effect. The resolutions used for the construction shall supersede and have legal effect. Reference Chapter 1: Overview of Codes for further details.

SECTION A - INTERPRETATION OF TERMS OR WORDS

Terms or words used herein shall be interpreted as follows:

- a. The present tense includes the past or future tense, the singular includes the plural and the plural includes the singular.
- b. The word "shall" is mandatory; "may" is permissive; and the word "should" is preferred; and
- c. The masculine shall include the feminine.

SECTION B - MEANING OF TERMS OR WORDS

100-year Flood: See "base flood."

Accessory building/structure: A structure on the same lot as the main building, the use of which customarily is incidental to that of the main structure or to the principal use of the premises.

Accessory use: A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

Actuarial Rates: see "risk premium rates."

Addition (Construction Registration): A structure [or] enclosed building added to the existing building.

Administrator: An official, having knowledge in the principles and practices or zoning and subdividing, who is appointed by the Governing Body to administer this resolution. May also mean the Federal Insurance Administrator for floodplain purposes.

Adult entertainment establishment: Any commercial establishment that offers free admittance or admittance for any form of consideration and which features, presents, or makes available to patrons live entertainment, waiting services, books, magazines, periodicals, other printed matter, photographs, films, motion pictures, video cassettes, video productions, CD ROM discs or other software, slides, or other visual representations which are distinguished or characterized by an emphasis on matters depicting, describing, or related to "specified sexual activities" or "specified anatomical areas" or both as herein defined. Examples of such uses would include but not be limited to: adult cabarets; adult motion/mini picture theaters; adult theaters; adult arcade; viewing booths; adult motel/hotel; or adult lounge.



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Adult personal service establishment: An establishment or place primarily in the business of providing non-professional massage, sauna, bathing, exercise, physical therapy, modeling, escorting, or conversational services conducted either by employees, performers, contractors, or other patrons and which services are distinguished or characterized by an emphasis on matters depicting, describing, performing, or related to "specified sexual activities" or "specified anatomical areas" or both as herein defined.

Adult retail store: A commercial establishment in which thirty percent (30%) of the floor area or interior wall space is dedicated to the display with the intent to sell or rent for any form of consideration any one or more of the following:

- a. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, video productions, CD ROM discs or other software, slides, or other visual representations which are distinguished or characterized by an emphasis on matters depicting, describing, or related to "specified sexual activities" or "specified anatomical areas" or both as herein defined; or
- b. Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities".

Agency: means the Federal Emergency Management Agency (FEMA).

Agriculture: The use of the land for agricultural purposes, including farming, dairying, pasturage, agriculture, apiaries, horticulture, floriculture, viticulture, and animal and poultry husbandry, the necessary accessory uses for packing, processing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities; and provided further, that the above uses shall not include the commercial feeding of animals.

Agricultural Commodities: means agricultural products and livestock.

Agricultural Operation: Shall mean the growing or raising of horticultural and agricultural crops, hay, livestock, poultry and dairy products for commercial purposes.

Agricultural Structure: means any structure used exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities.

Alley: A public or private way, at the rear or side of property, permanently reserved as a means of secondary vehicular access to abutting property. Frontage on said alley shall not be construed as satisfying the requirements of the resolution related to frontage on a dedicated street. Also see Street.

Alteration: A change or rearrangement of the structural parts of existing facilities, or an enlargement by extending the sides or increasing the height or depth or the moving from one location to another. For the purposes of this appendix, the Uniform Building Code, and amendments thereto, shall supersede the above definition and shall be used to make the final determination as to whether an alteration is proposed.

Amusement parks: An outdoor facility, which may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, and buildings for show and entertainment.



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Animal hospital or clinic: A building or premises for the medical or surgical treatment of animals including the boarding of hospitalized animals, but excluding the boarding of animals not subject to medical or surgical treatment.

Annual permit: A permit issued annually by the Health Officer after each annual inspection, provided the mobile home park or campground is in compliance with these regulations.

Apartment house: See section on Dwelling, multiple.

Appeal: means a request for review of the Floodplain or Zoning Administrator's interpretation of any provision of this ordinance or a request for a variance.

Appeals board: See section on Board of Zoning Appeals.

Area of Shallow Flooding: means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard: is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

Arterial: See Street.

Automobile wrecking: See Salvage yard.

Base flood: The flood having one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation: means the elevation of the surface of the water during a one percent annual chance flood event.

Basement: Any area of the structure having its floor subgrade (below ground level) on all sides. A basement, when designed for or occupied for business or manufacturing, will be considered a story.

Block: A group of lots, tracts or parcels within well-defined boundaries, usually streets.

Boarding house: A dwelling in which roomers, lodgers and/or boarders are housed but individual cooking facilities are not provided.

Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature, provided the ground floor contains over 100 square feet. See also "structure" for floodplain management purposes.

Building height: The height of a building is the vertical distance from the established grade to the highest point on the roof or parapet wall.

Building, principal: A building in which is conducted the principal use of the building site on which it is situated. In any residential district any dwelling shall be deemed to be a principal building.



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Building setback line: An imaginary line established by a zoning resolution that requires all buildings to be set back a certain distance from lot lines, property lines, or existing or future road right-of-way lines.

Campground: A plot of ground upon which two or more campsites are located, established or maintained for occupancy by camping units for the general public as temporary living quarters for recreation or vacation purposes.

Capital improvement: A government acquisition of real property, a major construction project, or acquisition of long lasting expensive equipment.

Capital improvement program: A proposed timetable or schedule of all future capital improvements to be carried out during a specific period and listed in order of priority, together with cost estimates and anticipated means of financing each project.

Certificate of Occupancy: A document issued by the proper authority allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all the applicable codes and resolutions.

Chief Engineer: means the chief engineer of the division of water resources, Kansas Department Of Agriculture.

Chief Executive Officer or Chief Elected Official: means the official of the community who is charged with the authority to implement and administer laws, ordinances, and regulations for that community.

Child care center: A day nursery providing care for more than ten (10) children, for part or all of the day or night, away from the home of the parent or legal guardian; and includes full day child care; nursery schools; play groups; Head Start centers giving emphasis to programming for special children; kindergartens not operated by the public schools; and other establishments offering care to groups of children for part of or all of the day or night. A child care center must meet the criteria set forth by the Kansas Department of Health and Environment.

Circus and/or carnival: A temporary outdoor amusement center, bazaar or fair, either involving use of special purpose equipment or conducted by professional operators, or both, and where activities include such things as rides, exhibitions, food service, sales or small scale games.

Clinic: A building designed and used for the medical, dental or surgical diagnosis or treatment of patients under the care of doctors and/or nurses, with no overnight boarding allowed.

Clubs: An incorporated or unincorporated association of persons organized for a social, fraternal, athletic, educational, literary or charitable purpose. Property occupied by a club shall be deemed to be semi-private in character and shall be subject to the regulations governing public buildings and places, excluding groups organized primarily to render a service which is normally considered a business.

Collector: See Street.

Commission: The Planning Commission appointed by the Governing Board.

Community: means any State or area or political subdivision thereof, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.



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Comprehensive Plan (County): A comprehensive long-range plan intended to guide the growth and development of the county and includes analysis, recommendations and proposals of the county's population, economy, housing, transportation, community facilities and land use.

Conditional use: See Conditional Use Procedure, [Chapter 13 – Part A: Zoning Resolution](#), Section 13A-13.06

Conditional Use Permit: The documental evidence of authority granted by the Planning and Zoning Board to locate a Conditional Use at a particular location.

Construction: The building of forms for footings, pouring of concrete for buildings or the digging of holes for pole sheds.

Council: The city council of the municipal governing body.

County Register of Deeds: The office of the Register of Deeds of Saline County.

Country club: A building and related facilities owned or operated by a corporation, association, or group of individuals established for the fraternal, social, educational, recreational or cultural enrichment of its members and not primarily for profit.

Court: An open unoccupied space other than a yard, on the same lot with a building or buildings and which is bounded on two (2) or more sides by such buildings or building including the open space in a house, court or apartment, providing access to the units thereof.

Cul-de-sac: See Street.

Dedication: The setting apart of land or interests in land for use by the public by ordinance, resolution or entry in the official minutes as by the recording of a plat. Dedicated land becomes public land upon acceptance by the County.

Deed: A legal document conveying ownership of real property.

Developer: Authorized agent(s) of a subdivider or the subdivider himself.

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

District: Any section of Saline County within which the Zoning regulations are uniform.

Drive-in use: An establishment which by design, physical facilities or service encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicle.

Duplex: See Dwelling, two family.

Dwelling: Any building or portion thereof which is designed and used for human habitation.

Dwelling, single family: A building having accommodations for and occupied exclusively by one family.

Dwelling, two family: A building having accommodations for and occupied exclusively by two families.



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Dwelling, multiple: A building having accommodation for and occupied by more than two families.

Easement: A grant by a property owner to specific persons or to the public to use land for specific purposes. Also, a right acquired by prescription.

Elevated Building: means for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Eligible Community or Participating Community: means a community for which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NFIP).

Engineer: Any person who is licensed in the State to practice professional engineering.

Existing Construction: means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "existing construction" may also be referred to as "existing structures."

Existing Manufactured Home Park or Subdivision: means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Exotic animals: Animals not commonly kept domestically or that are not native to the county and/or the United States, and that are not kept for agricultural purposes. Exotic animals include, but are not limited to, bears and lions. A caged bird kept as a pet within a residential structure is not considered an exotic animal.

Expansion to an Existing Manufactured Home Park or Subdivision: means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Family: Either (a) an individual or two or more persons related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit; or (b) a group of not more than four persons who need not be related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit; plus in either case, usual domestic servants. A family may include any number of gratuitous guests or minor children not related by blood, marriage or adoption.

Family day care home: A home in which care is given for less than twenty-four (24) hours a day to not more than ten (10) children away from their homes, who are not related to the provider. (Day Care refers to daytime care, evening care or night-time care.) A family day care home must meet the criteria set forth by the Kansas Dept. of Health and Environment.

Farmstands: A temporary structure, subject to all applicable setback regulations, which exists for not more than six (6) calendar months and from which only farm produce produced on property in Saline County, Kansas, by the farmstand owner is sold to the general public.



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Flood" or "Flooding: means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- 1) the overflow of inland waters;
- 2) the unusual and rapid accumulation or runoff of surface waters from any source; and
- 3) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood, or by some similarly unusual and unforeseeable event which results in flooding as defined above in item 1).

Flood Boundary and Floodway Map (FBFM): means an official map of a community on which the Administrator has delineated both special flood hazard areas and the designated regulatory floodway.

Flood Elevation Determination: means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

Flood Elevation Study: means an examination, evaluation and determination of flood hazards.

Flood Fringe: means the area outside the floodway encroachment lines, but still subject to inundation by the regulatory flood.

Flood Hazard Boundary Map (FHBM): means an official map of a community, issued by the Administrator, where the boundaries of the flood areas having special flood hazards have been designated as (unnumbered or numbered) A zones.

Flood Hazard Map: means the document adopted by the governing body showing the limits of:

- 1) the floodplain;
- 2) the floodway;
- 3) streets;
- 4) stream channel; and
- 5) other geographic features.

Flood Insurance Rate Map (FIRM): an official map of a community, on which the ~~Flood Insurance Study~~ Administrator has delineated both the special flood hazard ~~boundaries~~ areas and the risk premium zones ~~establishing insurance rates~~ applicable to the community.

Flood Insurance Study (FIS): means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Floodplain or "Flood-prone Area: means any land area susceptible to being inundated by water from any source (see "flooding").



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Floodplain Management: means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

Floodplain Management Regulations: means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain and grading ordinances) and other applications of police power. The term describes such state or local regulations, in any combination thereof, that provide standards for the purpose of flood damage prevention and reduction.

Floodproofing: means any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, or structures and their contents.

Floodway or Regulatory Floodway: means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floodway Encroachment Lines: means the lines marking the limits of floodways on Federal, State and local floodplain maps.

Foster home: A family home in which four (4) or fewer children under sixteen (16) years of age unattended by a parent or guardian and unrelated to the family by blood, marriage or adoption, are cared for twenty-four (24) hours a day. A Foster Home must meet the criteria set forth by the Kansas Department of Health and Environment.

Fraternal organization: A group of people formally organized for a common interest, usually cultural or religious with regular meetings, rituals and formal written membership requirements. Examples of such groups are Masons and the Knights of Columbus.

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

Frontage: See Street.

Functionally Dependent Use: means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities and facilities that are necessary for the loading and unloading of cargo or passengers, but does not include long-term storage or related manufacturing facilities.

Garage, repair: A building used for the storage, parking, care or repair of motor vehicles.

Governing body: The Board of County Commissioners of Saline County, Kansas.



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Grade (ground level): The average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five (5) feet of a sidewalk, alley, or other public way, the ground level shall be measured at the elevation of the sidewalk, alley or public way.

Greenhouse: A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants.

Gross floor area: The sum of the gross horizontal areas of the floors of a building or buildings, measured from the exterior walls and from the center line of division walls. Floor area shall include: Basement space, elevator shafts and stairwells at each floor, mechanical equipment rooms or attic spaces with headroom of seven feet, six inches (7' 6") or more, penthouse floors, interior balconies and mezzanines, and enclosed porches.

Group home: Any dwelling occupied by not more than ten (10) persons, including eight (8) or fewer persons with a disability as defined by K.S.A. 12-736 who need not be related by blood or marriage and not to exceed two (2) staff residents of the home, which dwelling is licensed by a regulatory agency of the state.

Health Officer: The legally designated health authority of Saline County or his authorized representative.

Highest adjacent grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of the structure.

Highway: A street designated as highway by an appropriate local, state or federal agency.

Historic Structure: means any structure that is

- 1) listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- 2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- 3) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- 4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either
 - a. by an approved state program as determined by the Secretary of the Interior or
 - b. directly by the Secretary of the Interior in states without approved programs.

Home, rest, convalescent, for the aged: A home operated similar to a boarding house but not restricted to any number of guest rooms, and in which nursing, dietary and other personal services are furnished to convalescents, invalids, and aged persons. This definition does not include homes for persons suffering from an acute mental sickness, or from a contagious or communicable disease, or homes where surgery or other



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primary treatments are performed such as are customarily provided in hospitals, and in which no persons are kept or served who normally would be admitted to a mental hospital.

Home occupation: See Home Occupations, [Chapter 13 – Part A: Zoning Resolution](#), Section 13A-12.05

Home, retirement: A place of residence for several families or individuals in apartment-like quarters, rented, cooperative, or condominium, which may feature service to retired persons such as limited nursing facilities, minimum maintenance living accommodations, and recreation programs and facilities.

Hospital: An establishment which provides accommodations, facilities and services over a continuous period of twenty-four (24) hours or more, for observation, diagnosis and care, of two (2) or more individuals, not related by blood or marriage to the operator, who are suffering any condition requiring obstetrical, medical or surgical services.

Hotel (motel): Any building or group of buildings used for transient residential purposes containing six (6) or more guest rooms with or without housekeeping facilities which are intended or designed to be used, or which are used, rented or hired out to be occupied for sleeping purposes by guests.

Household pet: Animals or fowl customarily permitted in the house and kept for company or pleasure, including dogs, cats, canaries, and similar pets.

Improvement: Any alteration to the land or other physical constructions associated with subdivision and building site developments.

Institutional use: A non-profit or quasi-public use or institution such as church, library, public or private school, hospital, or governmentally owned or operated building, structure or land used for public purposes.

Kennel, boarding: Any place, area, lot, building or structure where dogs or cats (including those under one year of age) are boarded, housed, cared for, fed or trained by other than the owner. Approval of a conditional use permit for a boarding kennel in District AG (Agricultural) may be subject to the following conditions:

- a. All kennel buildings, runs and open areas to be located at least 200 feet from the property line.
- b. All kennel runs or open areas to be screened around such areas or at the property line. Such screening may be densely planted evergreen foliage, or a solid wall or fence of masonry, wood or metal, designed so as to reduce noise and prevent the distraction or excitement of the animals.
- c. Open pens shall be served by an on-site wastewater facility if soil conditions will not support adequate percolation.

Kennel, breeding: Any place, area, lot, building or structure where more than four (4) dogs or cats six (6) months of age or older are kept for any purposes. Approval of a conditional use permit for a boarding kennel in District AG (Agricultural) may be subject to the following conditions:

- a. All kennel buildings, runs and open areas to be located at least two hundred (200) feet from the property line.



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- b. All kennel runs or open areas to be screened around such areas or at the property line. Such screening may be densely planted evergreen foliage, or a solid wall or fence of masonry, wood or metal, designed so as to reduce noise and prevent the distraction or excitement of the animals.
- c. Open pens shall be served by an on-site wastewater facility if soil conditions will not support adequate percolation.

Land Use Plan: An adopted document that herein may be referred to as a Comprehensive Plan. The document shall show the general location and extent of present and proposed development.

Large scale development: A subdivision, the size of which consists of fifty (50) or more lots or dwelling units.

Loading space: An off-street space or berth on the same lot with a principal building or contiguous to a group of buildings, for the temporary parking of commercial vehicles while loading or unloading.

Loop: See Street.

Lot: A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required; such lot shall have frontage on a public street, and may consist of:

- a. A single lot of record.
- b. A portion of a lot of record.
- c. A combination of complete lots of record, or complete lots of record and portions of lots of record.
- d. A parcel of land described by metes and bounds; provided that in case of division or combination there shall have been approval given to said division or combination by the Commission under the conditions set forth in the subdivision regulations of the County of Saline.
- e. The area of any lot shall be determined exclusive of public streets, highway, alley, road or other right-of-way.

Lot depth: The straight line distance from the midpoints of the front and rear lot lines.

Lot, flag: A lot shaped and designed that the main building site area is set back from the street on which it fronts and includes an access strip connecting the main building site with the frontage street.

Lot frontage: The length of lot boundary contiguous with adjacent streets.

Lot line, front: A property line contiguous with the street right-of-way.

Lot line, rear: A lot line which is opposite and most distant from the front lot line.

Lot of record: A lot shown as a part of a recorded subdivision, or any parcel of land described by metes and bounds in a recorded deed, record of survey or other appropriate document recorded in the office of the County Register of Deeds, or created by other official document, all in accordance with the regulations of Saline County.

Lot, platted: A lot that is a portion of, or all of a duly recorded subdivision.

Lot types: As used in these regulations, lot types are as follows:



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- a. *Corner lot* is a lot located at the intersection of two (2) or more streets;
- b. *Interior lot* is a lot other than a corner lot with frontage on only one (1) street; and
- c. *Through lot* is a lot with frontage on more than one (1) street other than a corner lot.

Lot width: The length of the front setback line between the side lot lines.

Lowest Floor: means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, **provided** that such enclosure is not built so as to render the structure in violation of the applicable floodproofing design requirements of this ordinance.

Manufactured home: Any structure designed for residential use which is

- 1) transportable in one or more sections,
- 2) designed for use with or without a permanent foundation,
- 3) connected to the required utilities, and
- 4) outside of floodplain regulations the definition includes had been constructed to meet the Manufactured Home Construction and Safety Standards Act of 1974, which became effective on June 15, 1976. This definition would apply to structures typically referred to as modular homes, residential designed manufactured homes, panelized homes, and/or industrialized homes.
- 5) The term manufactured home **does not include** a recreational vehicle.

Manufactured home park or subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots or spaces for rent or sale.

Map: means the Flood Hazard Boundary Map (FHBM), Flood Insurance Rate Map (FIRM), or the Flood Boundary and Floodway Map (FBFM) for a community issued by the Federal Emergency Management Agency (FEMA).

Market Value or Fair Market Value: means an estimate of what is fair, economic, just and equitable value under normal local market conditions.

Mean Sea Level: means, for purposes of the National Flood Insurance Program (NFIP), the National American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

Meeting hall: See Club.

Mobile home: Any structure or vehicle designed for use as a residence which a) has not been constructed to meet the Manufactured Home Construction and Safety Standards Act of 1974, which became effective on June 15, 1976; b) is built on and retains a chassis, and c) is transported and located as one piece. This definition would apply to structures or vehicles typically referred to as trailer homes, recreational vehicles, motor homes, and campers.

Mobile home lot: A plot of ground within a mobile home park or campground designed for the accommodation of one mobile home or camper.



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Mobile home park: Any plot of ground which has been planned or improved for permanent placement of two (2) or more mobile homes.

Mobile home permit: A joint permit, signed by both the proper official of the Zoning Board and the Health Officer, permitting the mobile home park or campground to be located, and constructed under this resolution and any regulations promulgated thereunder.

Mobile home subdivision: A subdivision designed and intended for exclusive mobile home residential use.

Monument: Any permanent marker either of concrete, galvanized iron pipe or iron steel rods, used to identify any tract, parcel, lot or street lines, as specified in K.S.A. 58-2001.

Motel: See Hotel.

Natural resources extraction: Natural mineral resources, development of, together with the necessary buildings, [and] apparatus, including but not limited to rock, sand, gravel and mineral dredging, processing and stockpiling, top soil removal, and all other types of mineral recovery, excluding smelters.

New Construction: means, for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of the floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision: means a manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the community.

(NFIP): means the National Flood Insurance Program (NFIP).

Nonconforming building, land and/or use: The use of a building, land or use, which was lawful at the time this resolution became effective but which because of the passage of this resolution or amendments thereto, does not conform to the regulations of the district in which it exists.

Numbered A Zone: means a special flood hazard area where the Flood Insurance Rate Map shows the Base Flood Elevation.

Original parcel of land: Any lot, parcel, or tract recorded at the County Register of Deeds office prior to the adoption of this resolution, or any lot, parcel or tract created prior to the effective date of this resolution, provided that such agreement of sale of said lot, parcel or tract contains a duly acknowledged signature dated prior to the date of adoption of this resolution.



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Original permit: A joint permit, signed by both the proper official of the Zoning Board and the Health Officer, permitting the mobile home park or campground to be located, and construction under this resolution and any regulations promulgated thereunder.

Ownership: The individual, firm, association, syndicate, partnership or corporation having an interest in the land to be subdivided.

Parking space: See Off-street parking and loading facilities, [Chapter 13 – Part A: Zoning Resolution](#), Section 13A-12.02

Partial: See Street.

Participating Community: also known as an "eligible community," means a community in which the Administrator has authorized the sale of flood insurance.

Performance bond: An amount of money or other negotiable security paid by the subdivider or his surety to the County Clerk which guarantees that the subdivider will perform all actions required by the Governing Body regarding an approved plat, and provided that if the subdivider defaults and fails to comply with the provisions of an approved plat, the subdivider or his surety will pay damages up to the limit of the bond, or the surety will itself complete the requirements of the approved plat.

Permit: for floodplain regulations, means a signed document from a designated community official authorizing development in a floodplain, including all necessary supporting documentation such as:

- 1) the site plan;
- 2) an elevation certificate; and
- 3) any other necessary or applicable approvals or authorizations from local, state or federal authorities.

Permitted use: Any use authorized or permitted in a specified district and subject to the limitations and regulations of such district.

Person: Any individual, group of individuals, firm, partnership, corporation, company, association or any other entity including Federal, State, and local governments and agencies.

Planned unit development subdivision: A subdivision designed as a combination of residential, commercial and industrial uses planned for a tract of land to be developed as a unit under single ownership or control, which is developed for the purpose of selling individual lots or estates, whether fronting on private or dedicated streets, which may include two (2) or more principal buildings.

Plat (noun): The drawings, maps or plans of a subdivision, cemetery, townsite or other tract of land or a replatting of such including certifications, descriptions and approvals:

- a. *Preliminary plat:* The first formal presentation by drawing of a proposed subdivision; and,
- b. *Final plat:* The final and formal presentation by drawings of an approved subdivision development, the original and one (1) copy of which is filed with the County Register of Deeds.



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Plat (verb): To prepare and record a plat map of a subdivision, addition or development that has been approved by the County. Land shall be platted in accordance with the subdivision regulations of the County prior to rezoning any area to any district other than the AG (Agricultural) District. In addition, vacant land shall be platted in accordance with the subdivision regulations of the County prior to issuance of a building permit for development other than agricultural or single-family purposes.

Plat, final: A map of a subdivision, addition or development to be recorded in the County Register of Deeds Office after approval by the County.

Plat, preliminary: A map showing the salient features of a proposed development as required by this resolution submitted for the purpose of preliminary consideration.

Pre-school: A facility which provides learning experiences for children who have not attained the age of eligibility to enter kindergarten and who are thirty (30) months of age or older; which conducts sessions not exceeding three hours per session and does not serve a meal. It shall include educational pre-school, Montessori schools, nursery schools, church-sponsored pre-schools, and cooperatives.

Primary structure: A building in which the principal or predominant use to which the property is or may be devoted, and to which all other uses on the premises are accessory.

Primary use: The principal or predominant use to which the property is or may be devoted, and to which all other uses on the premises are accessory.

Principally Above Ground: means that at least 51 percent of the actual cash value of the structure, less land value, is above ground.

Private: See Street.

Private club: An association organized and operated for profit or not for profit for persons who are bona fide members paying dues, which owns, hires or leases premises, the use of which premises is restricted to such members and their guests. Food, meals, beverages and alcoholic beverages may be served or sold to members and their guests, provided such service or sale is in compliance with all federal, state, and county laws.

Professional offices: Offices maintained and used as a place of business conducted by persons engaged in a practice considered to be professional.

Reasonably Safe From Flooding: means base flood waters will not inundate the land or damage structures to be removed from the SFHA and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

Recreation facility: A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities.



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"Recreational Vehicle": means a vehicle which is

- 1) built on a single chassis;
- 2) 400 square feet or less when measured at the largest horizontal projections;
- 3) designed to be self-propelled or permanently able to be towed by a light-duty truck; and
- 4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Remedy A Violation: means to bring the structure or other development into compliance with Federal, State, or local floodplain management regulations; or, if this is not possible, to reduce the impacts of its noncompliance.

Reserve strip: A strip of land between a partial street and adjacent property, which is reserved or held in public ownership for future street extension or widening.

Residential center: (Also referred to as center) provides twenty-four hour care for more than the residents, and includes Detention Center, Emergency Shelters, Children's Institutions, and Maternity Homes. Residential Centers must meet the criteria set forth by the Kansas Dept. of Health and Environment.

Right-of-way: A strip of land dedicated or reserved for use as a public way, which normally includes streets, sidewalks, or other public utilities or service areas.

Risk Premium Rates: means those rates established by the Administrator pursuant to individual community studies and investigations, which are undertaken to provide flood insurance in accordance with Section 1307 of the National Flood Disaster Protection Act of 1973 and the accepted actuarial principles. "Risk premium rates" include provisions for operating costs and allowances.

Rooming house: See Boarding house.

Sale, wholesale: The sale of goods for resale, or the sale of goods produced or processed from raw materials which require bulk delivery of the product.

Salvage yard: A place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, handled or stored, including auto wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawnshops and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operable condition, or salvaged materials incidental to manufacturing operations.

Sanitarium and nursing home: See Home, rest.

School: Elementary, Junior or Senior High, including public, private and parochial. An institution of learning which offers instruction in the several branches of learning and study required to be taught in the public schools by the Kansas State Board of Education.



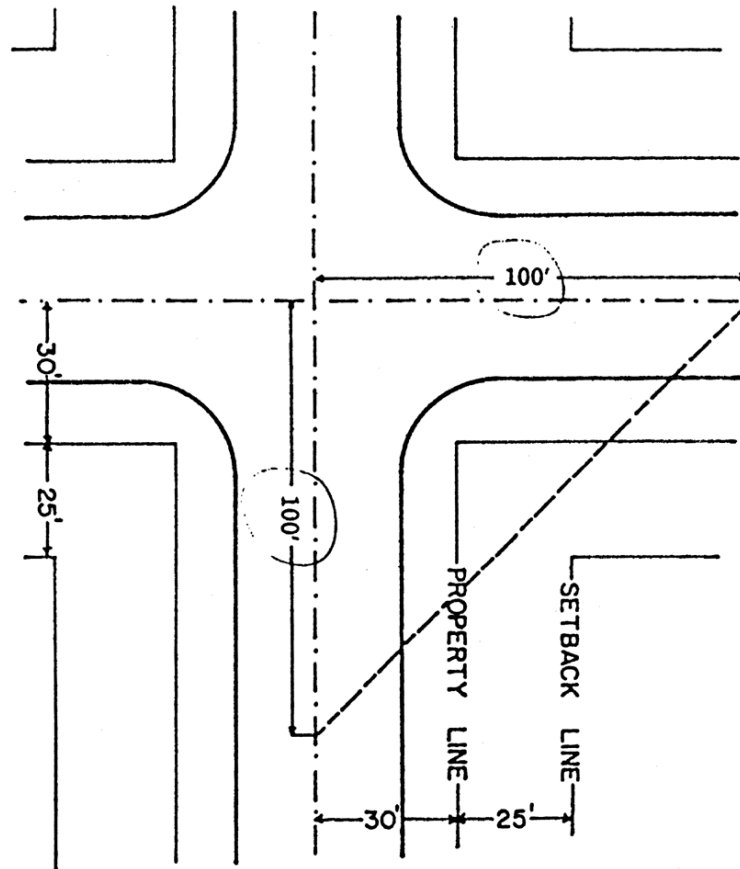
School, commercial: A building where instruction is given to pupils in arts, crafts or trades, and operated as a commercial enterprise as distinguished from schools endowed and/or supported by taxation.

Secondary use (incidental or accessory): A minor or second use for which a lot, structure or building is designed or employed in conjunction with but subordinate to its primary use.

Semi-private facility: Any facility which a class or a group of the public is permitted to attend or use subject to the regulations of a club or other organization owning or regulating such facility.

Setback, yard requirements: The distance that buildings or uses must be removed from their lot lines, property lines or road rights-of-way.

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 2½ feet and 8 feet above the grades of the bottom of the curb of the intersecting street, measured from the point of intersection of the centerline of the streets, 100 feet in each direction along the centerline of the streets. At the intersection of major or arterial streets, the 100-foot distance shall be increased to 120 feet.



Sight Triangle—Minimum Standard—Residential and Collector Streets



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Sign. Any advertising device or surface placed out-of-doors, on or off premises, or placed indoors, when in view of the general public, which conveys information or identification or which is designed to attract the attention of the public. Included in this definition shall be any structure or decoration used for such display and all sign supports. A building permit is required for all signs.

Sign, advertising (on-premise): A sign which directs the attention of the public to a business or profession conducted, or to a commodity or service sold, offered or manufactured, or to an entertainment offered on the premises where the sign is located.

Sign, billboard (off-premise): A sign which directs the attention of the public to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located or to which it is affixed.

Sign, building or wall: A sign attached to or painted on a building. This definition includes signs attached to or painted to any part of a building, including, but not limited to, awning, canopy, marquee, roof or wall.

Sign, gross surface area: The sum of all surface areas of the sign faces, except that ground or pole signs designed as double-faced signs, with both faces parallel and when the distance between the faces does not exceed four feet, then only one face of the sign shall be considered in determining the sign area.

Sign, ground: A sign placed directly upon, or supported by the ground independent of any building or structure on the property. Included in this definition are the terms "pole sign" and "monument sign."

Sign, identification: A sign giving the name or address of a building, business, development, or establishment.

Sign, interstate: A sign oriented to an interstate and within 660 feet of the interstate right-of-way.

Sign, maximum height of: The vertical distance between the roadbed and the highest point of a sign.

Sign, portable: A sign designed in such a manner to be readily movable and not permanently attached to the property.

Sign, total gross surface area: Maximum allowed square footage of sign area permitted per zoning lot.

Sign, state highway: A sign oriented to a state highway and within 330 feet of the highway.

Special Flood Hazard Area: see "area of special flood hazard."

Special Hazard Area: means an area having special flood hazards and shown on an FHBM, FIRM or FBFM as zones (unnumbered or numbered) A, AO, AE, or AH.

Specified anatomical areas means:

- a. Less than completely and opaquely covered human genitals, pubic region, pubic hair, buttocks, anus, and female breast or breasts below a point immediately above the top of the areola;
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered;
- c. Any combination of the aforementioned in subsection (a) and (b).



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Specified sexual activities: means and includes any of the following:

- a. The fondling or other erotic touching of "specified anatomical areas" as defined herein;
- b. Sex acts, normal and perverted, actual or simulated, including but not limited to, intercourse, oral copulation, sodomy, bestiality, cunnilingus, masturbation;
- b. Excretory functions as part of or in connection with any of the activities set forth in subsections a. and b. [above]; or
- c. Any combination of the aforementioned activities.

Standard specifications: Shall be the specifications as specified in this resolution or as officially adopted by the County.

Start of construction: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial-improvement, the **actual start of construction** means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

State Coordinating Agency: means the Division of Water Resources, Kansas Department of Agriculture, or other office designated by the governor of the state or by state statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program (NFIP) in that state.

Structure: A combination of materials constructed and erected permanently on or in the ground or attached to something having a permanent location on or in the ground, to include a manufactured home, above ground gas or liquid storage tank, swimming pools, billboards, advertising signs and wind chargers. "Structure" for insurance purposes, means a walled and roofed building, other than a gas or liquid storage tank that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

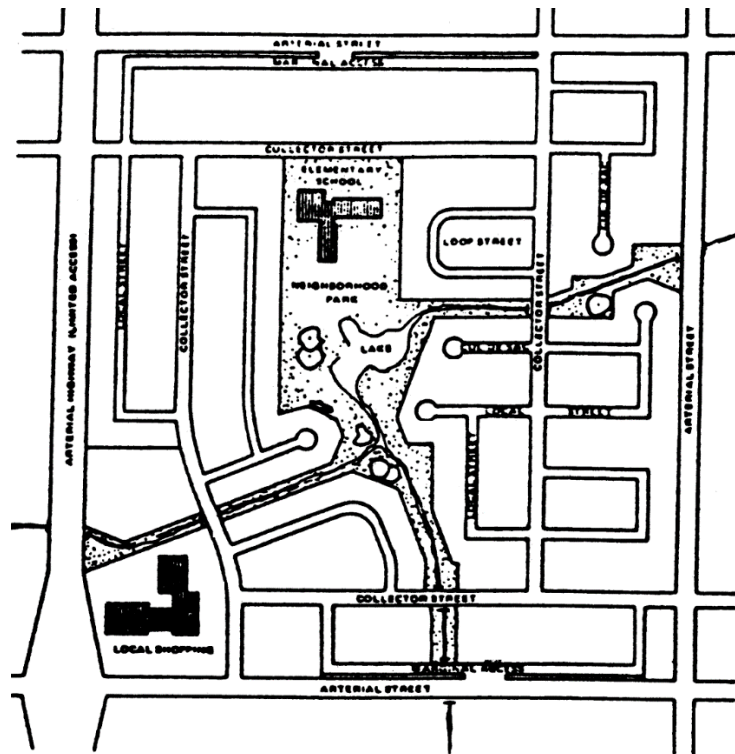
Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and ceiling above. (See Basement.)



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Street: A right-of-way which provides access to adjacent properties, the dedication of which has been officially accepted. The term "street" also includes the terms highway, thoroughfare, parkway, road, avenue, boulevard, lane, place and other such terms.

- a. *Alley:* A minor street providing secondary access to the back or side of a property otherwise abutting a street;
- b. *Minor:* A street which has the primary purpose of providing access to abutting properties;
- c. *Collector:* A street designated for the purpose of carrying traffic from minor streets to other collector streets and/or arterial streets;
- d. *Arterial:* A street designated for the purpose of carrying fast and/or heavy traffic;
- e. *Loop:* A minor street with both terminal points on the same street;
- f. *Cul-de-sac:* A street connected to another street at one end only and provided with a turnaround space at its terminus;
- g. *Frontage:* A minor street, parallel to and adjacent to an arterial street to provide access to abutting properties;
- h. *Partial:* A dedicated right-of-way providing only a portion of the required street width, usually along the edge of a subdivision or tract of land;
- i. *Private:* A street that is not accepted for public use or maintenance which provides vehicular and pedestrian access.



Street Types



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Subdivider: A subdivider shall be deemed to be the individual, firm, corporation, partnership, association, syndicate, trust or other legal entity that executes the application and initiates proceedings for the subdivision of land in accordance with the provisions of this resolution. The subdivider need not be the owner of the property; however, he shall be an agent of the owner or have sufficient proprietary rights in the property to represent the owner.

Subdivision: Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, tracts, sites, units, plots or interests for the purpose of offering same for sale, lease or development, either on the installment plan or upon any and all other plans, terms and conditions, including resubdivision. The term "subdivision" includes "resubdivision" and the term "resubdivision" as used herein, shall include any further subdivision of a lot or parcel of land previously subdivided, which varies from the latest approved subdivision of the same.

This definition shall not apply to:

- a. The division of an "original parcel of land" as herein defined into two (2) tracts that meet current zoning regulations and that are used or intended to be used for agricultural or single-family purposes.
- b. An adjustment of lot lines as shown on a recorded plat which does not reduce the area, frontage, width, depth or building setback lines of each building site below the minimum zoning requirements, and does not change the original number of lots in any block of the recorded plat.
- c. An allocation of land in the settlement of an estate of a decedent or a court decree for the distribution of property.
- d. The unwilling sale of land as a result of legal condemnation as defined and allowed in the K.S.A.
- e. Widening of existing streets or roads to conform to the Land Use Plan.
- f. The acquisition of street or roads rights-of-way by a public agency in conformance with the Land Use Plan.
- g. The separate conveyance of property split by a public road, street, railroad or publicly owned flood control structure.
- h. The exchange or sale of land for the purpose of straightening or adjusting property boundaries which does not result in a change of use, or reduce the area, frontage, width or depth below the minimum zoning requirements, or change the total number of parcels.
- i. Sale or transfer of land provided that all tracts created by said sales or transfer contain one-eighth (1/8) of a section or more, and are used for either agricultural or single-family purposes.
- j. Parcels granted exception status in accordance with the Subdivision Resolution of the Saline County Zoning and Master Plan Resolution - [Chapter 13 – Part B: Subdivision Resolution](#), Section 13B-8.02.

Substantial-Damage: means damage of any origin sustained by a structure whereby the cost of restoring the structure to pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.



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Substantial-Improvement: means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This term includes structures, which have incurred "substantial-damage," regardless of the actual repair work performed. The term does not, however, include either

- 1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
- 2) any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Surveyor: Any person who is licensed in the State as a Public Land Surveyor to do professional surveying.

Temporary structure: A structure without any foundation or footings and which is removed when the designated time period, activity or use for which the temporary structure was erected has ceased.

Temporary living structure: A structure without foundation designed as a dwelling for the care of infirmed or handicapped family members, which is removed when the activity or use for which the temporary living structure was erected has ceased.

Unnumbered A Zone: means a special flood hazard area shown on either a flood hazard boundary map or flood insurance rate map where the base flood elevation is not determined.

Utilities: Installation for conducting, water, sewage, gas, electricity, television, storm water and similar facilities providing service to and used by the public.

Variance: See Variances, [Chapter 13 – Part A: Zoning Resolution](#), Section 13A-13.05

Vicinity map: A small-scale map showing the location of a tract of land in relation to a larger area.

Violation: means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this ordinance is presumed to be in violation until such time as that documentation is provided.

Waste tire collection center: A site where used or waste tires are collected from the public prior to being offered for recycling and where fewer than 1,000 tires are kept on the site in any given day.

Waste tire site: A site at which 1,000 or more whole tires are accumulated.

Water Surface Elevation: means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

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



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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 building 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 nearest architectural projection of the structure.

Yard, side: A yard extending from the front yard, or front lot line where no front yard is required, to the rear yard. The width of the side yard shall be measured horizontally, between the side lot line and the nearest architectural projection of the structure.

Youth camp: Any parcel or parcels of land having the general characteristics of a camp as the term is generally understood, used wholly or in part for recreational or educational purposes and accommodating five or more persons for a period of, or portions of, two days or more. This includes a site that is operated as a day camp.

Zoning Certificate: A certificate of zoning compliance issued by the Zoning Administrator prior to the start of construction.

(Res. No. 1254-4, 9-14-93; Res. No. 1254-5, 11-9-93; Res. No. 1254-7, 4-11-95; Res. No. 1254-10, 7-23-96; Res. No. 1254-11, # 12—15, 1-28-97; Res. No. 1254-14, 3-16-99; Amend. No. 1254-17, 6-20-00; Amend. No. 1254-19, 11-28-00; Amend. 1254-39, 4-23-13; Amend. 1254-47, 2-27-18)