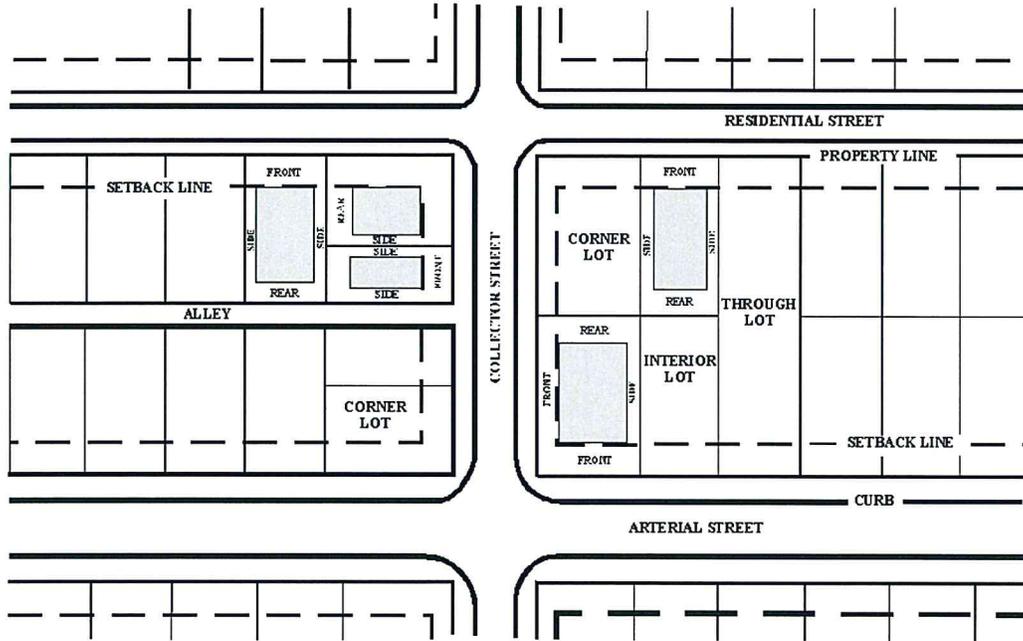


129. **INDUSTRIAL PARK:** A special or exclusive type of planned industrial area designated and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. Industrial parks may be promoted or sponsored by private developers, community organizations, or governmental organizations.
130. **INDUSTRIAL SOLID WASTE:** Non-toxic, non-hazardous solid waste generated from industrial processing and acceptable as material for disposal in an industrial landfill as determined by the Kansas Department of Health and Environment.
131. **INTENSITY:** The degree or level of concentration to which land is used for commercial, industrial or any other nonresidential purpose.
132. **JUNK:** Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked motor vehicles, or parts thereof, iron, steel and other old or scrap ferrous or nonferrous material.
133. **JUNKYARD:** An establishment which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of a motor vehicle graveyard. This term shall include salvage yards.
134. **KENNEL, BOARDING:** Any place, area, building or structure where dogs (including those under one year of age) are boarded, housed, cared for, fed or trained by other than the owner.
135. **KENNEL, BREEDER:** Any place, area, lot, building or structure where more than four dogs are kept for any purposes.
136. **KINDERGARTEN:** A facility licensed by the State of Kansas to provide educational programs for children during the school year immediately preceding their entrance into First Grade, and connected with a public, private or parochial elementary school system.
137. **LABORATORY, MEDICAL:** An establishment which provides bacteriological, biological, medical, x-ray, pathological and other similar analytical or diagnostic services.
138. **LANDSCAPING:** The improvement of a lot, parcel or tract of land with grass, shrubs and/or trees. Landscaping may include pedestrian walks, flowerbeds, ornamental features such as fountains, statuary, and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.
139. **LAUNDRY:** An establishment where commercial laundry and dry cleaning work is undertaken.
140. **LAUNDRY, SELF-SERVICE:** An establishment equipped with individual coin-operated washing, drying and/or dry cleaning machines.
141. **LIGHT TRUCK:** A motor vehicle designed, used and maintained primarily for the transportation of property and materials, but which has a manufacturer's gross weight of three-fourths (3/4) ton or less and does not at any point exceed seven (7) feet in height or twenty-one (21) feet in length.
142. **LIGHT VAN:** A van, otherwise meeting the definition of a van, but which has a manufacturer's gross weight rate of three-fourths (3/4) ton or less and does not at any point exceed seven (7) feet in height or twenty-one (21) feet in length.

143. **LIVESTOCK SALES YARD:** An enclosure or structure designed or used for holding livestock for purpose of sale or transfer by auction, consignment, or other means.
144. **LOADING SPACE OR LOADING BERTH:** A space within the main building or on the same lot as the main building providing for the standing, loading, or unloading of motor vehicles.
145. **LONG TERM CARE FACILITY:** An institution or agency licensed by the State for the reception, board, care or treatment of five (5) or ore unrelated individuals, but not including group boarding homes for minors or group homes for adults.
146. **LOT:** A parcel of land occupied or intended for occupancy by a use permitted in these regulations, including one (1) main building or unit group of buildings together with permitted accessory buildings and required yard areas and parking spaces, having its principal frontage upon a public street. A lot may include one (1) or more platted lots or metes and bounds described tracts, but must be under single ownership and, when more than one (1) parcel, be contiguous.

Figure 1 - Lot Types & Setbacks



147. **LOT AREA:** The area of a horizontal plane bounded by the front, side and rear lot lines, excluding any road right-of-way or road easements.
148. **LOT, CORNER:** A lot abutting upon two or more streets at their intersection.
149. **LOT COVERAGE:** The percentage of a lot which, when viewed directly from above, would be covered by a structure or structures or any part thereof, excluding projecting roof eaves.
150. **LOT, DEPTH OF:** The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

151. **LOT, DOUBLE FRONTAGE OR THROUGH:** A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot.
152. **LOT, INTERIOR:** A lot whose side line(s) do not abut upon any street.
153. **LOT LINES:** The lines bounding a lot as defined herein.
154. **LOT OF RECORD:** A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Register of Deeds, or a parcel of land, the deed of which was recorded prior to the adoption of these Regulations.
155. **LOT SPLIT.** The division of a single lot into not more than two (2) tracts without having to re-subdivide said lot, providing that the resulting lots shall not again be divided without re-platting.
156. **LOT, WIDTH OF:** The distance, measured on a horizontal plane, between the side lot lines, measured at right angles to the lot depth at the established front building line.
157. **LOT, ZONING:** A parcel or tract of land used, developed, or built as a unit under single ownership or control. Said zoning lot may consist of one or more lots of record, one or more portions of a lot or lots of record, or any combination thereof.
158. **MANUFACTURE:** Any method of processing, developing, fabricating or assembling either raw material, semi finished materials or parts into semi finished or finished products.
159. **MANUFACTURED HOME:** A dwelling unit substantially assembled in an off-site manufacturing facility for installation or assembly at the dwelling site, bearing a label certifying that it was built in compliance with the version of the National Manufactured Home Construction and Safety Standards (24 CFR 3280 et seq) promulgated by the U.S. Department of Housing and Urban Development dated after the 1994 changes. For the purposes of these Regulations, a mobile home is not a manufactured home.
160. **MANUFACTURED HOME ACCESSORY BUILDING OR STRUCTURE:** A subordinate building or structure which is an addition to or supplements the facilities provided by a manufactured home, such as awnings, cabanas, storage structures, carports, porches, fences, skirting, or windbreaks.
161. **MANUFACTURED HOME LOT:** A plot of ground within a manufactured home park for the placement of one manufactured home for single-family occupancy and the exclusive use of its occupants, and which provides the necessary utility services for water, sewage and electricity.
162. **MANUFACTURED HOME PAD:** That portion of the manufactured home lot on which the manufactured home unit, and any attached awning, is placed.
163. **MANUFACTURED HOME PARK:** An area, parcel, tract, or plot of ground equipped as required for support of manufactured homes and used or intended to be used by two or more occupied manufactured homes, provided the manufactured home spaces shall not be sold or offered for sale individually. The term "manufactured home park" does not include sale lots on which unoccupied manufactured homes, whether new or used, are parked for the purpose of storage, inspection or sale.
164. **MANUFACTURED HOME PARK PERMIT:** A written document of certification issued by the Zoning Administrator permitting the construction, alteration or extension of a Manufactured Home Park.

165. **MANUFACTURED HOME SALES AREA:** An open space, other than a street, used for display or sale of new or used manufactured homes and where no repair work is done except minor incidental repair of manufactured homes to be displayed and sold on the premises.
166. **MANUFACTURED HOME SKIRTING:** The enclosing of the area between the manufactured home and the ground with a material designed to obscure from view the chassis of a manufactured home. (Yearout will reword this so it says to enclose the outer area for purposes of screening, etc.)
167. **MANUFACTURED HOME SUBDIVISION:** Any area, piece, parcel, tract or plot of ground used or intended to be used for the purpose of selling lots for occupancy by manufactured homes.
168. **MANUFACTURED HOME RESIDENTIAL-DESIGN:** A manufactured home on a permanent foundation which has (A) minimum dimensions of 22 body feet in width, (B) a pitched roof, and (C) siding and roofing materials which are customarily used on site-built homes. In accordance with K.S.A. 12-763, residential-design manufactured homes are single-family dwellings.

Figure 2 - Manufactured Home Residential Design



Residential Character:

- Covered Entry
- Front Porch
- Landscaping
- Pitched Roof (no less than 3:12 pitch)

Architectural Details:

- Window Elements

Manufactured Home Features:

- Horizontal Lap Siding
- Permanent Masonry foundation
- Double-wide Manufactured Home (greater than 22 feet in width)

Figure 3 - Modular Home



Residential Character: Pitched Roof	Architectural Details: Eave Projection	Modular Features: Modules for on-site construction	Permanent Features: Walkway and Stairs
Covered Entry	Varying Depths		Formal Landscaping
Enclosed Garage	Ornamental Windows		

169. **MATERNITY CARE:** A residential care facility licensed by the State of Kansas which includes services to females during pregnancy, or as defined by the state licensing agency.
170. **MATERNITY CENTER OR HOSPITAL:** A facility licensed by the State of Kansas but is not licensed as a medical hospital, which provides delivery services for normal, uncomplicated pregnancies, or as defined by the state regulatory agency. Maternity Center of Hospital-A facility licensed by the State of Kansas but is not licensed as a medial hospital, which provides delivery service for normal, uncomplicated pregnancies, or as defined by the state regulatory agency.
171. **MOBILE HOME:** A structure, transportable in one or more sections, which has a body width of 8 feet or more and a body length of 36 feet or more and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. Mobile homes include all structures built prior to enactment of the current version of the National Manufactured Home Construction and Safety Standards Act.
172. **MODULAR HOME:** A dwelling structure located on a permanent foundation and connected to public utilities consisting of preselected, prefabricated units or modules, and transported to and/or assembled on the site of its foundation; in contradistinction to a dwelling structure which is custom –built on the site of its permanent location, and also in contradistinction to a manufactured home or a residential-design manufactured home.
173. **MOTOR HOME:** A portable dwelling designed and constructed as an integral part of a self-propelled vehicle used for recreation.
174. **MOTOR VEHICLE:** A motorized vehicle with rubber tires for use on highways, including passenger cars, pick-ups and trucks.
175. **MOTOR VEHICLE GRAVEYARD:** Any establishment which is maintained, used, or operated for storing, keeping, buying, or selling three (3) or more wrecked, scrapped, ruined, dismantled or

inoperative motor vehicles; provided, however, such term shall not include any location where motor vehicle bodies are placed along stream banks for purposes of bank stabilization and soil erosion control, if such placement conforms with guidelines established by the Chief Engineer of the Division of Water Resources of the State Board of Agriculture and has been permitted accordingly.

176. **MOTOR VEHICLE, INOPERABLE:** Any vehicle that is unable to operate or move under its own power. It shall also mean any vehicle that is in an abandoned, wrecked, dismantled, scrapped, junked or partially dismantled condition which includes having un-inflated tires, no wheels, or lacking other parts necessary for the normal operation of the vehicle. It shall also mean any vehicle that because of mechanical defects, a wrecked or partially wrecked frame or body or dismantled parts, cannot be operated in a normal, and safe manner. An inoperable vehicle shall not include vehicles needing only the installation of a battery or the addition of fuel in order to operate.
177. **MULTI-FAMILY LAND USE:** The use of any lot or tract of land for two-family and/or multi-family dwellings.
178. **NONCONFORMING BUILDINGS, LAND AND/OR USE:** The use of a building or land which was lawful at the time these Regulations became effective but which, because of the passage of these Regulations, does not conform to the regulations of the district in which it exists.
179. **NONCONFORMING LOT:** An unimproved lot which does not comply with the lot size requirements for any permitted use in the district in which it is located.
180. **NOXIOUS MATTER:** Material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being of individuals.
181. **NURSERY:** Any land used to raise trees, shrubs, flowers and other plants for sale or for transporting.
182. **NURSING OR CONVALESCENT HOME:** An institution or agency licensed by the State of Kansas for the reception, board, care or treatment of five (5) or more unrelated individuals, but not including group boarding homes for minors or group homes for adults.
183. **OPEN SPACE:** Usable open space designed and intended for the use of all residents of a residential area, including space dedicated to the public.
184. **OUTDOOR STORAGE:** The storage of goods and materials outside of any building or structure, but not including storage of a temporary or emergency nature.
185. **OVERLAY DISTRICT:** A district which acts in conjunction with the underlying zoning district or districts.
186. **OWNER:** Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in a tract of land.
187. **PACKAGE LIQUOR STORE:** An establishment in which alcoholic beverages are sold for consumption off the premises.
188. **PARCEL:** A lot or contiguous group of lots in single ownership or under single control usually considered a unit for purposes of development.

189. **PARKING LOT:** An area, other than a private parking area, street or alley, used for parking of motor vehicles and available for public or semi-public use.
190. **PARKING SPACE:** Any area surfaced for all-weather use, including gravel, sand, or comparable materials, used for the purpose of storing one parked motor vehicle.
191. **PERSON:** Any individual, partnership, joint venture, corporation, or other business or legal entity.
192. **PICKUP TRUCK CAMPER:** A structure designed primarily to be mounted on a pickup truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational or vacation use.
193. **PLANNING COMMISSION:** The Planning Commission of Marion County, Kansas.
194. **PRESCHOOL:** A facility licensed by the State of Kansas to conduct sessions of daytime care instruction for no more than three (3) hours per session for children between the age of thirty (30) months and the age at which the children are eligible to attend kindergarten. This term is further construed to include "Day Nursery School" and other similar uses which is not a part of a public school district's program, jurisdiction, or fiscal and educational responsibility, or as defined by the state child care regulatory agency.
195. **RAILROAD RIGHT-OF-WAY:** A public or private right-of-way on which tracks for trains are constructed. Railroad yards and stations shall be classified as cargo or passenger terminals.
196. **RECREATIONAL EQUIPMENT:** That which an occupant or owner may desire, for convenience, to store on his lot, but which item is normally and principally transported for use off the lot on a trailer or other vehicle and which is not used by the very nature and utility of the item in connection with customary accessory residential uses on the lot. Included in the meaning of recreational equipment are such large items as slide-in campers, boat trailers, hang gliders, ski jets, houseboats, pontoons, and boats over fourteen (14) feet in length which require a trailer for transportation.
197. **RECREATIONAL OR SPORTS-RELATED ACTIVITIES OR FACILITIES:** Any lot, plot, parcel or tract of land and/or water; and/or any building or structure, or combination thereof; planned, intended or designed for recreational use. Said activities and/or facilities shall include, but not be limited to, such things as: athletic fields, ball diamonds, golf courses golf driving ranges, miniature golf courses, swimming pools, natatoriums, tennis courts, racquetball courts, recreational shooting ranges, and all common appurtenant accessory activities and facilities such as lighting, bleachers, and concession stands, etc.
198. **RECREATIONAL VEHICLE:** A vehicular-type unit built on or for use on a chassis and designed as living quarters, both permanent and temporary, for recreational, camping or travel use, and which has its own motive power, or is mounted on, or which can be drawn by another vehicle. The term recreational vehicle shall include, but not be limited to, motor homes, travel trailers, camper trailers, pickup truck campers, hauling trailers, and camper buses.
199. **RECREATIONAL VEHICLE CAMPGROUND:** A lot, tract or parcel of land designed for occupancy by recreational vehicles for temporary or transient living purposes, including the use of camping spaces for tents.

200. **RESIDENTIAL CENTER:** A twenty-four (24) hours, non-secure facility licensed by the State of Kansas providing residential care for more than ten (10) persons or children unrelated to the operator(s), or as defined by the state child care regulatory agency.
201. **RESTAURANT:** A building wherein food is prepared and sold to the public for human consumption. Restaurant includes, but is not limited to, cafe, cafeteria, grill, pizza parlor, diner, snack shop, hamburger shop and steak house.
202. **RIDING STABLES:** A structure in which saddle horses are kept and/or maintained as a commercial operation, and in connection with which saddle horses may be rented to the general public or made available to members of a private club. Exercise rings and show rings shall be considered uses accessory to the use of the premises for a riding stable.
203. **RIGHT-OF-WAY:** A strip of land dedicated or reserved for use as a public way which normally includes streets, sidewalks, or other public utility or service area.
204. **RURAL RESIDENTIAL:** A lot of more than ten (10) but less than forty (40) acres in size created for the purpose of providing a residential building site, notwithstanding the accessory agricultural use of some or all of said lot either prior to or after the construction of the residential dwelling. (Yearout said 10 acres is fine here.)

(Yearout explained when zoning was created here properties were supposed to be zoned as to the current use of the land. Yearout said a lot of small acreages were missed and those properties now fall into agriculture. Eilerts said they questioned back then how many such properties were in the county, but they were told at the time it was too expensive to figure out. Richards asked about the cluster of homes located just east of the Hillsboro city limits, and Yearout said they are non-conforming lots of record. Richards asked if Suburban Residential properties need to be hooked up to public facilities, and Yearout said no. The intent was for properties to fall into the categories as used, he said. Members also discussed lot splits. Eilerts said she remembers the county commissioners got a lot of flack over the 40 acre requirement, so incoming commissioners changed it. Richards asked again about Suburban Residential. Yearout said not to get hung up on semantics as the term is intended to draw the difference between ag and the next category down. If you want to call it something else, I don't care, he said. Yearout said by going back we will pick up properties that were missed in the past, so nonconforming properties will be cleaned up. If they are zoned commercial and we eliminate the commercial zone, they will operate under a CUP, Yearout explained.)

205. **SALE, RETAIL:** The sale of goods, merchandise and/or commodities to the ultimate consumer.
206. **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.
207. **SANITARY LANDFILL:** A disposal site in which the method of disposing of solid waste and/or industrial solid waste is by landfill, dump or pit and which has a solid waste disposal permit issued under K.S.A. 65-3401 et seq, and amendments thereto.
208. **SCHOOL:** Any public or private elementary, junior high, high school, college, university, post-graduate, technical or vocational school, offering courses in general instruction at least five days per week and seven months per year.

209. **SCRAP MATERIAL RECYCLING AND PROCESSING FACILITY:** A fixed location that utilizes machinery and equipment for processing only recyclables as defined by K.S.A. 65-3402{r}, and amendments thereto.
210. **SCREENING:** Fencing or vegetation maintained for the purpose of concealing a building and/or other items from view.
211. **SECURE CARE CENTER:** A secure youth residential facility licensed by the State of Kansas other than a juvenile detention facility, used to provide care and treatment for alleged or adjudicated children in need of care pursuant to the Kansas code for the care of children, or as defined by the state licensing agency.
212. **SECURE RESIDENTIAL TREATMENT FACILITY:** A secure facility licensed by the State of Kansas, operated or structured to provide a therapeutic residential care alternative to psychiatric hospitalization for five or more youth with a diagnosis of a severe emotional, behavioral, or psychiatric condition. "Treatment" means comprehensive, individualized, goal-directed, therapeutic services provided to youth, or as defined by the state licensing agency.

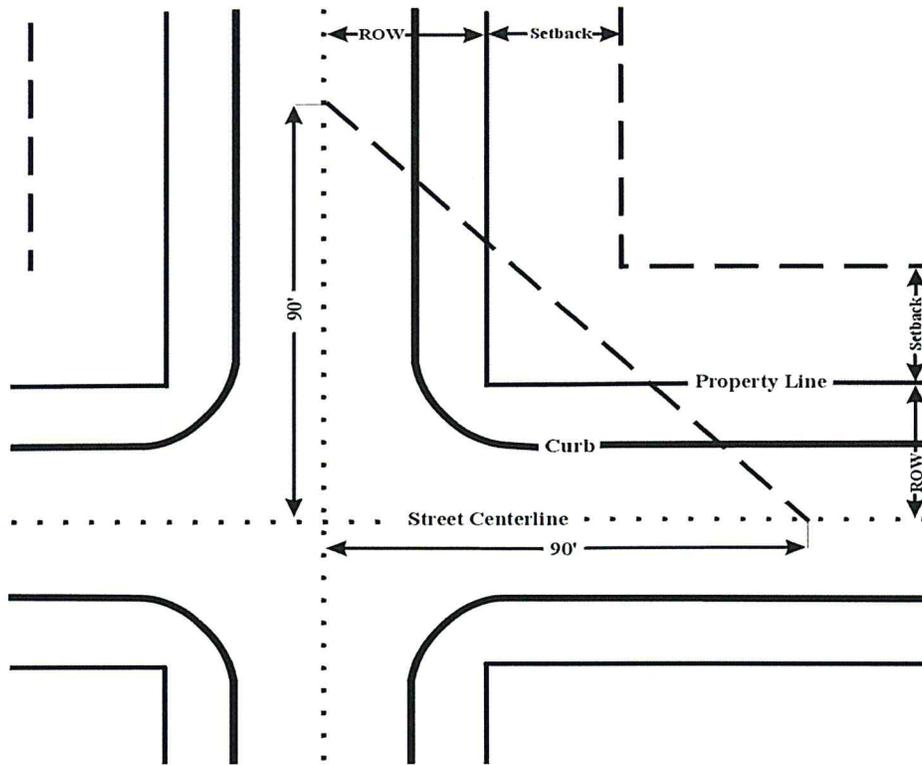
(Members continued reviewing previous work session minutes, starting here with the April 7, 2011, work session minutes.)

213. **SERVANTS QUARTERS:** Living quarters within a detached accessory building located on the same parcel with the primary structure for use by employees of the occupants of the parcel, such quarters having no separately metered utilities and not rented or otherwise used as a separate dwelling.
214. **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; except that, the County Engineer may establish greater sight triangles based upon standards in the policy manual published by the American Association of State Highway and Transportation Officials (AASHTO) (Yearout explained the need for using the term "Engineer" for county liability. He said the county has the ability to appoint an engineer and needs to have that option. He said without it the county's liability would be significantly increased.)

municipal operations and which is permitted by the Kansas Department of Health and Environment, or its successor agency, pursuant to K.S.A. 65-3401 et seq., as amended.

220. **SOLID WASTE PROCESSING FACILITY:** An incinerator, compost plant, transfer station, reclamation facility or any other location where solid waste as defined by K.S.A. 65-3402, and amendments thereto, are consolidated, temporarily stored, salvaged or otherwise processed prior to being transported to a final disposal site. A Solid Waste Processing Facility does not include a Scrap Material Recycling and Processing Facility.
221. **SPECIFIED ANATOMICAL AREAS:** Any of the following:
- A. Less than completely or opaquely covered human genitals, pubic region, buttocks, anus, or female breast area below a point immediately above the top of the areola; or
 - B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
222. **SPECIFIED SEXUAL ACTIVITIES:** Any of the following:
- A. Fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or
 - B. Acts actual or simulated of sexual intercourse, masturbation, sodomy, or oral copulation; or
 - C. Excretory functions as part of or in connection with any of the activities set forth in paragraphs 1 and 2 of this definition.
223. **STOCKYARD, COMMERCIAL:** A penned enclosure, or structure, where livestock are maintained temporarily for the purpose of slaughtering, marketing or shipping.
224. **STORY:** That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.
225. **STORY, HALF:** A story under a gable, hip or gambrel roof of which the wall plates on at least two opposite exterior walls are not more than 2 feet above the floor of such story.
226. **STREET:** An easement or right-of-way, other than an alley, which provides principal access to adjacent properties.
227. **STRUCTURE:** Anything constructed or erected which requires location on the ground, or attached to something having a location on the ground.
228. **SUBURBAN RESIDENTIAL:** A lot of more than one (1) but less than ten (10) acres in size created for the purpose of providing a residential building site, notwithstanding the accessory agricultural use of some or all of said lot either prior to or after the construction of the residential dwelling.
229. **SWIMMING CLUB:** A pool and accessory building operated for members and their guests, whether or not operated for gain.

Figure 4 - Sight Triangle Minimum Standards



215. **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. Included in this definition of "sign" shall be any structure used for said display and all sign supports. (See Article 18)
216. **SLIDE-IN CAMPER:** A structure designed to be mounted temporarily or permanently in the bed of a pickup or light truck to provide enclosed storage space for transportation of property or quarters for recreational camping, including shells and truck cabs.
217. **SOLAR COLLECTOR:** A device or combination of devices, structure, or part of a structure that transforms direct solar energy into thermal, chemical, or electrical energy and contributes significantly to, or is a substitute for, a structure's energy supply.
218. **SOLID WASTE:** Garbage, refuse and other discarded materials including, but not limited to solid, semisolid, sludge, liquid and contained gaseous waste materials resulting from industrial, commercial, agricultural and domestic activities. Solid waste does not include hazardous waste as defined by K.S.A. 65-3430{f} and amendments thereto, recyclables or the waste of domestic animals as described by K.S.A. 65-3409{a}{1} and amendments thereto.
219. **SOLID WASTE DISPOSAL AREA:** Any area used for the disposal of solid waste from more than one residential premise, or one or more commercial, industrial, manufacturing or

230. **SWIMMING POOL, PRIVATE:** A pool which is an accessory use to a residence and for the exclusive use of the occupants of the residential building and their guests.
231. **SWIMMING POOL, PUBLIC:** A pool and accessory buildings, generally owned and operated by a governmental entity, whether open or enclosed, and for use by the general public.
232. **TAVERN:** An establishment in which cereal malt beverages are sold or served to customers.
233. **TEMPORARY:** (Yearout will work on a definition for “Temporary.”)
234. **TEMPORARY STRUCTURE:** a temporary; portable unit for office or residential use, or for use as an accessory structure, that is designed to be transported, and which is permitted for a time-limited period.
235. **TOWNHOUSE:** A single-family dwelling constructed as part of a series of dwellings, all of which are either attached to the adjacent dwelling or dwellings by party walls or are located immediately adjacent thereto with no visible separation between walls or roofs.
236. **TRAVEL TRAILER:** A structure, not to exceed nine feet in width, designed to provide temporary living quarters for recreational, camping or travel use, constructed with integral wheels to make it mobile and/or towable by a motor vehicle.
237. **TRAILER PARK:** A tract, lot, or parcel of land upon which temporary accommodations are provided for two or more trailers; such park being open to the public either free or for a fee.
238. **USE:** The specific purpose for which land or a building is used.
239. **USABLE OPEN SPACE:** Land or water which is free of buildings, structures and/or other substantial improvements and which is readily accessible by the public or residents of a residential development. Usable open space does not include streets, alleys, off-street parking or loading areas, roofs, or slopes in excess of 50 percent.
240. **VARIANCE:** A variation from a specific requirement in these regulations, as applied to a specific piece of property, as distinct from rezoning.
241. **WASTE TIRE:** A whole tire that is no longer suitable for its original intended purpose because of wear, damage or defect.
242. **WASTE TIRE ABATEMENT:** The processing or removing to an approved storage site of waste tires which are creating a danger or nuisance.
243. **WASTE TIRE BENEFICIAL USE:** The use or storage of waste tires in a way that creates an on-site economic benefit, other than from processing or recycling, to the owner of the tires. This shall not include the disposal of waste tires on the owners land simply to avoid proper disposal as prescribed by these Regulations and/or state law.
244. **WASTE TIRE COLLECTION CENTER:** A site where used or waste tires are collected from the public prior to being offered for recycling or disposal.

245. **WASTE TIRE PROCESSING FACILITY:** A site where equipment is used to cut, burn or otherwise alter whole waste tires so that they are no longer whole.

246. **WASTE TIRE SITE:** A site at which 1,000 or more whole tires are accumulated.

(Yearout will work on a “Waste Tire Storage” definition combined with the definition for “Waste Tire Beneficial Use,” without including “the beneficial use of waste tires as fences.”)

247. **WIND ENERGY CONVERSION SYSTEM (WECS):** The combination of mechanical and structural elements used to produce electricity by converting the kinetic energy of wind to electrical energy. Wind Energy Conversion Systems consist of the turbine apparatus and any other buildings, support structures and other related improvements necessary for the generation of electric power from wind.

248. **WIND ENERGY CONVERSION SYSTEM, COMMERCIAL:** A single Wind Energy Conversion System exceeding 25 kW or exceeding 199 feet in height above grade, or more than one Wind Energy Conversion System of any size proposed and/or constructed by the same person or group of persons on the same or adjoining parcels or as a unified or single generating system.

249. **WIND ENERGY CONVERSION SYSTEM HEIGHT:** The distance measured from the ground level at the base of the tower structure to the highest point on the Wind Energy Conversion System, including the rotor blades.

250. **WIND ENERGY CONVERSION SYSTEM, NON-COMMERCIAL:** A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 25 kW, which is less than 199 feet in height above grade and which is intended to primarily reduce on-site consumption of utility power.

251. **YARD:** A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from the general ground level of the graded lot upward; provided, however, that fences, walls, poles, posts and other customary yard accessories, ornaments and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

252. **YARD-GARAGE SALE:** A sale of household goods stored on the premises of the principal residence of the householder.

253. **YARD, FRONT:** A yard extending across the full width of the lot, the depth of which is the least distance between the lot line or road easement or right-of-way line and the front building line.

254. **YARD, REAR:** A yard extending across the full width of the lot between the rear building line and the rear lot line, the depth of which is the least distance between the rear lot line and the rear building line.