

ARTICLE II

DEFINITIONS

SECTION 1. APPLICABILITY: For the purposes of these regulations, certain numbers, abbreviations, and words used herein shall be used, interpreted, and defined as set forth in this Article. Any word or phrase which is defined in this Article, or elsewhere in these regulations, shall have the meaning as so defined whenever the word or phrase is used, unless such definition is expressly limited in its meaning or scope.

SECTION 2. DEFINITIONS: The following words and phrases, when used in these regulations, shall have the meanings respectively ascribed to them:

1. *Administrator.* A person designated by the Governing Body as the administrator of these regulations.
2. *Agriculture.* The use of a tract of land under one ownership for growing crops, pasturage, horticulture, nurseries, truck farms, dairying, or the raising of poultry or cattle and other livestock, including commercial feed lots and the structures necessary for carrying out farming operations and the dwelling(s) of those owning and/or operating the premises such as a member of the family thereof or persons employed thereon and their families. The feeding or disposal of community or collected garbage shall not be deemed an agricultural use.
3. *Alley.* A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.
4. *Applicant.* The owner or duly designated representative of land proposed to be subdivided, or for which other action has been requested. Consent shall be required from the legal owner of the premises.
5. *Approved Public Sanitary Sewer System:* A sewage disposal plant, main sanitary sewer lines and other lines approved by the City of Downs, Kansas and by the Kansas State Department of Health.
6. *Approved Public Water System:* Water supply and service lines approved by the City of Downs, Kansas and by the Kansas State Department of Health.
7. *Area.* The size of a piece of land, usually described in terms of square feet or acres.
8. *Arterial Street.* Any street serving major traffic movements which is designed primarily as a traffic carrier between cities or between various sections of a city or county, which forms part of a network of through streets, and which provides service and access to abutting properties only as a secondary function.
9. *Block.* A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroads, rights-of-way, shorelines, or boundary lines of the municipality.

10. *Bond.* A form of security, including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the City Governing Body.
11. *Building.* Any covered structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind and which is permanently affixed to the land.
12. *Building Setback Line.* A line on a lot indicating the limit beyond which buildings or structures may not be erected or altered and establishing the minimum open space to be provided. Such line may be more, but not less restrictive than applicable zoning or other regulations.
13. *City Engineer.* The person responsible to perform the duties of the City Engineer including any and all special engineers as appointed by the Governing Body.
14. *Collector Street.* Any street designed primarily to gather traffic from local or residential streets and carry it to the arterial system.
15. *Comprehensive Plan.* The adopted Comprehensive Development Plan for the City of Downs including modifications or refinements which may be made by amendments from time-to-time.
16. *County.* Downs County, Kansas.
17. *Cul-de-sac.* A street having only one outlet and being permanently terminated by a vehicle turnaround at the other end.
18. *Dead-end Street.* A street having only one outlet.
19. *Design.* The location of streets, alignment of streets, grades and widths of streets, alignment of easements, grades and widths of easements, alignment and rights-of-way for drainage and sanitary sewers, and the designation of minimum lot area, width and length.
20. *Developer.* The legal or beneficial owner of all of the land proposed to be included in a subdivision or planned development or duly authorized agent thereof, the holder of an option or contract to purchase, a lessee having a remaining term of not less than forty (40) years, or other person having an enforceable proprietary interest in such land, shall be deemed to be a developer for the purpose of these regulations.
21. *Easement.* A grant by a property owner of the specific use of a strip of land by others.
22. *Engineer.* When used in the sense as designing or surveying the plat or subdivision, he shall be a professional engineer or a surveyor licensed by the State of Kansas or licensed to practice in the State of Kansas. When used in connection with designing or engineering any improvements either on-site or off-site, he shall be a professional engineer licensed by the State of Kansas or licensed to practice in the State of Kansas.

23. *Fence.* A freestanding structure of metal, plastic or masonry composition, or wood or any combination thereof resting on or partially buried in the ground and rising above ground level, used for confinement screening or partition purposes.
24. *Final Plat.* A subdivision represented as a formal document by drawing and writing which is prepared in accordance with these regulations to be placed on record with the County Register of Deeds.
25. *Floodplain.* A watercourse and land adjacent to a watercourse subject to inundation from a flood having a chance occurrence in any one year of one percent.
26. *Frontage.* The property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street; or with a dead-end street, all property abutting one side of such street measured from the nearest intersecting street and the end of the dead-end street.
27. *Governing Body.* The City Council of the City of Downs, unless otherwise identified as another city, township or county governing body cooperating in the installation of improvements.
28. *Half-Street.* A street bordering one or more property lines of a subdivision tract to which the subdivider has allocated only a portion of the ultimate and intended street width.
29. *Improvements.* All facilities constructed or erected by a subdivider or the general public within a subdivision to permit and facilitate the use of lots or blocks for a principal residential, commercial, or industrial use.
30. *Landscaping.* The improvement of a lot, parcel, or tract of land with grass, shrubs, and/or trees. Landscaping may include pedestrian walks, flower beds, ornamental objects such as fountains, statuary, and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.
31. *Land Use Plan.* A portion of the comprehensive plan indicating the general anticipated use of the land within the city planning jurisdiction.
32. *Local Street.* Any street designed primarily to provide access to abutting property and of limited continuity within a neighborhood.
33. *Lot.* A portion of land in a subdivision, or other parcel of land, intended to be the unit by which such land would be individually transferred and/or developed, whether immediate or future.
34. *Lot Depth.* The distance between the midpoint of the front lot line and the midpoint of the rear lot line.
35. *Lot, Double Frontage.* A lot, two opposite lot lines of which abut upon streets which are more or less parallel.

36. *Lot Line.* The boundary line of a lot.
37. *Lot Split.* The dividing or re-dividing of a lot or lots in a recorded plat of a subdivision into not more than two tracts which meet the criteria established within these regulations.
38. *Lot Width.* The distance on a horizontal plane between the side lot lines of a lot, measured at right angles to the line establishing the lot depth at the established building setback line.
39. *Major Street.* A street, highway or roadway designated as such on the official major street plan of the Comprehensive Plan.
40. *Marginal Access Streets.* A local street which is parallel with and adjacent to a limited access highway or arterial street, and which provides access to abutting properties and protection from fast through traffic on the limited access highway or arterial street.
41. *Open Space.* An area of land or water or combination thereof planned for passive or active recreation, but does not include areas utilized for streets alleys, driveways or private roads, off-street parking or loading areas, or required front, rear or side yards.
42. *Owner.* Any person or persons, firm or firms, corporation or corporations, or any other legal entity having legal title to land sought to be subdivided under these regulations.
43. *Pedestrian Way.* A right-of-way dedicated to public use, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.
44. *Planning Commission.* The City Planning Commission of Downs, Kansas.
45. *Preliminary Plat.* A tentative map or plan of a proposed subdivision of land showing the character and general details of the proposed development.
46. *Protective Covenants.* Restrictions governing the use of land within a given subdivision placed on the land by the owner at the time of platting.
47. *Resubdivision.* The subdivision of a tract of land which has previously been lawfully subdivided and a plat of such prior subdivision duly recorded. (Sometimes also referred to as a "replat.")
48. *Right-of-way.* The area between boundary lines of a street or other easement.
49. *Road or Roadway.* The paved or improved area existing on the street right-of-way which is used for vehicular traffic, exclusive of sidewalks, driveways, or related uses.
50. *Secretary.* Secretary of the Planning Commission.
51. *Screening.* Decorative fencing, evergreen vegetation, earthen mounds, or a combination of these maintained for the purpose of concealing from view the area behind such structures or evergreen vegetation.

52. *Setback Line or Building Line.* A line on a plat, generally parallel to the street right-of-way, indicating the limit beyond which buildings or structures may not be erected or altered.
53. *Sidewalk.* A pedestrian walkway with a concrete surface constructed to city minimum standards.
54. *Site Triangle.* A triangular area at the intersection of streets maintained in such a manner as to provide a safe and open line of vision for drivers of vehicles and pedestrians approaching the intersection. Within the vision triangle, no one shall install, construct, plant, park, or maintain any sign, fence, hedge, shrubbery, tree, natural growth, or other obstruction which would materially impede vision between the heights of two and one-half (2½) and ten (10) feet above the street level. Such restrictions shall not apply to official traffic signs and signals and utility poles.
55. *Sketch Plan.* A map or plan of a proposed subdivision preparatory to the preparation of the preliminary plan to enable the subdivider to save time and expense in reaching tentative general agreements by a discussion of the form and objectives of these regulations.
56. *Street.* A right-of-way, other than an alley, dedicated to public use, which provides principal vehicular and pedestrian access to adjacent properties.
57. *Street, Cul-de-sac.* A street having only one outlet and being permanently terminated by a vehicle turn-around at the other end.
58. *Street, Frontage.* A public or private marginal access street generally paralleling and contiguous to any arterial or a collector street and designed to promote safety by eliminating unlimited ingress and egress to such arterial or collector street by providing points of access at predetermined and more or less evenly spaced intervals.
59. *Street, Private.* Any street designed for vehicular traffic not dedicated as a public thoroughfare. The City has no maintenance responsibilities for a private street.
60. *Street Width.* The shortest distance between the property lines abutting both sides of a street right-of-way.
61. *Structure.* Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Structures include, but are not limited to: buildings, walls, sheds, towers, and bins.
62. *Subdivide Land.* To partition a parcel of land into two or more parcels, tracts, lots, or sites for the purpose of transfer of ownership or development, whether immediate or future, when such parcel exists as a unit or contiguous units under a single ownership.
63. *Subdivider.* The owner, or any other person, firm or corporation, authorized by the owner, undertaking proceedings under the provisions of these regulations for the purpose of subdividing land.

64. *Subdivision.* The division of a tract of land into two or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land. The term “subdivision” includes “re-subdivision”, and the term “re-subdivision”, as used herein shall include any further subdivision of a lot or parcel of land previously subdivided, for sale, use, or other purposes, which varies from the latest, approved plat of the same..
65. *Turnaround.* An area at the closed end of a dead-end street or cul-de-sac within which vehicles may reverse their direction without any backing up.
66. *Watercourse.* A body of water flowing in an identifiable channel or course, natural, or man-made, and which is not dry more than six (6) months a year.