

# Article 6

## Definitions

1. Access Control: The limitation of public access rights to and from properties abutting streets or highways to preserve traffic service and to improve public safety.
2. Acceptable engineering standards and practices: Acceptable engineering standards and practices shall mean such standards and practices that are proposed on drawings or documents signed and sealed by a registered professional engineer of the appropriate discipline.
3. Alley: A public or private way which normally affords a secondary means of access to abutting property. An alley shall not be considered a street. Further, frontage on an alley shall not be construed as satisfying the requirements related to frontage on a dedicated street.
4. Block: A unit of land bounded by streets or by a combination of streets and public land, railway rights-of-way, waterways, or any other barrier to the continuity of development.
5. Buildable Area: The area of a lot remaining after the minimum yard and open space requirements of the zoning ordinance has been met.
6. Building Envelope: The portion of a lot shown in a final plat which may be used for construction purposes, including: buildings, accessory uses, lateral fields, lagoons, and parking. Typically, the lot building envelope is the areas bounded by the required setbacks, side and rear yards. However, because of conditions arising from soils composition, slope, drainage and other natural features, the building envelope may be either reduced or increased in size at the direction of the Planning Commission.
7. City: The City of St. Marys, Kansas.
8. City Attorney: The attorney designated by the City Manager to furnish legal assistance for the administration of these regulations.

9. Comprehensive Plan: A plan for the development of the city and the extra territorial zone prepared by the Planning Commission, and approved by the City Commission pursuant to state law, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof.
10. Common Ownership: Ownership by a single entity in any form of ownership of two or more contiguous lots.
11. Complete Application: An application form completed as specified by ordinance and the rules and regulations of the governmental agency and all accompanying documents and fees required by ordinance for approval of the application.
12. Cul-de-sac: A local street with one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
13. Design Standards or Requirements: All requirements and regulations relating to design and layout of subdivisions contained in these regulations.
14. Deed Restriction: A restriction upon the use of a property placed in a deed.
15. Detention Basin: A facility for the temporary storage of storm water runoff and the release of it gradually into a watercourse or storm water facility.
16. Developer: The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable proprietary interests in such land or any person who:
  - a) Has an interest in land and causes it, directly or indirectly, to be divided into a subdivision, or
  - b) Directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel site, unit, or plat in a subdivision, or
  - c) Engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel site, unity, or plat in a subdivision; and who is directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing.

17. Easement: A permanent or temporary grant of right by the property owner to the public, a corporation, or another person or entity, of the use of a portion of a lot or tract of land for specified purposes where title to said portion of the lot or tract of land remains with the landowner.
18. Easement, Drainage: Land required for the installation of storm water sewers or drainage ditches and/or required for the preservation or maintenance of a natural stream or watercourse or other drainage facility.
19. Elevation. The vertical distance of the land surface above mean sea level.
20. Engineer: An individual who is licensed to practice engineering in the state of Kansas.
21. Frontage: That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.
22. Frontage Road: The length of all the property fronting on one (1) side of a street between the two (2) nearest intersecting streets, measured along the line of the street, or if dead ended, then all of the property abutting on one (1) side between an intersecting street and the dead end of the street.
23. Governing Body:
  - a) City Commission: The City Commission of St. Marys, Kansas.
  - b) County Commission: The Board of County Commissioners of Pottawatomie County, Kansas.
24. Grade: The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.
25. Grade, Finished: The elevation of the ground level after development.
26. Grading: The reshaping of natural land contours, using natural land materials such as soil, gravel, sand, etc., for the purpose of eliminating erosion or sedimentation problems, creating or improving surface drainage, providing for the natural aesthetic contouring of property, or to accommodate a building plan by making minor changes in land elevation.

27. Half-Street: A Street bordering one or more property lines of a subdivision tract to which the developer has allocated only a portion of the required street width.
28. Improvements: See Lot Improvements or Public Improvements.
29. Legend. The minimum requirements for an adequate map or plan legend are: title, scale, direction of north, date, name of preparer, and the identification of any unique symbols used.
30. Lot: A single parcel of land under unified ownership or control. A lot can be either a lot of record or a zoning lot.
31. Lot, Corner: A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding one hundred thirty five (135) degrees. On a "corner lot", the front lot line shall be the lot line having the shorter dimension along the street line.
32. Lot Coverage: That portion of the lot that is covered by the ground floor of any covered or enclosed structure.
33. Lot Depth: The mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries.
34. Lot, Double Frontage: See reverse frontage lot.
35. Lot, Flag: A lot having access to a public street by means of a private driveway, access easement, or other private means.
36. Lot Frontage: The length of the front lot line measured at the street right-of-way line.
37. Lot Improvement: Any building structure, place, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment.
38. Lot, Interior: A lot other than a corner or reversed corner lot.
39. Lot Line: A property boundary line of any lot. When a lot extends to an abutting street or alley, the lot line shall be the closest street or alley line.
40. Lot Line, Rear: That boundary of a lot which is most distant from, and is, or is most nearly, parallel to, the front lot line.
41. Lot Line, Side: Any boundary of a lot which is not a front lot line or a rear lot line.

42. Lot of Record: A lot which is a part of a subdivision, the plat of which has been recorded in the Office of the Pottawatomie County Register of Deeds; or a parcel of land which was lawfully recorded prior to the adoption and enactment of this Unified Development Code.
43. Lot, Reverse Frontage: Lots which front on one public street and back on another.
44. Lot Split: The dividing of a lot in a recorded plat into not more than two lots, subject to the provisions of these regulations.
45. Lot Width: The horizontal distance between the side lines of a lot measured within the lot boundary at the building setback line.
46. Monument. Monuments are visible marks or indications left on natural or other objects indicating the lines and boundaries of a survey. Any physical object on ground which helps to establish location of boundary line called for; it may be either natural (e.g. trees, rivers, and other land features) or artificial (e.g. fences, stones, stakes, or the like placed by human hands).
47. Nonconforming Lot: A lot existing on the effective date of these regulations that does not meet the minimum area requirement of the zoning district in which the lot is located.
48. 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 the land sought to be subdivided under these regulations.
49. Pedestrian Way: A right-of-way dedicated to public use, which cuts across a block, tract, or parcel to facilitate pedestrian access to adjacent streets and properties.
50. Performance Guarantee: Any security that may be accepted by the Governing Body to assure that improvements required as part of an application for development will be satisfactorily completed.
51. Planning Commission: The Planning Commission of the City of St. Marys.
52. Plat, Final: A plan or map prepared in accordance with the provisions of these regulations, which plat is prepared to be placed on record in the office of the Register of Deeds of Pottawatomie County, Kansas.
53. Plat, Preliminary: The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Planning Commission for approval.

54. Plat or Plan, Sketch: A concept, informal map of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification.
55. Public Improvement: Any improvement, facility, or service together with its associated site or right-of-way necessary to provide transportation, drainage, utilities, or similar essential services and facilities and that are usually owned and operated by a governmental agency.
56. Public Utilities: A closely regulated enterprise with a franchise for providing the public a utility service deemed necessary for the public health, safety, and welfare.
57. Re-subdivision: The further division of lots or the relocation of lot lines of any lot or lots within a subdivision previously approved and recorded according to law; or the alteration of any streets or the establishment of any new streets within any such subdivision, but not including conveyances, made so as to combine existing lots by deed or other instrument.
58. Right-of-way: An access way dedicated to public use.
59. Setback line or Building line: The line, perpendicular to the depth of the required front yard setback and parallel to a front lot line and/or street right-of-way line, whichever is greater, at which structures are permitted to be constructed and where "lot width" is measured.
60. Sight Triangle, The area of visibility required on a corner to allow for the safe operation of vehicles, trains, pedestrians, and cyclists in the proximity of intersecting streets, rail lines, sidewalks, and bicycle paths.
61. Street: A public or private right-of-way, which affords a primary means of vehicular access to abutting property, but does not include alleys or driveways to buildings.
62. Street or Road, Private: A non-dedicated way, which forms the principal vehicular access to a property or subdivision. A private drive serving one residence is not considered a private street or road.
63. Street, Public: A right-of-way, which affords principal access to property abutting thereon, which right-of-way is owned, controlled and maintained by the Governing Body.
64. Subdivision: The division of a lot, tract, or parcel of land into two or more lots, tracts, plots, sites, parcels, or other divisions of land for sale, development, or lease.

65. Subdivision, Rural: A subdivision located in the extra-territorial zone that does not meet the definition of an urban subdivision.
66. Subdivision, Urban: A subdivision located wholly within the corporate limits; or located partially within, adjoining or touching the corporate limits; a subdivision adjoining or touching the boundary of a tract of land for which annexation proceedings have commenced by the city or the landowner has requested annexation; a subdivision adjoining or touching another subdivision which has previously received final plat approval by the city and adjoins or touches the corporate limits; a subdivision which has or intends to have both municipal type water supply and sewage disposal systems.
67. Surveyor: An individual licensed to survey land in the State of Kansas.
68. Vested Right: A right that cannot be changed or altered by changes in regulation.