

SECTION 2 DEFINITIONS

For the purpose of this ordinance certain items are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "shall" is mandatory and not directory; the words "used" or "occupied" include the words "intended", "designed", or "arranged to be used or occupied"; the word "lot" includes the word "plot" or "parcel"; and the word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as individual. Any word not herein defined shall be as defined in any recognized standard English Dictionary.

A-Weighted Sound Level (dBA): The sound pressure level in decibels utilizing the "A" weighted scale defined by ANSI for weighting the frequency spectrum to mimic the human ear.

Accessory Building: A subordinate building, the use of which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use.

Accessory Use: A subordinate use which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use.

Adult Cabaret: A building or a portion of a building regularly featuring dancing or other live entertainment if the dancing or entertainment that constitutes the primary live entertainment is distinguished or characterized by an emphasis on the exhibiting of specific sexual activities or specified anatomical areas for observation by patrons therein.

Agricultural or Farming Activity: An agricultural activity shall be defined as the cultivating of the soil, producing of crops and the raising of animals for food or fiber and including horticulture, beekeeping, aquaculture, silviculture and forestry. Concentrated animal feeding operations must conform to the Missouri Department of Natural Resource's regulations pertaining to waste water management and order control. The raising and keeping of horses for any purpose other than the production of food and fiber is not considered agricultural activity.

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

Animal Training Facility: A building and/or land where animals, other than those owned by the owner or leaseholder of the property, on which the use is occurring, are trained.

Alley: A public right-of-way which affords only a secondary means of access to abutting

property.

Allowed Uses: See Uses

Apartment: See Dwelling Unit.

Applicant: A property owner or agent of a property owner who has filed an application for a permit.

Automobile Service Station: Any land, building, structure, or premises used for the sale at retail of motor vehicle fuels, oils, or accessories, or for servicing or lubrication motor vehicles or installing or repairing parts and accessories; but not including the repairing or replacing of motors, bodies, or fenders of motor vehicles or painting motor vehicles, public garages and the open storage of rental vehicles or trailers.

Bankfull: An established river stage/elevation at a given location along a river which is intended to represent the maximum safe water level that will not overflow the riverbanks or cause any significant damage within the river reach.

Bar or Tavern: Any premises wherein alcoholic beverages are sold at retail for consumption on the premises. It shall not mean a premises wherein such beverages are sold in conjunction with the sale of food for consumption on the premises and the sale of said beverages comprises less than fifty percent (50%) of the gross receipts.

Basement: A story having part but not more than one-half of its height below grade. A basement is counted as a story for the purposes of height regulation if subdivided and used for dwelling purposes other than by janitor employed on the premises.

Bed and Breakfast: A dwelling unit that has been converted or built for and is intended to provide overnight lodging to the public for compensation, and which is open to overnight guests in not more than five guest bedrooms, and is not a rooming or boarding house and is the primary residence of the owner or operator.

Best Management Practice (BMP): Activities, practices and procedures which control soil loss and reduce or prevent water quality degradation caused by nutrients, animal wastes, toxins, organics and sediment in the runoff. BMPs may either be structural (grass swales, terraces, retention and detention ponds, and others); or non-structural (disconnection of impervious surfaces, directing downspouts onto grass surfaces, ordinances and educational activities).

Billboard: Any sign that is greater than 120 square feet in area.

Blade Glint: The intermittent reflection of the sun off the glossy surface of wind turbine blades.

Board: Means Board of Adjustment established in Section 15.

Boarding House or Rooming House: A building other than a hotel, occupied as a single housekeeping unit, where lodging or meals are provided for five or more persons for compensation, pursuant to previous arrangements, but not for the public or transients.

Boone County Stormwater Design Manual: The engineering and/or project review document maintained by Boone County Resource Management containing technical standards and specifications, policies, procedures, and other materials deemed appropriate to assist with compliance with the provisions of this ordinance as adopted February 2010.

Building: Any structure having a roof supported by columns or walls for the shelter or enclosure of persons or property.

Building, Height of: The vertical distance from the average grade to (a) the highest point of a flat roof, (b) the deck line of a mansard roof, or (c) the average height between eaves and ridge for gable, hip, and gambrel roofs.

Buildable Width: The width of the lot left to be built upon after the side yards are provided.

Calendar Week: A seven-day period beginning on Sunday and running through Saturday.

Casualty Event: The complete or partial destruction of property resulting from an identifiable event of a sudden, unexpected, or unusual nature.

Cellar: That part of a building having more than one-half of its height below the average grade of the adjoining ground.

Channel: A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

Clean Fill: Uncontaminated soil, rock, sand, gravel, concrete, asphaltic concrete, cinder blocks, brick, minimal amounts of wood and metal and inert solids which are approved by rule or policy of the State Department of Natural Resources for fill, reclamation, or other beneficial use.

Clearing: Any activity which removes the vegetative surface cover through disturbance of the root zone.

Clinic: An establishment where patients are not lodged overnight but are admitted for examination and treatment by a group of physicians or dentists practicing medicine together.

Club or Lodge: Buildings and facilities owned or operated by a corporation, association,

person or persons for social, educational, or recreational purpose, including fraternal organizations, but not primarily for profit and not primarily to render a service which is customarily carried on as a business.

Cluster: A group of WECS, contained within the same WECOD, that are geographically adjacent, and each tower is less than 1.25 times the minimum spacing distance from at least one other WECS in the group.

Cluster “SEOD”: A group of solar structures within a SEOD area.

Common Plan of Development: A continuous area where multiple separate and distinct construction activities are occurring under one plan, including any off-site borrow areas that are directly and exclusively related to the land disturbance activity. Off-site borrow areas utilized for multiple different land disturbance projects are considered their own entities and are not part of the larger common plan of development or sale. See definition of Common Promotional Plan to understand what a “common plan” is.

Common Promotional Plan: A plan undertaken by one (1) or more persons to offer lots for sale or lease: where land is offered for sale by a person or group of persons acting in concert, and the land is contiguous or is known, designated, or advertised as a common unit or by a common name or similar names, the land is presumed, without regard to the number of lots covered by each individual offering, as being offered for sale or lease as part of a common promotional plan.

Conditional Use: A use allowed in a zoning district after a permit is granted by the County Commission according to provisions of Section 15.

Condominium Development: A development in which individual ownership in fee is restricted to that which is within the walls or designated bounds of a unit, and collective ownership applies to all other land and facilities beyond the individual units. A residential structure in a condominium development is: (1) a unit, (2) a two family dwelling if the structure contains two dwelling units, or (3) a multiple dwelling if the structure contains three or more dwelling units.

Commission: Means County Planning and Zoning Commission of Boone County.

County: Boone County, Missouri.

County Commission: Means County Commission of Boone County.

Decibel (dB): The unit of measure used to express the magnitude of sound pressure and sound intensity.

Dedication: The deliberate appropriation of property by its owner for general public use.

Detention: The temporary storage of storm runoff in a stormwater BMP with the goals of controlling peak discharge rates and providing gravity settling of pollutants.

Developer: A person directing or participating in the direction of improvements on and/or to land, including, but not limited to, the owner of the land, a general contractor or a commercial agent engaged for such activity.

Development: A change in the zoning, intensity of use or allowed use of any land, building, structure or premises for any purpose. The subdivision or severance of land. The construction, erection or placing of one or more buildings or structures on land or use of land or premises for storage of equipment or materials. Making of an addition, enlargement or alteration to a building or structure, in, on, over or under land, which has the effect of increasing the size or usability thereof. Land disturbance activities such as but not limited to site-grading, excavation, drilling, removal of topsoil or the placing or dumping of fill and installation of drainage works. The use of the term shall include redevelopment in all cases unless otherwise specified in these regulations.

Development Complex: A commercial or industrial development consisting of two or more buildings or one building containing or designed to contain more than one business.

Director and Director of Planning and Director of Resource Management: The individual designated to administer the Zoning Ordinance and who is responsible for the enforcement of the regulations imposed by said ordinance.

District: Means a part of the county wherein regulations of this ordinance are uniform.

Doublewide: A modular building or manufactured home that is designed and manufactured in a factory to function as a single complete self-contained unit by the assembly, on a site, of two or more manufactured component pieces whether or not any additional site built additions have been added to the unit.

Drainage Facility: A man-made structure or natural watercourse used for the conveyance of stormwater runoff. Examples are channels, pipes, ditches, swales, catch basins and street gutters.

Driveway: A roadway giving vehicular access from a street or alley to abutting property and may also provide for vehicular circulation on the abutting property.

Dwelling: Any building or portion thereof which is designed and used exclusively for residential purposes.

Dwelling, Accessory: A second dwelling, in addition to the primary dwelling, that is on a tract of land which is greater than 20-acres in area.

Dwelling, Multiple-Family: A building designed for or occupied exclusively by three or more families.

Dwelling, Primary: Any dwelling other than an accessory dwelling.

Dwelling, Single-Family: A building designed for or occupied by one family. This definition shall include any home in which eight or fewer unrelated mentally or physically handicapped persons reside, and may include two additional persons acting as house-parents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing therein. This definition shall also include any private residence licensed by the division of family services or department of mental health or other governmental agency, to provide foster care to one or more but less than seven children who are unrelated to either foster parent by blood, marriage or adoption.

Dwelling, Single-Family Attached: A building designed so that each unit has an independent means of egress; is separated from adjoining units by a 2-hour fire separation assembly that extends from ground to roof; no unit is above or below another unit; each unit has separate heating systems and each unit has separate utility meters and separate sewer service.

Dwelling, Two-Family: A building designed for or occupied exclusively by two families.

Dwelling, Unit: One or more rooms in a dwelling occupied or intended to be occupied as separate living quarters by a single person or a family as defined herein.

Easement: A legal right granted by a landowner to a grantee allowing the use of private land for conveyance or treatment of stormwater runoff and access to stormwater practices.

Environmentally Sensitive Area: Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem; or an area of land that contributes water to the habitat of an aquatic animal that is rare or valuable; or an area of land with increased vulnerability (presence of karst features, groundwater management areas, steep terrain, highly erodible soils) where the proposed human activities would likely cause disproportional damage to the environment; or as defined in Section 28.4.6.

Equine Boarding Facility: A building and/or land where equine, other than those owned by the owner or leaseholder of the property where the use is occurring, are boarded and/or trained.

Equine Ranch: A building and/or land used for the purpose of keeping and/or training equine provided, all of the animals are owned by the owner of the property on which the use

is occurring. If the property is leased, all of the animals must be owned by the leaseholder of the property on which the use is occurring.

Erosion and Sediment Control Plan: A plan designed to minimize the loss of soil and prevent discharge of sediment from a site during, and after construction activities.

Family: Two or more persons related by blood, marriage, adoption, or not more than four persons not related by blood, marriage, or adoption, occupying a dwelling unit as an individual housekeeping organization.

Flood Routing Path: That part of the major storm drainage system that carries the runoff that exceeds the capacity of the designed drainage facilities. Essentially, the complete drainage system of an urban area contains two (2) separate drainage elements. The storm sewers collect the frequent events while surface drainage-ways must be provided for the major flow from more intense storms, or in the event of clogging.

Frontage: All the property on one side of a street or highway, between two intersecting streets (crossing or terminating) or for a distance of 400 feet on either side of a proposed building or structure, measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street, but not including property more than 400 feet distant on either side of a proposed building or structure.

Furling: Action by which the wind turbine is designed to limit its power output in high winds by changing the rotor's plane of rotation to a plane that is not perpendicular to the prevailing wind direction.

Garage, Private: A detached accessory or portion of a main building housing the automobiles of the occupants of the premises, but not commercial vehicles.

Garage Public: A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, storing, or parking motor driven vehicles. The term repairing shall not include an automotive body repair shop nor the rebuilding, dismantling or storage of wrecked or junked vehicles.

Glare: Amount of light reflected off a photovoltaic panel, measured in percent.

Grade: The average level of the finished surface of the ground adjacent to the exterior walls of the building.

Grading: shall the mean excavating, filling, or any combination thereof which alters the topography of a site resulting in a change of elevation, slope, or surface cover.

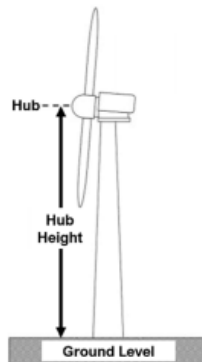
Groundwater Management Area: A geographically defined area that may be particularly sensitive in terms of groundwater quantity and/or quality by nature of the use or movement of groundwater, or the relationship between groundwater and surface water, and where special management measures are deemed necessary to protect groundwater and surface water resources. Example includes the Devils Icebox Recharge Area.

Guest Ranch: A recreational facility where lodging and horses for riding are furnished for compensation.

Hazardous Materials: Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

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Height, Hub (Wind Energy Conversion System): The distance measured from the ground immediately adjacent to the tower foundation to the center of the rotor hub.



Height, Total (Wind Energy Conversion System): The sum of the hub height and half of the turbines rotor diameter distance, measured at the highest point on the blade tip.

Historical, Cultural, and Archeological Resources: Places which have been listed on the National Register of Historic Places or designated as a National Historic Landmark.

Home Occupation: Any occupation or profession carried on by a member of the immediate family, residing on the premises, in connection with which there is used no sign other than a nameplate, not more than three square feet in area, or no display that will indicate from the exterior that the building is being utilized in whole or part for any purpose other than that of a dwelling; there is no commodity sold upon the premises except that prepared on the premises; no person is employed other than a member of the immediate

family residing on the premises; and no mechanical equipment is used except such as is customary for purely domestic household purposes.

Hospital: An establishment providing physical or mental health services, inpatient or overnight accommodations, and medical or surgical care of the sick or injured. Hospital includes sanitariums.

Hotel: A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests and is not a rooming or boarding house as herein defined.

Hours of Operation, Daytime:

- April through October, 6:00 A.M. to 9:00 P.M. Central Daylight Time
- November through March, 6:00 A.M. to 7:00 P.M. Central Standard Time

Daytime hours of operation may be further limited as a specific condition to a conditional use permit or a planned development.

Hours of Operation, Nighttime: Any hours other than Daytime Hours of Operation and may be further limited as a specific condition of a conditional use permit or planned development.

Ice Throw: Ice build-up that is thrown by the spinning blades.

Illegal Discharge: Any direct or indirect non-storm water discharge to the storm drain system or the environment, except as exempted by this ordinance.

Illicit Connections: Either of the following: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system. These include but are not limited to any conveyances that allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency. Illicit connections also include any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Impaired Waters: Those streams, rivers and lakes that currently do not meet their designated use classification and associated water quality standards under the Clean Water Act.

Impervious Cover: Those surfaces that cannot effectively infiltrate rainfall (e.g., building rooftops, pavement, sidewalks, driveways, etc.).

Incidental: A use dependent on and subordinate to the principal use of the parcel.

Industrial Stormwater Permit: A National Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries that regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

Infill Development: Land development that occurs within designated areas based on local land use, watershed, and/or utility plans where the surrounding area is generally developed, and where the site or area is either vacant or has previously been used for another purpose.

Infiltration: The process of percolating stormwater into the subsoil.

Infiltration Facility: Any structure or device designed to infiltrate retained water to the subsurface. These facilities may be above grade or below grade.

Institution: A nonprofit establishment for public use.

Junk Vehicle: Any unlicensed or disabled vehicle.

Kennel: An establishment where small animals are boarded for compensation or where dogs are bred, raised or sold on a commercial scale or where two or more breeding females are kept or bred.

Kennel, Hobby: A kennel that is not a commercial operation.

Land Development: A human-made change to, or construction on, the land surface that changes its runoff characteristics.

Land Disturbing Activity: Any activity that changes the volume or peak flow discharge rate of rainfall runoff from the land surface. This may include the grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial removal of vegetation, or any activity that bares soil or rock or involves the diversion or piping of any natural or man-made watercourse.

Land Disturbance Permit: An authorization for the permittee to develop land and conduct activities in accordance with County ordinances and erosion and sediment control practices outlined in an approved stormwater pollution prevention plan.

Landowner: The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights to the land.

Landscaped Area: An area that is permanently devoted and maintained to the growing of shrubbery, grass and plant material.

Limited Grading: shall mean the excavation or filling of earth for small projects or individual components such as building foundations, structure foundations, driveways, access roadways, utility installations, etc. and occurs within the footprint of and in immediate proximity to the individual component.

Litter: The word litter means and includes garbage, trash, junk, branches, cans, inoperative machinery and appliances, or other waste materials.

Loading Space: A space within the main building or on the same lot for the standing, loading, or unloading of trucks, having a minimum area of 420 square feet, minimum width of 12 feet, a minimum depth of 35 feet, and a vertical clearance for at least 14.5 feet.

Lossing Stream: A stream or part of a stream where a significant amount of its water (at least 30% during dry conditions) flows underground into a bedrock aquifer or, as designated by the Missouri Department of Natural Resources GIS Losing and Gaining Streams map at www.gis-modnr.opendata.arcgis.com/pages/dnr-missouri-geological-survey.

Lot: A parcel of land occupied or intended for occupancy by a use permitted in this ordinance, including one main building together with its accessory buildings, open spaces and parking spaces required by this ordinance, and having its principal frontage upon a road or street.

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

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

Lot, Double Frontage: A lot having a frontage on two non-intersecting roads, as distinguished from a corner lot.

Lot, Interior: A lot other than a corner lot.

Lot of Record: A lot or parcel of land that was legally created in compliance with the land use regulations in effect at the time the instrument creating the parcel was recorded with the Boone County Recorder of Deeds.

Lot, Width: The width of a lot measured at the building line.

Maintenance Agreement: A legally recorded document that acts as a property deed restriction, and that provides for long-term maintenance of stormwater BMPs.

Manufactured Home: A dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the National Manufactured Housing Construction and Safety Standards Act.

Mass Grading: shall mean the movement or redistribution of substantial quantities of earth over significant areas.

Mobile Home: A one family dwelling unit of vehicular, portable design having a length of not less than 32 feet and a width of not less than 8 feet, built on a chassis and designed to be moved from one site to another and to be used without a permanent foundation.

Mobile Home Park: A parcel of land which is developed for the placement of two or more mobile homes.

Mobile Home Subdivision: A subdivision containing any lot or lots that are less than 5-acres that are intended for the placement of one mobile home per lot and where individual lots can be sold and/or owned independently from other lots contained within the development. For purposes of the floodplain management regulations, a mobile home subdivision is a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Modular Building: A prefabricated building having over 1,000 square feet of floor area, manufactured in whole or in part off the site, and transported to a site.

Motel, Motor Court, Motor Lodge, Or Tourist Court: Any building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space conveniently located on the lot, and designed, used or intended wholly or in part for the accommodation of automobile transients.

Motorized Equipment: Vehicles or equipment which are motorized except this definition shall not apply to equipment used for the farming of land, or normal yard maintenance.

Municipal Separate Storm Sewer System (MS4): A publicly-owned facility by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, catch basins, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage ditches/channels, reservoirs, and other drainage structures.

Nacelle: The enclosure located at the top of a wind turbine tower that houses the gearbox, generator and other equipment.

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge

Permit: A permit issued by the State under authority delegated pursuant to 33 USC § 1342(b), that authorizes the discharge of pollutants to waters of the State, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Stormwater Discharge: Any discharge to the storm drain system that do not originate from precipitation events, such as but not limited to septic system discharges, floor drains, and laundry or commercial car wash facilities.

Non-Structural Measure: A stormwater control and treatment technique that uses natural processes, restoration or enhancement of natural systems, or design approaches to control runoff and/or reduce pollutant levels. Such measures are used in lieu of or to supplement structural practices on a land development site. Non-structural measures include, but are not limited to: minimization and/or disconnection of impervious surfaces; development design that reduces the rate and volume of runoff; creation, restoration or enhancement of natural areas such as riparian zones, wetlands, and forests; and on-lot practices such as rain barrels, cisterns, and vegetated areas that intercept rainfall and surficial runoff.

Nonconforming Use: A use which lawfully occupied a building or land or portion thereof, at the time these regulations became effective, that has been lawfully continued and that does not now conform with the use regulations for the district in which it is located and for which a Certificate of Occupancy for Nonconforming Use has been issued by the Board of Adjustment.

Nonpoint Source Pollution: Pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

Nursery School: Any land, building, structure or premises used for educational instruction and/or supplemental parental care for four or more children, either on an hourly or daily basis, with or without compensation.

Nursing Home: A home for the aged or infirm in which three or more persons not of the immediate family are received, kept or provided with food and shelter, or care for compensation; but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

Off-Site Facility: A stormwater BMP located outside the subject property boundary described in the permit application for land development activity.

On-Site Facility: A stormwater BMP located within the subject property boundary described in the permit application for land development activity.

Open Space: Any parcel or area of land not covered by water, structures, hard surfacing, parking lots and other impervious surfaces except for bicycle or pedestrian pathways. Such areas must be set aside and/or dedicated for active or passive recreation or visual enjoyment. Land covered by water may be included as open space as otherwise provided in these regulations.

Ordinary High Water Mark: That line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter or debris, or other appropriate means that consider the characteristics of the surrounding area.

Owner: The owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a piece of land. As used herein, owner also refers to, in the appropriate context: (i) any other person authorized to act as the agent for the owner; (ii) any person who submits a stormwater management concept or design plan for approval or requests issuance of a permit, when required, authorizing land development to commence; and (iii) any person responsible for complying with an approved stormwater management construction plan.

Parent Zoning District: The unplanned zoning district type from which the possible allowed uses in the planned district are derived. The letter designated zoning district to which the "P" is added to designate the district as planned.

Park, Public: A tract of land and/or premises that is owned and operated by a governmental entity and that is open to the general public for recreational purposes.

Parking Space: A durably dust-proofed, properly graded for drainage, usable space, enclosed in a main building or in an accessory building, or unenclosed, reserved for the temporary storage of one vehicle, and connected to a street or alley by a surfaced driveway. Each such space shall be not less than nine feet wide and nineteen feet long and be accessible to a vehicle without the necessity of moving any other vehicle.

Perimeter Control: A barrier that prevents sediment from leaving a site either by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

Permanent Stormwater BMP: A stormwater best management practice (BMP) that will be operational after the construction phase of a project and that is designed to become a permanent part of the site for the purposes of managing stormwater runoff.

Permitted Use: A principal use of a site allowed as a matter of right in conformance to applicable zoning, building and health or other codes, and not subject to special review or conditions under this ordinance beyond those specifically set forth in the Zoning

Regulations.

Person: A natural person, corporation, partnership or other entity.

Phasing: The clearing of a parcel of land in distinct sections, with the stabilization of each section before the clearing of the next. See Section 28.5.4 Phasing Requirements.

Photovoltaic Solar Array: Collection of individual photovoltaic solar panels connected together to operate as a single device of solar energy capture.

Photovoltaic Solar Panel: Panel designed to collect sun energy for conversion into electrical energy by utilization of individual photovoltaic cells manufactured together to form a single panel.

Place of Worship: Any premises used primarily for religious services and study.

Point Source: Any discernible, confined and discrete conveyance including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, separate storm sewer or vessel or other floating craft from which pollutants are, or may be, discharged. (Code of State Regulations – 10 CSR 20-2)

Pollinator: An insect or other agent that conveys pollen to a plant and so allows fertilization.

Pollutant: Anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; sediment from soil erosion, wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Predevelopment: The time period prior to a proposed or actual development activity at a site. Predevelopment may refer an undeveloped site or a developed site that will be redeveloped or expanded.

Premises: A lot together with all buildings and structures thereon.

Private School: A place of learning that is not tax supported. This shall include, but not be limited to, business or commercial schools, music or dancing academies, day care homes or

centers, private colleges and universities, and private schools having a curriculum equivalent to public elementary or public high schools.

Professional Engineer: A licensed engineer who is registered with and authorized to practice engineering in the state of Missouri.

Professional Geologist: A licensed geologist who is registered with and authorized in the state of Missouri.

Property Line: A line of record bounding a lot of record that divides one lot from another lot, or from a public street, or private street, or any other public space.

Qualified Professional: A person with experience and training in the pertinent discipline, and who is a qualified expert with expertise appropriate for the relevant subject and has been approved by the County Commission in consultation with the Director of Resource Management.

Receiving Stream or Channel: A body of water or conveyance into which stormwater runoff is discharged.

Reception Facility: A building, land or premises that is made available for receptions, parties, meetings or other special events.

Recharge: The replenishment of underground water reserves.

Redevelopment: (within the context of Chapter 28 of the Boone County Zoning Regulations, see Section 28.4.5) A change to previously existing, improved property. This includes but is not limited to the expansion of existing structures or existing paved areas, filling, grading, paving; including the conversion of gravel areas to pavement. Redevelopment excludes ordinary maintenance activities such as remodeling of buildings on the existing footprint, resurfacing and/or repaving of existing paved areas, and exterior changes or improvements that do not materially increase or concentrate stormwater runoff or cause additional nonpoint source pollution.

Repowering Event: A planned and County approved event in which the developer replaces older turbines with new turbines or retrofits existing turbines with more efficient components subject to an approved timeline.

Residentially Developed Area: A recorded, major subdivision where at least twenty-five (25%) percent of the lots have been developed or a recorded subdivision in a residential or transitional zoning district.

Responsible Party: Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any

other legal entity; or their legal representatives, agents, or assigns that is named on a stormwater maintenance agreement as responsible for long-term operation and maintenance of one or more stormwater BMPs.

Riding School: A building and/or land where humans, other than the owner, resident or leaseholder of the property on which the use is occurring, are trained in riding and/or driving and/or handling animals.

Riparian Zone / Riparian Buffer: The land adjacent to streams, rivers, and lakes that actively interfaces with the waterbody through physical and chemical processes. Riparian zones filter nutrients and sediments, increase streambank stability, and are often characterized by the presence of trees and other vegetation which provide shade, reducing water temperatures.

Rooming House: See Boarding House.

Rotor: The rotating part of a turbine, including the turbine blades. Rotor diameter means the cross-section dimension of the circle swept by the rotating blades.

Runoff Reduction (RR): Defined as the total annual runoff volume reduced through canopy interception, soil infiltration, evaporation, transpiration, rainfall harvesting engineered infiltration or extended filtration.

Salvage or Junk Yard: Any land or building, or other structure used for the storage, collection, processing or conversion of any worn out, cast off, or discarded metal, paper, glass or other material which is ready for destruction, or has been collected or stored for salvage or conversion to some use. This includes, but is not limited to, such things as automobiles, machinery, farm implements, household appliances and construction material.

Sediment Control: Measures that prevent eroded sediment from leaving the site.

Sensitive Area: Areas containing features that are of critical importance to the protection of ecological or environmental resources, and include bluffs, caves, sinkholes, springs, groundwater management areas and wetlands.

Setback: the minimum distance required between the property line and a building measured in accordance with the provisions for yards in Section 10.B (11).

Sexually Oriented Business: An inclusive term used to describe collectively: adult cabaret, adult motion picture theater, video arcade, bathhouse, massage shop and/or sex shop.

Shadow Flicker: Alternating changes in light intensity caused by the moving blades of a wind energy system which cast a repeating pattern of shadows on the ground and stationary objects, such as a window of a dwelling.

Sign: Any medium or device or symbol intended to identify, inform, advertise or that is intended to attract attention to any private or public premises and, said device is placed so as to be seen from any public or quasi-public place with the intent or effect of attracting attention to the subject matter.

- Sign, Backlit: A sign that is composed of one or more transparent or translucent faces and that is illuminated by means of a light source from within or behind the sign that is projected through the sign face(s).
- Sign, Billboard: A freestanding sign that is greater than 120 square feet in area.
- Sign, Double Faced: A sign consisting of two faces that form parallel planes, which are the same size shape and elevation, where the distance between the two sign faces is 18 inches or less.
- Sign, Electronic Message: Any sign that carries a changing message or a message that is capable of being changed by means of an electronic control unit and that is displayed by a system of electric lights
- Sign, Façade: A sign mounted on the exterior wall of a structure with the plane formed by the sign face being parallel to the plane of the wall and projecting no more than 12-inches from the wall. Also known as a wall sign.
- Sign, Freestanding: A self-supporting sign placed on the same parcel as, but away from, the building to which it is related.
- Sign, Noncompliant: Any sign that does not comply with Section 25, Sign Regulations and has not been issued a Certificate of Occupancy for a Nonconforming Use.
- Sign, Nonconforming: Any sign that is in existence on the date of adoption of Section 25, Sign Regulations but that does not comply with the provisions of Section 25, Sign Regulations and for which the Board of Adjustment has issued a Certificate of Occupancy for a Nonconforming Use in accordance with Section 8.
- Sign, Parapet Mounted: A façade or wall sign that is mounted on a parapet.
- Sign, Projecting: A sign that is wholly or partly dependent upon a building for support and projects more than 12-inches from such building.
- Sign, Suspended: A sign hanging down from a marquee, awning, porch or other structural element of a building.

Singlewide: A mobile home or manufactured home that is designed and manufactured in a factory to function as a single complete self-contained unit without any additional components or construction, whether or not any site built addition or additional auxiliary components have been added to the structure.

Sinkhole Cluster Area: Area that contributes surface water to a sinkhole which is located in a group of two (2) or more sinkholes grouped within 500 feet.

Sinkhole Drainage Area: The land area around a sinkhole that contributes surface water directly to the sinkhole(s).

Sinkhole: Any closed depression formed by removal (typically underground) of water, surficial soil, rock, or other material. The existence of a sinkhole shall be as indicated by the closed depression contour lines on the topographical maps of the county or as may be determined by a field survey. Its actual limits may, however, be determined by field measurements with concurrence of the Director. Sinkholes may be either circular in plan or irregular, depending upon structural control.

Sinkhole Ponding Elevation: The maximum elevation of either the elevation as determined by using currently accepted methods of the Natural Resource Conservation Service (formerly Soil Conservation Service) to calculate the total volume of runoff from the sinkhole drainage area to the sinkhole utilizing an eight (8) inch rainfall and no sink outlet or the historical elevation or the published flood elevation. NOTE: Overflow conditions will establish maximum ponding elevation.

Solar Structure: Any structure used for the purpose of collecting solar energy from the sun, such as photovoltaic solar arrays. Solar structures do not include transformers, inverters, batteries, or other power storage structures.

Sound Exposure, Adjusted Total Day-Night (Ldn): Frequency-weighted sound exposure for a 24-hour day calculated by adding adjusted sound exposure obtained during the daytime (0700-2200 hours) to the adjusted sound exposure obtained during the nighttime (0000-0700 and 2200-2400 hours) with a penalty of 10 dB added as defined by ANSI (American National Standards Institute).

Specified Anatomical Areas: (1) Less than completely and opaquely covered: human genitals, pubic region, buttock or female breast below a point immediately above the top of the areola; and (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities: Human genitals in a state of sexual stimulation or arousal or acts of human masturbation, sexual intercourse, sodomy or fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

Stabilization: The use of practices that prevent exposed soil from eroding.

Stall-Control: A braking mechanism on wind turbines where the rotor blades are bolted onto the hub at a fixed angle. The rotor blade profile is aerodynamically designed to ensure that the moment the wind speed becomes too high, it creates turbulence on the side of the rotor blade that is not facing the wind. This stall prevents the lifting force of the rotor blade from acting on the rotor.

Start of Construction: The first land-disturbing activity associated with a development, including land preparation such as clearing, grading and filling; installation of streets and

walkways; excavation for basements, footings, piers or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

Stop Work Order: An order issued that requires that all construction activity on a site be stopped except as necessary to remedy the issue(s) for which the order was issued.

Stormwater: Any surface flow, runoff, and drainage from any form of natural precipitation (such as rain or snow) and resulting from such precipitation.

Stormwater drainage system: All drainage facilities used for collecting and conducting stormwater to, through and from drainage areas to the points of final outlets including, but not limited to, any and all of the following: Conduits and appurtenant features, canals, ditches, streams, gullies, flumes, culverts, outfalls, streets, gutters and pump stations.

Stormwater Hotspot: An area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

Stormwater Management: The use of structural or non-structural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, peak flow discharge rates and detrimental changes in stream temperature that affect water quality and habitat.

Stormwater Pollution Prevention Plan (SWPPP): A narrative plan, usually required by a permit, to manage stormwater associated with industrial, commercial, institutional, or other land use activities, including construction. The SWPPP commonly describes and ensures the implementation of practices that are to be used to reduce pollutants in stormwater and non-stormwater discharges.

Stormwater Retrofit: A stormwater BMP designed for an existing development site that previously had either no stormwater BMP in place or a practice inadequate to meet the stormwater management requirements of the site.

Stormwater Runoff: Rain or snowmelt that runs off streets, parking lots, lawns and other surfaces and drains into natural or manmade conveyance systems. Often stormwater transports accumulated material including litter, soil, nutrient, pathogens, chemicals, pesticides, oils and grease.

Stream Buffer: A vegetated area including trees, shrubs, managed lawn area, and herbaceous vegetation which exists or is established to protect the stream system. Alteration of this natural area is strictly limited by the stream buffer ordinance dated June 1, 2009.

Street: A dedicated and accepted public way which affords the principal means of access to abutting property.

Street Centerline: The street centerline is a line halfway between the street right-of-way lines.

Street Right-of-Way Line: A dividing line between a lot and a contiguous street.

Structure: Anything constructed or installed or portable, the use of which requires a location on a parcel of land. It includes a movable structure while it is located on land which can be used for housing, business, commercial, agricultural or office purposes, either temporarily or permanently. Structure also includes fences, billboards, swimming pools, poles, pipelines, transmission lines, tracks and advertising signs, whether located on a rock, tree, separate or part of another structure.

Structural Alteration: Any change except those required by law members of a building or structure, such as bearing walls, columns, beams or girders, not including openings in bearing walls as permitted by other ordinances.

Symbol: Something that represents something else by association, resemblance or convention. A symbol may be either two or three dimensional.

Tavern: See Bar or Tavern

Travel Trailer or Motor Home: (1) A vehicular, portable structure built on a chassis and designed for temporary occupancy for travel, recreational or vacation use; and when factory equipped for the road, being of any weight, provided its overall length does not exceed 32 feet; (2) A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation; (3) A portable, temporary dwelling to be used for travel, recreational and vacation purposes, constructed as an integral part of a self-propelled vehicle; (4) A canvas, folding structure, mounted on wheels and designed for travel, recreational and vacation use.

Travel Trailer Park: A parcel of land which has been improved for the placement of travel trailers for transient use.

Truck Stop: A facility for the servicing and repair of trucks and including accessory uses such as a truck wash, sleeping accommodations, restaurant and gift shop.

Turbine: A wind-driven machine that converts wind energy into electrical power, also known as a wind energy conversion system (WECS).

Upwind Rotor: A design in which the rotor on a wind turbine tower faces into the wind.

Uses, Allowed: In a planned district, only those uses specifically shown/listed on an approved review plan.

Uses, Category of: The subsection of a Zoning District which contains a list of uses allowed in the district such as Permitted Use, Conditional Use or Accessory Use.

Vehicle: Automobile, truck, bus, motorcycle, recreational vehicle or other conveyance designed and constructed as a motor-driven vehicle for traveling on the public streets and ways.

Visual Dominance Zone: A zone within or distance from which a turbine may be perceived as dominating the visual landscape, determined to be a zone surrounding a turbine that is twenty (20) times the total height of the turbine.

Water Quality Storm: The storm event that produces less than or equal to 90 percent stormwater runoff volume of all 24-hour storms on an annual basis.

Water Quality Volume (WQv): The storage needed to capture and treat 90% of the average annual stormwater runoff volume.

Watercourse: A permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

Watershed or Catchment: The entire geographical area drained by a river and its tributaries; an area characterized by the conveyance of all runoff to the same outlet.

Watershed Management Plan: A document, usually developed cooperatively by government agencies and other stakeholders, to protect, restore, and/or otherwise manage the water resources within a particular watershed or subwatershed. The plan commonly identifies threats, sources of impairment, institutional issues, and technical and programmatic solutions or projects to protect and/or restore water resources.

Well Designed Braking System: The primary braking system, which uses a mechanical brake, pitch-control of the turbine blades, or stall-control to bring the turbine to a stop in such a way that stall-induced vibrations/noise are avoided.

Wetland: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

Wetland Hydroperiod: The pattern of fluctuating water levels within a wetland caused by the complex interaction of flow, topography, soils, geology, and groundwater conditions in the wetland.

Wildlife Corridors: Spaces between clusters designed to allow wildlife to move within the SEOD area.

Wind Energy Conversion System, Commercial (WECS-C): A wind-driven machine that converts wind energy into electrical power for the primary purpose of sale, resale, or off-site use.

Wind Energy Conversion System, Small (WECS-S): A wind-driven machine, less than 175 feet in height, that converts wind energy into electrical power for the primary purpose of on-site use and not for commercial power production.

Yard: An open space, other than a court on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this ordinance.

Yard, Front: A yard across the full width of the lot extending from the front line of the main building to the front line of the lot, or to the designated street line in cases where the present property line extends to the center line of the abutting street. On corner lots the front yard shall face the shortest street dimension of the lot, except that if the lot is square or almost square, i.e., has dimensions in a ratio of from 3:2 to 3:3, then the front yard may face either street.

Yard, Side: A yard between the main building and the side line of the lot and extending from the front plane of the building to the rear plane of the building.

Yard, Rear: A yard extending the full width of the lot between a principal building and the rear lot line.

Yard Width and Depth: The shortest horizontal distance from a lot line to the main building.