

Article 2: Basic Definitions And Interpretations

Section 15: Definitions

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in these regulations.

Accessory Use. (See Section 227)

Adult Entertainment Use. An establishment consisting of, including, or having the characteristics of any or all of the following:

1. **ADULT BOOKSTORE** - An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, publications, tapes, or films that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.
2. **ADULT CABARET** - An establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas or an establishment that features topless dancers, go-go dancers, strippers, male or female impersonators, or similar entertainers for observation by patrons.
3. **ADULT MINI MOTION PICTURE THEATER** - An enclosed building with a capacity for less than fifty persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.
4. **ADULT MOTION PICTURE THEATER** - An enclosed building with a capacity for fifty or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.

Aggrieved Person. Any person or entity who is adversely affected by a decision of any officer, commission or board who would otherwise have standing under Missouri law to seek a review or an appeal of a decision by any such officer, commission or board.

Antenna. Equipment designed to transmit or receive electronic signals.

Base Flood. The flood having a one percent chance of being equaled or exceeded in any given year. Also known as the 100-year flood.

Block. See Article 8 (Subdivision Regulations)

Boarding House (Temporary Worker Housing). A residential use consisting of at least one dwelling unit together with more than two rooms that are rented or are designed to or intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units. A rooming house or boarding house is distinguished from a tourist home in that the former is designed to be occupied by longer term residents (at least month-to-month tenants) as opposed to overnight guests. This type of

residence should be used primarily to house temporary workers for the support of local businesses.

Building. A structure designed to be used as a place of occupancy, storage or shelter.

Building, Accessory. A minor building that is located on the same lot as a principal building and that is used incidentally to a principal building or that houses an accessory use. A storage building may not be a manufactured house (mobile home).

Building, Principal. The primary building on a lot or a building that houses a principal use.

Certify. Whenever these regulations require that some agency certify the existence of some fact or circumstance to the county, the county may require that such certification be made in any manner that provides reasonable assurance of the accuracy of the certification. By way of illustration, and without limiting the foregoing, the county may accept certification by telephone from some agency when the circumstances warrant it, or the county may require that the certification be in the form of a letter or other document.

Circulation Area. That portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.

Communications Tower: A structure designed for the support of one or more antennae and including guyed towers, self-supporting (lattice) towers or monopole but not disguised support structures or buildings. Includes radio and television transmitting and receiving towers with accessory transmitting stations. This does not include a cable television (CATV) tower which receives the signals of ordinary TV broadcasting stations, amplifies them, transmits them by cable or microwave, and ultimately distributes them by wire to the receivers of its subscribers. This definition shall not restrict the right of governmental or municipal agencies to locate such towers for their own specific needs and shall not include amateur radio stations or public utilities regulated by the Missouri Public Service Commission.

Conditional Use Permit. A permit issued by the Franklin County Planning and Zoning Commission that authorizes the recipient to make use of property in accordance with the requirements of these regulations as well as any additional requirements imposed by the Planning and Zoning Commission.

Convenience Store. A one-story, retail store containing less than 5,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a “supermarket”). It is designed to attract and depends upon a large volume of stop-and-go traffic. Illustrative examples of convenience stores are those operated by the “Quik Trip” and “7-11” chains.

County. County of Franklin, Missouri.

County Commission. County Commission of the County of Franklin, Missouri.

Cul-de-sac. See Article 8 (Subdivision Regulations)

Day Care Center. A child or adult care program for over 20 children/adults, conducted in a location other than the provider’s permanent residence, or separate from the provider’s living quarters, where care is

provided for children/adults not related to the care provider for any part of the twenty-four hour day.

Day Care Home, Family. Is a child or adult care program where care is given by a person licensed as a family/adult day care home provider for no more than ten children/adults not related to the provider for any part of the twenty-four hour day.

Day Care Home, Group. Is a child or adult care program where care is given by a person licensed as a group/adult day care home provider for eleven, but not more than twenty, children or adults not related to the care provider for any part of the twenty-four hour day. A group day care home shall be in a location other than the provider=s permanent residence or separate from the provider=s living quarters.

Developer. A person who is responsible for any undertaking that requires a zoning permit, conditional use permit, or sign permit.

Development. That which is to be done pursuant to a zoning permit, conditional use permit, or sign permit.

Dimensional Nonconformity. A nonconforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

Driveway. That portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.

Duplex. See Residence, Duplex.

Dwelling Unit. An enclosure containing sleeping, kitchen, and bathroom facilities designed for and used or held ready for use as a permanent residence by one family. A manufactured home (mobile home) or modular home shall be considered a dwelling unit.

Easement. See Article 8 (Subdivision Regulations)

Expenditure. A sum of money paid out in return for some benefit or to fulfill some obligation. the term also includes binding contractual commitments to make future expenditures, as well as any other substantial changes in position.

Family. One or more persons living together as a single housekeeping unit.

Final Plat. See Article 8 (Subdivision Regulations)

Floodplain. Any land area susceptible to be inundated by water from the base flood. As used in these regulations, the term refers to that area designated as subject to flooding from the base flood (100-year flood) on the “Flood Boundary and Floodway Map” prepared by the Federal Emergency Management Agency, a copy of which is on file in the Planning and Zoning Department.

Floodplain Special Use Permit. A permit issued by the County Commission in response to an application for development in the floodplain as outlined in Appendix H.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. As used in these regulations, the term refers to that area designated as a floodway on the “Flood Boundary and Floodway Map” prepared by the Federal Emergency Management Agency, a copy of which is on file in the Planning and Zoning Department.

Fraternal or Private Club. A building or property to be used by an association of people with a common interest. The establishment belonging to the club should be operated for objects of national, social, patriotic, political, or athletic nature, or the like and should not be operated for profit. This establishment may be used by persons for recreational and eating purposes, but not for dwelling purposes. If the activities of the club more closely resemble those of another land use, the zoning classification of the other use will apply.

Frontage. See Article 8 (Subdivision Regulations)

Frontage Street. See Article 8 (Subdivision Regulations)

Grade. See Article 8 (Subdivision Regulations)

Gross Floor Area. The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Habitable Floor. Any floor usable for living purposes, which includes working, sleeping, eating, cooking, or recreation, or any combination thereof. A floor used only for storage is not a habitable floor.

Halfway House. A home for not more than nine persons who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct, together with not more than two persons providing supervision and other services to such persons, eleven of whom live together as a single housekeeping unit.

Handicapped or Infirm Home. A residence within a single dwelling unit for at least six but not more than nine persons who are physically or mentally handicapped or infirm, together with not more than two persons providing care or assistance to such persons, all living together as a single housekeeping unit. Persons residing in such homes, including the aged and disabled, principally need residential care rather than medical treatment.

Handicapped or Infirm Institution. An institutional facility housing and providing care or assistance for more than nine persons who are physically or mentally handicapped or infirm. Persons residing in such homes, including the aged or disabled, principally need residential care rather than medical treatment.

High Density. Those residential zoning districts in which the density is equal to or greater than one dwelling unit per 10,000 square feet.

High-Volume Traffic Generation. All uses other than low-volume traffic generation uses which sell retail goods.

Home Occupation. A commercial activity that: (i) is conducted by a person on the same lot (in a residential district) where such person resides, and (ii) is not so insubstantial or incidental or is not so

commonly associated with the residential use as to be regarded as an accessory use (see Section 227), but that can be conducted without any significantly adverse impact on the surrounding neighborhood.

Without limiting the generality of the foregoing, a use may not be regarded as having an insignificantly adverse impact on the surrounding neighborhood if; (i) goods, stock in trade, or other commodities are displayed outside any building or structure, (ii) any on-premises retail sales occur, (iii) more than one person not a resident on the premises is employed in connection with the purported home occupation, (iv) it creates objectionable noise, fumes, odor, dust or electrical interference, or (v) more than 25 percent of the total gross floor area of residential buildings plus other buildings housing the purported home occupation, or more than 500 square feet of gross floor area (whichever is less), is used for home occupation purposes.

The following is a nonexclusive list of examples of enterprises that may be home occupations if they meet the foregoing definitional criteria: (i) the office or studio of a physician, dentist, artist, musician, lawyer, architect, engineer, teacher, or similar professional, (ii) workshops, greenhouses, or kilns, (iii) dressmaking or hairdressing studios.

HUD Code. The National Manufactured Housing Construction and Safety Standards Act of 1974 (42 USC 5401 *et seq.* as amended) and the regulations promulgated by the United States Department of Housing and Urban Development thereto (24 CFR Part 3282), commonly known as the “HUD Code.”

Intermediate Care Home. A facility maintained for the purpose of providing accommodations for not more than seven occupants needing medical care and supervision at a lower level than that provided in a nursing care institution but at a higher level than that provided in institutions for the handicapped or infirm.

Intermediate Care Institution. An institutional facility maintained for the purpose of providing accommodations for more than seven persons needing medical care and supervision at a lower level than that provided in a nursing care institution but at a higher level than that provided in institutions for the handicapped or infirm.

Kennel. A commercial operation that: (i) provides food and shelter and care of animals for purposes not primarily related to medical care (a kennel may or may not be run by or associated with a veterinarian), or (ii) engages in the breeding of animals for sale.

Loading and Unloading Area. That portion of the vehicle accommodation area used to satisfy the requirements of parking.

Lot. A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title.

If a public body or any authority with the power of eminent domain condemns, purchases, or otherwise obtains fee simple title to or a lesser interest in a strip of land cutting across a parcel of land otherwise characterized as a lot by this definition and the interest thus obtained or the street so created is such as effectively to prevent the use of this parcel as one lot, then the land on either side of this strip shall constitute a separate lot.

Lot Area. The total area circumscribed by the boundaries of a lot, except that when the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or if the right-of-way line cannot be determined, a line running parallel to and 30 feet from the center of the travel portion of the street.

Low Density. Those residential zoning districts in which the density is equal to or less than one dwelling unit per 40,000 square feet.

Low-Volume Traffic Generation. Uses such as furniture stores, carpet stores, major appliance stores, etc. that sell items that are large and bulky, that need a relatively large amount of storage or display area for each offered for sale, and that therefore generate less customer traffic per square foot of floor space than stores selling smaller items.

Major Subdivision. See Article 8 (Subdivision Regulations)

Major Street. See Article 8 (Subdivision Regulations)

Medium Density. Those residential zoning districts in which the density is between 10,000 and 40,000 square feet per dwelling unit.

Minor Street. See Article 8 (Subdivision Regulations)

Minor Subdivision. See Article 8 (Subdivision Regulations)

Mobile Home. A dwelling unit that: (i) is not constructed in accordance with the standards set forth in the Franklin County building code applicable to site built homes, and (ii) is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis, and (iii) exceeds 40 feet in length and eight feet in width. The term mobile home, manufactured house, and modular home may be used interchangeably in these regulations.

Mobile Home, Class A. New mobile homes or modular homes certified as meeting the HUD Code and approved as meeting “acceptable similarity” appearance standards in accordance with Appendix J.

Mobile Home, Class B. New and used mobile homes certified as meeting HUD Code, found on inspection by the Franklin County Building Department to meet the maintenance requirements in *CABO One and Two Family Dwelling Code* (Appendix C, Section C-102.5 of the 1992 edition, as amended) pertaining to manufactured housing, but not approved as meeting “acceptable similarity” appearance standards.

Mobile Home Park. A residential use in which more than one mobile home is located on a single lot.

Nonconforming Lot. A lot existing on the effective date of these regulations (and not created for the purposes of evading the restrictions of these regulations) that does not meet the minimum area requirement of the district in which the lot is located.

Nonconforming Project. Any structure, development, or undertaking that is incomplete at the effective date of these regulations and would be inconsistent with any regulation applicable to the district in which

it is located if completed as proposed or planned.

Nonconforming Situation. A situation that occurs when, on the effective date of these regulations, any existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum acreage requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with these regulations, or because land or buildings are used for purposes made unlawful by these regulations. Nonconforming signs shall not be regarded as nonconforming situations for purposes of Article 6 but shall be governed by the provisions of Article 6.

Nonconforming Use. A nonconforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. (For example, a commercial office building in a residential district may be a nonconforming use.) The term also refers to the activity that constitutes the use made of the property. (For example, all the activity associated with operating a retail clothing store in a residentially zoned area constitutes a nonconforming use.)

Nursing Care Home. A facility maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that available in a hospital to not more than nine persons.

Nursing Care Institution. An institutional facility maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that available in a hospital to more than nine persons.

Off Premises Signs and Billboards: All signs and billboards within the county which are subject to the regulations set forth in Sections 226.500--226.600 RSMo., 1994.

Owner. See Article 8 (Subdivision Regulations)

Parking Area Aisles. A portion of the vehicle accommodation area consisting of lanes providing access to parking spaces.

Parking Space. A portion of the vehicle accommodation area set aside for the parking of one vehicle.

Person. An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other entity acting as a unit.

Planned Unit Development (PUD). See Article 9.

Planning and Zoning Commission. Planning and Zoning Commission, Franklin County, Missouri.

Planning Jurisdiction. The unincorporated Franklin County.

Public Water Supply System. Any water supply system, whether privately or publicly operated, furnishing potable water and regulated by the Missouri Department of Natural Resources as a public water supply system.

Receive-Only Earth Station. An antenna and attendant processing equipment for reception of electronic signals from satellites.

Registered Engineer. See Article 8 (Subdivision Regulations)

Registered Land Surveyor. See Article 8 (Subdivision Regulations)

Remnant Parcel. An otherwise undivided piece of ground cut off from the bulk of said parcel by a public roadway, such as a County road or State highway. Such parcels shall be considered to be separate, independent tracts, and may be sold without virtue of formal subdivision, with the following exception: no remnants or land, containing less area than three acres, and not designated for utility purposes or not accepted for public use, shall be permitted (unless it can be served by the necessary utilities). The creation of a remnant parcel by a privately-owned roadway does not divide the land.

Residence, Duplex. A two-family residential use in which the dwelling units share a common wall (including without limitation the wall of an attached garage or porch) and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance.

Residence, Multi-Family. A residential use consisting of a building containing three or more dwelling units. For purposes of this definition, a building includes all dwelling units that are enclosed within that building or attached to it by a common floor or wall (even the wall of an attached garage or porch).

Residence, Multi-Family Apartments. A multi-family residential use other than a multi-family conversion or multi-family townhouse.

Residence, Multi-Family Conversion. A multi-family residence containing not more than four dwelling units and results from the conversion of a single building containing at least 2,000 square feet of gross floor area that was in existence on the effective date of this provision and that was originally designed, constructed and occupied as a single family residence.

Residence, Multi-Family Townhouses. A multi-family resident use in which each dwelling unit shares a common wall (including without limitation the wall of an attached garage or porch) with at least one other dwelling unit and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance.

Residence, Primary with Accessory Apartment. A residential use having the external appearance of a single family residence but in which there is located a second dwelling unit that comprises not more than 25 percent of the gross floor area of the building nor more than a total of 750 square feet.

Residence, Single Family Detached, More Than One Dwelling Per Lot. A residential use consisting of two or more single family detached dwelling units on a single lot.

Residence, Single Family Detached, One Dwelling Unit Per Lot. A residential use consisting of a single detached building containing one dwelling unit and located on a lot containing no other dwelling units.

Residence, Two-Family. A residential use consisting of a building containing two dwelling units. If two dwelling units share a common wall, even the wall of an attached garage or porch, the dwelling units shall be considered to be located in one building.

Residence, Two-Family Apartment. A two-family residential use other than a duplex, two-family conversion, or primary residence with accessory apartment.

Residence, Two-Family Conversion. A two-family residence resulting from the conversion of a single building containing at least 2,000 square feet of gross floor area that was in existence on the effective date of this provision and that was originally designed, constructed and occupied as a single family residence.

Right-of-way. See Article 8 (Subdivision Regulations)

Road Right-of-way. See Article 8 (Subdivision Regulations)

Sale or lease. See Article 8 (Subdivision Regulations)

Sign. Any device that (i) is sufficiently visible to persons not located on the lot where such device is located to accomplish either of the objectives set forth in subdivision (ii) of this definition; and (ii) is designed to attract the attention of such persons or to communicate information to them.

Sign, Freestanding. A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure having a principal function other than the support of a sign. A sign that stands without supporting elements, such as a “sandwich sign,” is also a freestanding sign.

Sign, Off-Premises. A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other activity that is conducted, sold, or offered at a location other than the premises on which the sign is located.

Sign Permit. A permit issued by the Administrator that authorizes the recipient to erect, move, enlarge, or substantially alter a sign.

Sign, Temporary. A sign that (i) is used in connection with a circumstance, situation, or event that is designed, intended or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, or (ii) is intended to remain on the location where it is erected or placed for a period of not more than 15 days. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.

Special Events. Circuses, fairs, carnivals, festivals, or other types of special events that are intended to or likely to attract substantial crowds and are unlike the customary or usual activities generally associated with the property where the special event is to be located.

Stable, Boarding. A structure designed for the feeding, housing, and exercising of horses not owned by the owner of the premises.

Stable, Private. An accessory building for the keeping of horses, ponies, or mules owned by occupants of the premises, and not kept for payment, hire, or sale.

Stable, Riding. A structure in which horses or ponies, used exclusively for pleasure riding or driving, are housed, boarded, or kept for the use of persons that do not occupy the premises.

Structure. Anything constructed or erected.

Subdivision. See Article 8 (Subdivision Regulations)

Subdivision Plat. See Article 8 (Subdivision Regulations)

Temporary Emergency, Construction, or Repair Residence. A residence (which may be a mobile home) that is: (i) located on the same lot as a residence made uninhabitable by fire, flood, or other natural disaster and occupied by the persons displaced by such disaster, or (ii) located on the same lot as a residence that is under construction or undergoing substantial repairs or reconstruction and occupied by the persons intending to live in such permanent residence when the work is completed, or (iii) located on a nonresidential construction site and occupied by persons having construction or security responsibilities over such construction site.

Tower. Any structure whose principal function is to support an antenna.

Tract. A lot (see definition). The term tract is used interchangeably with the term lot, particularly in the context of subdivisions, where one “tract” is subdivided into several “lots.”

Travel Trailer. A structure that (i) is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle) and (ii) is designed for temporary use as sleeping quarters but that does not satisfy one or more of the definitional criteria of a mobile home.

Truck Terminal. A facility where trucks are loaded and unloaded, temporarily stored, or dispatched.

Use. The activity or function that actually takes place or is intended to take place on a lot.

Use, Principal. A use listed in Article 7.

Utility Facilities. Any above-ground structures or facilities (other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities) owned by a governmental entity, a nonprofit organization, a corporation, or any entity defined as a public utility for any purpose by the Missouri Public Service Commission and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals.

Utility Facilities, Community or Regional. All utility facilities other than neighborhood facilities.

Utility Facilities, Neighborhood. Utility facilities that are designed to serve the immediately surrounding neighborhood and that must, for reasons associated with the purpose of the utility in question, be located in or near the neighborhood where such facilities are proposed to be located.

Variance. A grant of permission by the Board of Zoning Adjustment that authorizes the recipient to do that which, according to the strict letter of these regulations, he could not otherwise legally do.

Vehicle Accommodation Area. That portion of a lot that is used by vehicles for access, circulation, parking, and loading and unloading. It comprises the total of circulation areas, loading and unloading areas, and parking areas.

Wholesale Sales. On-premises sales of goods primarily to customers engaged in the business of reselling the goods.

Winery. One (1) or more buildings used for the processing of wine and juice making material, sale of wine and related products, and related areas for offices, laboratories, and related wine producing activities. All wine offered for sale at the winery must be produced under a State of Missouri domestic license. Retail activities are limited to the sale of grapes, juice, wine, pre-packaged food and gift items. In addition, seventy-five percent (75%) of the wine for sale on site must be produced from grapes either grown on the premises or within the State of Missouri.

Wooded Area. An area of contiguous wooded vegetation where trees are at a density of at least one six inch or greater caliper tree per 325 square feet of land and where the branches and leaves form a contiguous canopy.

Zoning Permit. A permit issued by the Administrator that authorizes the recipient to make use of property in accordance with the requirements of these regulations.

Section 16: Lots Divided by District Lines

(a) Whenever a single lot ten acres or less in size is located within two or more different zoning districts, the district regulations applicable to the district within which the larger portion of the lot lies shall apply to the entire lot.

(b) Whenever a single lot greater than ten acres in size is located within two or more different zoning districts, each portion of that lot shall be subject to all the regulations applicable to the district in which it is located.

Sections 17 through 20: reserved