

ARTICLE 15. - RULES OF INTERPRETATION AND DEFINITIONS
DIVISION II. DEFINITIONS

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Sec. 15.030. Abut.

Abut shall mean to physically touch or border upon; to share a common property or lot line.

Sec. 15.040. Access.

Access shall mean a way or means of approach to provide physical entrance to a property.

Sec. 15.050. Accessory building or use.

Accessory building or use shall mean a subordinate use of a building or land which is incidental to and customary in connection with the main building or use which is located on the same lot as the main building or use. A building housing an accessory use is considered an integral part of the main building when it has any part of a wall in common with the main building, or is under an extension of the main roof and designed as an integral part of the main building.

(Ord. No. 9812, § 4(Exh. D), 12-12-2023)

Sec. 15.055. Accessory dwelling unit.

See "Dwelling".

(Ord. No. 9812, § 4(Exh. D), 12-12-2023)

Sec. 15.060. Accessory structure setback line.

Accessory structure setback line shall mean a line delineating the minimum allowable distance between a property line or the right-of-way line of an abutting street and an accessory structure.

Sec. 15.070. Addition.

Addition shall mean an extension or increase in floor area or height of a structure.

Sec. 15.080. Adequate public facilities.

Adequate public facilities means sufficient quantities of water, adequate water pressure, adequate infrastructure to provide the service, including proper distribution pipe size, adequate reserve capacity present, traffic capacity to handle existing and proposed need and adequate police and fire protection, etc. as deemed adequate according to the city standards.

Sec. 15.090. Adjacent.

Adjacent shall mean having a common border or end point, or across a road, street, sidewalk, right-of-way or thoroughfare.

Sec. 15.100. Adult.

Adult shall mean any person who has reached 18 years of age.

Sec. 15.110. Adult business.

Adult business shall mean any business:

- A. That has as a substantial or significant purpose the sale or rental of merchandise that is intended for use in connection with specified sexual activities, or that emphasizes matters depicting, describing or relating to specified sexual activities or specified anatomical areas; or
- B. That has as one of its regular and substantial business purposes:
 - 1. The providing of entertainment where the emphasis is on performances, live or otherwise, that depict, portray, exhibit or display specified anatomical areas or specified sexual activities; or
 - 2. The providing of services that are intended to provide sexual arousal or excitement or that allow observation of specified sexual activities or specified anatomical areas ancillary to other pursuits, or allow participation in specified sexual activities ancillary to other pursuits.
- C. The definition of "adult business" also includes but is not limited to any and all of the following specific adult businesses, as defined herein:
 - 1. Businesses that offer merchandise for sale or rent.
 - a. "Adult media outlet" means a business engaging in the sale or rental of merchandise where a substantial or significant portion of the business is devoted to the sale or rental of "adult media." For purposes of this subsection, it shall be presumed that a "substantial or significant" portion of a business is devoted to the sale or rental of "adult media" if any one or more of the following criteria are satisfied:
 - (1) Forty percent or more of the sales (including rentals), measured in dollars over any consecutive 90-day period is derived from "adult media";
 - (2) Forty percent or more of the number of transactions, measured over any consecutive 90-day period, relate to "adult media";
 - (3) Forty percent or more of the dollar value of all merchandise displayed at any time is attributable to "adult media";
 - (4) Forty percent or more of all inventory consists of "adult media" at any time;
 - (5) Forty percent or more of the merchandise displayed for sale or rental consists of "adult media" at any time; or
 - (6) Forty percent or more of the sales floor area of the business (not including storerooms, stock areas, bathrooms, or any portion of the business not open to the public) is devoted to "adult media" at any time.
 - b. "Adult newsrack" means any coin- or card-operated device that offers for sale by dispensing printed material which is distinguished or characterized by its emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

The presumption that a "substantial or significant" portion of a business is devoted to the sale or rental of "adult media," based upon the above guidelines, shall be rebuttable.

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- c. "Adult retail establishment" means a business that displays or offers goods for sale or rent and that meets any of the following tests:
- (1) It displays or offers for sale or rent items from any two of the following categories: "sexually-oriented toys or novelties"; lingerie; clothing that graphically depicts "specified anatomical areas"; leather goods designed or marketed for use for sexual bondage or sadomasochistic practices; and the combination of such items constitutes:
 - (a) Ten percent or more of the sales (including rentals), measured in dollars over any consecutive 90-day period;
 - (b) Ten percent or more of the number of sales transactions, measured over any consecutive 90-day period;
 - (c) Ten percent or more of the dollar value of all merchandise displayed at any time;
 - (d) Ten percent or more of all inventory at any time; or
 - (e) Ten percent or more of the sales floor area of the business (not including storerooms, stock areas, bathrooms, or any portion of the business not open to the public) at any time;
 - (2) Five percent or more of the sales (including rentals), measured in dollars over any consecutive 90-day period is derived from "sexually-oriented toys or novelties";
 - (3) Five percent or more of the number of sales transactions, measured over any consecutive 90-day period, relate to "sexually-oriented toys or novelties";
 - (4) Five percent or more of the dollar value of all merchandise displayed at any time is attributable to "sexually-oriented toys or novelties";
 - (5) Five percent or more of all inventory consists of "sexually-oriented toys or novelties" at any time;
 - (6) Five percent or more of merchandise displayed for sale consists of "sexually-oriented toys or novelties" at any time; or
 - (7) Five percent or more of the sales floor area of the business (not including storerooms, stock areas, bathrooms, or any portion of the business not open to the public) is devoted to "sexually-oriented toys or novelties" at any time.
2. Businesses that provide entertainment.
- a. "Adult entertainment business" means any business to which the public, patrons or members are invited or admitted, and where providing "adult entertainment," as defined herein, as a regular and substantial portion of its business.
 - b. The definition of "adult entertainment business" also includes, but is not limited to, any and all of the following specific adult entertainment businesses, as defined herein:
 - (1) "Adult motion picture theater" means an establishment with a screen or projection areas, where a regular and substantial portion of its business is the exhibition to patrons of films, videotapes or motion pictures which are intended to provide sexual arousal or sexual excitement to the patrons and which are distinguished by or characterized by an emphasis on matter

depicting, describing or relating to specified sexual activities or specified anatomical areas.

- (2) "Adult theater" means an establishment where a regular and substantial portion of its business is providing the live performance of activities relating to specified sexual activities or exhibition of specified anatomical areas of live performers, for observation by patrons.
- (3) "Adult entertainment cabaret" means an establishment where a regular and substantial portion of its business is providing adult entertainment which features strippers, male or female impersonators, or live performances, or material which depict, portray, exhibit or display specified anatomical areas or specified sexual activities or are intended to arouse or excite the sexual desires of the entertainer, other entertainer or patron.
- (4) "Adult entertainment studio" (includes the terms "rap studio," "exotic dance studio," "sensitivity studio" or "encounter studio") means an establishment whose premises are physically arranged so as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises, and where a regular and substantial portion of its business is providing entertainment which features materials or live performances characterized by an emphasis on or features materials relating to specified sexual activities or the exhibition of specified anatomical areas.
- (5) "Adult encounter parlor" means an establishment where a regular and substantial portion of its business is the provision of premises where patrons congregate, associate, or consort with employees, performers, and/or other patrons or private contractors who display specified anatomical areas in the presence of such patrons, with the intent of providing sexual arousal or excitement to such patrons.
- (6) "Body painting studio" means an establishment where a regular and substantial portion of its business is the application of paint or other substance to or on the human body by any means of application, technique or process when the subject's body displays for the patron's view specified anatomical areas.

3. Businesses that provide services.

- a. "Bath house" means an enterprise where a regular and substantial portion of its business is offering baths and/or showers with other persons present who are nude or displaying specified anatomical areas.
- b. "Adult motel" means an enterprise where a regular and substantial portion of its business is offering public accommodations, containing more than 150 square feet of gross floor area, for the purpose of viewing motion pictures or viewing publications which are distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical area" by any photographic, electronic, magnetic tape, digital or other medium (including but not limited to film, video, magnetic tape, laser disc, CD-ROM, books, magazines or periodicals) for observation by patrons therein and which rents room accommodations for less than six hours at a time.

Sec. 15.120. Adult entertainment.

Adult entertainment shall mean any exhibition, performance, display or dance of any type, including, but not limited to, talking, singing, reading, listening, posing, serving food or beverages, soliciting for the sale of food, beverages or entertainment, pantomiming, modeling, removal of clothing, or any service offered on a premises where such exhibition, performance, display or dance is intended to arouse or excite the sexual desires of the entertainer, other entertainers or patrons, or if the entertainment depicts, portrays, exhibits or displays specified anatomical areas or specified sexual activities.

Sec. 15.130. Adult media.

Adult media shall mean books, magazines, periodicals, other printed matter, pictures, slides, records, audiotapes, videotapes, compact discs, motion pictures, films, CD-ROMS or other devices used to record computer images, or other media which are distinguished or characterized by an emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

Sec. 15.140. Adult video viewing booth.

Adult video viewing booth shall mean any booth, cubicle, stall or compartment which is designed, constructed or used to hold or seat patrons and is used for presenting or viewing motion pictures or viewing publications which are distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" by any photographic, electronic, magnetic tape, digital or other medium (including, but not limited to, film, video, magnetic tape, laser disc, CD-ROM, books, magazines or periodicals) for observation by patrons therein. "Adult video viewing booths" are sometimes referred to as "peep shows," "adult video arcades," "panoramas" and "adult mini-motion picture theaters." An "adult video viewing booth" shall not mean a theater, movie house, playhouse, or a room or enclosure or a portion thereof which contains more than 150 square feet of gross floor area. Note: As of the date of the adoption of this definition, there are no known "adult video viewing booths" within the City and the Zoning Ordinance specifically does not list this as a permitted use in any existing zoning district.

Sec. 15.150. Agricultural operation.

Agricultural operation shall mean use of land where such land is devoted to the production of plants, animals or horticultural products, including forests and forest products; harvest and management; dairy farming; grazing and pasturage; truck gardening; bee keeping; the raising of crops, fruit and nursery stock; fish farms; fur bearing animal farms; and the harvesting, processing, packaging, packing, shipping, marketing and selling of products produced on the premises; incidental farm occupations; and such uses as machinery, farm equipment, and domestic repair and construction. Agricultural operation shall not include commercial feed lots, slaughter houses, medical marijuana facilities or marijuana facilities, or the removal of trees for the purpose of development or redevelopment or the removal of trees without replanting.

(Ord. No. 8683, § 1, 7-16-2019; Ord. No. 9601, § 1, 1-17-2023)

Sec. 15.160. Agriculture-related feeding or disposal.

Agriculture-related feeding or disposal shall mean commercial feed lots for the raising and selling of farm animals.

Sec. 15.170. Agricultural sales and services.

Agricultural sales and services shall mean establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, pesticides and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include hay, feed and grain stores, and tree service firms.

Sec. 15.180. Aircraft.

Aircraft shall mean any contrivance now known or hereafter invented for flight in air.

Sec. 15.190. Alley.

See "Street."

Sec. 15.200. Alteration.

Alteration Alteration shall mean any addition, removal, extension or change to any part of a structure or fixture.
(Ord. No. 8694, § 1, 8-6-2019)

Sec. 15.210. Alternative communication tower structure.

Alternative communication tower structure shall mean man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Sec. 15.220. Animal services.

See "Veterinarian."

Sec. 15.230. Antenna.

See "Tower."

Sec. 15.240. Antenna support system.

See "Tower."

Sec. 15.250. Antenna system.

See "Tower."

Sec. 15.260. Antenna system height.

See "Tower."

Sec. 15.270. Antenna tower.

See "Tower."

Sec. 15.280. Apartment.

See "Dwelling."

Sec. 15.290. Apartment building.

See "Dwelling."

Sec. 15.300. Appeal.

Appeal for variance from any provision of the Comprehensive Zoning Ordinance shall be to the Board of Adjustments.

Sec. 15.310. Applicant.

Applicant shall mean the owner of land, or the owner's authorized agent, or any person authorized by this chapter for which an approval in relation to this chapter is sought.

Sec. 15.315. Architecture.

- A. **Building Facadism.** Building facadism is the application of false or fake building facades or elements over an existing building façade or roof.
- B. **Clear Glass.** Clear glass is defined as glass windows and doorway openings with at least a seventy percent (70%) light transmittance and no visible reflective coating, coloring, or other covering. An exception is made for glass integrated with low-emissivity glass (low-e) or UV coatings or treatments.
- C. **Façade Area.** The total exterior wall area of all vertical or near-vertical faces of a building wall that are four feet (4') in width or greater when viewed in elevation. Façade area shall be calculated to include the entire building face of each elevation while excluding any wall area resulting from minor projections and recessions (less than five feet (5') feet in depth) from the predominant wall plane. Façade area shall be calculated to include the area of parapets, cornices, and similar wall extensions and trim.
- D. **Fenestrations.** For the purposes of this chapter, fenestrations are defined as window and doorway openings.
- E. **Franchise Architecture.** For the purposes of this chapter, franchise architecture refers to the standardized design of buildings or integral building forms that are readily identifiable with a specific commercial franchise.
- F. **Major Façade Materials.** Exterior finish materials that cover at least five percent (5%) of a building's façade area. Any material that covers less than five percent (5%) of a building façade area shall not be considered a "major" façade material and will not count towards meeting any requirement for use of multiple Class 1, 2, 3, and/or 4 materials. For the purposes of this definition, a distinctly different color of fired clay brick (full brick or brick veneer) may be considered as an additional Class 1 or Class 2 material for the purposes of meeting the required minimum number of different major façade materials.
- G. **Pedestrian View Zone.** For the purposes of this chapter, the pedestrian view zone is defined as the 8-foot-tall area of the subject building's primary façade(s) that is between two feet (2') and ten feet (10') feet above the adjacent sidewalk or ground level.
- H. **Primary Façade.** All street-facing façades (i.e., all building façades that face or front along a public or private street including highways), and façades containing a primary entrance to a building or unit. Buildings may have more than one primary façade as is the case with buildings located on corner lots and double frontage lots. All other façades not meeting these criteria shall be considered "secondary" façades.

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- I. **Secondary Façade.** All facades that do not meet the criteria as a “primary” façade. See definition for “Primary Façade.”
 - J. **Street Facing Façade.** All building façades that have frontage along or face a public or private street at an angle of forty-five degrees (45°) or less from the street line. This definition includes those building façades separated from the street by a parking lot or open space. This definition does not include frontage along an internal drive that is not classified as a private street.

Sec. 15.320. Art and craft studio (general).

Art and craft studio (general) shall mean a use involving the production of works of art which require mechanical equipment exceeding two horsepower or a single kiln that is eight kilowatts or greater. This use shall include the incidental sale to consumers of those works produced on site.

Sec. 15.330. Art and craft studio (limited).

Art and craft studio (limited) shall mean a use involving the production of works of art by individuals and assistants and the incidental sale to consumers of those works produced, limited to the use of hand tools or domestic mechanical equipment not exceeding two horsepower or a single kiln not exceeding eight kilowatts.

Sec. 15.340. Arterial.

See "Street."

Sec. 15.350. Automobile wrecking yard.

See "Junkyard."

Sec. 15.360. Automotive convenience station (C-store).

See "Automotive service."

Sec. 15.370. Automotive parking garage or lot.

See "Automotive service."

Sec. 15.380. Automotive parts and supply store.

See "Automotive service."

Sec. 15.390. Automotive rental agency.

See "Automotive service."

Sec. 15.400. Automotive repair services—Major repairs.

See "Automotive service."

Sec. 15.410. Automotive repair shop—Minor repairs.

See "Automotive service."

Sec. 15.420. Automotive sales, lease and rentals.

See "Automotive service."

Sec. 15.430. Reserved.

Sec. 15.440. Automotive service.

Automotive service shall mean an establishment or place of business primarily engaged in the sale of products related to automobiles and the provision of services related to automobile maintenance, repair and reconstruction. The following automotive use types shall be defined as follows:

- A. Automotive parking garage or lot. A garage or area, available to the public for the temporary parking of motor vehicles.
- B. Automotive sales, lease and rentals. An establishment or place of business primarily engaged in the sale, lease or rental of automobiles, vans and trucks less than two tons, including incidental parking and servicing of vehicles available for sale, lease or rent or lease.
- C. Automotive convenience station (C-Store). A building or premises where gasoline, diesel fuel and oil may be dispensed at retail with no automobile repair facilities. Uses permissible also include the sale of cold drinks, packaged foods, tobacco and similar household convenience goods for station customers.
- D. Automotive parts and supply store. An establishment or place of business primarily engaged in the sale of merchandise that is associated with the use, repair or upkeep of automobiles.
- E. Automotive rental agency. An establishment or place of business primarily engaged in renting automobiles for a temporary period of time.
- F. Automotive service station. Buildings and premises where gasoline or diesel fuel is dispensed at retail for automobiles, recreation vehicles and motorcycles, and where in addition at least one of the following services is rendered: sale, replacement, or servicing of spark plugs, oil, water hoses, brake fluids, batteries, distributors, tires, carburetors, brakes, fuel pumps, or other automotive parts or accessories. See "Automotive repair services, major repairs" for major mechanical activities.
- G. Automotive repair services, major repairs. The use of a building or premises for the repair of automotive bodies and/or major mechanical works, straightening of body parts, painting, welding, including storage of automobiles not in operable condition waiting to be repaired.
- H. Automotive repair shop, minor repairs. The use of a building for the replacement or repair of any automobile part that does not require removal of the engine head or pan, engine transmission, or differential but may include incidental body and fender work i.e., dent repair and minor painting and upholstery service. Muffler replacement, brake service, lube and oil service and glass installation/replacement are considered minor repairs.
- I. Automotive tire store. An establishment or place of business primarily engaged in the sale of tires and services relating to the repair or purchase of tires for automobiles.
- J. Automotive washing. Washing and cleaning of automobiles and related light equipment. Typical uses include auto laundries or car washes.

Sec. 15.450. Automotive service station.

See "Automotive service."

Sec. 15.460. Automotive tire store.

See "Automotive service."

Sec. 15.470. Automotive upholstery shop.

See Repair services in Article 15.

Sec. 15.480. Automotive washing.

See "Automotive service."

Sec. 15.490. Aviation field, airport and heliport.

An area of land or water that is used or designed for the landing and takeoff of aircraft of any type, and includes its buildings and facilities for the shelter, servicing or repair of aircraft.

Sec. 15.500. Bar or tavern.

Bar or tavern shall mean an establishment or place of business primarily engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, from which at least 50 percent or more of the gross income is derived from the sale of alcoholic beverages, including taverns, bars, cocktail lounges, and similar uses other than a "restaurant," as that term is defined in this article.

Sec. 15.510. Basement.

Basement shall mean that portion of a building that is partly or completely below grade.

Sec. 15.520. Bed-and-breakfast homestay.

Bed-and-breakfast homestay shall mean an establishment or place of business that is a private, owner-occupied residence with one (1) to three (3) guest rooms, occupied or used as a transient abiding place of individuals or groups of individuals who are lodged for compensation, with or without food service.

Sec. 15.530. Bed-and-breakfast inn.

Bed-and-breakfast inn shall mean an establishment or place of business consisting of between three and 12 guest rooms, occupied or used as a transient abiding place of individuals or groups of individuals who are lodged for compensation, and making available services normally provided by hotels.

Sec. 15.540. Block.

Block shall mean a platted tract of land entirely surrounded by public highways, streets, streams, railroad rights-of-way, or parks, or a combination thereof. In places where the platting is incomplete or disconnected, the Director shall determine the outline of a block.

Sec. 15.550. Board.

Board shall mean the Lee's Summit Board of Zoning Adjustments.

Sec. 15.560. Boarding house or lodging 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.

Sec. 15.570. Boat dealer.

See "Recreational vehicle sales."

Sec. 15.575. Bond.

Bond shall mean performance, payment and/or maintenance bonds and other instruments of security furnished by the contractor/developer and his surety in accordance with these specifications.

(Ord. No. 8895, § 1, 6-9-2020)

Sec. 15.580. Broadcast.

Broadcast shall mean to transmit information over the airwaves to two or more receiving devices simultaneously, including transmission over local television or radio stations, satellite systems or wireless data communications networks.

Sec. 15.590. Buffer zone.

Buffer zone shall mean an open and unpaved ground area around the perimeter of a tract of land that is landscaped or planted so as to provide green space.

Sec. 15.600. Builder.

Builder shall mean a person undertaking the construction of a residential, commercial or industrial improvement.

Sec. 15.610. Building.

Building shall mean a structure for the purpose of housing or enclosing persons, animals or chattels.

Sec. 15.620. Building and grounds maintenance service.

Building and grounds maintenance service shall mean an establishment or place of business primarily engaged in the provision of maintenance and custodial services to firms, business or individuals. Typical uses include janitorial, mowing, landscape maintenance, or window cleaning services.

Sec. 15.630. Building coverage.

Building coverage shall mean the floor area of the building at grade, also known as the building's footprint.

Sec. 15.640. Building elevation.

Building elevation shall mean an exterior wall of a building exposed to public view.

Sec. 15.650. Building height.

Building height shall mean the vertical distance measured from the highest of the following three levels:

- A. From the street curb level;
- B. From the established or mean street grade in case the curb has not been constructed; or
- C. From the average finished ground level adjoining the building where it sits back from the street line;

To the highest point of:

- A. The coping of a flat roof or to the deck line of a mansard roof;
- B. To the average height of the highest gable of a pitched roof or hipped roof or hipped roof; or
- C. The maximum height of any segment of a stepped or terraced building.

Sec. 15.660. Building line.

See "Setback line."

Sec. 15.670. Building Official.

Building Official shall mean the Director of Codes Administration or Code Official of the City of Lee's Summit, Missouri, or his/her designee.

Sec. 15.680. Building, existing.

Building, existing shall mean a building erected prior to, or for which a valid building permit has been issued prior to, and is valid on, the effective date of this chapter.

Sec. 15.690. Carport.

Carport shall mean a roofed structure providing space for the parking or storage of motor vehicles and enclosed on not more than three sides.

Sec. 15.700. Chapter.

Chapter shall mean the Unified Development Ordinance (UDO), Chapter 21 of the Lee's Summit Municipal Code.

Sec. 15.710. Check cashing business.

See "Unsecured loan business."

Sec. 15.720. Child care center.

See "Day care facility."

Sec. 15.730. Child care home, family.

See "Day care facility."

Sec. 15.740. Child care home, group.

See "Day care facility."

Sec. 15.750. Church, temple or synagogue.

Church, temple or synagogue shall mean a building or group of buildings that are used to conduct organized religious services.

Sec. 15.760. City.

City shall mean the City of Lee's Summit, Missouri.

Sec. 15.770. City Code.

City Code shall mean the Code of Ordinances of the City of Lee's Summit, Missouri, as amended.

Sec. 15.780. City Engineer.

City Engineer shall mean the City Engineer of the City of Lee's Summit, Missouri, or his/her designee.

Sec. 15.790. Club, civic or fraternal organization.

Club, civic or fraternal organization shall mean a membership association composed of persons who are bona fide dues paying members and to whom (and their guests) use of facilities owned or leased by the association is generally restricted. Such definition shall include buildings owned or operated by a person, for a social, educational, or recreational purpose, but not primarily for profit and not primarily to render a service that is customarily carried on as a business. This definition shall include organizations such as the American Legion, Masonic Lodge and Veterans of Foreign War. Also see fraternal organizations.

Sec. 15.800. Commission.

Commission shall mean the Planning Commission of Lee's Summit, Missouri.

Sec. 15.810. Common open space.

See "Open space."

Sec. 15.820. Common property.

Common property shall mean all improved and unimproved lands which are not a part of individual lots and are designated for the mutual benefit of the owners of property within a development, where such lands are not dedicated to or conveyed for public use, whether or not such lands are required by the provisions of this chapter.

Sec. 15.830. Communication tower.

See "Tower."

Sec. 15.840. Condominium.

Condominium shall mean a system of separate ownership of individual units or a multiple unit building.

Sec. 15.850. Construction contractor.

Construction contractor shall mean a person engaged in the construction of buildings, engaged in heavy construction (such as streets, bridges or utilities), or specialized in such construction trades as plumbing, heating and air-conditioning, electrical wiring, masonry, roofing or gutters, well drilling, or house painting.

Sec. 15.860. Construction equipment.

Construction equipment shall mean a self-propelled or non-propelled equipment designed for off-road use in grading or construction; including trailers, attachments, and component parts for such equipment.

Sec. 15.870. Construction materials sales and services.

Construction materials sales and services shall mean establishments or places of business primarily engaged in the retail or wholesale sale of materials used in the construction of buildings or other structures, as well as construction activities and the outdoor storage of construction equipment or materials on lots other than construction sites. Typical uses may include lumber yards, building materials stores, tool and equipment rental or sales, and building contractors.

Sec. 15.873. Contractor.

Contractor shall mean a person, partnership, or corporation duly licensed to perform construction operations within the City.

(Ord. No. 8895, § 1, 6-9-2020)

Sec. 15.875. Contractor/developer.

Contractor/developer shall mean either a contractor and/or developer who is applying for or has applied for and received approval of engineering plans/drawings for infrastructure improvements.

(Ord. No. 8895, § 1, 6-9-2020)

Sec. 15.880. Convalescent, nursing or retirement home.

Convalescent, nursing or retirement home shall mean an intermediate care facility primarily engaged in providing inpatient nursing and rehabilitative services to residents who require watchful care and medical attention or treatment, but not on a continuous basis, although staff is on duty 24-hours per day.

Sec. 15.890. Council.

Council shall mean the Governing Body of the City of Lee's Summit, Missouri.

Sec. 15.900. Court.

Court shall mean an unoccupied open space other than a yard on the same lot with a building which is bounded on two or more sides by the walls of such building.

Sec. 15.910. Covenants.

Covenants shall mean any contract or deed, or portion thereof, restricting the manner in which land may be used.

Sec. 15.920. Cul-de-sac.

Cul-de-sac shall mean a street having one end open to traffic and being terminated by a vehicular turnaround.

Sec. 15.930. Curb level.

Curb level shall mean the top of the curb at its highest point in front of the lot, or in the case of a corner lot, the point along the abutting streets where the curb level is the highest.

Sec. 15.940. Custom order shop.

Customer order shop shall mean a business establishment that offers handmade or special order merchandise, one of a kind original art work, home furnishings or similar merchandise, but which maintains no inventory on site other than display items.

Sec. 15.950. Dance club.

Any commercial establishment or other gathering place, whether or not admission is charged, wherein dancing is allowed by one or more persons, whether or not they are compensated. This shall not include dance academies, schools, or studios where dancing is permitted only by students and instructors engaged in dancing instruction.

Sec. 15.960. Dance studios or schools.

Establishments wherein dancing is only allowed by students and instructors engaged in dancing instruction.

Sec. 15.965. Day.

Day shall mean a calendar day of 24 hours measured from midnight to the next midnight unless otherwise defined by specific project contract documents.

(Ord. No. 8895, § 1, 6-9-2020)

Sec. 15.970. Day care center.

See "Day care facility."

Sec. 15.980. Day care facility.

Terms associated with day care facilities shall be defined as follows:

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- A. Day care home. A family home in which an unlicensed day care provider resides and provides family-like care for up to four persons not related to the day care provider, for any part of the 24-hour day, without overnight stays.
 - B. Day care, group. A residential structure, occupied by a licensed day care provider who cares for five to ten persons not related to the day care provider for any part of a 24-hour day.
 - C. Day care center. A building operated by a licensed day care provider that receives more than ten persons for care for any part of a 24-hour day, without overnight stays.

Sec. 15.990. Day care home.

See "Day care facility."

Sec. 15.1000. Day care, group.

See "Day care facility."

Sec. 15.1010. Deck.

Deck shall mean a platform greater than 18 inches in height and located in the side or rear yard serving as a floor and located above the finished grade that is usually directly adjacent or attached to a building.

Sec. 15.1020. Dedication.

Dedication shall mean the intentional transfer by the developer with the consent of the City Council to the public ownership of or an interest in land for a public purpose.

Sec. 15.1025. Department.

Department shall mean the Development Services Department.

(Ord. No. 8895, § 1, 6-9-2020)

Sec. 15.1030. Design and Construction Manual.

Design and Construction Manual shall mean the Design and Construction Manual of the City of Lee's Summit, Missouri, as amended.

Sec. 15.1035. Design engineer.

Design engineer shall mean a registered professional engineer, licensed in the State of Missouri, under contract to the contractor/developer or the City for the purpose of preparing and sealing engineering studies, design drawings, specifications, etc.

(Ord. No. 8895, § 1, 6-9-2020)

Sec. 15.1040. Developer.

Developer shall mean a person whose intent or function is to bring about any change of land use or improvement on any parcel of land within the City of Lee's Summit.

(Ord. No. 8895, § 1, 6-9-2020)

Sec. 15.1050. Development.

Development shall mean any change of land use or improvement on any parcel of land within the City of Lee's Summit.

(Ord. No. 8895, § 1, 6-9-2020)

Sec. 15.1060. Director.

Director shall mean the Director of Development Services.

(Ord. No. 8895, § 1, 6-9-2020)

Sec. 15.1070. Divided arterial.

See "Street."

Sec. 15.1080. Dog run.

Dog run shall mean a fenced-in area that is used to restrain dogs or other small animals.

Sec. 15.1085. Drainage facility.

Drainage facility shall mean a manmade structure or natural watercourse for the conveyance of storm runoff. Examples are open channels, pipes, ditches, swales, catch basins, street gutters, slopes, berms, dry detention basins, wet (retention) detention basins and other features affecting the flow of water.

(Ord. No. 8895, § 1, 6-9-2020)

Sec. 15.1090. Drive-in motion picture theater.

See "Theater."

Sec. 15.1100. Drive-up establishment.

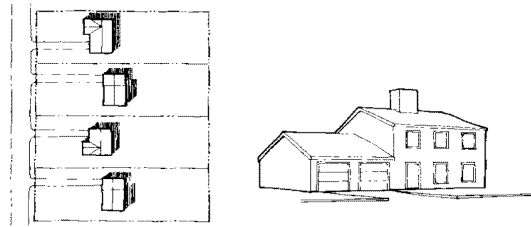
Drive-up establishment shall mean a place of business that encourages customers to receive services or obtain goods, usually through a window or automated device, while remaining in their motor vehicle such as dry cleaners, banks, pharmacies grocery stores, etc. This definition does not apply to restaurants or package liquor establishments.

(Ord. No. 8683, § 1, 7-16-2019; Ord. No. 9601, § 1, 1-17-2023)

Sec. 15.1110. Dwelling.

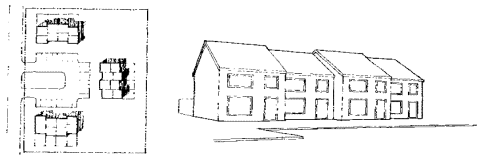
Dwelling shall mean a room or suite of rooms within an apartment building arranged, intended or designed as a place of residence; or any building, or portion thereof, which is designed, built, leased, rented, let, or hired to be occupied, or which is occupied as the home or residence of three or more families living independently of each

other and doing their own cooking in the said building; or a building or portion thereof, designed exclusively for residential occupancy, including one-family, two-family, and multiple dwellings, boarding and lodging houses, apartment houses and apartment hotels, but not hotels, motels, rooming houses, nursing homes, travel trailers, recreational vehicles, manufactured or mobile homes. The following words or terms associated with dwelling shall have the following meanings:

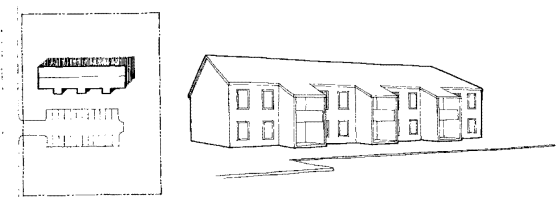


DWELLING, SINGLE-FAMILY DETACHED

- A. Four-family dwelling (fourplex). A dwelling situated on one lot occupied exclusively by four families, respectively, in separate dwelling units living independently of each other.
- B. Garden apartment building. A multi-family dwelling in which a dwelling unit may be located above another.
- C. Loft dwelling. A dwelling located above the first floor of a non-residential use such as a store or office.
- D. Multi-family dwelling. A dwelling situated on one lot occupied by five or more families in separate dwelling units living independently of each other.
- E. Single-family attached dwelling (twin home or townhome). Single family dwellings sharing a common wall but situated on separate lots designed to be occupied exclusively by separate families.



DWELLING, TOWNHOUSE



DWELLING, GARDEN APARTMENT

- F. Single-family detached dwelling. A dwelling situated on one lot designed to be occupied exclusively by one family.
- G. Three-family dwelling (triplex). A dwelling situated on one lot occupied exclusively by three families, respectively, in separate dwelling units living independently of each other.
- H. Two-family dwelling (duplex). A dwelling situated on one lot occupied exclusively by two families, respectively, in separate dwelling units living independently of each other.
- I. Manufactured home. (See section 15.1730.)

-
- J. Zero-lot line development dwelling. The location of a building on a lot in such a manner that any portion of one or more of the building's walls rests directly on a side lot line. Each dwelling in a zero-lot line development shall be located on its own individually platted lot.

(Ord. No. 9812, § 4(Exh. D), 12-12-2023; Ord. No. 9907, § 4, 5-14-2024)

Sec. 15.1120. Easement.

Easement shall mean a grant to the public or a person by the owner of land of the use of a described area of the land for specified purposes, where fee simple title to the land remains with the property owner.

Sec. 15.1130. Effective date.

Effective date shall mean the date the ordinance adopting this chapter takes effect.

Sec. 15.1140. Employee.

Employee shall mean any and all persons, including managers and entertainers who work in or at or render any services directly related to the operation of a business.

Sec. 15.1143. Engineering plan review and inspection (EPRI) fees.

Engineering plan review and inspection (EPRI) fees shall mean the fees paid to the City for a review of the engineering plans and for construction inspection.

(Ord. No. 8895, § 1, 6-9-2020)

Sec. 15.1145. Engineering plans.

Engineering plans shall mean all engineering drawings including plan and profile drawings, a master drainage plan, engineering details, calculations; and/or reports prepared and sealed by a design engineer, and meeting City standards and standard engineering practices.

(Ord. No. 8895, § 1, 6-9-2020)

Sec. 15.1150. Existing use.

Existing use shall mean the use of a lot or structure at the time of the effective date of this chapter.

Sec. 15.1160. Family.

Family shall mean two or more persons related by blood or marriage, including not more than two lodgers or boarders, living together and occupying a single housekeeping unit with common kitchen facilities, or a group of not more than four persons (excluding servants), who need not be related by blood or marriage living together by joint agreement and occupying a single housekeeping unit with common kitchen facilities.

Sec. 15.1170. Fascia.

Fascia shall mean a vertical plane that represents the transition from the eave height at the load-bearing walls to the roofline.

Sec. 15.1180. Fee simple.

Fee simple shall mean a type of ownership of real property, also referred to as fee simple absolute, whereby the owner unconditionally owns a specified piece of land.

Sec. 15.1190. Fence.

Fence shall mean a freestanding structure resting on or partially buried in the ground that forms a barrier which is not otherwise part of any building or other structure and is used to delineate a boundary or as a means of confinement or privacy.

Sec. 15.1193. Final acceptance.

Final acceptance shall mean the time when all requirements for the required Improvements have been fully met.

(Ord. No. 8895, § 1, 6-9-2020)

Sec. 15.1195. Final affidavit and agreement.

Final affidavit and agreement shall mean lien waivers indicating all subcontractors and suppliers have been paid; affidavits certifying all contractors and subcontractors have complied with prevailing wage laws for work subject to prevailing wage; necessary bonds or other financial securities have been provided to the City.

(Ord. No. 8895, § 1, 6-9-2020)

Sec. 15.1200. Flood insurance rate map (FIRM).

Flood insurance rate map shall mean the official map of the City on which the flood hazard boundaries and the zones have been delineated, pursuant to the flood insurance study, establishing insurance rates applicable to the City.

Sec. 15.1210. Flood insurance study (FIS).

Flood insurance study shall mean the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the flood boundary-floodway map and the water surface elevation of the base flood.

Sec. 15.1220. Floodplain.

Floodplain shall mean the area subject to flooding as identified by the current flood insurance rate map (FIRM) in accordance with all federal, state and City Code requirements.

Sec. 15.1230. Floor area ratio (FAR).

Floor area ratio shall mean the numerical value obtained through dividing the gross floor area of a building or buildings by the area of the lot on which the building or buildings are located.

Sec. 15.1240. Floor area, gross (GFA).

Floor area, gross shall mean the sum of the gross horizontal areas of the several floors, measured in square feet, including the basement floor, measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The total floor area of a building shall also include elevator shafts and stairways at each floor; floor space used for mechanical equipment, penthouses, interior balconies and mezzanines, enclosed porches, and floor area devoted to accessory uses. The total floor area shall not include: Areas or space devoted to off-street parking or loading; and uncovered porches, terraces and loading docks.

Sec. 15.1250. Floor area, net (NFA).

Floor area, net shall mean the sum of the net horizontal floor area of the several floors of a building measured from the exterior faces of the exterior walls or from the interior faces of walls separating two buildings.

- A. The net floor area of a building shall include:
 - 1. Basements, when used for other than storage;
 - 2. Penthouse, excluding mechanical penthouses;
 - 3. Attic space having a headroom of seven and one-half feet or more;
 - 4. Enclosed porches;
 - 5. Interior balconies and mezzanines, excluding those designed and used as pedestrian common space;
 - 6. Floor area devoted exclusively to storage;
 - 7. Entrance lobbies;
 - 8. Interior covered common areas designed primarily for pedestrian circulation; and
 - 9. Public restrooms.
- B. The net floor area of a building does not include:
 - 1. Floor space occupied by mechanical, telephone and electrical equipment, and mechanical penthouses;
 - 2. Stairwells, escalators and elevator shafts;
 - 3. Attic space having a headroom of less than seven and one-half feet;
 - 4. Interior off-street parking and loading areas; and
 - 5. Basements, or portions thereof used for storage.

Sec. 15.1260. Four-family dwelling (fourplex).

See "Dwelling."

Sec. 15.1270. Fraternal organization.

See "Club, civic or fraternal organization."

Sec. 15.1280. Freight agency or shipping coordinator.

Freight agency or shipping coordinator shall mean an establishment primarily engaged in the remote arrangement of freight or cargo transportation, and not located where the freight or cargo is handled, stored or transported.

Sec. 15.1290. Freight terminal.

Freight terminal shall mean a building or premises where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation.

Sec. 15.1300. Frontage.

Frontage shall mean that side of a lot abutting a public right-of-way line.

Sec. 15.1310. Frontage road.

See "Street."

Sec. 15.1320. Garage.

Garage shall mean an accessory building of a main building primarily used for storage of a motor vehicle.

Sec. 15.1330. Garden apartment building.

See "Dwelling."

Sec. 15.1340. Garden center.

Garden center shall mean a business that sells garden equipment, seeds, plants and fertilizers.

Sec. 15.1350. Governing Body.

Governing Body means mayor and the city council of the city.

Sec. 15.1360. Grade.

Grade shall mean the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and property line or, when the property line is more than five feet from the building, between the building and a line five feet from the building.

Sec. 15.1370. Grade, street.

Grade, street shall mean the slope of a road, street or other public way, specified in percentage of vertical to horizontal measurements.

Sec. 15.1380. Greenhouse.

Greenhouse shall mean a building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of plants for subsequent sale or for personal enjoyment.

Sec. 15.1390. Greenhouse (commercial).

See Section 15.2230.

Sec. 15.1400. Grocery store, general.

Grocery store, general shall mean establishments with 10,000 square feet of gross floor area or more primarily engaged in the retail sale of food or household products for home consumption. Typical uses include large grocery stores (including the sale of beer and wine in unopened containers for off-premise consumption where revenue from the sale of groceries comprises at least 51 percent of the gross income of the establishment during a calendar year, and where at least 51 percent of the total display or shelf space is devoted to groceries other than beer and wine), delicatessens, meat markets, retail bakeries, and candy shops.

Sec. 15.1410. Grocery store, limited.

Grocery store, limited shall mean establishments less than 10,000 square feet of gross floor area primarily engaged in the retail sale of food or household products for home consumption. Typical uses include those uses specified for grocery store, general.

Sec. 15.1420. Group home for persons with disabilities, hospice, or special care.

Group home for persons with disabilities, including hospice and/or other special care needs shall mean a residential facility where meals, lodging, supervision and training are provided. Halfway houses and detention facilities are not included in this definition.

Sec. 15.1430. Group home for the disabled.

See Section 6.890.

Sec. 15.1440. Reserved.

Editor's note(s)—Ord. No. 9812, § 4(Exh. D), adopted December 12, 2023 repealed § 15.1440 which pertained to guest houses.

Sec. 15.1450. Halfway house.

Halfway house shall mean an establishment primarily engaged in the provision of personal care and services related to parolees, prisoners, or juveniles who have been released from prison, jail, or assigned to a residential care facility by a court of law.

Sec. 15.1460. Health club or fitness center.

Health club or fitness center shall mean a business that provides facilities for aerobic exercises, such as running and jogging tracks, exercise equipment, game courts, gymnasium, or swimming facilities.

Sec. 15.1470. Heliport.

Heliport shall mean an area of land or water or a structural surface that is used for the landing and taking off of helicopters, and any appurtenant areas that are used for helicopter buildings and other heliport facilities. This definition shall also include helistops.

Sec. 15.1480. Helistop.

An area designed to be used for the landing or takeoff of one helicopter, the temporary parking of one helicopter, and other facilities as may be required by federal and state regulations, but not including operation facilities such as maintenance, storage, fueling, or terminal facilities.

Sec. 15.1490. Helistop, limited use.

Any landing area used for the taking off or landing of private helicopters for the purpose of picking up and discharging of possession or cargo. This facility is not open to use by any helicopter without prior permission having been obtained.

Sec. 15.1500. Helistop, unlimited use.

Any landing area used for the taking off or landing of private helicopters for the purpose of picking up and discharging of possession or cargo. No fueling, refueling, or service facilities.

Sec. 15.1510. Home occupation.

Home occupation shall mean an activity conducted in a dwelling unit as an economic enterprise or for financial gain by members of the household residing therein that is clearly incidental and secondary to the use of the dwelling unit for residential purposes.

Sec. 15.1520. Hospital.

Hospital shall mean an institution providing primary health service and medical and surgical care to persons suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions. This shall include, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities. Hospital shall not include medical marijuana facilities or marijuana facilities.

(Ord. No. 8683, § 1, 7-16-2019; Ord. No. 9601, § 1, 1-17-2023)

Sec. 15.1530. Hotel.

Hotel shall mean a building, or portion thereof, offering lodging accommodations to the general public for compensation and that may provide additional services such as restaurants, meeting rooms, and recreational facilities.

Sec. 15.1540. Impervious coverage.

Impervious coverage shall mean the total ground area covered by all buildings, roofed or covered spaces, paved surface areas, walkways and driveways, excluding inground and above ground swimming pool, and any other site improvements or structures contributing to run-off greater than would occur on the site in its natural state.

Sec. 15.1550. Improvement.

Improvement shall mean any man-made item that becomes part-of, is placed upon, or is affixed to land.

Sec. 15.1560. Industrial use.

Industrial use shall mean an economic activity involving construction, manufacturing, warehousing, wholesale trade, and associated service uses as defined by this chapter.

Sec. 15.1570. Inoperative vehicle.

See "Vehicle, inoperative."

Sec. 15.1575. Inspector.

Inspector shall mean an authorized representative of the City who has been assigned to monitor conformance to the requirements of City codes and ordinances.

(Ord. No. 8895, § 1, 6-9-2020)

Sec. 15.1580. Interference.

Interference shall mean disturbances in reception caused by intruding signals or electrical current.

Sec. 15.1590. Junkyard, wrecking yard, salvage yard or scrap yard.

Junkyard, wrecking yard, salvage yard or scrap yard shall mean a place where waste, discarded or salvaged metals, inoperative vehicles, used plumbing fixtures, and other materials are bought, sold, exchanged, stored, baled, cleaned; or a place for the storage of salvaged materials and equipment from house wrecking and salvaged structural steel; but excluding retail/commercial pawnshops and establishments for the sale, purchase, or storage of used cars in operable, drivable condition, salvaged machinery, used furniture and household equipment, and the processing of used, discarded or salvaged materials as part of manufacturing operations. For the purposes of this definition, any lot containing more than two inoperative vehicles shall be considered a junkyard.

Sec. 15.1600. Kennel.

Kennel shall mean any lot or premises, or portion thereof, on which animals are boarded or bred. A commercial kennel shall mean any lot or premises, or portion thereof, on which animals are boarded or bred for the purpose compensation or kept for sale.

Sec. 15.1610. Laboratory.

Laboratory shall mean a building, or portion thereof, in which scientific, medical or dental research, investigation, testing or experimentation is conducted. Laboratory shall not include medical marijuana facilities or marijuana facilities.

(Ord. No. 8683, § 1, 7-16-2019; Ord. No. 9601, § 1, 1-17-2023)

Sec. 15.1615. Land disturbance.

Land disturbance shall mean any activity including, but not limited to, clearing, grading, grubbing, or excavation, which removes the vegetative ground cover or creates sediment movement potential from a site.

(Ord. No. 8895, § 1, 6-9-2020)

Sec. 15.1620. Landowner.

Landowner shall mean any person having a legal or equitable interest in a property.

Sec. 15.1630. Laundry, dry cleaning or garment service.

Laundry, dry cleaning or garment service shall mean establishments primarily engaged in the provision of laundering, dry cleaning, clothing alterations or dyeing services.

Sec. 15.1640. Liquor store.

Liquor store shall mean an establishment or place of business primarily engaged in retail sale for consumption off the premises of alcoholic beverages. Typical uses include liquor stores, bottle shops, or any licensed sales of liquor, beer or wine for off-site consumption.

Sec. 15.1650. Livestock.

Livestock shall mean animals used for the production of food or products, such as cattle, sheep, goats, hogs or poultry.

Sec. 15.1660. Loading area.

Loading area shall mean an area used for loading or unloading of goods from a vehicle in connection with the use of the site on which a loading space is located.

Sec. 15.1670. Loft dwelling.

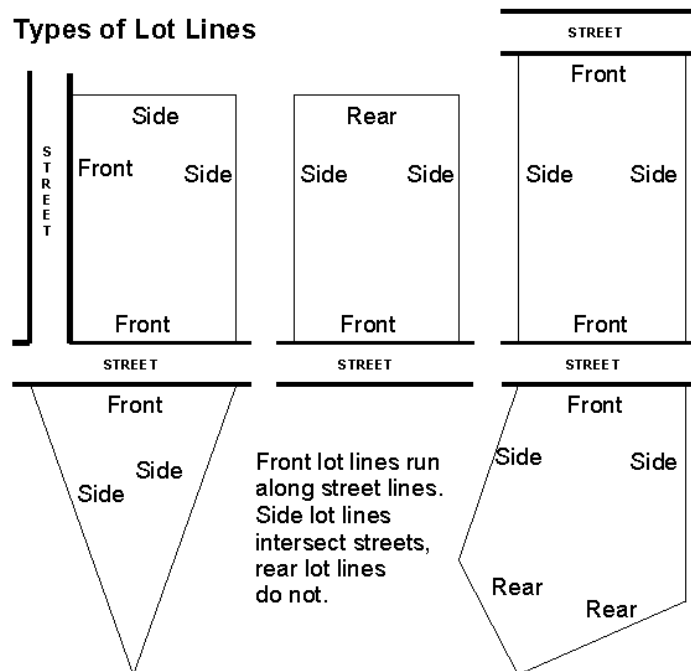
See "Dwelling."

Sec. 15.1680. Lot.

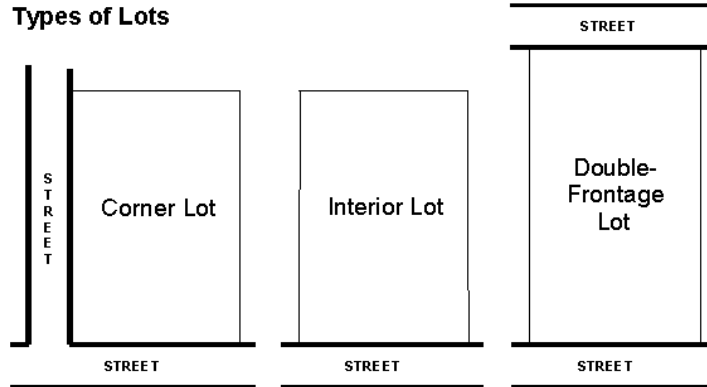
Lot shall mean a parcel of land occupied by or intended for a use allowed in this chapter, including one main building together with its accessory buildings, open spaces, and parking spaces required by this chapter, and

having its principal frontage upon a public street or road as established by this chapter. The word "lot" shall include the word "plot," "tract," or "parcel." The derivations of lot shall maintain the following definitions:

- A. Lot area. The area of a horizontal plane bounded by the vertical planes through front, rear and side lot lines.
- B. Lot, corner. A lot abutting upon two or more streets at their intersection.
- C. Lot depth. The mean horizontal distance between the front and rear lot lines.
- D. Lot, double frontage. A lot having frontage on two non-intersecting roads; as distinguished from a corner lot. This definition shall include through lots.
- E. Lot, interior. A lot other than a corner lot whose sides do not abut upon any street.
- F. Lot line. The property boundary line of any lot. The derivations or modifications of lot line shall maintain the following definitions.



1. Lot line, front. The lot line abutting a street or private drive. In the case of a corner lot, the front lot line shall normally be the lot line with the shortest length. In the case of a double frontage lot, the front lot line shall be the lot line adjacent to the street that provides primary access to the lot or towards which the main building on the lot is oriented.
2. Lot line, rear. Any lot line that is not a front lot line or a side lot line.
3. Lot line, side. Any lot line that intersects the front lot line. A side lot line shall include any linked line segments or arcs that have a bearing which is within 45 degrees of a line drawn perpendicular to the front lot line. Where the application of the rules is ambiguous or where the property owner requests an alternative designation, the Director may specifically designate the various lot lines for a particular lot.



G. Lot width. The horizontal distance between the side lot lines, measured at the front building line.

Sec. 15.1690. Lot of record.

Lot of record shall mean a lot with respect to which the plat or deed has been properly recorded prior to the effective date of this chapter.

Sec. 15.1700. Main building.

Main building shall mean the primary building on a lot or a building that houses a main use.

Sec. 15.1710. Main use.

Main use shall mean the primary or predominant use of land, a building or structure.

Sec. 15.1720. Major street plan.

Major street plan shall mean the current plan adopted by the City, pursuant to RSMo ch. 89, showing the location of streets, highways, parks and drainage systems and specifying the general alignment, functional classification, acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, change of use, acquisition of land for, sale or lease of streets within the jurisdiction of the City.

Sec. 15.1730. Manufactured home.

Manufactured home shall mean a structure that is governed by the federal manufactured home construction and safety standards established pursuant to The National Manufactured Home Construction and Safety Standards Act, 42 U.S.C. Section 5403.

Sec. 15.1740. Manufactured home park.

Manufactured home park shall mean any lot or parcel under single ownership on which two or more manufactured homes are to be located or intended to be located for purposes of residential occupancy.

Sec. 15.1750. Manufactured home sales.

Manufactured home sales shall mean a premises on which manufactured homes are displayed for sale.

Sec. 15.1760. Manufacturing.

Manufacturing shall mean an economic activity involving the mechanical or chemical transformation of materials or substances into new products including the assembly of component parts, the manufacturing of products and the blending of materials such as lubricating oils, plastics, resins, or liquors.

Sec. 15.1770. Manufacturing, heavy.

Manufacturing, heavy shall mean the extraction of natural resources or the transformation of raw materials through mechanical or chemical means into basic products for subsequent assembly, fabrication or use in the production of finished goods.

Sec. 15.1780. Manufacturing, light.

Manufacturing, light shall mean a use engaged in the manufacture of finished products or parts, predominantly from previously prepared materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products. The manufacture of industrial solvents and cleaners shall be included.

Sec. 15.1781. Medical marijuana facility.

Medical marijuana facility shall mean a medical marijuana cultivation facility, a medical marijuana dispensary facility, a medical marijuana-infused products manufacturing facility, a marijuana testing facility, a medical marijuana transportation facility, or any other type of medical marijuana-related facility or business licensed or certified by the Department of Health and Senior Services, or its successor, under Article XIV of the Missouri Constitution.

(Ord. No. 9601, § 1, 1-17-2023)

Editor's note(s)—Ord. No. 9601, § 1, adopted January 17, 2023, repealed the former § 15.1781, and enacted a new § 15.1781 as set out herein. The former § 15.1781 pertained to the definition of marijuana and derived from Ord. No. 8683 adopted July 16, 2019.

Sec. 15.1782. Marijuana facility.

Marijuana facility shall mean a comprehensive marijuana cultivation facility, a comprehensive marijuana dispensary facility, a comprehensive marijuana-infused products manufacturing facility, a marijuana testing facility, a marijuana microbusiness facility, a microbusiness dispensary facility, a microbusiness wholesale facility, a marijuana testing facility, a marijuana transportation facility, or any other type of marijuana-related facility or business licensed or certified by the Department of Health and Senior Services, or its successor, under Article XIV of the Missouri Constitution.

(Ord. No. 9601, § 1, 1-17-2023)

Editor's note(s)—Ord. No. 9601, § 1, adopted January 17, 2023, repealed the former § 15.1782, and enacted a new § 15.1782 as set out herein. The former § 15.1782 pertained to the definition of marijuana-infused products and derived from Ord. No. 8683 adopted July 16, 2019.

Sec. 15.1783. Reserved.

Editor's note(s)—Ord. No. 9601, § 1, adopted January 17, 2023, repealed § 15.1783, which pertained to the definition of marijuana-infused products manufacturing facility and derived from Ord. No. 8683 adopted July 16, 2019.

Sec. 15.1790. Martial arts.

Martial arts shall mean the instruction in any form of self-defense that utilizes some combination of striking, kicking, punching, grappling, or pinning either through the practice of forms and/or sparring techniques.

Sec. 15.1800. Massage.

Massage shall mean any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external soft parts of the body with the hands or with the aid of any mechanical or electrical apparatus or appliance with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations commonly used in this practice. The term "massage" is synonymous with the term "therapeutic massage."

Sec. 15.1810. Massage facility.

Massage facility shall mean an establishment where any person performs massage or permits massage to be performed for compensation. The operator of a massage facility must obtain a massage business license pursuant to Chapter 28, Division 2 of the Code of Ordinances City of Lee's Summit.

Sec. 15.1820. Massage therapist.

Massage therapist shall mean a person who has completed all the requirements pursuant to the Code of Ordinances for the City of Lee's Summit for a massage therapist business license in order to practice massage within the City. Upon receipt of a massage therapist business license from the City of Lee's Summit, a massage therapist may perform massage for compensation, but only at a licensed massage facility, or as in-office massage pursuant to Chapter 28, Division 2 of the Code of Ordinances City of Lee's Summit.

Sec. 15.1830. Mast.

See "Tower."

Sec. 15.1840. Master Development Plan.

Master Development Plan shall mean the Lee's Summit Comprehensive Land Use Plan, as amended.

Sec. 15.1850. Medical or dental office.

See "Office."

Sec. 15.1854. Medical marijuana.

Medical marijuana means marijuana allowed for the limited legal production, distribution, sale and purchase for medical use as governed by Article 14, Section 1 of the Missouri State Constitution.

(Ord. No. 8683, § 1, 7-16-2019)

Secs. 15.1855—15.1858. Reserved.

Editor's note(s)—Ord. No. 9601, § 1, adopted January 17, 2023, repealed §§ 15.1855—15.1858, which pertained to the definitions of medical marijuana cultivation facility; medical marijuana dispensary facility; medical marijuana facility and medical marijuana testing facility, respectively and derived from Ord. No. 8683 adopted July 16, 2019.

Sec. 15-1859. Medical marijuana transportation facility.

Medical marijuana testing facility shall have the meaning assigned to such term as set forth in Title 19, Division 30, Chapter 95, Section 95.010 of the Code of State Regulations (19 CSR 30-95.010), which is a facility certified by the department to transport marijuana to a qualifying patient, a primary caregiver, a marijuana-infused products manufacturing facility, medical marijuana cultivation facility, medical marijuana dispensary facility or medical marijuana testing facility, or another medical marijuana transportation facility.

(Ord. No. 8683, § 1, 7-16-2019)

Sec. 15.1860. Microwave.

Microwave shall mean electromagnetic radiation with frequencies higher than 1,000 MHz; highly directional signal used to transmit radio frequencies from point to point at a relatively low power level.

Sec. 15.1870. Mini-warehouse.

Mini-warehouse shall mean a structure containing separate storage areas of varying sizes leased or rented on an individual basis.

Sec. 15.1880. Mobile home.

Mobile home shall mean a transportable, factory-built structure, designed to be used as a year- round residential dwelling, built prior to enactment of the National Manufactured Home Construction and Safety Standards Act, 42 U.S.C. Section 5403, which became effective June 15, 1976.

Sec. 15.1890. Modular unit.

Modular unit shall mean a factory fabricated transportable building unit designed to be used by itself or to be incorporated with similar units at a building site into a modular structure to be used for residential, commercial, educational or industrial purposes. Modular units do not include structures defined as manufactured or mobile homes or constructed with an integral chassis and attached wheels.

Sec. 15.1900. Motel.

Motel shall mean a building primarily offering transient lodging accommodations to the general public for compensation with access from each room to a readily accessible off-street parking area for use by the patrons of the building. This definition shall also include motor lodges.

Sec. 15.1910. Motion picture theater.

See "Theater."

Sec. 15.1920. Motor vehicle.

See "Vehicle, motor."

Sec. 15.1930. Motorcycle sales or service.

Motorcycle sales or service shall mean the use of any building or premises for the display and sale of new or used motorcycles, scooters or mopeds, and which may include any repair service conducted as an accessory use.

Sec. 15.1940. Multi-family dwelling.

See "Dwelling."

Sec. 15.1950. Municipality.

Municipality shall mean the City and any other body politic whether it be a city, town, village or political subdivision of this state, organized under the Constitution of the State of Missouri or under laws of the State of Missouri or by decision of the highest court of this state determined to be a municipal corporation.

Sec. 15.1960. Nonconforming lot.

Nonconforming lot shall mean a lot existing on the effective date of this chapter that does not meet the minimum area requirements of the zoning district in which the lot is located.

Sec. 15.1970. Nonconforming sign.

Nonconforming sign shall mean a sign that, on the effective date of this chapter, does not conform to any one or more of the regulations set forth in this chapter.

Sec. 15.1980. Nonconforming situation.

Nonconforming situation shall mean a situation that occurs when, on the effective date of this chapter, an existing lot, structure or improvement, or the use of an existing lot, structure or improvement no longer conforms to one or more of the regulations applicable to the zoning district in which the lot, structure or improvement is located.

Sec. 15.1990. Nonconforming use.

Nonconforming use shall mean a nonconforming situation that occurs when property is used for a purpose or in any manner made unlawful by the use regulations or development and performance standards applicable to the zoning district in which the property is located. The term also refers to the activity that constitutes the use made of the property.

Sec. 15.2000. Nursery.

Nursery shall mean land or structures used to raise flowers, shrubs, trees and other plant material for retail or wholesale sale.

Sec. 15.2010. Nursery school.

Nursery school shall mean a program operated by a person or organization with the primary function of providing an educational program for preschool-age children for no more than four hours per child per day.

Sec. 15.2020. Nursing home.

See "Convalescent, nursing or retirement home."

Sec. 15.2030. Office.

Office shall mean the use of any building or premises primarily for conducting the affairs of a business, profession, service, industry, or government, and generally furnished with desks, tables, files, and communication equipment.

- A. Building contractor or construction firm office. An office primarily engaged in the provision of services relating to a building contractor or construction firm business.
- B. Business office, general. An office used primarily for the administrative or legal affairs of a company.
- C. Medical or dental office. An office occupied and maintained for the provision of services by a person licensed by the State of Missouri to practice in the healing arts for humans, such as a physician, surgeon, dentist, or optometrist. A medical office shall not include medical marijuana facilities or marijuana facilities.
- D. Professional office. An office occupied by a member of a recognized profession and maintained for the provision of professional services, such as but not limited to, a lawyer, architect, city planner, landscape architect, interior designer, accountant, financial planner, auditor, bookkeeper, real estate, brokerage for securities or commodities, secretarial services, or engineer.

(Ord. No. 8683, § 1, 7-16-2019; Ord. No. 9601, § 1, 1-17-2023)

Sec. 15.2040. Office park.

Office park shall mean a development on a single parcel of property that may contain a mix of office, retail and service uses as regulated by Section 6.1470 and authorized as a use subject to conditions.

Sec. 15.2050. Off-street parking space.

Off-street parking space shall mean an area that is not within the paved area of a street that is used for the temporary storage of one (1) automobile or other motor vehicle, with direct or indirect access to a dedicated street or right-of-way.

Sec. 15.2060. Open space.

Open space shall mean any parcel of land or water essentially unimproved or otherwise devoid of structures and paved areas set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

- A. Common open space. Useable land area of a site that is available to all occupants of a development on a continuing and permanent basis and is not covered by buildings (except recreational structures) or public rights-of-way.
- B. Public open space. Land reserved for leisure and/or recreational use but dedicated in fee simple to a governing body or agency to be responsible for operation and maintenance; therefore, such land is not for the exclusive use of the residents of a specific development.

Sec. 15.2070. Outdoor display area.

Outdoor display area shall mean a portion of a property outside of any building where merchandise, goods or other items are placed in public view for the purpose of direct sale or lease to customers.

Sec. 15.2080. Outdoor storage.

Outdoor storage shall mean the keeping in an unroofed, open area of any goods, junk, material, merchandise or vehicles in the same place for more than 24 hours.

Sec. 15.2090. Outparcel.

Outparcel shall mean a lot deeded separately from a larger tract for individual development, but generally sharing access with the larger tract. Outparcels are most generally associated with shopping centers.

Sec. 15.2100. Overlay zone.

Overlay zone shall mean a geographical area that encompasses one or more underlying zoning districts and that imposes additional requirements above those required by the underlying zone.

Sec. 15.2110. Owner.

Owner shall mean any person having legal title to, including the legal authority to act on behalf of the titleholder through real property, receivership, bankruptcy, estate administration, trusteeship, guardianship, and actions under a valid power of attorney.

(Ord. No. 8895, § 1, 6-9-2020)

Sec. 15.2120. Owner occupied.

Owner occupied shall mean the owner(s) of the principal dwelling in whom legal or equitable title rests or any person(s) who have acquired interest in the property by contract to purchase, which occupy the principal dwelling as their permanent residence.

Sec. 15.2130. Parapet wall.

Parapet wall shall mean any wall that extends above the roof line.

Sec. 15.2140. Patio.

Patio shall mean a level, unenclosed surfaced area located at the finished grade that is usually directly adjacent to an attached building. Patio does not include a deck.

Sec. 15.2150. Pawn shop.

Pawn shop shall mean a type of used merchandise store in which merchandise is offered as collateral for obtaining loans and wherein such merchandise is offered for sale in recompense for default of loan repayment.

Sec. 15.2160. Payday loan business.

See "Unsecured loan business."

Sec. 15.2170. Pedestrian way.

Pedestrian way shall mean a right-of-way dedicated or otherwise assigned to public use that cuts across a block to facilitate pedestrian access to adjacent streets and properties.

Sec. 15.2180. Performance standard.

Performance standard shall mean a criterion to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, heat, glare or other effects generated by or inherent in the uses of land or buildings. Such standards may also establish other various criteria for land use.

Sec. 15.2190. Performing arts theater.

See "Theater."

Sec. 15.2200. Permitted use.

Permitted use shall mean any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

Sec. 15.2210. Person.

Person shall mean any individual, partnership, corporation, trust, incorporated or unincorporated association, marital community, joint venture, governmental entity, or other entity or group of persons however organized.

Sec. 15.2220. Personal wireless facility or service.

Personal wireless facility or service shall mean an establishment or service providing wireless telecommunication services as described by the Telecommunications Act of 1996, including:

- A. Antennas and transmitting and receiving equipment for personal wireless services;

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- B. Commercial mobile radio services (including cellular, PCS, enhanced specialized mobile radio, specialized mobile radio, and paging);
 - C. Unlicensed wireless services; and
 - D. Common carrier wireless exchange.

Sec. 15.2230. Plant nursery, garden center, greenhouse (commercial).

Plant nursery, garden center, greenhouse (commercial) shall mean any business engaging in the commercial sale of bedding plants, trees, bushes, landscaping materials, garden tools, garden fertilizers, soil and other kindred products.

Sec. 15.2240. Plat, final.

Plat, final shall mean a complete and exact subdivision plat, prepared for official recording as required by state statute and this chapter, to define property boundaries and proposed streets and other improvements.

Sec. 15.2250. Plat, minor.

Subdivision, minor shall mean any subdivision containing not more than three lots fronting on an existing street; not involving any new street, the extension of municipal facilities, or the creation of any public improvements; not adversely affecting the remainder of the parcel or adjoining property; and not in conflict with any provision of the UDO.

Sec. 15.2260. Plat, preliminary.

Plat, preliminary shall mean a formal proposed plan for a subdivision prepared in accordance with the provisions of this chapter.

Sec. 15.2270. Platted.

Platted shall mean real property that is included within in the area of land covered by a final plat recorded with the Register of Deeds.

Sec. 15.2280. Play area.

Play area shall mean an improved and equipped area for the play of children.

Sec. 15.2290. Porch.

Porch shall mean a platform that may be screened, projecting from the wall of a building and with direct access to or from a building. Porch does not include a deck.

Sec. 15.2300. Premises.

Premises shall mean an area of land with its appurtenances and buildings that, because of its unity of use, is one unit of real estate.

Sec. 15.2310. Principal use.

Principal use shall mean the primary or predominant use of any lot or parcel.

Sec. 15.2315. Private infrastructure.

Private infrastructure shall mean street pavements, curb and gutters, sanitary and storm sewers, permanent street monuments, water mains and other related items that are owned by a private entity.

(Ord. No. 8895, § 1, 6-9-2020)

Sec. 15.2320. Professional office.

See "Office."

Sec. 15.2330. Professional or trade association.

Professional or trade association shall mean a private organization that promotes the interests of business groups, such as the Chamber of Commerce; professions, such as the Bar Association; or members of a trade, such as a labor union.

Sec. 15.2340. Prohibited use.

Prohibited use shall mean a use that is not permitted in a zoning district by right, as an accessory use, as a permitted use with conditions, or with a special use permit.

Sec. 15.2350. Public hearing.

Public hearing shall mean a meeting announced and advertised in advance that is open to the public, and at which the public is given an opportunity to speak and participate.

Sec. 15.2360. Public improvements/infrastructure.

Public improvements/infrastructure shall mean street pavements, curb and gutters, sanitary and storm sewers, permanent street monuments, water mains and other related items that are owned by a political subdivision or public utility.

(Ord. No. 8895, § 1, 6-9-2020)

Sec. 15.2370. Radio transmitting and receiving antenna.

See "Tower."

Sec. 15.2375. Record drawings.

Record drawings shall mean the drawings bearing the seal and signature of a professional engineer that reflect the modifications made to the engineering plans, documenting actual constructed conditions of public or private infrastructure.

(Ord. No. 8895, § 1, 6-9-2020)

Sec. 15.2380. Recreation facility or area, commercial indoor and/or outdoor.

Recreation facility, commercial shall mean indoor and/or outdoor commercial establishments or places of business primarily engaged in the provision of sports, entertainment, or recreation for participants or spectators. Recreation as defined here does not include "adult entertainment."

Sec. 15.2390. Recreation facility or area, non-commercial.

Recreation facility, non-commercial shall mean private non-commercial outdoor playgrounds and recreational facilities that are listed as accessory uses to a subdivision, apartment development, church, or other non-commercial principal use.

Sec. 15.2400. Recreation vehicle sales, lease and rental.

Recreation vehicle sales, lease and rental shall mean the sale, lease or rental of recreation vehicles, such as travel trailers, campers, boats, and personal watercraft, including incidental storage, maintenance, and servicing.

Sec. 15.2410. Recreational vehicle.

Recreational vehicle shall mean a portable vehicular structure without a permanent foundation that can be towed, hauled or driven and is primarily designed as a temporary living accommodation for recreational, camping and travel use and includes, but is not limited to, travel trailers, truck campers, camping trailers, tent trailers, fifth-wheel trailers, and self-propelled motor homes.

Sec. 15.2420. Recreational vehicle dealer.

Recreational vehicle dealer shall mean an establishment or place of business primarily engaged in the sale of new or used recreational vehicles, and which may include any repair service conducted as an accessory use.

Sec. 15.2430. Recyclable material.

See "Recycling facilities."

Sec. 15.2440. Recycling collection facility.

See "Recycling facilities."

Sec. 15.2450. Recycling facilities.

Recycling facilities shall mean an establishment, place of business or use of land for the collection of materials for the purpose of crushing, melting, rendering or reconstitution and reuse of the same materials. Recyclable materials include but are not limited to paper, newspaper, plastic, aluminum cans, metal, cardboard and magazines. Terms associated with recycling are defined as follows:

Facilities that accept recyclable materials.

- A. Reverse vending machine. Reverse vending machines are mechanical devices that accept one or more types of empty beverage containers and issue a cash refund or redeemable coupon.
- B. Recycling collection facility. A recycling collection facility is a facility for the deposit or drop-off of recyclable materials. A recycling collection facility is not a salvage yard. Such a facility does not do

processing except limited baling, batching, and sorting of materials. It is designed to allow for a combination of bins, boxes, trailers, reverse vending machines, and other containers for the collection of recyclable materials.

- C. Recycling processing facility. A processing facility receives material from the public and/or other recycling facilities and uses power-driven machinery to prepare materials for efficient shipment by such means as flattening, sorting, compacting, baling, shredding, grinding and crushing.
- D. Recyclable material. Recyclable material is "feedstock" used for direct conversion to manufactured products. It includes, but is not limited to: Cans, bottles, plastic, and paper. Items composed of more than one material, such as salvaged vehicular parts, are generally not considered a recyclable material.

Sec. 15.2460. Recycling processing facility.

See "Recycling facilities."

Sec. 15.2470. Repair.

Repair shall mean the reconstruction, rehabilitation or renewal of any part of an existing structure, improvement or fixture for the purpose of maintenance or to bring the structure, improvement or fixture into compliance with any City regulation.

(Ord. No. 8694, § 1, 8-6-2019)

Sec. 15.2480. Repair shop, miscellaneous.

Repair shop, miscellaneous shall mean a business establishment primarily engaged in specialized repair services such as bicycle repair, leather goods repair, lock and gun repair, musical instrument repair, cleaning, furnace cleaning and taxidermists.

Sec. 15.2490. Research services.

Research services shall mean establishments primarily engaged in research of an industrial or scientific nature but excludes final product testing. Typical uses include electronics research laboratories, space research and development firms, medical laboratories, or pharmaceutical research labs. Research services shall not include medical marijuana facilities or marijuana facilities.

(Ord. No. 8683, § 1, 7-16-2019; Ord. No. 9601, § 1, 1-17-2023)

Sec. 15.2500. Residence.

Residence shall mean a dwelling unit.

Sec. 15.2510. Resource extraction.

Resource extraction shall mean a use involving the on-site extraction of surface or sub-surface mineral products or natural resources. Typical extractive uses are quarries, borrow pits, sand and gravel operations, oil and gas extraction, and mining operations.

Sec. 15.2520. Restaurant, carry-out.

Restaurant, carry-out shall mean a restaurant where food orders are either called in or placed on site inside of the premises with the intention of the customer picking up or waiting for the order to be carried and consumed off the premises.

Sec. 15.2530. Restaurant, delivery.

Restaurant, delivery shall mean a restaurant where food orders are called in and delivery of the order is made off premise to the customer.

Sec. 15.2540. Restaurant, drive-in.

Restaurant, drive-in shall mean a restaurant where food is ordered by the customer through a speaker box system from a vehicle at individual stations outside the restaurant and where food is delivered by employees of the restaurant to the customer for consumption on the premises within their private vehicle.

Sec. 15.2550. Restaurant, drive-up.

Restaurant, drive-up shall mean a restaurant where food is ordered by the customer through a window from a vehicle without the use of a speaker box system and where food delivery is provided from a window to the customer with the intention that the food will be consumed off-premise.

Sec. 15.2560. Restaurant, drive-through.

Restaurant, drive-through shall mean a restaurant where food is ordered by the customer through a speaker box system and then delivered through a window to the customer with the intention that the food will be consumed off-premise.

Sec. 15.2570. Restaurant, general.

Restaurant, general shall mean an establishment primarily engaged in preparation of full course meals served on premise, with complete kitchen facilities for preparation of the food sold, and where alcoholic beverages may be sold in conjunction with meals, or at a bar within the restaurant, provided that at least 50 percent or more of the gross income generated at the restaurant is related to food sales.

Sec. 15.2580. Restaurant, limited.

Restaurant, limited shall mean a use engaged in the preparation and retail sale of food and beverages, excluding alcoholic beverages. Typical uses include soda fountains, ice cream parlors, and coffee shops. This term does not include restaurants that would be included under the definition of "fast food" or "drive-in."

Sec. 15.2590. Reverse vending machine.

See "Recycling facilities."

Sec. 15.2600. Rezoning.

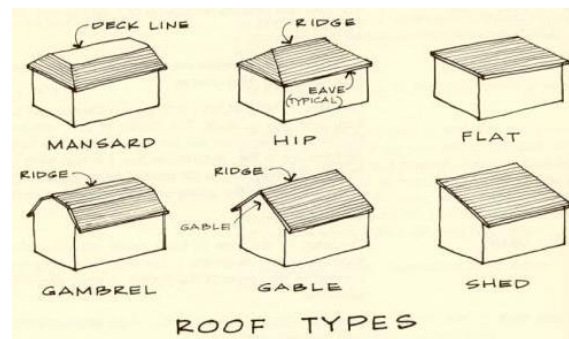
Rezoning shall mean amendment of the zoning district classification applicable to one or more specific parcels of property.

Sec. 15.2610. Right-of-way.

Right-of-way shall mean the land opened, reserved or dedicated for a street, walk or other public purpose.

Sec. 15.2620. Roof.

Roof shall mean the outside top covering of a building or structure.



Sec. 15.2630. Roof, mansard.

Roof, mansard shall mean a roof having two slopes on all four sides, with the lower slope almost vertical and the upper slope almost horizontal; or, from the ground, having the appearance of such a roof.

Sec. 15.2640. RSMo.

RSMo shall mean the Revised Statutes of Missouri.

Sec. 15.2650. Salvage yard.

See "Junkyard."

Sec. 15.2660. Satellite parabolic or dish receiving antenna.

See "Tower."

Sec. 15.2670. School.

- A. Personal enrichment school or tutoring. An establishment or place of business primarily engaged in the provision of services to individuals in a small classroom or one individual setting relating to the education or training of the individual for a specialized skill.
- B. School, private. A facility established for the purposes of education not associated with any public or governmental body. This definition shall include academies, colleges, day schools, and schools associated with religious institutions.

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- C. School, public. A facility established by the State of Missouri, the Lee's Summit School District, or other governmental agency for the purposes of education.

Sec. 15.2680. Scrap yard.

See "Junkyard."

Sec. 15.2685. Security.

Security shall mean a cash deposit with the City or an escrow or title company, or an instrument of financial security, or the replacement deposit or instrument for a prior cash deposit or instrument of financial security, as allowed by Chapter 89 of the Revised Statutes of Missouri and this UDO, which may be in the form of a cash deposit with the City, irrevocable letter of credit, security bond, funds escrowed with a title or escrow company or financial institution pursuant to an escrow agreement, or another form of financial instrument as approved by the City Attorney and the Director of Finance pursuant to the conditions and requirements of the UDO.

(Ord. No. 8895, § 1, 6-9-2020)

Sec. 15.2690. Semi-public use.

Semi-public use shall mean a use owned or operated by a nonprofit, religious, or eleemosynary institution for the purpose of providing educational, cultural, recreational, religious, or social services to the general public.

Sec. 15.2700. Setback line or building line.

Setback line" or "building line" shall mean a line parallel to the respective lot line and internal to the lot that defines the required building setback as specified in the zoning district regulations. The derivations of setback line shall maintain the following definitions:

- A. Setback line, front shall be parallel to the front lot line and shall extend from side lot line to side lot line;
- B. Setback line, rear shall be parallel to all rear lot lines and shall extend from side lot line to side lot line. If there is no rear lot line, a semicircular rear setback line shall be drawn with a radius equal to the rear setback requirement and a center at the intersection of the side lines; and
- C. Setback lines, side are parallel to any side lot line and extend from the front setback line to the rear setback line or another side setback line.

Sec. 15.2710. Sexually-oriented toys or novelties.

Sexually-oriented toys or novelties shall mean instruments, devices or paraphernalia which either depict "specified anatomical areas" or are designed or marketed for use in connection with "specified sexual activities." In determining whether an item is "designed or marketed for use" in connection with "specified sexual activities," the following guidelines may be considered:

- A. Expert testimony as to the principal use of the item;
- B. Evidence concerning the total business of a person or business establishment and the type of merchandise involved in the business;
- C. National and local advertising concerning the use of the item;
- D. Evidence of advertising concerning the nature of the business establishment;

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- E. Instructions, graphics or other material contained on the item itself or on the packaging materials for the item;
 - F. The physical or structural characteristics of the item; or
 - G. The manner in which the item is displayed, including its proximity to other regulated merchandise or signage relating to items in a display area.
 - H. Any person may request an interpretive ruling from the Chief of Police, or his or her designee, as to whether a particular item is considered by the City to be "designed or marketed for use" in connection with "specified sexual activities." An application for an interpretative ruling shall be made in writing on a form provided by the Chief of Police, and shall be accompanied by such other information as may reasonably be requested under the circumstances pertaining to the specific item about which a ruling is requested. The Chief of Police shall issue a written interpretive ruling within ten business days following submission of a completed application. The decision of the Chief of Police may be appealed to the City Council within 15 days following the date of the interpretive ruling by submitting a written notice of appeal to the City Clerk.

Sec. 15.2720. Shopping center.

Shopping center shall mean a commercial development containing at least three retail sales or services establishments located in one building, the total gross floor area of which is 25,000 square feet or greater.

Sec. 15.2730. Sidewalk.

Sidewalk shall mean a permanently surfaced area for the exclusive use of pedestrians located and designed in accordance with the Design and Construction Manual.

Sec. 15.2740. Sign.

See Article 2.

Sec. 15.2750. Single-family attached dwelling (twin home or townhome).

See "Dwelling."

Sec. 15.2760. Single-family detached dwelling.

See "Dwelling."

Sec. 15.2765. Site.

Site shall mean the total area of the parcel, tract, lot or ownership of land upon which development or land disturbance is proposed, irrespective of the actual limits or size of the proposed development or land disturbance activity.

(Ord. No. 8895, § 1, 6-9-2020)

Sec. 15.2770. Solar array.

Solar array shall mean a free-standing, ground-mounted solar collection system consisting of a linked series of photovoltaic modules, the primary purpose of which is to provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating.

Sec. 15.2780. Solar collection system.

Solar Collection System shall mean a roof-mounted or wall-mounted panel or other solar energy device, the primary purpose of which is to provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating.

Sec. 15.2790. Solar electric system.

Solar electric system shall mean a solar photovoltaic system that converts solar energy to electricity and consists of solar energy collection equipment (typically roof- or ground-mounted panels) and an inverter that changes DC to AC current or storage batteries. Such systems usually have a capacity of two kW to five kW.

Sec. 15.2800. Solar hot water system.

Solar hot water system shall mean a domestic hot water heating system consisting of solar energy collection equipment (typically roof-mounted panels), heat transfer through a heat exchanger, and hot water storage.

Sec. 15.2810. Solar oriented lot.

A. Solar oriented lot shall mean:

1. A lot with a front line oriented to within 30 degrees of a true east-west line. When the lot line abutting a street is curved, the "front lot line" shall mean the straight line connecting ends of the curve. For a flag lot, the "front lot line" shall mean the lot line that is most parallel to the closest street, excluding the pole portion of the flag lot,
2. A lot, when a straight line is drawn from a point midway between the side lot lines at the required front yard setback to a point midway between the side lot lines at the required rear yard setback, is oriented to within 30 degrees of true north along such line, or
3. A corner lot with a south lot line oriented to within 30 degrees of a true east-west line, where the south lot line adjoins a public street or permanently reserved open space and the abutting street right-of-way or open space has a minimum north-south dimension of at least 50 feet.

Sec. 15.2820. Solar oriented street.

A. Solar Oriented Street shall mean a street oriented to within 15 degrees of a true east-west line.

Sec. 15.2830. Solar ready home.

Solar ready home means a residential dwelling that is designed, oriented, and equipped with upgraded electric, roofing, and other systems to accommodate future installation and use of a solar energy system that provides either solar hot water heating or solar electric power.

Sec. 15.2840. Solid waste transfer station.

Solid waste transfer station shall mean a facility where refuse and garbage (but no hazardous waste) is delivered for compaction or aggregation and loaded on trucks for shipment to a remote landfill or other disposal facility.

Sec. 15.2850. Special event.

See Article 6, Division 5, Special Events.

Sec. 15.2860. Specified anatomical areas.

Specified anatomical areas shall mean uncovered or exposed human genitals, pubic region or pubic hair, buttocks, female breast or breasts below a point immediately above the top of the areola encircling the nipple, or any combination of the foregoing; or human male genitals in a discernibly erect state, even if completely and opaquely covered.

Sec. 15.2870. Specified sexual activities.

Specified sexual activities shall mean any of the following acts of intended sexual arousal or excitement:

- A. Sexual conduct including, but not limited to, actual or simulated acts of sexual intercourse, masturbation, oral copulation or sodomy;
- B. Fondling or other intentional touching of a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female;
- C. Sadomasochistic acts; or
- D. Acts involving animals or latent objects.

Sec. 15.2880. Stable, track or polo field.

Stable, track or polo field shall mean any structure or area located on a lot designed, arranged, or used for the care, exercise, running, feeding and storage of horses and other such animals, including, but not limited to, ponies, donkeys and mules.

Sec. 15.2885. Standard insurance and indemnification requirements.

Standard insurance and indemnification requirements shall mean the requirements issued by the Director of Development Services pursuant to the requirements of the City Code.

(Ord. No. 8895, § 1, 6-9-2020)

Sec. 15.2890. Standard residential receiving antenna.

See "Tower."

Sec. 15.2900. Stockyard.

Stockyard shall mean an establishment or place of business primarily used for the temporary keeping of livestock for slaughter, market, auction or shipping.

Sec. 15.2910. Storage.

Storage shall mean the placement, keeping, or retention of vehicles, equipment, materials, goods, or products for intermittent use or subsequent distribution or transfer.

Sec. 15.2920. Story.

Story shall mean that part of a building including between the surface of one floor and the surface of the floor next above, or if there be no floor above, that part of the building which is above the surface of the next highest floor thereof. A top story attic is a half story when the main line of the eaves is not above the middle of the interior height of such story. The first story is the highest story having its interior floor surface not more than four feet above the curb level, established or mean street grade, or average ground level.

Sec. 15.2930. Street.

Street shall mean an improved way for the conveyance of motor driven, rubber-tired vehicles, such as automobiles and trucks. Terms related to street shall mean as follows:

- A. Alley. A narrow street used principally as a secondary means of access and usually located along the rear lines of abutting properties.
- B. Arterial. A street providing for through traffic movement with intersections at grade, but no direct access to abutting property, and on which geometric design and traffic control measures are used to expedite the safe movement of through traffic.
- C. Collector street. A street providing for the collection and distribution of traffic from arterial streets directly to traffic destinations. Limited access collector is a collector street with no homes or businesses fronting the street and with no driveway access.
- D. Commercial street. A street providing for the collection and distribution of traffic through commercial areas. Width depending upon feasibility of use, characteristics, and right-of-way available.
- E. Divided arterial. A street providing rapid and efficient movement of large volumes of through traffic between sections of the City. It is not primarily intended to provide direct access to abutting property.
- F. Frontage road. The frontage road, parallel to state highways, provides traffic circulation within commercial and industrial districts from the state highway system.
- G. Industrial. A street providing for direct access to abutting land and for local traffic movement for industrial use.
- H. Residential. A street providing for direct access to abutting land and for local traffic movement.

Sec. 15.2940. Structural alteration.

Structural alteration shall mean any change, other than incidental repairs, to any structure.

Sec. 15.2950. Structure.

Structure shall mean a combination of materials to form a construction for use, occupancy or ornamentation whether installed on, above or below the surface of land or water.

Sec. 15.2960. Subdivider.

Subdivider shall mean any person, who having an interest in land: (1) causes it directly or indirectly to be divided into a subdivision; or (2) 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 plot in a subdivision; or (3) 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, unit or plot in a subdivision; or (4) is directly or indirectly controlled by or under direct or indirect common control with any of the foregoing.

Sec. 15.2970. Subdivision.

Subdivision shall mean a horizontal or vertical division of a lot, tract or parcel of land into more than two lots or other divisions of land, for the purpose of transfers of ownership or development, whether immediate or future, including all changes in street or lot lines. Subdivision includes the division or development of residential and nonresidential zoned land, whether by deed, metes and bounds description, map plat or other recorded instrument and further includes the creation of a condominium or townhome or any other division of property into units. Where no new street or easement of access involved, the division of land into parcels of more than ten acres for agricultural purposes shall not be included within this definition.

Sec. 15.2975. Substantial completion.

Substantial completion shall mean the time at which the Improvements have progressed to the point where, in the opinion of the City Engineer, the Improvements are sufficiently complete, in accordance with the requirements of the DCM, so that the Improvements can be utilized for the purposes for which they are intended.

(Ord. No. 8895, § 1, 6-9-2020)

Sec. 15.2980. Swimming pool.

Swimming pool shall mean a structure, whether indoors or outdoors, above or below the surface of the ground or both, intended to contain water for swimming or wading, having an inside wall depth at any point of more than two feet or a surface area exceeding 250 square feet.

- A. Swimming pool, commercial. An outdoor for-profit swimming pool intended for use by only those persons who pay a membership or similar fee that entitles such persons to use the swimming pool for a predetermined period of time. Examples of such outdoor swimming pools include, but are not limited to, swimming pools associated with motels/hotels, multi-family dwellings, garden apartment buildings/complexes, clubs and organizations such as a YMCA, private instruction for swimming, scuba diving, etc. For commercial indoor pools see recreation facility or area (indoor).
- B. Swimming pool, private. An indoor or outdoor swimming pool located at a private residence, used or intended to be operated for the exclusive use of the residents of the lot upon which it is located and their invited guests.
- C. Swimming pool, public. A swimming pool intended for use by the general public usually owned and operated by the municipality and including water parks.
- D. Swimming pool, subdivision. A swimming pool located on a lot or tract within a subdivision and intended for use by the property owners within said subdivision and usually owned, operated and maintained by the subdivision HOA, home owners association.

Sec. 15.2990. Swimming pool, commercial.

See "Swimming pool."

Sec. 15.3000. Swimming pool, private.

See "Swimming pool."

Sec. 15.3010. Swimming pool, public.

See "Swimming pool."

Sec. 15.3020. Swimming pool, subdivision.

See "Swimming pool."

Sec. 15.3030. Synagogue.

See "Church, temple or synagogue."

Sec. 15.3040. Tavern or bar.

Tavern or bar shall mean a place of business that serves alcoholic beverages with a legally approved City liquor license at which less than 50 percent of the total revenue is generated by food sales.

Sec. 15.3050. Temple.

See "Church, temple or synagogue."

Sec. 15.3060. Temporary use.

Temporary use shall mean a use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

Sec. 15.3070. Theater.

Theater shall mean a building or premises devoted to showing motion pictures, or for live dramatic or musical performances. Terms associated with theater shall be defined as follows:

- A. Drive-in motion picture theater. An open lot with its appurtenant facilities devoted primarily to the showing of motion pictures or other prerecorded productions to patrons seated in automobiles.
- B. Motion picture theater. A building primarily used for the exhibition of movies or other prerecorded productions to the general public in an indoor setting.
- C. Performing arts theater. A building primarily used for the presentation of live performances of plays or music.

Sec. 15.3080. Three-family dwelling (triplex).

See "Dwelling."

Sec. 15.3090. Tire retreading or repair shop.

See "Automotive repair shop."

Sec. 15.3100. Title loan business.

Title loan business shall mean the business of lending money with the pledge of personal property as collateral, evidenced by a certificate of title issued by the State of Missouri, and regulated under RSMo 367.500 through 367.533, as amended from time to time.

Sec. 15.3110. Tow lot.

Tow lot shall mean a storage lot for the keeping of towed vehicles on a temporary basis.

Sec. 15.3120. Tower.

Tower shall mean a structure that is intended to send and/or receive radio and television communications. Terms associated with tower shall mean as follows:

- A. Antenna. An arrangement of wires, metal rods, or other materials used for the transmission and/or reception of electromagnetic waves. The derivations of, modifications of, or words directly associated with antenna shall maintain the following definitions.
- B. Antenna for non-commercial use. Any antenna external to a building, including any supporting structure such as a tower, which is not hand-carried while in use and is used for: Reception or electromagnetic signals, such as radio or television broadcasts or direct satellite television; or for transmission of electromagnetic signals by a licensed amateur radio operator or by means of an Earth-orbiting satellite communications device.
- C. Antenna support structure. Any mast, pole, tripod, tower or similar structure used to support an antenna.
- D. Antenna system. The combination of an antenna and antenna support structure.
- E. Antenna system height. The overall vertical length of the antenna system above grade. If such system is located on a building, the overall height shall include the height of the building.
- F. Antenna tower. Any structure designed for the purpose of mounting an antenna.
- G. Communication tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and the like.
- H. Mast. Any structure or part of an antenna that has vertical dimensions greater than five times its horizontal dimension that supports or lends support to any part of an antenna.
- I. Radio transmitting and receiving antenna. An array or system of wires, tubing and supporting members mounted on a mast, tower or building, used for transmitting and/or receiving radio signals that include, but are not limited to, citizen band and other special frequencies.
- J. Satellite parabolic or dish receiving antenna. A conical, circular or similar shape element of any material, and all of its supporting structures and devices, used for the reception of signals of any frequency from an earth satellite.

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- K. Standard residential receiving antenna. An array made up of small metal tubing and supporting members that are commonly installed on or near residential buildings for the purpose of receiving television or radio signals.
 - L. Tower, guyed. "Tower, guyed" shall mean a communication tower that is supported, in whole or in part, by guy wires and ground anchors.
 - M. Tower, lattice. "Tower, lattice" shall mean a guyed or self-supporting, three- or four-sided, open, steel frame structure used to support antennas.
 - N. Tower, monopole. "Tower, monopole" shall mean a communication tower consisting of a single pole, constructed without guy wires and ground anchors.
 - O. Tower, self-supporting. "Tower, self-supporting" shall mean a lattice communication tower that is constructed without guy wires and ground anchors.

Sec. 15.3130. Tower, guyed.

See "Tower."

Sec. 15.3140. Tower, lattice.

See "Tower."

Sec. 15.3150. Tower, monopole.

See "Tower."

Sec. 15.3160. Tower, self-supporting.

See "Tower."

Sec. 15.3170. Townhouse.

See "Dwelling."

Sec. 15.3180. Tract.

Tract shall mean a single unit of real property under one ownership, which may be platted or unplatted.

Sec. 15.3190. Trailer.

Trailer shall mean a portable structure supported by wheels, jacks, horses, skids or blocks without permanent foundation that is towed or hauled by another vehicle used for temporary human occupancy, to carry materials, goods or objects; or use as a temporary office.

Sec. 15.3200. Transient merchant.

Transient merchant shall mean a person who does not maintain a permanent place of business and sells any good or service for profit for himself or his principal with a validly issued business license from the City.

Sec. 15.3210. Transition area.

Transition area shall mean one or more lots in a residential subdivision, non-residential subdivision or development, or mixed-use subdivision or development, that is adjacent to a separate subdivision or development.

Sec. 15.3220. Travel trailer camps.

Travel trailer camps shall mean a tract or parcel of land where temporary accommodations are provided for two or more travel trailers open to the public either free or for a fee.

Sec. 15.3230. Truck sales, lease and rentals.

Truck sales, lease and rentals shall mean the sale, lease or rental of trucks, tractors, construction equipment, trailers, agricultural implements, and similar heavy equipment, including incidental storage, maintenance, and servicing. Typical uses include truck dealerships and construction equipment dealerships.

Sec. 15.3240. Two-family dwelling (duplex).

See "Dwelling."

Sec. 15.3250. UDO.

UDO shall mean the Unified Development Ordinance of the City of Lee's Summit, Missouri.

Sec. 15.3260. Unrelated.

Unrelated, when referring to persons, shall mean two or more people not related by blood, marriage or adoption.

Sec. 15.3270. Unsecured loan business.

Unsecured loan business shall mean any business which loans money on a short term basis to members of the general public as an element of its operation, including businesses offering payday loans, signature loans and check cashing loans under RSMo ch. 367 or 408.500, and other similar businesses, but not to include banks, savings and loan associations or credit unions which are licensed under RSMo ch. 364 or 365, or pawn brokers governed by RSMo ch. 367, or retail merchants covered by RSMo ch. 400.2.

Sec. 15.3280. Use.

Use shall mean the purpose or activity for which the land, or building thereon, is designed, arranged or intended, or for which it is occupied or maintained.

Sec. 15.3290. Used car lot.

Used car lot shall mean a lot or parcel of land on which pre-owned or used motor vehicles, including, automobiles, trailers and trucks, are displayed for sale or trade.

Sec. 15.3300. Used merchandise store.

Used merchandise store shall mean the use of a building or premises primarily for the retail sale of used merchandise or secondhand goods, such as used clothes, antiques, secondhand books or rare manuscripts, or items of architectural salvage, but not including used cars or other motorized vehicles or pawn shops.

Sec. 15.3310. Uses subject to conditions.

Uses subject to conditions shall mean a use allowed in the particular zoning district upon a finding by the appropriate person that all of the special conditions delineated in the particular zoning district regulations are met in accordance with the provisions of this chapter.

Sec. 15.3320. Utility.

Utility shall mean any agency that, under public franchise or ownership, or under certificate of convenience and necessity, provides the public with electricity, gas, communication, water, sewage collection, rail transportation, or other such service. This definition shall also include a closely regulated private enterprise with exclusive franchise for providing a public service.

Sec. 15.3330. Utility company.

Utility company shall mean a private business providing electricity, natural gas, telephone, wireless communications or other services under the regulation of the Missouri Public Services Commission or license of the federal government.

Sec. 15.3340. Vacation.

Vacation shall mean the official abandonment of public right-of-way or easement by the City in accordance with state law.

Sec. 15.3350. Variance.

Variance shall mean a modification of the application of certain regulations or provisions of this chapter by the Board, in accordance with the procedure established by Article 2 of this chapter.

Sec. 15.3360. Vehicle, inoperative.

Vehicle, inoperative shall mean any wrecked, disabled or damaged vehicle. Any one of the following conditions shall be deemed prima facie evidence that a vehicle is inoperable:

- A. Placement of the vehicle or parts thereof upon jacks, blocks, chains or other supports;
- B. Absence of one or more parts of the vehicle necessary for the lawful operation of the vehicle upon the streets and highways;
- C. Storage of a vehicle with one or more deflated tires.

Sec. 15.3370. Vehicle, motor.

Vehicle, motor shall mean any passenger vehicle, motorcycle, recreational vehicle, truck, trailer truck, or semi-trailer that is propelled or drawn by mechanical power.

Sec. 15.3380. Veterinarian.

Veterinarian shall mean a veterinary hospital or clinic providing medical care and treatment for animals.

Sec. 15.3390. Warehousing and distribution.

Warehousing and distribution shall mean establishments or places of business primarily engaged in wholesaling, storage, distribution and handling of materials and equipment other than live animals and plants.

Sec. 15.3400. Wholesale establishment.

Wholesale establishment shall mean a business establishment primarily engaged in selling merchandise to other than the general public.

Sec. 15.3410. Wireless telecommunication.

Wireless telecommunication shall mean the transmission through the air of information in the form of electromagnetic or optical signals; including television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic or optical wireless communication.

Sec. 15.3420. Wireless telecommunication facility.

Wireless telecommunication facility shall mean a facility including antennas and transmitting and receiving equipment for wireless telecommunication, including personal wireless services facilities.

Sec. 15.3430. Yard.

Yard shall mean an open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this chapter. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between a lot line and the building, or any protrusions therefrom, shall be used. Where lots abut a street that is designated a thoroughfare street on the major street plan, all yards abutting the street shall be measured from a line one-half the proposed right-of-way width from the center line or from the lot line, whichever provides the greater setback. On other lots, all yards abutting a street shall be measured from a line 25 feet from the center line, or from the lot line, whichever provides the greater setback. The derivations of yard shall maintain the following definitions:

- A. 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.
- B. Yard, rear. A yard between the rear lot line and the rear of the main building and the side lot lines.
- C. Yard, side. A yard between the main building and the adjacent side line of the lot, and extending entirely from the front yard to the rear yard thereof.
- D. Yard, required. The minimum open space between a lot line and the buildable area of a lot within which no structure, parking area, or other obstruction shall be located except as provided by this chapter.
- E. Yard, required front. That yard established by the front setback requirement of this chapter and the established front lot line.

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- F. Yard, required rear. That yard established by the rear setback requirement of this chapter and the established rear lot line.
 - G. Yard, required side. That yard established by the side setback requirement of this chapter and the established side lot line.

Sec. 15.3440. Yoga.

Yoga shall mean a discipline with the intention of improving flexibility and promoting relaxation that utilizes either one or a combination of the following: (1) postures or poses, (2) meditation, or (3) breathing techniques.

Sec. 15.3445. Zero-lot line development dwelling.

See "Dwelling."

(Ord. No. 9907, § 4, 5-14-2024)

Sec. 15.3450. Zoning map.

Zoning map shall mean the Zoning District Maps of the City of Lee's Summit, Missouri.