

Chapter 10: Definitions.

A. General Provisions.

1. The terms “shall” and “must” are always mandatory. The word “may” is allowed and/or recommended but not required.
2. Words used in the present tense include the future tense.
3. Any words not defined in this UDO shall be defined using the most recent version of the Merriam-Webster Dictionary. If a word or phrase is not defined within this dictionary, the Administrator shall provide a definition.

B. Definitions.

ABANDONED. Abandonment or cessation of the established use of the property or structure for a period of six (6) consecutive months, by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property.

ACCESS. A way or means of approach to provide vehicular or pedestrian physical entrance to a property.

ACCESSORY DWELLING. See DWELLING, ACCESSORY.

ACCESSORY STRUCTURE. See STRUCTURE, ACCESSORY.

ACCESSORY USE. See USE, ACCESSORY.

ADDITION. A structure added to the original structure at some time after the completion of the original, or an extension or increase in floor area or height of a building or structure.

ADMINISTRATOR. The person(s) appointed or designated by the Plan Commission to provide staff support to the PC and the BZA and to enforce the UDO under the supervision of the PC. The term also includes their designated representatives or staff.

ADULT ORIENTED BUSINESS. See SEXUALLY ORIENTED BUSINESS.

AGRICULTURE. See CROP PRODUCTION, LIVESTOCK/AQUACULTURE.

ALLEY. A right-of-way other than a street or crosswalk that is designed to provide a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATION. Any change or rearrangement in the supporting members of an existing structure, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a structure, whether horizontally or vertically, or the moving of a structure from one location to another.

ALTERATION, INCIDENTAL. Modifications to an existing structure that are of a cosmetic nature, replacement of utilities, or rearrangement of non-load-bearing partitions.

ALTERATION, STRUCTURAL. Any change in either the supporting members of a structure, such as bearing walls, columns, beams, and girders, or in the dimensions or configurations of the roof or exterior walls.

ANTENNA. A device or equipment used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based structures.

APPEAL. In accordance with IC 36-7-4-918.1, the appeal of an order, requirement, decision, or determination made by the Administrator in the enforcement of this UDO that, upon application, the BZA may reverse or affirm, wholly, or partially.

APPLICANT. A person submitting an application to the PC or BZA for action or permits that would affect the subject real estate.

ASSEMBLY HALL. See STADIUM.

AUDITOR. The Auditor for Boone County, Indiana.

AUTOMOBILE. A self-propelled, free-moving vehicle with four (4) wheels or less, designed for carrying ten (10) passengers or less and licensed by the appropriate state agency as a passenger vehicle.

AUTOMOBILE ORIENTED BUSINESS. A business that includes services rendered directly on, to, or for vehicles. Uses include automobile accessory installation, automobile parts sales, car washes, and similar non-repair type uses.

AUTOMOBILE SERVICE STATION. A business establishment where gasoline (stored only in underground tank), kerosene, lubricating oil or grease (for operation of automobiles), are offered for sale to the public on the premises, along with minor accessories and service for automobiles (but not including major automobile repairs), and the washing of automobiles where no chain conveyor, blower or steam cleaning device is used.

AUTOMOTIVE AND VEHICLE REPAIR. Business that provides service or repair to automobiles, motorcycles, recreational vehicles (RV), trailers, boats, heavy equipment (such as bulldozers, backhoes, and similar), and similar vehicles. All service must occur within an enclosed structure or not be visible from any public right-of-way. Uses include, but are not limited to, tire sales and service, and oil change establishments. See VEHICLE, INOPERABLE.

AUTOMOTIVE AND VEHICLE SALES. Business that sells or leases new and/or used vehicles including, but not limited to, automobiles, motorcycles, recreational vehicles (RV), trailers, boats, heavy equipment (such as bulldozers, backhoes, etc.), and similar vehicles.

AVERAGE SETBACK. See SETBACK, AVERAGE.

AWNING. A roof-like cover that is temporary or portable in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements. An awning may be periodically retracted into the face of the building. See CANOPY.

BAR. See TAVERN.

BED AND BREAKFAST. With regard to IC 16-41-31-1, an operator-occupied residence that meets the following conditions and does not include hotels, motels, boarding houses, or food service establishments:

- Provides sleeping accommodations to the public for a fee;
- Has not more than fourteen (14) guest rooms;
- Provides breakfast to the guests as part of the fee;
- Provides sleep accommodations for not more than thirty (30) consecutive days to a particular guest.

BERM. An earthen mound designed to provide screening and buffering from undesirable views and adjacent incompatible uses.

BOARDING HOUSE. An establishment that offers rooms for rent not available to transients, in which meals are regularly provided for compensation for at least three (3) inhabitants. Boarding houses do not include bed and breakfasts, multi-family residential dwellings, hotels, or motels.

BOARD OF ZONING APPEALS (BZA). The Town of Thorntown Advisory Board of Zoning Appeals for the jurisdiction. An officially constituted body whose principal duties are to hear appeals and, where appropriate, grant variances from the strict application of the UDO.

BLOCK. A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

BREWERY/DISTILLERY. A licensed building or property whose primary purpose is to produce and sell alcoholic beverages for distribution and may include accessory commercial facilities such as a tasting room, restaurant, and event facilities. For purposes of this UDO, this use is considered service-oriented retail.

BUFFER YARD. A unit of yard together with the planting thereon required to separate land uses from each other and mitigate the impact that a use may have on an adjacent use.

BUILDING. See STRUCTURE.

BUILDING HEIGHT. The vertical distance measured from lowest ground level adjacent to the building at the front of the structure to the highest point of the structure, roof, or peak. Building height does not include cellular towers, antennas, chimneys, steeples, or agricultural/industrial appurtenances.

BUILDING INSPECTOR. The Administrator or their designee who is empowered to review, approve, and inspect BPs, ILPs, and LAPs concerning the enforcement of the applicable building codes and the regulations established by this UDO.

BUILDING LINE. See SETBACK LINE.

BULK SOLID WASTE CONTAINER. A container intended for construction waste material or other refuse, excluding garbage, for the purpose of removing said material from a site.

BUSINESS. The engaging in the purchase, sale, barter, or exchange of goods, wares, merchandise or services, the maintenance or operation of offices, or recreational and amusement enterprises for profit.

CANOPY. A free-standing structure that projects from a building façade and is mounted to the ground. A canopy is typically metal with a cloth covering.

CARGO CONTAINER. A container intended for multi-modal transportation via sea-going vessel, train, and truck trailer. These containers are self-contained without axles or wheels.

CEMETERY. A parcel used for the burial of the dead (human or animal) and dedicated for cemetery purposes, including columbarium, and mausoleums. It may include mortuaries if operated in conjunction with and within the boundary of the cemetery.

CHANGE IN USE. A change from one land use classification to another land use classification. A change in ownership does not constitute a change in use.

CHILD CARE CENTER. Per IC 12-7-2-28.4, a non-residential structure where at least one (1) child receives care from a provider while unattended by a parent, legal guardian, or custodian; for regular compensation; and for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive calendar days per year, excluding intervening Saturdays, Sundays, and holidays. This includes both licensed and unlicensed centers as well as child care ministries but excludes child care home (in-home child care).

CHILD CARE HOME (IN-HOME CHILD CARE). Per IC 12-7-2-28.6, a residential structure in which at least six (6) children but not more than twelve (12) (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative) at any time receive child care from a provider while unattended by a parent, legal guardian, or custodian; for regular compensation; and for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive calendar days per year, excluding intervening Saturdays, Sundays, and holidays. For the purposes of this UDO, a child care home includes both licensed and unlicensed providers. For the purposes of this UDO, this use is considered a home-based business. Class I child care homes and Class II child care homes are defined in IC 12-7-2-33.7 and 33.8, respectively.

CHURCH/TEMPLE/MOSQUE. A structure, together with its accessory structures and uses, where persons regularly assemble for religious purposes and related social events and which structures, together with accessory structures and uses, is maintained, and controlled by and/or affiliated with a religious body organized to sustain religious ceremonies and purposes.

CLINIC/OUTPATIENT SERVICES. A structure where patients are admitted for examination and treatment on an outpatient basis by physicians, dentists, other medical professionals, psychologists, or social workers and where such examination and treatment require a stay of less than twenty-four (24) hours. This use can include on-site administering of medication but does not include dispensing of medication for off-site use.

CLUB, PRIVATE. A structure or portion thereof or premises owned or operated by a person or group for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests, excluding adult or sexually oriented activities. This does not include any use or activity rendering a service usually and ordinarily carried out as a business, including restaurants, food service, fitness center, or retail membership clubs.

COLLOCATION. The placement or installation of wireless facilities on existing structures that include a wireless facility or wireless support structure, including water towers, and other structures. The term includes the placement, replacement, or modification of wireless facilities within an approved equipment compound.

COMMERCIAL MESSAGE. Any wording, logo, or other visual representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

COMMITMENT. A covenant concerning the use or development of a parcel of real property which is made in writing by the owner of that parcel, either voluntarily or in accordance with an order or request of the PC, BZA, or the legislative body.

COMMON AREA. Land within or related to a development, not individually owned, or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and their guests and that may include such complementary structures and improvements as are necessary and appropriate.

COMPREHENSIVE CARE FACILITY. See NURSING HOME/ASSISTED LIVING FACILITY.

COMPREHENSIVE PLAN. The Comprehensive Plan for the jurisdiction as approved by the legislative body under IC 36-7-4-500 series that may be amended from time to time.

CONDOMINIUM. A structure, or group of structures, in which dwelling units, offices, or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis and subject to IC 32-1-6.

CONTRACTOR CONSTRUCTION OFFICE. A structure(s), area(s), or parcel(s) used for conducting business and/or storing materials and/or equipment for contractors in the construction trades. Outdoor storage is only allowed if expressly permitted by the subject zoning district, see Chapter 3: Site Development Standards. For the purposes of this UDO, this use is considered professional services/business offices.

CONTRACTOR STORAGE YARD. An unenclosed portion of a lot or parcel upon which a construction contractor stores construction equipment and/or materials customarily used in the trade carried on by the contractor.

COUNTY. Boone County, Indiana.

COVENANT. A restriction on the use of a parcel, usually set forth in the deed. Covenants are binding on subsequent owners and may run for specific periods of time.

CREMATORY (CREMATORIUM). A place where the bodies of the deceased are cremated. This use may include auxiliary uses, such as funeral homes, mortuaries, or cemeteries.

DAY, BUSINESS. As defined in IC 1-1-9-1, a day other than a Saturday, Sunday, or a legal holiday.

DAY, CALENDAR. Any day of the week, including weekends.

DAY CARE, PET. See KENNEL.

DEED. A legal document conveying ownership of real property.

DENSITY. The number of dwelling units per unit of land.

DENSITY, GROSS. The density calculated using all land and areas within the development boundaries.

DENSITY, NET. The density calculated using only includes the developable areas within the development boundaries. Net density would exclude streets, easements, water areas, lands not developed due to environmental constraints, parkland, common areas, and other undevelopable areas.

DEVELOPER. Any person engaged in developing a lot, group of lots, structures, or group of structures thereon for use or occupancy.

DEVELOPMENT PLAN. Approval granted by the PC in accordance with IC 36-7-4-1400 series for a specific plan for the development of a parcel that:

- Requires approval by the PC (or delegated to the Administrator);
- Includes a site plan;
- Satisfies the development requirements specified in the UDO regulating the development; and
- Contains the plan documentation and supporting information required by the UDO regulating development.

DISTRICT, ZONING. See ZONING DISTRICT.

DRAINAGE PLAN. The proposed drainage system that is designed to manage the amount and rate of the stormwater runoff from a site as well as the quality of the runoff discharged from the site.

DRIVEWAY. A private access drive to a street or highway for a single residential parcel.

DRIVEWAY, COMMERCIAL. A private driveway serving a non-residential use.

DRIVEWAY, SHARED. A single, shared private driveway serving no more than two (2) residential parcels inside the town limits or four (4) residential parcels outside the town limits. Access to more than four (4) residential parcels shall be provided with a public road.

DUMP. A parcel or portion of a parcel where garbage, sewage, trash, refuse, junk, discarded machinery, vehicles, and other waste, scrap, or discarded material of any kind are disposed of by dumping, burial, burning, or other means.

DUMPSTER. An exterior waste container designed to be mechanically lifted by and emptied into or carted away by a collection vehicle.

DUPLEX. See DWELLING, TWO-FAMILY.

DWELLING. A structure, or part of a building, which is used exclusively for human habitation, but not including a hotel, motel, lodging house, boarding house, or bed and breakfast as may be defined in this UDO.

DWELLING, ACCESSORY. An attached or detached dwelling unit that is smaller than the existing single-family structure and provides a separate means of access and complete independent living facilities for one (1) or more persons. An accessory dwelling unit provides permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot as the primary single-family dwelling unit.

DWELLING, MULTI-FAMILY. A structure(s) that is located on a single parcel containing three (3) or more dwelling units, including units that are located on one (1) or more stories.

DWELLING, SINGLE-FAMILY. A dwelling on a single parcel containing one (1) dwelling unit and that is not attached to any other dwelling by any means and is surrounded by open space or yards. This definition does not include attached single-family dwellings.

DWELLING, SINGLE-FAMILY ATTACHED. One (1) dwelling on a single parcel with ground-floor outside access, attached to two (2) or more single-family dwellings by common vertical walls without openings between dwellings (the dwelling is built to the lot line where it is attached or touching an adjacent single-family dwelling through a common or exterior wall). Examples include, but are not limited to, townhomes, and patio homes.

DWELLING, SINGLE-FAMILY TEMPORARY. The temporary placement of a manufactured home permitted with a building permit for one (1) of the following purposes:

- Temporary residential occupancy for persons intending to build a permanent residence on the same property or
- Temporary residential occupancy of a manufactured home adjacent to the permanent residence of someone who is able to provide care or in need of care.

DWELLING, TOWNHOME. A single-family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one (1) or more vertical common fire-resistant walls.

DWELLING, TWO-FAMILY. A dwelling on a single parcel containing two (2) dwelling units, each of which is totally separated from the other by an unpierced wall extended from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

DWELLING UNIT. A room or group of rooms designed and equipped exclusively for use as living quarters for only one (1) family and its household employees, including provisions for living, eating, sleeping, and cooking. The term shall include manufactured homes but shall not include RVs.

EASEMENT. A grant of one (1) or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.

EASEMENT, UTILITY. The right-of-way that is acquired by a utility or governmental agency to locate utilities, including all types of pipelines, telephone and electric cables, and towers.

EASEMENT, PERPETUAL UNOBSTRUCTED. See PERPETUAL UNOBSTRUCTED EASEMENT.

ESTABLISHMENT OF A BUSINESS. Any of the following:

- The opening or commencement of any use as a new business;
- The conversion of an existing business to any other business;
- The addition of any business other than the existing business; or
- The relocation of any business.

EVENT VENUE, RURAL. A temporary or permanent venue located in an agriculturally zoned or agriculturally used area for special functions such as weddings, receptions, corporate meetings, or similar gatherings.

EVERGREEN. With regard to performance or other surety, a loan that is continually renewed rather than repaid until released by the legislative body.

FAIR HOUSING FACILITY. To prevent the discrimination of mentally or physically disabled persons, these facilities have been identified as types of housing that are permitted in certain districts, but still must meet "nondiscriminatory" health, fire, safety, and building regulations.

FAIR HOUSING FACILITY (LARGE). These facilities include:

- Group homes for children in need of service under IC 31-34-1 or children who have committed a delinquent act under IC 31-37-2-2, IC 31-37-2-3, or IC 31-37-2-5; and specifically, a facility that houses more than ten (10) children.
- Residential Facility for the Developmentally Disabled which provides residential services for more than eight (8) developmentally disabled individuals as described in IC 12-28-4.

FAIR HOUSING FACILITY (SMALL). These facilities are permitted in any single-family or multiple-family residential zoning district and include:

- Group homes for children in need of service under IC 31-34-1 or children who have committed a delinquent act under IC 31-37-2-2, IC 31-37-2-3, or IC 31-37-2-5; and specifically, a facility that houses not more than ten (10) children.
- Residential Facility for the Developmentally Disabled which provides residential services for eight (8) developmentally disabled individuals or less as described in IC 12-28-4.
- Residential Facility for the Mentally Ill which provides residential services for mentally ill individuals as described in IC 12-28-4. No two (2) Residential Facilities for the Mentally Ill shall be within 3,000 feet of one another in the planning jurisdiction as stated in Indiana Code.

FARM. A parcel where the primary use is for crop production, livestock, or aquaculture. See CROP PRODUCTION.

FARMERS MARKET. The seasonal selling or offering for sale at retail of vegetables or produce, animal products, flowers, orchard products, and similar non-animal agricultural products, occurring in a predesignated area, where the vendors are individuals who have raised the vegetables or produce or have taken the same on consignment for retail sale.

FENCE. An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

FENCE, SOLID. A fence constructed of a substantial material, such as wood or vinyl, which prevents viewing from one side to the other. For purposes of this UDO, a chain link fence with slat inserts or a shadowbox fence is not considered a solid fence.

FLAG LOT. See LOT, FLAG.

FLOOD HAZARD. See the flood hazard ordinance for the Town of Thorntown.

FLOOR AREA. Area of all floors of all buildings or structures.

FLOOR AREA, GROSS. The sum of the gross horizontal areas of all enclosed floors of a structure, including stairwells, elevator shafts, cellars, basements, mezzanines, penthouses, corridors, and lobbies from the exterior walls, or from the centerline of a common wall separating two (2) buildings, but excluding any space with a floor-to-ceiling height of less than six and a half (6.5) feet.

FLOOR AREA, GROUND. The sum of the gross horizontal areas of all enclosed areas of the first or ground floor of a structure, measured from the outside dimensions of the ground floor of the structure. It does not include any exterior areas such as garage areas, crawl spaces, attic area, porches, patios, etc.

FLOOR AREA, NET. The total gross floor area excluding stairwells, elevator shafts, equipment rooms, interior parking/loading, and any floors below the first or ground floor that are not intended or used for human habitation or service to the public.

FOUNDATION. The supporting member of a wall or structure below or at ground level and includes footings.

FRONTAGE. That side of a parcel that abuts and has direct access to a dedicated street.

FRONTAGE STREET. A street that is parallel to and adjacent to a thoroughfare and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the thoroughfare so that it is not impeded by direct driveway access from a large number of abutting properties.

FUNERAL HOME. A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation.

GARAGE SALE. The sale or offering for sale to the general public of items of personal property by the owner or tenant of an improved residential lot or in a residential district, whether within or outside any building, occurring for no more than three (3) consecutive days and a maximum of four (4) times in a calendar year. If the frequency is greater than this, then the activity is considered to be a general retail use, and the applicable standards shall apply.

GARAGE, PARKING. Any garage, other than private garage, for the parking of vehicles.

GARAGE, PRIVATE. An accessory structure that is incidental to a primary structure and that is used for the parking and storage of vehicles owned and operated by the residents or occupants thereof and that is not a separate commercial enterprise available to the general public. Private garages shall not count towards the minimum living area of a dwelling.

GRADE. Defined as:

- The average elevation of the land around a building;
- The percentage of rise or descent of a sloping surface.

GRADE, FINISHED. The final elevation of the average ground level adjoining a building at all exterior walls after development.

GREENHOUSE/NURSERY, COMMERCIAL. Land, structures, or a combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for general retail sale or wholesale sale on the premises including products used for gardening and landscaping. For the purposes of this UDO, a commercial greenhouse may include nursery sales without a greenhouse structure.

GROSS FLOOR AREA. See FLOOR AREA, GROSS.

GROUND FLOOR AREA. See FLOOR AREA, GROUND.

GROUP HOME. A non-profit or for-profit providing sheltered care of persons in need of care, support, or supervision, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services, and transportation. Examples include but are not limited to residential treatment facilities, halfway houses, intermediate care facilities, youth homes/shelters, developmentally disabled care, and homeless shelters. For purposes of this UDO, a group home does not include a nursing home or an assisted living facility.

GUARANTEE. Cash, letters of credit, bonds, or similar financial instruments deposited with the municipality to ensure that required improvements will be constructed or installed.

HARDSHIP. An actual or perceived difficulty with regard to one's ability to improve land stemming from the application of the development standards of this UDO, which may or may not be subject to relief by means of a variance. In and of themselves, self-imposed situations and claims based on a perceived reduction of or restriction on economic gain shall not be considered hardships. Self-imposed situations include: the purchase of land with actual or constructive knowledge that, for reasons other than physical characteristics of the property, the development standards herein will inhibit the desired improvement; any improvement initiated

in violation of the standards of this UDO; any result of land division requiring variance from the development standards of this UDO in order to render that site buildable.

HAZARDOUS WASTE. A waste or combination of wastes that, because of its quantity; concentration; or physical, chemical, and/or infectious characteristics; may

- cause or significantly contribute to an increase in mortality or increase in serious irreversible, or incapacitating reversible illness; or
- pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

HISTORIC STRUCTURE. Any structure that is:

- Listed individually on the National Register of Historic Places (a listing maintained by the Department of the Interior) or determined by the United States Secretary of the Interior as eligible for individual listing on the National Register; or
- Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district; or
- Listed on or determined eligible for the National Register of Historic Places as contributing to the significance of a historic district; or
- Individually listed on the Indiana Register of Historic Sites and Structures; or
- Located in an area designated as a local historic district.

HOBBY FARMING. The use of land for purposes including: dairying, pasturage, apiculture, agriculture, horticulture, floriculture, viticulture, and raising farm animals. Hobby farming use(s) shall not exceed forty percent (40%) of the land area of the lot. Hobby farming shall not include feed lots, stock yards, or livestock operations.

HOME OCCUPATION. Any activity carried out for economic gain by a resident and conducted entirely within the resident's dwelling unit or entirely within an accessory structure upon the same premises as the primary dwelling unit where clients, guests, or customers occasionally visit the property, but no employees (other than the resident(s) of the dwelling) work on or need access to the premises. For the purposes of this UDO, uses such as a short-term rental, child care, or other business activity where non-residents are accessing the site are not considered a home occupation. See HOME-BASED BUSINESS WITH EMPLOYEES.

HOME-BASED BUSINESS WITH EMPLOYEES. Any activity carried out for economic gain by a resident and conducted entirely within the resident's dwelling unit or entirely within an accessory structure upon the same premises as the primary dwelling unit where limited clients, guests, customers, or employees (other than the resident(s) of the dwelling) access the premises. See HOME OCCUPATION.

HOMEOWNERS ASSOCIATION. A community association, other than a condominium association, which is organized in a development in which individual owners share common interests and responsibilities for costs and upkeep of common area or facilities.

HOSPITAL. An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including as an integral part of the institution related facilities, such as laboratories, outpatient facilities, training facilities, medical offices, and staff residences.

HOTEL. A facility offering transient lodging accommodations to the general public, and which may include additional facilities and services, such as restaurants, meeting rooms, entertainment, personal services, and recreational facilities.

IMPERVIOUS SURFACE. A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. Examples of impervious surfaces include buildings, structures, sheds, patios, concrete, and asphalt. For the purposes of this UDO, gravel shall be considered an impervious surface.

IMPROVEMENT LOCATION PERMIT (ILP). An improvement location permit which is written permission issued by the Administrator for the construction, repair, alteration, or addition to a structure that complies with the applicable building codes and the regulations established by this UDO.

INDUSTRIAL, HEAVY. An establishment engaged in basic processing and manufacturing of materials or products predominately from extracted or raw materials into new products, including assembling, converting, altering, finishing of component parts, or the manufacture of such products, and the storage and/or blending of large volumes of materials of a heavy nature, including but not limited to metal, concrete, plastic, petrochemicals, and heavy machinery. These uses can include highly flammable, toxic, or explosive materials needed in the process. Heavy manufacturing uses processes that ordinarily have greater than average impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare or health and safety. Uses can include, but are not limited to, concrete batch plants; automobile, truck, or tire assembly; ammonia or chlorine manufacturing; metal casting or foundries; grain milling or processing; metal or metal ore production; refining, smelting, or alloying; boat, pool, and spa manufacturing; glass manufacturing; paper manufacturing; wood or lumber processing.

INDUSTRIAL, LIGHT. An establishment engaged in the transformation of finished products or parts into new products, including assembling, converting, altering, and finishing of component parts; or the manufacturer of products and the blending of materials of a light nature, including paper, wood, or food products and light machinery. Light manufacturing is limited to manufacturing items from predominantly previously prepared or finished products or parts, including electronic goods, food, and bakery products; nonalcoholic beverages; paper imprinting and publishing; household appliances assembly; and clothing apparel. All activities must take place within an enclosed building and does not include any use that produces noise, fumes, smoke, odors, glare, or health and safety concerns outside of the building or lot where such processes occur. Light manufacturing does not include industrial processing.

INFRASTRUCTURE. Facilities and services that are needed to sustain all land use activities.

INSTITUTIONAL USE. A nonprofit, religious, or public use, such as a religious structure, library, public or private school, hospital, or government-owned or government-operated structure, or parcel used for public purpose.

IRREVOCABLE. Not able to be changed, reversed, or recovered.

JUNK. Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed of, or for other use or disposition. Examples of junk include unregistered and inoperative vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, machinery, brush, wood, and lumber. Farm equipment may not necessarily be included in this definition at the discretion of the Administrator.

JUNKYARD. Any lot, land, parcel, structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of junk.

JURISDICTION. The incorporated area of the Town of Thorntown as well as the area of extended jurisdiction.

KENNEL, ACCESSORY. The keeping, breeding, raising, showing, or training of four (4) or more dogs over four (4) months of age for personal enjoyment of the owner or occupant of the property. A private kennel does not include livestock, the sale of any animals, and/or breeding of animals that are sold.

KENNEL. An establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained, and/or sold for a fee or compensation. Any veterinary facility that provides overnight boarding as its primary service or any outdoor housing of animals is considered a public kennel. Dog or pet day cares are considered a public kennel.

LANDFILL. A disposal site in which refuse and earth, or other suitable cover material, are deposited and compacted in alternating layers of specified depth in accordance with an approved plan and regulated by the applicable sections of 40 CFR.

LANDFILL, SANITARY. A solid waste land disposal facility designed to accommodate general types of solid waste as elsewhere defined in this ordinance, excluding waste regulated by 329 IAC 3, and operated by spreading the waste in thin layers, compacting it to the smallest practical volume, and covering it with cover material at the end of each working day. This definition does not include a clean fill site, or a construction/demolition site, which are defined elsewhere in the ordinance.

LEGISLATIVE BODY. The Town Council of Thorntown, Indiana.

LETTER OF CREDIT. A letter issued by a bank permitting the person or agency named in it to draw a certain amount of money from another specified bank, usually accepted in the same manner as cash or bonds to ensure the installation or construction of required improvements.

LIGHTING PLAN. A plan showing the location, height above grade, type of illumination, type of fixture, the source lumens, and the luminous area for each source of light proposed.

LIVESTOCK. Animal husbandry activities (breeding and caring for farm animals) for the production of animals and/or animal products that will be consumed by others and/or sold, such as dairies, livestock farming, and similar uses that do not require an IDEM permit. This also includes pastureland and meadows used for livestock rearing as well as harvesting of aquatic animals and organisms.

LIVING AREA. The total interior habitable area of a structure on all floors or levels measured from the interior faces of the exterior walls and does not include unfinished basements, unfinished attics, and attached garages that are not intended for human habitation.

LOADING AREA. An off-street space or berth used for the loading or unloading of cargo, products, or materials from vehicles.

LODGING HOUSE. A facility in which rental sleeping accommodations are provided and in which meals also may be supplied as part of the rent. See BED AND BREAKFAST, BOARDING HOUSE, and HOTEL.

LODGE. See CLUB, PRIVATE.

LOT. A designated parcel of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

LOT, CORNER. A lot or parcel of land at the junction of or abutting two (2) or more intersecting streets. Corner lots have two (2) front yard setbacks and two (2) side yard setbacks.

LOT, FLAG. A lot where the major portion of the parcel has access to a public road or street by means of a narrow strip of land called the “flagpole.” See Chapter 2: Zoning Districts and Overlay Districts for minimum lot width and frontage. The flagpole portion of the lot shall not be used in determining setbacks or in calculating lot size for zoning and building purposes.

LOT, THROUGH. A parcel that fronts on two (2) parallel streets or that fronts on two (2) streets that do not intersect at the boundaries of the parcel.

LOT AREA. The total area that is within the lot lines of a parcel, excluding any rights-of-way.

LOT COVERAGE. That part of the parcel that is covered by impervious surfaces. See also IMPERVIOUS SURFACE.

LOT DEPTH. The average horizontal distance between the front lot line and rear lot line.

LOT LINE. A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.

LOT LINE, FRONT. Any property line separating the lot from a street, or on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.

LOT LINE, REAR. The lot line opposite and most distant from the front lot line. A lot bounded by only three (3) lot lines will not have a rear lot line.

LOT LINE, SIDE. Any lot boundary-line other than a front lot line or rear lot line.

LOT OF RECORD. A lot that exists as shown or described on a plat or deed in the records of the County Recorder.

LOT WIDTH. The horizontal distance between side lot lines of a lot, measured at the required front setback line. See LOT, FLAG for lot width for a flag lot.

MANUFACTURED HOME. Formerly known as a mobile home, a manufactured home is built to the Manufactured Home Construction and Safety Standards (HUD Code) and displays a red certification label on the exterior of each transportable section. A manufactured home was constructed after June 15, 1976, and is defined in IC 16-41-27-3.5, as a structure, transportable in one (1) or more sections, which, in traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and compiles with the standards established under the cited Federal chapter; and except that such term shall not include any RV.

MANUFACTURED HOME PARK. As defined in IC 16-41-27-5, a manufactured home park or community consists of one (1) or more parcels of land that contain individual lots that are leased or otherwise contracted and are owned, operated, or under the control of one (1) or more persons on which a total of at least five (5) manufactured homes are located for the purpose of being occupied as principal residences. The term includes the following:

- All real and personal property used in the operation of the manufactured home community;
- A single parcel of land;
- Contiguous but separately owned parcels of land that are jointly operated;
- Parcels of land jointly operated and connected by a private street;
- One (1) or more parcels of land, if at least two (2) of the manufactured homes or manufactured homes located on the land are accessible from a private street or interconnected private streets, served by a common water distribution system, or served by a common sewer system or SEPTIC system.

MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS CODES. Title VI of the 1974 Housing and Community Development Act (42 USC 5401 et sequential), as amended (previously known as the Federal manufactured home Construction and Safety act), rules and regulations adopted there under (including information supplied by the home manufacturer, which has been stamped and approved by a Design Approval Primary Inspection Agency, an agent of the U.S. Department of Housing and Urban Development pursuant to HUD rules), and regulations and interpretations of said code by the Indiana Department of Fire and Safety, all of which became effective for manufactured home construction on June 15, 1976.

MANUFACTURING. Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials such as oils, plastics, resins, or liquors. See INDUSTRIAL, LIGHT; INDUSTRIAL, HEAVY, and PROCESSING.

MARKER or MONUMENT. A pipe, rod, nail, or any other object which is intended to be a permanent survey point for record purposes.

MEDICAL AND DOCTOR OFFICES. Uses whose primary purpose is to provide diagnosis and treatment for medical, dental, and psychiatric outpatient care, where there is no dispensing of medication and patients/clients are not admitted. Uses include doctor office, dentist office, optician office, and similar uses not defined elsewhere in this UDO. For purposes of this UDO, medical offices and clinics are considered professional services/business offices.

METES AND BOUNDS. A method of describing the boundaries of land by distances (metes) and directions (bounds) from a known point of reference.

MINIMUM LIVING AREA. See LIVING AREA, MINIMUM.

MOBILE HOME. Now known as a manufactured home, a mobile home was constructed prior to June 15, 1976, and even with modifications, does not meet the HUD standards and cannot be accepted as compliant with the HUD Code. A mobile home is defined in IC 16-41-27-4 as a dwelling, including the equipment sold that is a dwelling, which is:

- Factory assembled;
- Transportable;
- Intended for year-round occupancy;
- Designed for transportation on its own chassis; and
- Was manufactured before the effective date of the federal Manufactured Housing Construction and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.).

MODULAR HOME. A unit which is fabricated in one or more modules at a location other than the home site, by assembly-line type production techniques or by other construction methods unique to an off-site manufacturing process, designed for occupancy by one family unit. Every module shall bear the Indiana Modular seal certifying that it was built in compliance with the Rules of the Indiana Fire Prevention and Building Safety Commission. A modular home is placed on a permanent foundation and is built to the Indiana One- and Two-Family Dwelling Code.

MOTEL. See HOTEL.

NON-CONFORMING LOT. A parcel, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the UDO, but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

NON-CONFORMING STRUCTURE. A structure, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the UDO but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the UDO.

NON-CONFORMING USE. A use or activity that was lawful prior to the adoption, revision, or amendment of the UDO but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the district.

NUISANCE. A condition or situation that results in an interference with the enjoyment and use of property.

NURSERY. See GREENHOUSE/NURSERY, COMMERCIAL.

NURSING HOME/ASSISTED LIVING FACILITY. A public or private residential facility (short or long-term) which houses patients suffering from disease, disabilities, or advanced age who require medical service and nursing service rendered by or under the supervision of a registered nurse. For purposes of this UDO, a comprehensive care facility is considered a nursing home.

OPEN SPACE. Common area that provides light and air and is designed for environmental, scenic, or recreational purposes. Cropland, forested areas, or pastureland qualifies as open space. Open space may include turf areas, decorative plantings, walkways, active and passive recreation areas, playgrounds, and wooded areas. Open space shall not include areas denoted as drainage areas or areas devoted to public or private streets or rights-of-way.

OPEN SPACE, OVERALL DEVELOPMENT. The minimum open space required based on the total or gross density. This includes all land and areas within the development boundaries, including proposed rights-of-way, drainage areas, non-buildable areas, and similar area or features.

OUTPATIENT SERVICES. See CLINIC/OUTPATIENT SERVICES.

OUTDOOR STORAGE. The keeping of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours that is not within an enclosed structure.

OVERLAY DISTRICT. A zoning district that encompasses one (1) or more underlying zones and that imposes additional requirements above that required by the underlying zone.

PARCEL. See LOT.

PARCEL, PARENT. The parcel of land for which approval is sought to subdivide it into at least two (2) parcels, or other divisions of land for sale, development, or lease.

PARKING AREA. Any public or private area, under or outside of a structure, designed and used for parking and maneuvering motor vehicles including garages, private driveways, and legally designated areas of public streets.

PARKING LOT. An off-street, ground-level open area that provides temporary storage for motor vehicles.

PARKING SPACE. A space other than on a street or alley designed for use or used for the temporary parking of a motor vehicle.

PERPETUAL UNOBSTRUCTED EASEMENT. An easement that is self-perpetuating, runs with the land, and cannot be revoked or vacated without approval of all easement holders or parties. No structures can be placed within the easement that limit or impede ADA accessibility.

PET, HOUSEHOLD. An animal residing within a dwelling unit, not raised for the production of products or for sale, and limited to dogs, cats, rabbits, hamsters, gerbils, and guinea pigs.

PLACE OF WORSHIP. See CHURCH/TEMPLE/MOSQUE. Defined as:

- A church, synagogue, temple, mosque, or other facility or area that is used for prayer by persons of similar beliefs;
- A special-purpose building or area that is architecturally designed and particularly adapted for the primary use of conducting formal religious services on a regular basis.

PLAN COMMISSION (PC). The Town of Thorntown Advisory Plan Commission for the jurisdiction.

PLANNED UNIT DEVELOPMENT (PUD). A planned unit development that is a zoning district established to allow development of an area of land as a single entity for a number of uses conforming to an approved development plan, which may not correspond with number of units, bulk, type of use, density, open space, parking, sign requirements, landscaping, or other standards required by other ordinances; a zoning district for which a PUD ordinance is required.

PLAT. A map or chart indicating the subdivision or re-plat of land intended to be filed for record.

PLAT, PRIMARY. A drawing indicating the subdivision or re-subdivision of land, prepared in accordance with the requirements of this UDO and submitted by the subdivider as part of the subdivision plan.

PLAT, SECONDARY. A map indicating the subdivision of land, intended to be recorded and prepared in accordance with the requirements of this UDO.

PLAT COMMITTEE. In accordance with IC 36-7-4-701(e), a subcommittee created by the PC to hold hearings on minor residential subdivisions and re-plats on behalf of the PC in accordance with the Rules and Procedures of the PC.

PLOT PLAN. A scaled, dimensional drawing of a parcel of land showing the actual measurements, the size and location of any existing buildings or any proposed buildings to be erected, the location of the lot in relation to abutting streets, and any other information as required.

POND. A body of standing water that has a depth greater than two (2) feet and an area of two hundred and twenty-five (225) square feet. For the purposes of this UDO, a pond and lake are considered to be the same.

PORTABLE STORAGE CONTAINER. A self-storage container which is delivered to and retrieved from a home or business for off-site or on-site storage. Portable On Demand Storage (PODS) are a familiar trade name for such containers. These containers are not on a chassis and do not have axles or wheels.

PROCESSING. A series of operations, usually in a continuous and regular action or succession of actions, taking place or carried on in a definite manner. See MANUFACTURING.

PROFESSIONAL SERVICES AND BUSINESS OFFICES. Uses whose primary purpose is to provide professional services or advice that occurs within a business office setting. The majority of people accessing the site are typically employees but can also have customers or clients that access the business. This use does not include adult businesses, service-oriented retail, general retail, or other uses specifically defined within this UDO or separately listed in the Permitted Land Uses in Chapter 2: Zoning Districts and Overlay Districts. Examples of this use include, but are not limited to, the following:

- Professional service or business offices, such as accounting or advertising, architectural or engineering, attorney or legal, communication or marketing, financial, insurance, investment, professional consulting, real estate, tax, trade association and travel agency services or offices, and similar service or repair that occurs within a business office setting.
- Medical and doctor offices as defined by this UDO.
- Contractor construction office.

PUBLIC AREA. Parks, playgrounds, trails, paths, and other recreational areas and open spaces; scenic and historic sites; schools and other structures; and other places where the public is directly or indirectly invited to visit or permitted to congregate.

PUBLIC HEARING. A meeting announced and advertised in advance and open to the public, with public given an opportunity to talk and participate.

PUBLIC IMPROVEMENT. Any improvement, facility, or service, together with its associated site or right-of-way, necessary to provide transportation, drainage, utilities, or similar essential services and facilities and that is usually owned and operated by a governmental agency.

PUBLIC MEETING. A meeting announced and advertised in advance and open to the public, where the public is not required to be given an opportunity to talk and participate.

PUBLIC SAFETY SERVICES. Those services including, but not limited to Police, Fire, EMS, and Public Works departments.

QUALITY OF LIFE. The attributes or amenities that combine to make an area a desirable place to live.

RACE TRACK. See STADIUM.

RECREATION AREA. An area designated, designed, and equipped for the conduct of sports and leisure-time activities.

RECREATIONAL VEHICLE (RV). A vehicular-type portable structure without a permanent foundation that can be towed, hauled, or driven and is designed as a temporary living accommodation for recreational and camping purposes. An RV may include, but is not limited to, campers, trailers, and other similar vehicles intended for overnight occupancy. A recreational vehicle shall not be used as a primary residence or for permanent occupancy outside of a campground. See WATERCRAFT.

RECREATIONAL VEHICLE PARK. Any parcel upon which two (2) or more sites are located, established, or maintained for occupancy by recreational vehicles for a fee as temporary living quarters for recreation or vacation purposes.

RECYCLING. A process by which materials that would otherwise become solid waste are collected, separated, or processed, and converted into materials or products for reuse or sale.

RECYCLING FACILITY. A place or area for the acceptance of recyclable materials from the public and may include the storage, separating, and/or processing of recyclable materials.

REDEVELOPMENT. The removal and replacement, rehabilitation, or adaptive reuse of an existing structure or structures, or of land from which previous improvements have been removed.

REGULARLY. The consistent and repeated doing of the act so described.

RENEWABLE ENERGY EASEMENT. An easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land.

RE-PLAT. Defined as:

- The further division of lots or the relocation of lot lines of any lot or lots within a subdivision previously approved and recorded according to law; or
- The alteration of any streets or rights-of-way or the establishment of any new streets or rights-of-way within any subdivision made and approved or recorded according to law, but not including conveyances made so as to combine existing lots by deed or other instrument.

RESEARCH AND DEVELOPMENT. An establishment engaged in testing, research, analysis, and product development that could include limited light assembly or limited production of components. This type of use occurs within a building that typically resembles an office and/or laboratory setting.

RESTAURANT. Establishment that provides food service with the majority of sales being food (versus alcohol) and is open to all ages. For the purposes of this UDO, a restaurant is considered Service-Oriented Retail.

RETAIL. Uses whose primary purpose is the sale of goods, services, entertainment, experiences, and/or merchandise to a consumer.

RETAIL (TYPE 1), VERY LOW INTENSITY. Retail businesses that have a very low impact on neighboring properties, traffic generation, and public safety. Example businesses include an art and craft gallery, flower shop, gift shop (small), jewelry store, and news dealer.

RETAIL (TYPE 2), LOW INTENSITY. Retail businesses that have a low impact on neighboring properties, traffic generation, and public safety. Example businesses include a bakery, book store (small), convenience store (small), craft gallery (small), drug store (small), and meat market.

RETAIL (TYPE 3), MEDIUM INTENSITY. Retail businesses that have a medium impact on neighboring properties, traffic generation, and public safety. Example businesses include an antique shop, apparel shop, art and craft supplies, book store, boutique, building supply store (small), convenience store (large), department store (small), drug store (large), fabric shop, furniture shop (small), garden shop, gift shop (large), grocery/supermarket (small), home electronics/appliance store (small), liquor sales, music/media shop, office supply store (small), party/event store (small), pawn shop, pet grooming/store, plant nursery, print shop/copy center, pro shop, quick cash/check cashing, shoe store/repair, sign shop, sporting goods (small), variety store (small), video/DVD rental, gun sales, and hunting store.

RETAIL (TYPE 4), HIGH INTENSITY. Retail businesses that have a high impact on neighboring properties, traffic generation, and public safety. Example businesses include automobile sales (small), boat sales (small), building supply store (large), department store (large), furniture store (large), grocery/supermarket (large), home electronics/appliance (large), office supply store (large), party/event store (large), sporting goods store (large), superstore, and variety store (large).

RETAIL (TYPE 5), VERY HIGH INTENSITY. Retail businesses that have a very high impact on neighboring properties, traffic generation, and public safety. Example businesses include automobile sales (large), boat sales (large), construction vehicle sales, farm equipment sales, manufactured home sales, semi tractor-trailer sales, and tool/ equipment sales rental.

RETAIL (TYPE 6), SPECIAL HANDLING. Retail businesses that sell products that require special handling due to risks to public safety. Example business includes fireworks sales.

REZONE. Approval granted through the PC and the legislative body in accordance with IC 36-7-4-608 to change the zoning classification of a particular parcel. Also referred to as a zone map change.

RIGHT-OF-WAY. Defined as:

- A strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a street, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, fiberoptic lines, or other similar uses;
- Generally, the right of one to pass over the property of another.

ROAD. Any vehicular way, right-of-way (improved or unimproved), or area between the street lines that is:

- An existing state, county, or municipal roadway;
- Shown upon a plat approved pursuant to law;
- Approved by other official action;
- Shown on a plat duly filed and recorded in the office of the Recorder; and/or
- Shown on the official map of the jurisdiction or their adopted Comprehensive Plan.

ROAD CLASSIFICATIONS. Road classifications as determined by the Comprehensive Plan.

ROAD, PRIVATE. A privately maintained road.

ROAD, PUBLIC. Any publicly maintained road.

ROADSIDE SALES. A sales activity easily clearly visible from the roadway or a driveway in a structure or sales area not exceeding two hundred (200) square feet where a single vendor or property owner sells agricultural products (not including live animals) that are produced on the same property.

RULES AND PROCEDURES. The principles and regulations governing the conduct, action, procedures, arrangements, etc. of the PC and BZA.

SALVAGE YARD. See JUNKYARD.

SCHOOL. Any building or part thereof that is designed, constructed, or used for education or instruction in any branch of knowledge.

SCRAP YARD. A general industrial use established independent or ancillary to and connected with another industrial use, which is concerned exclusively in new and salvaged metal pipes, wire, beams, angles, rods, machinery, parts, filings, clippings, and/or all other metal items of every type, and which acquires such items incidental to its connection with the other general industrial use or by purchase, consignment or bailment which stores, grades, processes, melts, cuts, dismantles, compresses, cleans, or in any way prepares said items for reuse by the connected other general industrial use or for storage, sale or shipment and/or use in other industries or businesses including open hearth, electric furnaces and foundry operations. Such an establishment shall not include junkyards, dumps, or automobile or other vehicle graveyards. See DUMP, JUNK, JUNKYARD, RECYCLING, and RECYCLING FACILITY.

SELF STORAGE/MINI-STORAGE FACILITY. A building(s) or area consisting of individual, self-contained units or spaces leased to individuals, organizations, or businesses for self-service storage of personal property, recreational vehicles (RV's), boats, or other similar items.

SEPTIC SYSTEM. An underground system with a septic tank used for the decomposition of domestic wastes.

SETBACK. The distance between the foundation of the structure to the lot line, right-of-way, or other feature. See Chapter 2, Section A.5.b: Setbacks for the criteria to determine the front, side, and rear yard setbacks.

SETBACK, AVERAGE. The average setback of primary structures on the same side of the street that are located within one hundred (100) feet of the property line of the proposed structure.

SETBACK LINE. A line drawn along the required minimum setback.

SEWAGE TREATMENT PLANT, CENTRALIZED. Any sewage treatment facility that requires an NPDES permit from the Indiana Department of Environmental Management (IDEM) to discharge treated effluent.

SEWER. Any pipe or conduit used to collect and carry away sewage or stormwater run-off from the generating source to treatment plants or receiving water bodies.

SEWER, SANITARY. A system of pipes that carry domestic or commercial sanitary sewage and into which storm, surface, and ground waters are not intentionally admitted.

SEWER AND WATER SYSTEM, PUBLIC. Any system other than an individual septic tank, tile field, or individual well, that is operated by a municipality, governmental agency, or a public utility for the collection, treatment, and disposal of wastes and the furnishing of potable water.

SEXUALLY ORIENTED BUSINESS. An adult entertainment or service business that is part of the sex industry and is a site of erotic performance, erotic paraphernalia sales, and/or other sexually oriented places. Sexually oriented businesses may include an adult bookstore, adult cabaret, adult mini motion picture theater, adult motion picture theater, adult service establishment (IC 12-7-2-1.8), semi-nude model studio, sexual device shop, or a sexual encounter center as defined in this ordinance. The term "sexually oriented business" shall also include adult drive-in theater, adult live entertainment arcade, and adult motion picture arcade.

SHIPPING CONTAINER. See CARGO CONTAINER.

SHORT-TERM RENTAL. In accordance with IC 36-1-24-6, the rental of a single-family home, an accessory dwelling, a duplex, a multi-family dwelling, or a condominium for terms of less than thirty (30) days at a time through a short-term rental platform.

SHORT-TERM RENTAL PLATFORM. In accordance with IC 36-1-24-7, an entity that provides an online platform through which unaffiliated parties offer to rent a short-term rental to an occupant and collects fees for the rental from the occupant.

SIDEWALK. A paved, surfaced, or leveled area, paralleling and usually separated from the traveled way, used as a pedestrian walkway.

SIGHT TRIANGLE (VISION CLEARANCE TRIANGLE). A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. The sight triangle leg lengths shall be twenty-five (25) feet as measured from the edge of pavement. No structures, landscaping, agricultural plantings, fences, walls, or signs shall be permitted within the sight triangle between the heights of two (2) feet and nine (9) feet above the crown of the adjacent roadway. Exceptions include public street signs and utility poles.

SIGN. Any name, number, symbol, identification, description, display, graphic, or illustration which is affixed to, painted on, or is represented directly or indirectly upon a structure or parcel, visible from any public right-of-way which directs attention to an object, product, place, activity, person, institution, organization, or business. This definition includes backlighted plastic panels or strip lighting affixed to any wall or roof where any such panels or lighting serve to identify a business and attract attention rather than to illuminate space for human activity.

SIGN, ABANDONED. A sign that is:

- Associated with an abandoned use;
- Remains after the termination of the business; and/or
- On its immediate premises but not adequately maintained or repaired.

SIGN, AREA. The entire face of a sign, including the advertising surface and any framing, trim, or molding, but not including the supporting structure.

SIGN, ELECTRONIC VARIABLE MESSAGE (EVMS). A sign, or component of a sign, such as an electrically or electronically controlled message center, where the characters, letters, or illustrations can be changed or rearranged either in the field, or from a remote location, without physically altering the face or the surface of the sign.

SIGN, FACE. The surface intended for the display of information on the sign.

SIGN, HEIGHT ABOVE GROUND. The vertical measurement from the ground to the top of the sign. The height of all signs shall be measured from the established grade line to the highest point of the sign or its frame/support.

SIGN, ILLUMINATED. Any sign lighted by or exposed to artificial lighting either by light on or in the sign or directed toward the sign.

SIGN, LEGAL NON-CONFORMING. A pre-existing, legally permitted sign, or portion thereof, which was designed, erected, or structurally altered such that it does not conform to the regulations of the zoning district in which it is located.

SIGN, PERMANENT. A sign attached to a structure or the ground in a manner that enables the sign to resist environmental loads, such as wind, and precludes ready removal or movement of the sign. The use of ropes, stakes, chains, glue, or similar anchoring are not methods recognized by this ordinance as a permanent foundation.

SIGN, STRUCTURE. The supporting unit of a sign face, including but not limited to frames, braces cabinets, and poles.

SIGN, TEMPORARY. Any sign that is temporarily used for a specific and shorter duration of time and is not affixed to a permanent foundation or structure. A temporary sign is used for the purpose of conveying information, knowledge, or ideas to the public about activities on the premises. These signs are intended to be on-site for the duration of an event (such as property for sale, special events, grand openings, sales, etc.) or a short period of time.

SIGN TYPES. For the purposes of this UDO, the following sign types are defined:

ANIMATED SIGN. Any sign that uses movement or change of artificial and natural lighting or noise to depict action or create a special effect or scene. This includes any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever. Different from an “electronic sign,” an animated sign produces the illusion of movement by means of electronic, electrical, or electro-mechanical input and/or illumination capable of simulating movement through using the characteristics of one (1) or both of the following classifications:

- Flashing, animated, or animated portions of a sign where the cyclical period between on-off phases of illumination is less than four (4) seconds;
- Patterned illusionary movement in which animated signs or portions of signs whose illumination is characterized by simulated movement.

AWNING SIGN. A sign that is attached to an awning or other fabric that serves as a structural protective cover over a window or entrance.

BANNER SIGN. A sign made of flexible materials and supported by any combination of staples, tape, wires, ropes, strings, poles, posts or rods or other materials that are not built as a permanent foundation for the sign. Banner Signs include wave banner signs.

HANGING SIGN. A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface, such as a single post or the underside of a ceiling or canopy. Also known as a canopy or swing sign.

INFLATABLE SIGN. Any device which is capable of being expanded by any gas and used on a permanent or temporary basis to attract attention to a product or event. This definition includes both hot and cold-air balloons tethered or otherwise anchored to the ground.

MAILBOX SIGN. A sign that is either mounted under a mailbox or placed on a mailbox surface but does not extend past the mailbox or mailbox supporting structure in any dimension.

MONUMENT (GROUND) SIGN. A freestanding sign in which the bottom edge of the sign is in contact with or is close to the ground. Also known as a ground, site, or pylon sign.

MURAL SIGN. A picture, scene, diagram, text, artwork, or graphic applied on the exterior of a building, wall, or structure. For the purposes of this UDO, a mural is considered a wall sign.

PORTABLE SIGN. Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T-frames; benches; menu or sandwich board signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in normal day-to-day operations of the business.

BENCH SIGN. A type of portable sign painted on, located on, or attached to any part of the surface of a bench, seat, or chair.

HUMAN SIGN. A type of portable sign held or worn by a human being for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service, activity, or product.

SIDEWALK/SANDWICH BOARD SIGN. A type of portable, temporary freestanding display located on the sidewalk or similar area that is typically adjacent to a roadway or storefront.

VEHICLE SIGN. A type of portable sign that is permanently affixed to the body of, an integral part of, or a fixture of a motor vehicle that is parked or left standing so that it is visible from a public street for a period of more than seventy-two (72) continuous hours for the intent of being used as advertisement. For the purpose of this definition, "permanently affixed" shall mean it is painted directly on the body of a vehicle and/or applied as a decal on the body of a vehicle.

POLE SIGN. A sign anchored directly to the ground or supported by one (1) or more posts, columns, or other vertical structures or supports. The sign is not attached to or dependent for support from any building and the sign area is not in close proximity to the ground. Billboards would be considered Pole Signs.

PROJECTING SIGN. A sign that is wholly or partly dependent upon a building for support and that projects more than twelve (12) inches from that building. Also known as a blade sign.

ROOF SIGN. Any sign partially or fully erected on or above the roof line of a structure.

WALL SIGN. Any sign attached to, erected against, or painted on the wall, façade, or exterior of a structure with the exposed display surface of the sign in a plane parallel (or relatively parallel) to the plane of the structure. See MURAL.

WINDOW SIGN. Any sign directly attached to the window of a structure or erected on the inside or outside of the window, which at the determination of the Administrator, is legible from any part of a public right-of-way or adjacent property. For purposes of this window sign definition, a "window" is defined as an opening in the wall or roof of a structure that is fitted with glass or other transparent material in a frame to admit light or air and to allow people inside to see out. Also known as a façade sign.

YARD SIGN. Small signs, typically under waist height that are usually supported by metal wire or small stakes driven directly into the ground.

SITE PLAN. A plan for one or more parcels on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, floodplains, wetlands, and waterways; landscaping and open spaces; walkways; means of ingress and egress; circulation; utility services; structures; signs and lighting; berms; bufferyards and screening devices; surrounding development; and any other information that reasonably may be required in order for an informed decision to be made by the approving authority.

SOLAR ENERGY SYSTEM. A device, array of devices, or structural design feature, the purpose of which is to provide for generation or storage of electricity from sunlight, or the collection, storage, and distribution of solar energy.

A-WEIGHTED DECIBELS. Expression of the relative loudness of sounds in air as perceived by the human ear (abbreviated as dBA).

KILOWAT (KW): A unit of electrical power. 1 KW = 1,000 watts.

LAYDOWN AREA. The area used for the receipt, temporary storage, and sometimes for the assembly of construction equipment and supplies.

METAWATT (MW). A unit of electrical power. 1,000 KW = 1 MW; 1 MW = 1,000,000 watts.

NON-PARTICIPATING PROPERTY. A property in which land is not participating in a current CSES.

PARTICIPATING PROPERTY. Land that is owned or leased (by a signed and recorded document between the property owner and the CSES owner) in order to facilitate CSES development.

RADIUS. A direct line extending from the foundation at the closest point of an existing primary structure to a CSES, excluding obstructed view by existing structure(s) and/or terrain.

STAGING AREA. A smaller laydown area between material and construction point on a specific tract.

STEWARDSHIP PLAN. Evaluation of the proposed habitat within the CSES site in order to assess the project's conservation. The plan must include a native species list and an assessment similar to a planning score card, such as the Indiana Solar Site Pollinator Habitat Planning Score Card or something similar.

VIEWSHED. Surrounding points in line-of-sight from existing primary structure; excludes points obstructed by terrain or other features such as buildings or trees.

WASTE MANAGEMENT PLAN. Consistent with local, state, and federal rules and regulations. No harmful waste shall be allowed to seep into the ground or come in contact with open water.

SOLAR ENERGY SYSTEM, ACCESSORY. A solar energy system for the purpose of generating and consuming solar power exclusively for an on-site use.

SPECIAL EXCEPTION. Permission granted by the BZA in accordance with IC 36-7-4-918.2 to allow a use, designated as being permitted by special exception in the zoning district, when it is shown that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in the UDO.

STABLE, PUBLIC. An accessory structure/building/area in which horses are kept for commercial use including boarding, hire, riding, show, or sale. For the purposes of this UDO, this use shall be considered service-oriented retail.

STADIUM. A place or area (indoor or outdoor) that is primarily used for spectator sports, entertainment (such as concerts, amusement parks, and similar events), expositions, fairgrounds, or similar public gatherings or events. Stadiums may also have accessory uses, such as food vendors or on-site merchandise sales for the event. Examples include, but are not limited to, convention halls, sports arenas, amphitheaters, race tracks, and assembly halls. For the purposes of this UDO, this use does not include institutional uses (such as schools) that include a stadium on the same site or campus as the institutional use or those uses specifically defined as service-oriented retail.

STATE. The State of Indiana.

STORAGE CONTAINER, TEMPORARY. A portable storage unit which does not have permanent foundation or footing, and which includes cargo containers, portable storage containers, truck trailers, and bulk solid waste containers. Such structures shall not be considered a building/structure.

STORY. That portion of a structure between the surface of a floor and the ceiling immediately above; or if there is a floor above, the portion of a structure between the surface of any floor and the surface of the next floor above. A basement shall not be counted as a story.

STREET. See ROAD.

STRUCTURE. A combination of materials that form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water. Furthermore, any enclosed structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property of any kind.

STRUCTURE, ACCESSORY. A structure detached from a primary structure (not attached to the foundation of the primary structure) located on the same parcel and customarily incidental and subordinate to the primary structure or use. For purposes of this UDO, a fence is considered an accessory structure.

STRUCTURE, AGRICULTURAL. A structure on agricultural land designed, constructed, and used to house farm implements, livestock, or agricultural produce or products grown or raised on the premises, but not including dwellings used for human occupancy.

STRUCTURE, ATTACHED. A structure which has any part of its exterior or bearing wall in common with another building or which is connected to another building by a roof.

STRUCTURE, DETACHED. A structure having no structural connection with another structure.

STRUCTURE, ENCLOSED. A structure with a roof/ceiling and at least two (2) walls.

STRUCTURE, PORTABLE. Any structure not permanently attached to the ground or other permanent structure that is designed to be moved or transported by means of wheels or other mechanisms that are attached to the structure, or the structure is mounted/placed upon.

STRUCTURE, PRIMARY. A structure in which the primary use of the lot or premises on which it is located is conducted, including a structure that is attached to such a structure in a substantial way, such as by a roof. With respect to residential uses, the primary structure shall be the main dwelling.

STRUCTURE, TEMPORARY. A structure that is erected without any foundation or footings and is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased. A temporary use usually does not involve the construction or alteration of any permanent structure, although the authorization of the temporary use does not necessarily preclude such construction.

SUBDIVIDER. Any person who has an interest in land that is the subject of an application for subdivision. Also, a person who submits an application for subdivision.

SUBDIVISION. The division of a lot or parcel of land into two (2) or more lots, parcels, or other divisions of land for sale, development, or lease. A subdivision includes the division or development of any land, whether by deed, metes and bounds description, or other recorded instrument. Subdivisions are further classified as commercial or industrial subdivision, minor residential subdivision, or major residential subdivision.

SUBDIVISION, COMMERCIAL or INDUSTRIAL. A major subdivision that is granted approval by the PC in accordance with IC 36-7-4-700 series for the subdivision of a parcel for commercial or industrial development.

SUBDIVISION, EXEMPT. Divisions of existing parcels of land that are exempt from this UDO as determined by the Administrator and outlined in Chapter 6: Subdivision Types.

SUBDIVISION, MAJOR RESIDENTIAL. A major subdivision that is granted approval by the PC in accordance with IC 36-7-4-700 series for any division of a parcel of land for residential development that is not considered an exempt subdivision or a minor residential subdivision.

SUBDIVISION, MINOR RESIDENTIAL. Approval granted by the PC in accordance with IC 36-7-4-700 series for a division of a parcel of land for residential development resulting in two (3) lots inside the town limits or four (4) lots or less outside the town limits.

SWIMMING POOL. A self-contained body of water at six (6) feet in diameter and at least twenty-four (24) inches in depth that is used for recreational purposes. Such body of water may exist in a metal tank, plastic lined, or masonry structure located either above-ground or below-ground level. Swimming pools may be either public or private in use. A private pool is considered an accessory structure.

TAC. See TECHNICAL ADVISORY COMMITTEE.

TAVERN. An establishment in which alcoholic beverages are served, primarily by the drink, where food or packaged liquors may also be served or sold.

TECHNICAL ADVISORY COMMITTEE (TAC). A committee that, because of their specialized knowledge and experience in their field of expertise, may review the technical aspects of a project and assist the Administrator, PC, and BZA by providing technical and expert advice with regard to proposed development within the jurisdiction.

THOROUGHFARE PLAN. The portion of the Comprehensive Plan which identifies the existing and proposed locations of interstate highways, primary arterials, secondary arterials, feeders, local streets, streets, and rights-of-way within the jurisdictional area, as amended from time to time under IC 36-7-4-506.

TOURIST CABINS. See HOTEL.

TOWNHOME. See DWELLING, TOWNHOME.

TRACT. See LOT.

TRANSPARENCY. With regard to a building façade, the percentage of a street-facing building façade that is covered by glazed elements that are clear and non-reflective and may not be painted or tinted.

TRUCK TERMINAL. A freight or relay station for the transfer or exchange of cargo from one vehicle, form of transportation, or party to another. This does not include long-term or permanent storage.

UNIFIED DEVELOPMENT ORDINANCE (UDO). A unified development ordinance combines the jurisdiction's zoning and subdivision control ordinances into a single, legal document that is enabled by IC 36-7-4-610 and adopted by the legislative body and which may be amended from time to time.

USE. The specific purpose or activity for which land and/or a structure is designated, arranged, intended, or for which it is or may be occupied or maintained.

USE, ACCESSORY. A use that:

- Is clearly incidental and customarily found in connection with a primary structure or use;
- Is subordinate to and serves the primary use;
- Is subordinate in area, extent, or purpose to the primary use served;

- Contributes to the comfort, convenience, or necessity of occupants, business, or industry of the primary use served; and
- Is located on the same parcel as the primary use served.

USE, PRIMARY. The predominant use of any lot or parcel or as determined by the primary structure.

USE, TEMPORARY. A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

UTILITY. Defined as any agency that, under public franchise or ownership, or under certificate of convenience and necessity, or by grant of authority by a governmental agency, provides the public with electricity, gas, heat, steam, communication, transportation, water, sewage collection, or other similar service; and is a closely regulated enterprise with a franchise for providing a needed service.

UTILITY, PUBLIC. As regulated by IC 8-1-2, every corporation, company, partnership, limited liability company, individual, association of individuals, their lessees, trustees, or receivers appointed by a court, that may own, operate, manage, or control any plant or equipment within the state for the:

- The conveyance of telegraph and telephone messages;
- The production, transmission, delivery, or furnishing of heat, light, water, or power; or
- Collection, treatment, purification, and disposal in a sanitary manner of liquid and solid waste, sewage, night soil, and industrial waste. The term does not include a municipality that may acquire, own, or operate any of the foregoing facilities.

UTILITY MAIN EXTENSION. The extension of utility infrastructure for future use by surrounding property owners including, but not limited to, water and sanitary sewer.

VARIANCE. Permission granted by the BZA in accordance with IC 36-7-4-918.5 to depart from specific development standards for a zoning district within this UDO.

VARIANCE OF USE. Permission granted by the BZA in accordance with IC 36-7-4-918.4 to allow a specific use that is not otherwise permitted in a zoning district.

VEHICLE, INOPERABLE. As defined by IC 9-13-2-1, any vehicle that is partially disassembled, inoperable, or unlicensed, on any property not associated with a legal on-site automotive repair use in a location visible from public property or adjoining private property for more than twenty (20) calendar days or on public property without being moved for three (3) calendar days. This shall not include tractors, combines, pickers, disks, plows, or other similar farm machinery that is owned by a farm operator, which is parked in areas zoned AG, and is used for parts replacement for machinery currently being used in the farming operation.

WAIVER. Permission to depart from specific development standards of the subdivision regulations and as specifically identified in the UDO.

WAREHOUSING AND DISTRIBUTION. An establishment engaged in the receipt, storage, and distribution of goods, products, cargo, and materials, including trans-shipment by boat, rail, air, or motor vehicle. Uses typically breakdown large orders from a single source into smaller orders and consolidation of several orders into a single large order for distribution to several recipients. Retail sales (on-site), assembly, or product processing are not considered distribution or warehousing. This does not include truck terminal.

WATERCRAFT. A watercraft or waterborne vessel designed for travel across or through water bodies. Examples include a boat, bowrider, cabin cruiser, canoe, catamaran, center console boat, deck boat, hovercraft, jet ski, kayak, pontoon boat, sailboat, ship, submersible, submarine, and yacht.

WHOLESALE BUSINESS. An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, or professional business users, or to other wholesalers. For purposes of this UDO, wholesale businesses are not considered general retail.

WILDLIFE AND NATURE PRESERVE. Open space intended to remain in a predominately natural or undeveloped state to provide possible opportunities for passive recreation.

WIND ENERGY SYSTEM. A wind energy conversion system where the equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, generator, nacelle, rotor, wind tower, transformer, turbine, vane, wind farm collection system, wire, or other component used in the system.

WECS NONPARTICIPATING PROPERTY. A lot or parcel of real property that is not owned by a project owner and the following conditions are met.

The project owner does not seek:

- To install or locate one (1) or more wind power devices or other facilities related to a wind power project (including power lines, temporary or permanent access roads, or other temporary or permanent infrastructure); or
- To otherwise enter into a lease or any other agreement with the owner of the property for use of all or part of the property in connection with a wind power project;

The owner of the property does not consent:

- To having one (1) or more wind power devices or other facilities related to a wind power project (including power lines, temporary or permanent access roads, or other temporary or permanent infrastructure) installed or located; or
- To otherwise enter into a lease or any other agreement with the project owner for use of all or part of the property in connection with a wind power project.

The owner of the property does not participate in a wind power project through:

- A neighbor agreement;
- A participation agreement; or
- Another similar arrangement or agreement with a project owner.

WIND ENERGY SYSTEM, ACCESSORY. The system by which wind energy is converted to electricity using a wind turbine, tower, support system, blades, and associated control and conversion electronics which has a rated capacity of less than or equal to one hundred (100) kW and a system height of less than eighty (80) feet. Only one (1) SWECS may be permitted per principal structure.

WIND POWER DEVICE. A device, including a windmill or a wind turbine, which is designed to use the kinetic energy of moving air to provide mechanical energy or to produce electricity.

WINDOW. An opening in the wall or roof of a building that is fitted with glass or other transparent material in a frame to admit light or air and allow people to see out.

WIRELESS COMMUNICATION FACILITY. Any towers, poles, antennas, or other structures intended for use in connection with transmission or receipt of radio or television signals, or any other spectrum-based transmissions/receptions.

YARD. A space on the same parcel as the primary structure that is open, unoccupied, and unobstructed by structures, except as otherwise provided in this ordinance.

YARD, FRONT. A space extending across the full width of the parcel between the primary structure and the front lot line and measured perpendicularly from the front lot line to the closest point of the primary structure.

YARD, REAR. A space extending across the full width of the parcel between the primary structure and the rear lot line and measured perpendicularly from the rear lot line to the closest point of the primary structure.

YARD, SIDE. A space extending from the front yard to the rear yard between the primary structure and the side lot line and measured perpendicularly from the side lot line to the closest point of the primary structure.

ZONING DISTRICT. A specified zoning district within the jurisdictional area or extended jurisdiction for which uniform regulations governing the use, height, size, and intensity of use of structures and land, and open spaces around structures, are herein established.

ZONING MAP. The map or maps that are considered a part of the UDO and delineate the boundaries of zoning districts and any amendments thereto of the jurisdictional area of the PC.