

CHAPTER 158: DEFINITIONS

Section

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§ 158.01 SHORT TITLE.

The ordinances, as amended, comprising Chapter 153 of the Batesville Code, shall hereafter be referred to as the Code of Land Use Definitions of Batesville, Indiana, 2003, or Land Use Definitions.
(Ord. 11-2004, passed 1-10-2005)

Editor's note:

Chapter 153 of the prior code was reserved; it has been removed in the codification of this 2007 code.

§ 158.02 GENERAL.

(A) The definitions contained in this chapter shall be observed and applied in the interpretation of all chapters of this title, except where the context clearly indicates otherwise.

(B) Furthermore, words used in the present tense, singular number, and masculine gender, shall also mean the future, plural, and feminine.
(Ord. 11-2004, passed 1-10-2005)

§ 158.03 SPECIFIC.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONMENT. The relinquishment of property or a cessation of the use of the property for a continuous period of 1 year by the owner without the intention of transferring rights of the property to another owner nor of resuming the use of the property.

ABUTTING. Bordering.

ACCESSORY BUILDING AND USE. A building or use subordinated to another structure or use located on the same lot and which does not change or alter the character of the premises and which is not used for human occupancy; such as public utility installations, electric distribution and secondary power lines, gas, water and sewer lines, their supports and poles, guy wires, small transformers, wire or cable, and incidental equipment, and public telephone booths.

ADMINISTRATOR. The officer appointed and/or delegated the responsibility for the administration of this title's regulations by the Common Council.

ADULT ARCADE. Any place to which the public is permitted or invited to wherein coin-operated, slug-operated, or for any form of consideration, electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image producing devices are maintained to show

images to 5 or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

ADULT BOOKSTORE, ADULT NOVELTY STORE, or ADULT VIDEO STORE.

(1) A commercial establishment which, as one of its principle purposes, offers for sale or rental for any form of consideration any one or more of the following:

(a) Books, magazines, periodicals or other printed matter, or photographs, motion pictures, video cassettes or video reproductions, slides, or other visual representations which are characterized by the depiction of specified sexual activities or specified anatomical areas; or

(b) Instruments, devices, or paraphernalia designed for use in connection with specified sexual activities.

(2) A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as ***ADULT BOOKSTORE, ADULT NOVELTY STORE, or ADULT VIDEO STORE***. Other business purposes will not serve to exempt commercial establishments from being categorized as an ***ADULT BOOKSTORE, ADULT NOVELTY STORE, or ADULT VIDEO STORE*** so long as one of its principle business purposes is the offering for sale or rental for consideration the specified materials which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT CABARET. A nightclub, bar, restaurant, or similar commercial establishment which regularly features:

(1) Persons who appear in a state of nudity or semi-nudity;

(2) Live performances which are characterized by the exposure or specified anatomical areas or by specified sexual activities; or

(3) Films, motion pictures, videocassettes, slides or other photographic reproductions characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT ENTERTAINMENT BUSINESS. An adult bookstore, adult motion picture theater, adult cabaret, adult live entertainment arcade, or any other use where entertainment of a sexually explicit nature is provided, regardless of whether or not the entertainment is ongoing or periodic.

ADULT MOTELS. A hotel, motel, or similar commercial establishment which:

(1) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slide, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and has a sign visible from the public right-of-way that advertises the availability of this adult type of photographic reproductions;

(2) Offers a sleeping room for rent for a period of time less than 10 hours; or

(3) Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than 10 hours.

ADULT MOTION PICTURE THEATER. A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT THEATER. A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state

of nudity or semi-nude, or live performances which are characterized by the exposure of specified sexual activities or specified anatomical areas.

ADVERTISING SIGN or BILLBOARD. An off-site sign that directs attention to an object as described in the definition of sign. However, an **ADVERTISING SIGN** shall not be associated with the primary use, business activity, or service conducted on the premises.

ADVISORY PLAN COMMISSION. A planning commission serving a single local government jurisdiction established as defined under the I.C. 36-7-1-2 as amended. The Batesville Plan Commission is an **ADVISORY PLAN COMMISSION**.

AESTHETICS. The pleasantness of the total environment related to the perceptual aspects of the surroundings including their appearance to the eye and the comfort and enjoyment offered to the other senses.

AGRICULTURAL LAND DISTURBING ACTIVITIES. The disturbance of land for the production of animal or plant life, including forestry, pasturing of livestock, and planting and growing, cultivating, and harvesting crops for human or livestock consumption. This does not include the construction of farm facilities such as dwellings, barns, sheds, or other structures.

AGRICULTURAL LAND USE. Use of land for the production of animal or plant life, including forestry, pasturing or yarding of livestock, and planting, growing, cultivating, and harvesting crops for human or livestock consumption.

AGRICULTURE. The art or science of cultivating the ground, and raising and harvesting crops, often including feeding, breeding and management of livestock; tillage; husbandry; farming; in a broader sense, the science and art of the production of plants and animals useful to man, including to a variable extent the preparation of these products for a man's use and their disposal by marketing or otherwise. In this broad use, it includes farming, horticulture, forestry, dairying, sugar making, and the like.

AIRPORT. Any runway, landing area or other facility designed, used, or intended to be used, either publicly or privately, by any person for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.

AIRPORT HAZARD. Any structure or object of natural growth located on or in the vicinity of a public airport or any use of land near an airport that obstructs the air space required for the flight of aircraft in landing or takeoff, or is otherwise hazardous to aircraft.

AISLE. Same as **MANEUVERING SPACE**. An open space in a parking area which is:

- (1) Immediately adjacent to a parking space;
- (2) Used for and/or is necessary for turning, backing or driving forward a motor vehicle into a parking space; but
- (3) Not used for the parking or storage of motor vehicles.

ALLEY. A permanent public service way or right-of-way dedicated to public use, other than a street, place, road, crosswalk, or easement, designed to provide a secondary means of access for the special purpose accommodation of abutting property.

ALLEY LINE. A lot line bordering on an alley.

AMORTIZATION. The process of discontinuing nonconforming land uses.

ANIMAL HOSPITAL/CLINIC. Same as **VETERINARY ANIMAL HOSPITAL** or **VETERINARY CLINIC**. A place used for the care, diagnosis and treatment of sick, ailing, infirm or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for treatment, observation and/or recuperation. It may also include boarding that is incidental to the principal activity or use.

ANIMAL SHELTER. Same as **KENNEL**. Any lot on which 4 or more dogs, or small animals at least 4 months of age, are kept.

ANNEXATION. The process by which a municipality may add territory to itself, as specified in I.C. 36-4-3-1 to 36-4-3-21, as amended.

ANTENNA. Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves when that system is either external to or attached to the exterior of a structure. **ANTENNAS** shall include devices having active elements extending in any direction, and directional beam-type arrays having elements carried by and disposed from a generally horizontal boom that may be mounted upon and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be a part of the **ANTENNA**. **ANTENNAS** shall include cellular on wheels (COWs) and cellular on light trucks (COLTs) facilities; as well as dispatch carriers for specialized mobile radio (SMR) services and enhanced SMR (ESMR).

ANTENNA, BUILDING MOUNTED. Any antenna, other than an antenna with its supports resting on the ground, directly attached or affixed to a building, tank, tower, building mounted mast less than 10 feet tall and 6 inches in diameter, or structure other than a communication tower.

ANTENNA, DIRECTIONAL. Same as **PANEL ANTENNA**. Any antenna that transmits and/or receives radio frequency signals in a directional pattern of less than 360 degrees.

ANTENNA, GROUND MOUNTED. Any antenna with its base, single or multiple posts, placed directly on the ground or a mast less than 10 feet tall and 6 inches in diameter.

ANTENNA, OMNI-DIRECTIONAL. Any antenna that transmits and/or receives radio frequency signals in a 360-degree radial pattern. For the purpose

of this Code of Ordinances, an **OMNI-DIRECTIONAL ANTENNA** is up to 15 feet in height and up to 4 inches in diameter.

ANTENNA, PARABOLIC. Same as **SATELLITE DISH ANTENNA**. Any device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn, bowl or cornucopia shaped and is used to transmit and/or receive electromagnetic or radio frequency communication/signals in a specific directional pattern. This definition is meant to include, but is not limited to, what are commonly referred to as satellite earth stations, TVROs and satellite microwave antennas.

ANTENNA, PORTABLE. Any device used to transmit and/or receive electromagnetic or radio frequency communication/signals in a specific directional pattern, located on a portable or moveable base designed to be placed either for temporary or long-term use at a given site.

ANTENNA, VERTICAL. A vertical type antenna without horizontal cross-sections greater than 1/2 inch in diameter.

APARTMENT. See **MULTI-FAMILY DWELLING**. A building or portion thereof designed for or occupied by more than 2 families.

APARTMENT BUILDING. A multi-family housing structure designed and constructed to accommodate 3 or more apartments, in contrast to a single- or 2-family dwellings converted for multi-family use.

APARTMENT/MULTI-FAMILY IDENTIFICATION SIGNS. Signs identifying a multi-family dwelling complex by name and/or address.

APPLICANT. The owner, owners, or legal representative of real estate who makes application to the Plan Commission and/or Board of Zoning Appeals for action by the commission or board affecting the real estate owned thereby.

ARTERIAL STREET. A street designed for large volumes of traffic movement. Certain **ARTERIAL STREETS** may be classified as limited access highways to which entrances and exits are provided only at controlled intersections and access is denied to abutting properties.

ATTACHED BUILDING. A building that is structurally connected to another building by a foundation, wall(s), or roof line. Carports, garages, porch awnings and the like shall be considered **ATTACHED BUILDINGS** and abide by all regulations pertaining to primary buildings.

AUCTION USE. A building or any specific closed or open area where merchandise is assembled and sold by a form of sale called an auction.

AUTO REPAIR, MAJOR. Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers; collision service, including body, frame, or fender straightening or repair; and overall painting of vehicles.

AUTO REPAIR, MINOR. Incidental repairs, replacement of parts, and motor service to automobiles but excluding any operation specified under **AUTOMOBILE REPAIR, MAJOR**.

AUTOMOBILE or TRAILER SALES AREA. An open area, other than a street, used for the display, sale, or rental of new or used automobiles or trailers, and where no repair work is done except minor incidental repair of automobiles or trailers to be displayed, sold or rented on the premises.

AUTOMOBILE SERVICE STATION. Any building or premises used for the dispensing, sale, or offering for sale at retail to the public, automobile fuels stored only in underground tanks and located wholly within the lot lines; lubricating oil or grease for the operation of automobiles; and the sale and installation of tires, batteries, other minor accessories, and minor auto repair, but not including a bulk plant, conducting of major auto repairs, automobile wrecking, automobile sales, or automobile laundries;

provided, however, that the washing of individual automobiles where no chain conveyor is employed may be included.

AUTOMOBILE WRECKING YARD. See **JUNK YARD.** Any place where 2 or more motor vehicles, not in running condition, lacking current license plates and state inspection stickers, including inoperable equipment and parts thereof, are stored in the open and not being restored to operating condition; and including the commercial salvaging of any other goods, articles or merchandise.

AWNING. A covering mounted over doors and/or windows, usually made of canvas or other cloth material on an aluminum frame and extending from the building not more than 8 feet, attached to the building for protection from rain or for aesthetic purposes.

BANNERS, COMMERCIAL. Flags, pennants, or other similar temporary signs, generally made of flexible, lightweight material, displayed for business promotion purposes.

BARBER POLES. Rotating or stationary cylindrical poles of the traditional red, white and blue spiral striped design, identifying the premises as a barber shop.

BARRIER CURB. A steep-faced curb intended to prevent encroachments.

BASEMENT. A portion of a building located partly underground, but having less than 2/3 of its floor-to-ceiling height below the average grade of the adjoining ground.

BED AND BREAKFAST. An owner-occupied, or owner employee occupied, residence containing no more than 6 guest rooms for hire, for lodging by prearrangement for periods not to exceed 3 consecutive weeks and providing for occasional meals daily (usually breakfast) and not a hotel, boarding, lodging house or motel.

BERM. A man-made, formed, earth mound of definite height and width used for landscaping and obscuring purposes, the intent of which is to provide a transition between uses of differing intensity.

BICYCLE-COMPATIBLE ROADWAY. A road designed to accommodate the shared use of the roadway by bicycles and motor vehicles.

BICYCLE LANE. A lane at the edge of a roadway reserved and marked for the exclusive use of bicycles.

BICYCLE PATH. A pathway designed to be used by bicyclists and/or pedestrians.

BILLBOARD or ADVERTISING SIGN. An off-site sign that directs attention to an object as described in the definition of sign. However, an advertising sign shall not be associated with the primary use, business activity, or service conducted on the premises.

BLOCK. A unit or property entirely surrounded by public highways, streets, railroad rights-of-way, waterways, or other barriers, or a combination thereof.

BLOCK FRONTAGE. Property abutting on 1 side of a street, and lying between the 2 nearest intersecting or intercepting streets, or between the nearest intersecting or intercepting street and railroad right-of-way, waterway or other barrier.

BLOW-OFF. An outfall in a pipe through which water or sediment can be discharged from a lower sewer.

BOARD. The Advisory Board of Zoning Appeals or the Board of Public Works and Safety of the City of Batesville, as the case may be.

BOARD OF WORKS. The Board of Public Works and Safety of the City of Batesville.

BOARD OF ZONING APPEALS. The Batesville Advisory Board of Zoning Appeals.

BOARDING HOUSE. A building not open to transients, where lodging or meals are provided for 3 or more persons, but not over 30 persons regularly; in contradistinction to hotels and restaurants open to transients.

BOND. Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Plan Commission. All **BONDS** shall be approved by the Commission wherever a **BOND** is required by these regulations.

BUFFER LANDSCAPING. Any trees, shrubs, walls, fences, berms, space, or related landscaping features required under this title on private lots, and privately maintained, for buffering lots from adjacent properties or public rights-of-way for the purpose of increasing privacy and aesthetics.

BUFFERYARDS. An area adjacent to front, side and rear property lines, measured perpendicularly from adjacent property lines and/or right-of-way lines, intended to provide attractive spaces to reduce the impacts of proposed uses on adjacent property or natural features and to screen incompatible uses from each other. Buffers also help to maintain existing trees or natural vegetation, to block or reduce noise, glare or other emissions and to maintain privacy.

BUILDING. A structure having a roof supported by columns or walls, for the shelter, support, enclosure or protection of persons, animals, chattels, or property. When separated by party walls, without any opening through walls, each portion of a building shall be considered a separate structure.

BUILDING AREA. The horizontal area of the buildings on a lot, measured from the outside exterior walls, excluding open areas or terraces, unenclosed porches or decks, and architectural features that project no more than 2 feet.

BUILDING, ATTACHED. A building that is structurally connected to another building by a foundation, wall(s), or roof line. Carports, garages, porch awnings and the like shall be considered **ATTACHED BUILDINGS** and abide by all regulations pertaining to primary buildings.

BUILDING CODE. The city ordinance establishing and controlling the standards for constructing mechanical equipment, and all forms of permanent structures and related matters within the city. Also referred to herein as the **BATESVILLE BUILDING CODE**.

BUILDING COMMISSIONER. The Building Commissioner of the city or his or her authorized representative.

BUILDING, DETACHED. A building having no structural connection with another building.

BUILDING FOOTPRINT. The profile of a building or structure as viewed from above the roof looking downward toward ground level.

BUILDING, FRONT LINE. The line of the face of the building nearest the front lot line.

BUILDING, HEIGHT. The vertical distance measured from the lot ground level to the highest point of the roof for a flat roof, to the deck line of a mansard roof, and to the mean height between eaves and ridges for gable, hip, and gambrel roofs.

BUILDING IDENTIFICATION SIGN. Permanent signs mounted on the building which identify the building and/or which identify the business or profession or industry, or combination thereof, conducted on the premises.

BUILDING LINE or **BUILDING SETBACK LINE.** The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of a building or structure and the front lot line. For the purpose of this Code of Ordinances, the proposed street and thoroughfare right-of-way lines according to the Thoroughfare Plan

of current adoption will be considered as the street lines for lots bordering these streets and thoroughfares. (See § 151.23 for exceptions.)

BUILDING MOUNTED ANTENNA. Any antenna, other than an antenna with its supports resting on the ground, directly attached or affixed to a building, tank, tower, building mounted mast less than 10 feet tall and 6 inches in diameter, or structure other than a communication tower.

BUILDING PERMIT. Same as **CONSTRUCTION PERMIT.** A permit signed by the Building Commissioner stating that a proposed improvement complies with the provisions of Chapter 154 and other parts of this Code of Ordinances, as may be applicable.

BUILDING, PRINCIPAL. A building in which is conducted the main or principal use of the lot on which the building is situated. Where a part of an accessory building is attached to the **PRINCIPAL BUILDING** in a substantial manner, as by a roof, the accessory building shall be considered a part of the **PRINCIPAL BUILDING**.

BUILDING SETBACK LINE or **BUILDING LINE.** The line nearest the front or side of an across a lot establishing the minimum yard to be provided between the principal building or structure and the lot line.

BURN BARREL. Any container used for the outdoor incineration of waste material, yard debris, and the like.

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

BUSINESS DISTRICT. Generally refers to a B-1, B-2, B-3 or B-4 District.

BZA. The Advisory Board of Zoning Appeals of the City of Batesville, Indiana.

CAMP - PUBLIC. Any area or tract of land used or designed to accommodate 2 or more camping parties, including cabins, tents or other camping outfits.

CAMPGROUND. Any site, lot, field, or tract of land designed with facilities for short-term occupancy by recreational vehicles and other camping equipment but not including mobile homes.

CAPACITY, STORM DRAINAGE FACILITY. The maximum flow that can be conveyed or stored by a storm drainage facility without causing damage to public or private property.

CAPITAL IMPROVEMENT PLAN. A proposed schedule of future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project. Major projects requiring the expenditure of public funds, over and above the annual local government's operating expenses, for the purchase, construction, or replacement of the capital improvements for the community are included.

CAPPED SYSTEM. A completed water supply and/or sewerage system put in place for future use (contingent upon expansion), rather than to meet immediate development needs.

CAR WASH. A structure, or portion thereof, containing commercial facilities for washing automobiles, using production line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices. This term includes a manually operated **CAR WASH** facility when the operator is equivalent in intensity to a mechanized car wash.

CARTWAY. The actual road surface area from curblineline to curblineline, which may include travel lanes, parking lanes, and deceleration and acceleration lanes. Where there are no curbs, the **CARTWAY** is that portion between the edges of the paved, or hard surface, width.

CELLAR. A portion of a building located partly or wholly underground, and having 2/3 or more of its clear floor-to-ceiling height below the average grade of the adjoining ground.

CEMETERY. Land used for the burial of the dead and dedicated for cemetery purposes, including columbariums, mausoleums and mortuaries when operated in conjunction with and within the boundary of the cemetery.

CENTRAL SEWERAGE SYSTEM. The community sewer system including collection and treatment facilities owned and maintained by the City of Batesville.

CENTRAL WATER SYSTEM. The community water supply system including existing and new wells and/or surface water sources and intakes, treatment facilities, and distribution lines and includes any of the above facilities established by the developer to serve a new subdivision or commercial/industrial development.

CERTIFICATE OF OCCUPANCY. A certificate signed by the Building Commissioner stating that the occupancy and use of land or a building or structure referred to therein complies with the provisions of this code.

CHANGE OF COPY. Changing of the face or text on a sign. **CHANGE OF COPY** shall not constitute a change of use. Permits shall automatically be granted where not in conflict with this code.

CHANGEABLE COPY SIGNS. Signs designed to be used with removable graphics that will allow changing of copy. Changeable copy includes change by manual or mechanical means, as well as change by electronic or digital means.

CHANNEL. A natural or artificial watercourse which periodically or continuously contains moving water, or which forms a connecting link between 2 bodies of water. It has a defined bed and banks which serve to confine the water.

CHANNELIZATION. The straightening and deepening of channels and/or the surfacing thereof to permit water to move rapidly and/or directly.

CHILD. For the purposes of I.C. 12-17.2 and I.C. 31-27-3, an individual who is less than 18 years of age; and for purposes of I.C. 12-26, the meaning set forth in I.C. 31-9-2-3.

CHILD CARE. For purposes of I.C. 12-17.2 and I.C. 31-27-3, a service that provides for the care, health, safety, and supervision of a child's social, emotional, and educational growth.

CHILD CARE CENTER. For the purpose of I.C. 12-17.2, a building where at least 17 children receive child care from a provider:

- (1) While unattended by a parent, legal guardian or custodian;
- (2) For regular compensation; and
- (3) For more than 4 hours but less than 24 hours in each of 10 consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.

CHILD CARE CENTER. Includes a building where child care is provided to less than 17 children if the provider has applied for a license under I.C. 31-27-3 and meets the requirements under I.C. 31-27-3.

CHILD CARE MINISTRY. For the purposes of I.C. 12-17.2, childcare operated by a church or religious ministry that is a religious organization exempt from federal income taxation under Section 501 of the Internal Revenue Code.

CHILD CARING INSTITUTION or **CHILDREN'S HOME.** For the purpose of I.C. 31-27-3:

- (1) A residential facility that provides child care on a 24 hour basis for more than 10 children;

- (2) A residential facility with a capacity of not more than 10 children that does not meet the residential structure requirements of a group home; and

- (3) Complies with the rules adopted under I.C. 4-22-2 by the division of family and children.

CITY. The City of Batesville, Indiana. Also any employee or representative to whom they shall specifically delegate a responsibility authorized by this code.

CITY ENGINEER. The resident City Engineer of the City of Batesville, Indiana, or a consulting engineer employed by the City of Batesville.

CLINIC. A facility for human ailments operated by a group of physicians, dentists, chiropractors, or other licensed practitioners for the treatment and examination of outpatients for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons and those who are in need of medical or surgical attention, but who are not provided with board or room or kept overnight on the premises. A **CLINIC** shall include laboratory facilities in conjunction with normal clinic services, but shall not include in-patient care.

CLUB. Private buildings and facilities owned or operated by a person for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

CLUSTER DEVELOPMENT. Same as **PLANNED UNIT DEVELOPMENT** or **UNIT DEVELOPMENT**.

- (1) A large-scale unified development meeting the requirements for zoning approval under the provisions of Chapter 151 of this title.

- (2) Generally, a planned unit development consists of a parcel or parcels of land to be developed as a single entity which does not correspond in size of lots, bulk or type of buildings, density, lot coverage,

and required open space to the regulations established in any district specified in this title. This may result in more attractive and affordable development than conventional developments would allow. Clustered housing (dwellings built in innovative lot arrangements around common open space) and zero lot line housing (dwellings built immediately adjacent to lot lines) are possible as part of planned developments. A planned unit development requires approval through a zoning map amendment and development plan approval process as specified in § 151.20 of this Code of Ordinances.

CO-LOCATION, COMMUNICATION FACILITY. A communication facility comprised of a single communication tower or building supporting 1 or more antennas, dishes, or similar devices owned or used by more than 1 public or private entity.

COLLECTOR STREET. Same as **FEEDER STREET.** A street designed to facilitate the collection of traffic from local streets and to provide circulation within neighborhood areas and convenient ways for traffic to reach arterial streets.

COMMERCIAL BANNERS. Flags, pennants, or other similar temporary signs, generally made of flexible, lightweight material, displayed for business promotion purposes.

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

COMMERCIAL USE. A use that involves the exchange of cash, goods or services, barter, forgiveness of indebtedness, or any other remuneration in exchange for goods, services, lodging, meals, entertainment in any form, or the right to occupy space over any period of time.

COMMISSION. The City of Batesville Advisory Plan Commission.

COMMON OPEN SPACE. 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. It may include complementary structures and improvements.

COMMUNICATION FACILITY. A facility that transmits and/or receives electromagnetic signals. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of signals, telecommunication towers or similar structures supporting the equipment, equipment buildings, parking area, and other accessory development.

COMMUNICATION FACILITY, CO-LOCATED. A communication facility comprised of a single communication tower or building supporting 1 or more antennas, dishes, or similar devices owned or used by more than 1 public or private entity.

COMMUNICATION FACILITY, COMMERCIAL. A communication facility that is operated primarily for a business purpose or purposes.

COMMUNICATION FACILITY – MINI. An attached wireless communication facility consisting, but not limited to, the following unless located on a structure recognized as a historic landmark:

- (1) A single ground or building mounted receive only radio or television antenna including any mast, for the sole use of the tenant occupying the parcel on which the radio or television antenna is located; with an antenna height not exceeding 50 feet;
- (2) A ground or building mounted citizens band radio antenna including any mast, if the height (tower, support structure, post and antenna) does not exceed 70 feet;
- (3) A ground, building, or tower mounted antenna operated by a federally licensed amateur radio operator as part of the amateur radio service, if the height (post and antenna) does not exceed 70 feet;

(4) A ground or building mounted received only radio or television satellite dish antenna, with diameter exceeding 36 inches but less than 8 feet in diameter, for the sole use of the resident occupying a residential parcel on which the satellite dish is located; provided the height of the dish does not exceed the height of the ridgeline of the primary structure on the parcel;

(5) Exempt communication facility located with a recognized Historic District; and

(6) City owned and operated antennae used for emergency response services, public utilities, operations and maintenance if the height does not exceed 70 feet. If a facility does not meet these criteria then it is considered either an exempt, minor, or major communication facility.

COMMUNICATION FACILITY – MINOR.

Any of the following:

(1) Antenna which meet the definition of mini; with the exception of the height limit;

(2) Communication facilities less than 35 feet in height and that adhere to §§ 157.10 and 157.11 of this title;

(3) A single ground or building mounted whip (omni) antenna without a reflector, less than 4 inches in diameter whose total height does not exceed 35 feet; including any mast to which it is attached, located on commercial and/or industrial zoned property;

(4) A ground or building mounted panel antenna whose height is equal to or less than 4 feet and whose area is not more than 480 square inches in the aggregate (e.g. 1-foot diameter parabola or 2 feet by 1-1/2 feet panel) as viewed from any 1 point, located on commercial or industrial zoned property. The equipment cabinets shall be designed, placed and screened to be unobtrusive and effectively unnoticeable;

(5) More than 3 antennas, satellite dishes (greater than 3 feet in diameter), panel antennas, or combination thereof, are proposed to be placed on the commercial or industrial parcel, including existing facilities;

(6) Building mounted antennas which, in the opinion of the Zoning Administrator or designated agent, are unobtrusive or undetectable by way of design and/or placement on the building, regardless of number; when located on commercial or industrial zoned property;

(7) Communication facilities less than 50 feet in height, in compliance with the applicable sections of this title, located on a parcel owned by the City of Batesville and utilized for public and/or quasi-public uses where it is found by the Zoning Administrator or designated agent to be compatible with the existing city uses of the property;

(8) Communication facilities, including multiple antennas, in compliance with the applicable sections of this title, located on an industrial parcel and utilized for the sole use and purpose of a research and development tenant of the parcel, where it is found by the Zoning Administrator or designated agent to be aesthetically compatible with the existing and surrounding structures; and

(9) Communication facilities located on a structure recognized as a historic landmark. If a facility does not meet these criteria then it is considered a major communication facility.

COMMUNICATION FACILITY, MULTIPLE USER. A communication facility comprised of multiple communication towers or buildings supporting 1 or more antennas owned or used by more than 1 public or private entity, excluding research and development industries with antennas to serve internal uses only.

COMMUNICATIONS FACILITY – EXEMPT.

Include, but are not limited to, the following unless located within a recognized Historic District:

(1) A single ground or building mounted receive only radio or television antenna including any mast, for the sole use of the tenant occupying a residential parcel on which the radio or television antenna is located; with an antenna height not exceeding 25 feet;

(2) A ground or building mounted citizens band radio antenna including any mast, if the height (post and antenna) does not exceed 35 feet;

(3) A ground, building, or tower mounted antenna operated by a federally licensed amateur radio operator as part of the amateur radio service, if the height (post and antenna) does not exceed 35 feet;

(4) A ground or building mounted received only radio or television satellite dish antenna, which does not exceed 36 inches in diameter, for the sole use of the resident occupying a residential parcel on which the satellite dish is located; provided the height of the dish does not exceed the height of the ridgeline of the primary structure on the parcel;

(5) All citizens band radio antenna or antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service which existed at the time of the adoption of this title;

(6) Mobile services providing public information coverage of news events of a temporary nature;

(7) Hand held devices such as cell phones, business band mobile radios, walkie talkies, cordless telephones, garage door openers and similar devices as determined by the Zoning Administrator or designated agent; and

(8) City government owned and operated receive and/or transmit telemetry station antennas for supervisory control and data acquisition (SCADA) systems for water, flood alert, traffic control devices

and signals, storm water, pump stations and/or irrigation systems, with heights not exceeding 35 feet.

COMMUNICATIONS FACILITY – MAJOR.

All communication facilities not clearly set forth and included in the definition of exempt, minor or mini facilities.

COMMUNICATIONS FACILITY, NONCOMMERCIAL. A communication facility that is operated solely for a non-business purpose.

COMMUNICATIONS TOWER. A mast, pole, monopole, guyed tower, lattice tower, free standing tower, or other structure designed and primarily used to support antennas. A ground or building mounted mast greater than 10 feet tall and 6 inches in diameter supporting 1 or more antenna, dishes, arrays, and the like shall be considered a **COMMUNICATIONS TOWER**.

COMMUNITY ACTIVITY/ACTIVITIES SIGN.

Signs associated with a religious, charitable, cultural, civic, or educational organization.

COMPONENT HOME. Same as **MANUFACTURED HOME.** A dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the Federal Manufactured Housing Construction and Safety Standards Law (1974 U.S.C. §§ 5401 *et seq.*) or I.C. 36-7-4-1106, constructed after January 1, 1981, and exceeds 950 square feet of occupied space.

COMPOSTING. A controlled process of degrading organic material by microorganisms.

COMPOSTING FACILITY. Any location, structure, or facility where composting takes place.

COMPREHENSIVE PLAN. A composite of all materials prepared and approved under the 500 series of I.C. 36-7-4 or under prior law. It includes a master plan adopted under any prior law.

CONCEPTUAL PLAN. Same as **CONSTRUCTION PLAN.** A preliminary presentation and attendant documentation of a

proposed subdivision or site plat showing the specific location and design of improvements to be installed for the subdivision or site in accordance with the requirements of this plan as a condition of the approval of the plat.

CONDITIONAL USE. Special provisions or requirements applicable to specific uses in certain zoning districts. If specified conditions are met as determined in this title or by the Plan Commission or Zoning Administrator or designated agent, no further approval is required.

CONDOMINIUM. Real estate lawfully subject to I.C. 32-25, (the Horizontal Property Law), by the recordation of condominium instruments, in which undivided interests in the common areas and facilities are vested in the condominium unit owners.

CONFORMING MANUFACTURED HOME. Pursuant to I.C. 36-7-4-1106, a residence constructed after January 1, 1981, that exceeds 950 square feet of occupied space and which is installed as a permanent dwelling unit which may be placed or constructed providing it complies with setback, side and rear yard, parking space, and minimum square footage requirements for the district in which it is located, and the underfloor space requirements of the Batesville Unified Zoning and Subdivision Control Codes.

CONSTRUCTION ANNOUNCEMENT SIGN. Signs placed on a property upon which construction is to take place, or is taking place, which contain information regarding the individuals or firms directly connected with the construction project, including the name of the contractor, subcontractors, real estate licensee, and the possible future tenants.

CONSTRUCTION PERMIT. Same as **BUILDING PERMIT.** A permit signed by the Building Commissioner stating that a proposed improvement complies with the provisions of Chapter 154 and other parts of this Code of Ordinances, as may be applicable.

CONSTRUCTION PLAN. Same as **CONCEPTUAL PLAN.** A preliminary presentation and attendant documentation of a proposed subdivision

or site plat showing the specific location and design of improvements to be installed for the subdivision or site in accordance with the requirements of this plan as a condition of the approval of the plat.

CONTIGUOUS. Adjoining or in actual contact with.

CONTINGENT USE. A use contemplated by the title, which is likely or liable but not certain to occur, and is compatible with the essential design of a particular district although the use is contrary to the restrictions imposed thereon.

CONVENIENCE STORE. Any commercial location, facility, or structure where gasoline and groceries (including food, drink, and household items) are sold on the same premises.

CONVENTIONAL DEVELOPMENT. Development other than planned unit development.

CORNER LOT. A lot at the junction of and having frontage on 2 or more intersecting streets.

COUNCIL. Same as **GOVERNING BODY.** The Common Council of the City of Batesville, Indiana.

COUNTY. Ripley County or Franklin County, Indiana, depending on the location of the subdivision.

COVENANTS. Private and legal restrictions of various kinds on the usage of lots within a subdivision which are proposed by the subdivider and, in the case of public health, safety and welfare, by the Commission, that are recorded with the plat and deed. **COVENANTS** can also be placed on commercial and industrial developments.

CUL-DE-SAC. A short residential street having 1 end open to traffic and being permanently terminated by a vehicle turn-around.

CULVERT. A closed conduit used for the passage of surface drainage water under a roadway, railroad canal, or other impediment.

CURB. A vertical or sloping edge of a roadway.

CURB, BARRIER. A steep-faced curb intended to prevent encroachments.

CURB, MOUNTABLE. A low curb with a flat slope designed to be crossed easily without discomfort.

CUT. An excavation. The difference between a point on the original ground and a designated point of lower elevation on the final grade. Also, the material removed in excavation.

DAM. An earthen, concrete, or other material constructed to hold back or control the level of water.

DAY CARE CENTER. See **FAMILY DAY CARE HOME.** A building or part thereof including the lot devoted to the care or education and training of infants (younger than 2 years of age) or children (2 to 15 years of age) at a location away from home for less than 24 hours, and not including overnight accommodation or overnight sleeping. This definition encompasses facilities generally known as child care center, pre-school, kindergarten, nursery school, and similar programs and facilities for infants and children, but does not include educational institution.

DECIBEL. A unit of measurement of the intensity of loudness of sound. Sound level meters are used to measure the intensities and are calibrated in **DECIBELS.**

DEDICATION. The setting apart of land or interests in land for use by the public by ordinance, resolution, or entry in the official minutes as by the recording of a plat.

DENSITY. The number of dwelling units developed per acre of land.

DENSITY, HIGH. Residential development having a density in excess of 10 dwelling units per gross acre. Also refers to an R-4 Zoning District.

DENSITY, LOW. Residential development having a density equal to or less than 6 dwelling units per gross acre. Generally refers to an RS or R-1 Zoning District.

DENSITY, MEDIUM. Residential development having a density of 7 to 10 dwelling units per gross acre. Generally refers to an R-2 or R-3 Zoning District.

DESIGN FLOOD. Same as **REGULATORY FLOOD.** A flood having a peak discharge which can be expected to be equaled or exceeded on the average of once in a 100-year period, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission; this flood is equivalent to a flood having a probability of occurrence of 1% in any given year.

DESIGN STANDARDS. Standards that may set forth specific improvement requirements.

DESIGN STANDARDS VARIANCE. Same as **DEVELOPMENT REGULATION VARIANCE.** A specific approval granted by a Board of Zoning Appeals in the manner prescribed in § 151.40 of this title, to deviate from the development standards (such as height, bulk, area) that the title otherwise prescribes.

DETACHED BUILDING. A building having no structural connection with another building.

DETENTION BASIN. A facility constructed or modified to restrict the flow of stormwater to a prescribed maximum rate, and to detain concurrently the excess waters that accumulate behind the outlet.

DEVELOPER. The owner or legal representative of land proposed to be subdivided for any use or utilized for commercial or industrial purposes. Consent for making applications for development approval shall be required from the legal owner of the premises.

DEVELOPMENT. Any man-made change to improved or unimproved real estate including, but not limited to buildings and other structures, mining, dredging, filling, grading, paving, excavating or drilling operations.

DEVELOPMENT PLAN. Specific plans for the residential, commercial, or industrial developments or other development of property setting forth certain information and data required by the Plan Commission. This information and data may include:

- (1) The proposed name of the development;
- (2) The name and address of developer(s);
- (3) The location by public way, township, and section;
- (4) The legal description;
- (5) A map including date, scale and north arrow, location, size, capacity, and use of all buildings and structures existing or to be placed in the development;
- (6) The nature and intensity of the operations involved in or conducted in connection with the development;
- (7) The site layout of the development including the location, size, arrangement and capacity of area to be used for vehicular access, parking, loading and unloading;
- (8) The name of public ways giving access to the development and location, width, and names of platted public ways, railroads, parks, utility easements, and other public open spaces;
- (9) The layout of proposed public ways, their names and widths, and the widths of alleys, walkways, paths, lanes, and easements;
- (10) A description of the use of adjacent property and an identification of that property;

(11) The location, size and arrangement of areas to be devoted to planting lawns, trees, and other site-screening activities;

(12) The proposals for sewer, water, gas, electricity, storm drainage, and other utilities;

(13) The contours with spot elevations of the finished grade and the directions of storm runoff;

(14) The layout of proposed lots with their numbers and dimensions; and

(15) The land density factors.

DEVELOPMENT REGULATION. Zoning, subdivision, site plan, official map, flood plain regulation, or other governmental regulation of the use and development of land.

DEVELOPMENT REGULATION STANDARDS. Same as **DESIGN STANDARDS**. Standards that may set forth specific improvement requirements.

DEVELOPMENT REGULATION VARIANCE. Same as **VARIANCE, DESIGN STANDARDS/DEVELOPMENT REGULATIONS**. A specific approval granted by a Board of Zoning Appeals in the manner prescribed in § 151.40 of this title, to deviate from the development standards (such as height, bulk, area) that the title otherwise prescribes.

DEVELOPMENTAL DISABILITIES RESIDENTIAL FACILITY. A facility:

- (1) That provides room and board services only, which are paid for exclusively out of private funds; or
- (2) That provides only those services which are minimally required, based on each recipient's needs, for federal financial participation under Title XIX of the Federal Social Security Act (42 U.S.C. §§ 1396 *et seq.*) for at least 4, but not more than 8, developmentally disabled individuals who are not

related to the individual owning or leasing the facility; however, the term does not apply to a boarding house which is approved by the State Department of Mental Health under I.C. 12-21-1.

DEVELOPMENTAL DISABILITY. A disability of a person which:

(1) Is attributable to mental retardation, cerebral palsy, epilepsy, or autism; or is attributable to any other condition found to be closely related to mental retardation because this conditions results in similar impairment of general intellectual functioning or adaptive behavior, or requires similar treatment and serves; or is attributable to dyslexia resulting from a disability described in this clause;

(2) Originates before the person is age 18; and

(3) Has continued or is expected to continue indefinitely and constitutes a substantial handicap to the person's ability to function normally in society.

DIGITAL DISH SYSTEM. A small dish of approximately 1 to 2 feet, (.3 to .6 m) in diameter, installed on or adjacent to a building for the purpose of receiving audio/video signals.

DIRECT BROADCAST SATELLITE SERVICE. A system in which signals are transmitted directly from a satellite to a small (not exceeding 18 inches) home receiving dish. DBS competes with cable television.

DIRECTIONAL ANTENNA. Same as **PANEL ANTENNA.** Any antenna that transmits and/or receives radio frequency signals in a directional pattern of less than 360 degrees.

DIRECTORY SIGN. A sign or set of similarly designed individual signs placed or displayed in sequence, to list all or part of the businesses within a building or business center.

DISPLAYED or PLACED. Erected, constructed, posted, painted, printed, tacked, glued, carved, or otherwise fastened, affixed, or made visible in any manner whatsoever.

DISTRICT. A section of the City of Batesville for which uniform zoning regulations governing use, height, area, size, intensity of use of buildings and land, and open spaces about buildings are herein established.

DIVIDED STREET. A street having an island or other barrier separating moving lanes.

DRAINAGE. The removal of surface water or groundwater from land by drains, grading, or other means.

DRAINAGE AREA. The area from which water is carried off by a drainage system; a watershed or catchment area.

DRAINAGE FACILITY. Any component of the drainage system.

DRAINAGE SYSTEM. The system through which water flows from the land, including all watercourses, water bodies, and wetlands.

DRIVE-IN ESTABLISHMENT. Any place or premises used for sale, dispensing, or serving of food, refreshments, beverages or services in automobiles, including those establishments where customers may serve themselves and may carry out or consume the above on or off the premises.

DRIVES, PRIVATE. Same as **STREET, PRIVATE.** Vehicular streets and driveways, paved or unpaved, which are wholly within private property except where they intersect with other streets within public rights-of-way and are maintained by the owner(s).

DUPLEX. Any structure which contains only 2 dwelling units; a 2-family dwelling.

DWELLING. Any building or any part thereof which is wholly, or partly used, or intended to be used, for living or sleeping by human occupants, provided that temporary housing as hereinafter defined shall not be regarded as a **DWELLING**. A **DWELLING** does not including hotels or motels, lodging or boarding houses or tourist homes.

MULTI-FAMILY DWELLING. A building designed for or occupied by 3 or more families.

SINGLE-FAMILY DWELLING. A detached building designed for or occupied by 1 family, exclusively.

TWO-FAMILY DWELLING. A detached building designed for or occupied by 2 families, exclusively.

DWELLING UNIT. Any room or group of rooms or any part thereof located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating.

EASEMENT. A grant of the property owner of the use of a strip of land by the public or a person for specified purposes.

EDUCATIONAL INSTITUTION. Public or parochial pre-primary, grad, high, preparatory school or academy; junior college; college or university, if public or founded or conducted by or under the sponsorship of a religious or charitable organization.

EMPLOYEE (AS IT RELATES TO THE ADULT ENTERTAINMENT BUSINESS). A person who performs any service on the premises of a sexually oriented business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not the person is paid a salary, wage or other compensation by the operator of the business. **EMPLOYEE** does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.

ENGINEER, CITY. The resident City Engineer of the City of Batesville, Indiana, or a consulting engineer employed by the City of Batesville.

ENVIRONMENTAL CONSTRAINTS. Features, natural resources, or land characteristics that are sensitive to improvements and may require conservation measures or the application of creative development techniques to prevent degradation of the environment, or may require limited development, or in certain instances may preclude development.

EQUIPMENT BUILDING, SHELTER OR CABINET. A cabinet or building used to house equipment used by communication providers to house equipment at a facility.

EROSION. Wearing away of the land by running water, waves, temperature changes, ice, or wind.

EROSION CONTROL MEASURE. A practice, or a combination of practices, to control erosion and resulting sedimentation and/or off-site damages.

EROSION CONTROL PLAN. A written description of pertinent information concerning erosion control measures designed to meet the requirements of this title by the applicant for the review and approval of the City of Batesville.

ESCORT (AS IT RELATES TO THE ADULT ENTERTAINMENT BUSINESS). Any person who, for consideration, agrees or offers to act as a companion, guide, or date for another person and who agrees or offers to privately model lingerie; perform a striptease, appear in a state of nudity or partial nudity or display any specified anatomic areas.

ESCORT AGENCY (AS IT RELATES TO THE ADULT ENTERTAINMENT BUSINESS). A person or business association, who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary purposes for a fee, tip, or other consideration.

ESCROW. A deed, a bond, money, or a piece of property delivered to a third person to be delivered by him or her to the grantee only upon fulfillment of a condition.

ESSENTIAL SERVICES. The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead electrical, gas, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles and other similar equipment and accessories in connection therewith, but not including buildings reasonably necessary for the furnishing of adequate service by public utilities or municipal departments or commissions or including electrical substations. No permit is required for **ESSENTIAL SERVICES**.

ESTABLISHMENT (AS IT RELATES TO THE ADULT ENTERTAINMENT BUSINESS). Includes any of the following:

- (1) The opening of commencement of any sexually oriented business as a new business;
- (2) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
- (3) The additions of any sexually oriented business to any other existing sexually oriented business; or
- (4) The relocation of any sexually oriented business.

EXCAVATION. Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut quarried, uncovered, removed, displaced, relocated or bulldozed, and shall include the conditions resulting therefrom.

EXPRESSWAY or FREEWAY. Any roadway that operates at a high service level, consists of limited access, is divided, carries region-wide traffic and is generally classified as part of an interstate system.

EXTERMINATION. The control and elimination of insects, rodents, or other pests by eliminating their harborage places, by removing or making inaccessible materials which may serve as their food, by poisoning, spraying, fumigating, trapping, or by other recognized and legal pest trapping, or by other recognized and legal pest elimination methods approved by the Health Officer.

FAMILY. An individual or 2 or more persons related by blood, marriage or adoption, including foster children and bona fide domestic servants employed on a full-time basis by the family in the dwelling unit, living together as a single housekeeping unit in a dwelling unit and also including roomers, provided that the family plus the roomers shall not exceed a total of 5 persons shall not apply where the entire group living in the dwelling unit consists of persons related by blood, marriage or adoption, including foster children and domestic servants.

FAMILY DAY CARE HOME. See **DAY CARE CENTER.** An occupied dwelling in which a person provides day care for children other than his or her own family and the children of close relatives. The care in a **FAMILY DAY CARE HOME** is limited to that care given to 12 or fewer children, including children living in the home for less than 24 hours per day during weekday working hours. A **SMALL FAMILY DAY CARE HOME** is limited to 6 or fewer children and a **LARGE FAMILY DAY CARE HOME** is limited to 12 or fewer children.

FAMILY SWIMMING POOL. Includes an artificial body of water, with a controlled water supply, designed for wading and swimming and used, or intended to be used, solely by the owner, or lessee thereof, and his or her family and by friends invited to use it without payment of any fee.

FARM. A tract of land comprising an area which is devoted to agricultural operations, such as forestry; the growing of crops, pasturage; the production of livestock and poultry; the growing of

trees, shrubs and plants; and other recognized agricultural pursuits and including accessory buildings essential to the operation of the farm. Accessory buildings may include barns; equipment and animal sheds; roadside sales structure for the sale of products of the farm; and signs displaying subject matter directly related to the name or the products of the particular farm; but not including industrial or commercial operations or structures.

FEE SCHEDULE. Same as **OFFICIAL FEE SCHEDULE.** Schedule of fees established by Common Council and maintained in the Clerk-Treasurer's office that specifies all current permit fees, rates, and the like.

FEEDER STREET. Same as **COLLECTOR STREET.** A street designed to facilitate the collection of traffic from local streets and to provide circulation within neighborhood areas and convenient ways to reach arterial streets.

FENCE. A structure designed and constructed for enclosures and/or screening. A hedge serving the same purposes as a **FENCE** shall be considered a **FENCE**.

FILL. Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting therefrom. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade. The material is used to make **FILL**.

FILLING STATION or SERVICE STATION. See **AUTOMOBILE SERVICE STATION.** Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail, and where in addition the following services may be rendered and sales made limited to the following:

(1) Sale and servicing of spark plugs, batteries, and distributors and distributor parts;

(2) Tire servicing and repair, but not recapping or regrooving;

(3) Replacement of mufflers and tailpipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors, and the like;

(4) Radiator cleaning and flushing;

(5) Washing and polishing, and sale of automobile washing and polishing materials;

(5) Greasing and lubrication;

(6) Providing and repairing fuel pumps, oil pumps, and lines;

(7) Minor servicing and repair of carburetors;

(8) Adjusting and repairing brakes;

(9) Emergency wiring repairs;

(10) Minor motor adjustments not involving removal of the head or crankcase or racing the motor;

(11) Sales of cold drinks, packaged foods, ice, tobacco, and similar convenience goods for service stations customers, as accessory and incidental to principal operation;

(12) Rental hauling vehicles for the moving of household goods, but not including the sale or rental of automobiles, mobile homes or recreational vehicles, as accessory and incidental to principal operation; and

(13) Provision of road maps and other informational materials to customers; provision of restroom facilities. Uses permissible at a service station do not include major mechanical and body work, straightening of frames or body parts, painting, welding, storage of automobiles not in operating

condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations.

FINAL APPROVAL. The official action of the Plan Commission taken on a preliminarily approved major subdivision or site plan, after all conditions, engineering plans, and other requirements have been completed or fulfilled and the required improvements have been installed, or guarantees properly posted for their completion, or approval conditioned upon the posting of a guarantee (generally referred to as secondary approval).

FINAL PLAT. The final map of all or a portion of a development which is presented for final approval (generally referred to as secondary plat.)

FLASH POINT. The lowest temperature at which a combustible liquid under prescribed conditions will give off a flammable vapor which will burn momentarily using the closed cup method.

FLOOD or FLOOD WATERS. The water of any watercourse which is above the banks of the watercourse.

FLOOD CONTROL. The prevention of floods, the control, regulation, diversion or confinement of flood water or flood flow, and the protection therefrom, according to sound and accepted engineering practice, to minimize the extent of floods, and the death, damage, and destruction caused thereby.

FLOOD PLAIN. The area adjoining the river or stream which had been or may hereafter be covered by floodwaters.

FLOOD PROTECTION GRADE. The elevation of the lowest floor of a building. If a basement is included, the basement floor is considered the lowest floor.

FLOODWAY, REGULATORY. The channel of a river or stream and those portions of the flood plains adjoining the channel which are reasonably required

to efficiently carry and discharge peak flow of the regulatory flood of any river or stream and, is that area covered by floodwaters in significant downstream motion or covered by significant volumes of stored water during the occurrence of the regulatory flood.

FLOODWAY FRINGE. The portion of the flood plain lying outside the floodway, which is inundated by the regulatory flood.

FLOOR AREA, GROSS. The total area, computed on a horizontal plane, within the outside dimensions of a building.

FLOOR AREA, NET. The total area, computed on a horizontal plane, used for a particular business category; exclusive of entrances, hallways, stairs and other accessory areas used for ingress and egress.

FOOTPRINT, BUILDING. The profile of a building or structure as viewed from above the roof looking downward toward ground level.

FOUNDATION. The supporting member of a wall or structure.

FREE BURNING. A rate of combustion described by a material which burns actively and easily supports combustion.

FREE-STANDING SIGN. Any sign attached to a self-supporting sign structure standing on the ground that is essentially unattached to any other structure. Signs mounted on architecturally integrated extensions of buildings are not considered free standing.

FREEWAY or EXPRESSWAY. Any roadway that operates at a high service level, consists of limited access, is divided, carries region-wide traffic and is generally classified as part of an interstate system.

FRONT LINE. With respect to a building, the foundation line that is nearest the front lot line.

FRONT LOT LINE.

(1) For an interior or through lot, the line marking the boundary between the lot and the abutting street right-of-way or a lake or watercourse; and

(2) For a corner lot, the line marking the boundary between the lot and the abutting street right-of-way on which the address for the property is established; except as deed restrictions may otherwise specify. (See Figure 2.1).

FRONT YARD. The horizontal space between the nearest foundation of a building to the front lot line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the front lot line. The **FRONT YARD** of a corner lot shall be that yard abutting the street upon which the lot has its least frontage, except as deed restrictions may otherwise specify. (See Figure 2.1.)

FRONTAGE. All the property on 1 side of a street between 2 intersecting streets (crossing or terminating) measured along the line of the street or, if the street is a dead-end, then all of the property abutting on 1 side between an intersecting street and the dead end of the street.

FRONTAGE, BLOCK. Property abutting on 1 side of a street, and lying between the 2 nearest intersecting or intercepting streets, or between the nearest intersecting or intercepting street and railroad right-of-way, waterway, or other barrier.

FRONTAGE STREET. A street that runs parallel to the frontal street and located within the space between the building(s) and the frontal street.

GARAGE or YARD SALE. A sale of household goods, furniture, equipment, utensils, appliances, tools, personal clothing or effects, novelty items, glassware, farm products, or similar personal property, including, but not limited to any sale commonly termed **PORCH SALE, YARD SALE, LAWN SALE, GROUP FAMILY SALE, RUMMAGE SALE, WHITE ELEPHANT SALE, FLEA MARKET SALE, or ATTIC SALE.**

GARAGE, PRIVATE. An accessory building with capacity for not more than 3 privately owned motor vehicles, boats and trailers of the family resident upon the premises.

GARAGE, PUBLIC. Any building, except those defined herein as a private garage, used for the storage or care of motor vehicles, or where the vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.

GARBAGE. The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GASOLINE PRICE SIGN. On premise signs identifying the brand and/or type and price of fuel sold.

GENERAL DEVELOPMENT PLAN. A plan outlining general, rather than detailed, development intentions. It describes the basic parameters of a major development proposal, rather than giving full engineering details. As that, it allows general intentions to be proposed and discussed without the extensive costs involved in submitting a detailed proposal.

GENERAL INDUSTRIAL USE. Manufacturing, processing, heavy repairing, dismantling, or storage, in which a majority of operations are performed within enclosed buildings.

GOVERNING BODY. Same as **COUNCIL.** The Common Council of the City of Batesville, Indiana.

GOVERNMENTAL OR OTHER SIGNS REQUIRED BY LAW. Signs placed in any area of the city by a government entity or private individual or business as required by federal, state, or local law.

GRADE. The inclination or slope of a channel, canal, conduit, and the like, or natural surface usually expressed in terms of the percentage the vertical rise (or fall) bears to the corresponding horizontal distance.

GRADE or LOT GRADE LEVEL.

(1) For buildings having walls adjoining 1 street only, the elevation of the sidewalk at the center of the wall adjoining the street;

(2) For buildings having walls adjoining more than 1 street, the average of the elevation of the sidewalk at the center of all walls adjoining the streets; and

(3) For buildings having no wall adjoining the street, the average level of the ground adjacent to the exterior walls of the buildings. Any wall approximately parallel to and not more than 5 feet from a street line is to be considered as adjoining the street.

GREENHOUSE, COMMERCIAL. Any location, facility, or structure where plants are grown indoors for sale.

GREENHOUSE, RESIDENTIAL. Any accessory use, structure, or addition to a residential property where plants are grown indoors for hobby, personal use, or personal consumption. Also, any accessory use, structure, or addition to a residential property being primarily constructed of glass or other translucent materials.

GROUND COVER. A planting of low-growing plants or sod that in time forms a dense mat covering the area, preventing both soil from being blown or washed away and the growth of unwanted plants.

GROUND FLOOR AREA. The square foot area of a residential building within its largest outside dimensions computed on a horizontal plane at the ground floor level, exclusive of porches, breezeways, terraces, garages and exterior stairways or other devices. A ground floor may have split levels provided there is not more than a 5-foot difference in elevations between the different levels of the floor. (See **OCCUPIED SPACE** for manufactured dwellings.)

GROUND MOUNTED ANTENNA. Any antenna with its base, single or multiple posts, placed directly on the ground, or a mast less than 10 feet tall and 6 inches in diameter.

GROUP HOME.

(1) **DEVELOPMENTALLY DISABLED.** A residential facility for the developmentally disabled, as defined and regulated under I.C. 16-13-21-12.

(2) **MENTALLY DISABLED.** A residential facility for the mentally disabled as defined and regulated under I.C. 16-13-21-11.5.

GUTTER. A shallow channel usually set along a curb or the pavement edge of a road for purposes of catching and carrying off runoff water.

HABITABLE ROOM. A room or other enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers or communicating corridors, closets, and storage spaces.

HARDSHIP. A difficulty with regard to one's ability to improve land stemming from the application of the development standards of this title, which may or may not be subject to relief by means of 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 title; any result of land division requiring variance from the development standards of this title in order to render that site buildable.

HEALTH FACILITY. Any building, structure, institution, or other place, for the reception, accommodation, board, care of treatment extending beyond a continuous 24-hour period in any week of

more than 2 unrelated individuals requiring, in apparent need of, or desiring the services or combination of them, by reason of age, senility, physical or mental illness, infirmity, injury, incompetency, deformity, or any physical, mental or emotional disability, or other impairment, illness or infirmity, not specifically mentioned above, including institutions or places furnishing those services usually furnished by places or institutions commonly known as nursing homes, homes for the aged, retirement homes, boarding homes for the aged, sanitariums, convalescent homes, homes for the chronically ill, and homes for the indigent. The reception, accommodation, board, care or treatment in a household or family, for compensation, of a person related by blood to the head of household or family, or to his or her spouse, within the degree of consanguinity for first cousins, shall not be deemed to constitute the premises in which the person is received, boarded, accommodated, cared for or treated, a **HEALTH FACILITY**. Any state institution or any municipal corporation may specifically request licensure and upon compliance with all sections of this title and upon compliance with all existing rules and regulations, the petitioning facility may then be so licensed under the provisions of I.C. 16-28-2; provided that the term **HEALTH FACILITY** does not include hotels, motels, or mobile homes when used as that; hospitals, mental hospitals, institutions operated by the federal government; boarding homes for children; schools for the deaf or blind; day schools for the retarded; day nurseries; children's homes; child placement agencies; offices of practitioners of the healing arts; offices of Christian Science practitioners; industrial clinics providing only emergency medical services or first-aid for employees; a residential facility, as defined in I.C. 12-7-2-165; and any hospital, sanatorium, nursing home, rest home, or other institution wherein any health care services and private duty nursing services are rendered in accordance with the practice and tenets of the religious denomination known as the Church of Christ, Scientist.

HEALTH OFFICER. The Health Officer of the city or his or her duly authorized representative.

HEIGHT OF BUILDING. The vertical distance measured from the highest ground level at the foundation to the highest point of the roof, or any projection thereof.

HIGH DENSITY. Residential development having a density in excess of 10 dwelling units per gross acre. Also refers to an R-4 Zoning District.

HISTORIC DISTRICT. An area related by historical events or themes, by visual continuity or character, or by some other special feature that helps give it a unique historical identity, which may be designated as that by local, state, or federal government.

HISTORIC PRESERVATION COMMISSION. A commission of local jurisdiction created in accordance with the provisions of I.C. 18-7-22 for the purposes of reviewing the establishment of Historic Preservation Overlay Districts, adopting and amending development standards for Historic Preservation Overlay Districts, and identifying local landmarks.

HISTORIC PRESERVATION OVERLAY DISTRICT. A district which may be established to promote the cultural, economic, and general welfare of the public through the preservation and protection of structures and areas of local historical and cultural interest.

HISTORIC SITE. A structure or place of historical significance, which may be designated as that by local, state, or federal government.

HOME FOR THE AGED or RETIREMENT HOME. Residential use where at least 90% of the dwelling units or rooming units are intended to be occupied by persons 60 years of age or older, and where perpetual guarantees are in evidence assuring occupancy provisions and certain physical safety features including at least 8 of the following 10 components:

- (1) Ramps or elevators in place of steps;
- (2) Non-skid floors;

(3) Doors of sufficient width to accommodate wheelchairs to all rooms;

(4) Electric cooking ranges;

(5) Showers in place of tubs for more than 50% of the units;

(6) Electric outlets at levels at least 24 inches above the floor;

(7) Grab bars around tubs and toilets;

(8) Central heating;

(9) Handle-type spigots and door knobs; and/or

(10) Emergency signals which ring in adjoining apartments or at a central location.

HOME, MANUFACTURED. Same as **COMPONENT HOME**. A dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the Federal Manufactured Housing Construction and Safety Standards Law (1974 §§ U.S.C. 5401 *et seq.*) or Indiana PL 360, Acts of 1971 (I.C. 36-7-4-1106), constructed after January 1, 1981, and exceeds 950 square feet of occupied space.

HOME OCCUPATION. An accessory use conducted entirely within a dwelling, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character or appearance thereof.

HOSPITAL. An institution licensed by the State Board of Health and providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities and staff offices which are an integral part of the facility, provided the institution is operated by, or treatment is given under direct supervision of a licensed physician. Types of

HOSPITALS include general, mental, chronic disease and allied special hospitals such as cardiac, contagious disease, maternity, orthopedic, cancer, and the like.

HOTEL. A building in which lodging, with or without meals, is provided and offered to the public for compensation and which is open to transient guests, in contradistinction to a boarding or lodging house.

HOUSE, BOARDING. A building not open to transients, where lodging or meals are provided for 3 or more persons, but not over 30 persons regularly; in contradistinction to hotels and restaurants open to transients.

HOUSING FOR OLDER PERSONS. Housing:

(1) Provided under any state or federal program that the Secretary of the Federal Department of Housing and Urban Development or the state civil rights commission determines is specifically designed and operated to assist elderly persons, as defined in the state or federal program; or

(2) Intended for, and solely occupied by, persons 62 years of age or older; or

(3) Intended and operated for occupancy by at least 1 person 55 years of age or older per unit.

ILLUMINATED SIGNS. Signs or individual letters in which an artificial light source is used in order to make the message readable. This definition shall include internally and externally lighted signs, and reflectorized, glowing, or radiating signs.

IMPERVIOUS. A term applied to material through which water cannot pass, or through which water passes with difficulty.

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, such as concrete, cement, asphalt, brick, paving block, rooftops, and the like.

IMPOUNDMENT. A body of water, such as a pond, confined by a dam, dike, floodgate, or other barrier.

IMPROVEMENT. Any man-made, immovable item which becomes part of, is placed upon, or is affixed to real estate; also infrastructure or other facilities which aid or support land development.

IMPROVEMENT LOCATION PERMIT. A permit which may be combined with a building permit signed by the Building Commissioner stating that a proposed improvement or use complies with the provisions of this title of this code. A **TEMPORARY IMPROVEMENT LOCATION PERMIT** is an **IMPROVEMENT LOCATION PERMIT** authorized by the Advisory Board of Zoning Appeals with a definite time limit attached thereto.

INCIDENTAL SIGNS. A nameplate, temporary sign, or sign relating to the lot or use thereof and designating accessory uses, direction, identification, information, or real estate for sale, rent, or lease.

INCINERATOR. A device, structure, or facility designed to reduce waste volume by combustion, consisting of refuse handling and storage facilities, furnaces, combustion chambers, subsidence chambers, residue handling and removal facilities, and chimneys.

INDUSTRIAL DISTRICT. Refers to an I-1 or I-2 District, or a UD District when industrial uses are proposed.

INDUSTRIAL PARK. A single or group of structures for industrial operations forming a comprehensive arrangement of buildings, grounds, and access ways planned in accordance with harmonious principles of architectural and landscape architectural design, and industrial management.

INFESTATION. The presence within or around a dwelling of any insects, rodents, or other pests.

INHABITED AREA. Any residence, any other structure(s) regularly occupied by people, or any outdoor area used by people on a regular basis.

INLET. An opening into a storm sewer system for the entrance of surface stormwater runoff, more completely described as a storm sewer inlet.

INSTITUTIONAL SIGN. Signs identifying the premises of, or announcing the activities conducted by a church, school, hospital, rest home, or similar institutional facility.

INTEGRATED CENTER. A building containing a number of individual, unrelated and separately operated uses which share common site facilities and services such as driveway entrances and exits, parking areas, truck loading, maintenance, sewer and water utilities, or similar common facilities and services; or 1 or more buildings containing individual, unrelated and separately operated uses, occupying a site under 1 ownership of management for lease, and utilizing 1 or a combination of the aforementioned common services.

INTENSE BURNING. A rate of combustion described by a material that burns with a high degree of activity and is consumed rapidly.

INTERIOR LOT. A lot other than a corner lot or through lot.

INTERSECTION VISIBILITY; VISION CLEARANCE ON CORNER LOTS. A triangular space at the street corner of a corner lot, free from any kind of obstructions, except as otherwise provided in this code.

INTERSTATE. Same as **EXPRESSWAY** or **FREEWAY**. Any roadway that operates at a high service level, consists of limited access, is divided, carries region-wide traffic and is generally classified as part of an interstate system.

ISLAND. With respect to street design, a raised area, usually curbed, placed to guide traffic and separate lanes, or uses for landscaping, signing, or lighting.

JUNK. An automobile, truck, other motor vehicle, large appliances, furniture or like material which has been damaged to an extent that it cannot be

operated under its own power or used and/or will require major repairs before being made usable. This could include a vehicle which does not comply with state or city vehicle laws or ordinances.

JUNK YARD. See **WRECKING YARD.** Any place at which personal property is or may be salvaged for reuse, resale, or reduction or similar disposition and is owned, possessed, collected, accumulated, dismantled, or assorted including, but not limited to used or salvaged base metal or metals, their compounds or combinations, used or salvaged rope, bags, paper, rags, glass, rubber, lumber, millwork, brick and similar property except animal matter; and used motor vehicles, machinery or equipment which is used, owned or possessed for the purpose of wrecking or salvaging parts therefrom.

JURISDICTION OF THE COMMISSION. The territory within the city, the boundaries of which are shown on the zone map, latest edition, as amended, which includes all of the area over which this title is effective.

KENNEL. Same as **ANIMAL SHELTER.** Any lot on which 4 or more dogs, or small animals at least 4 months of age, are kept.

LAND DISTURBING ACTIVITY. Any man-made change of the land surface, including removing vegetative cover, excavating, filling, transporting, and grading. In the context of this rule, agricultural land disturbing activities, coal mining activities permitted by the Department of Natural Resources (DNR) under I.C. 14-35-1, and active landfills permitted by the Indiana Department of Environmental Management where the permit requires soil erosion control are excluded.

LAND USE INTENSITY. The degree to which land is used; including, livability space, landscaped pedestrian open space or recreation space, or minimum square footage of non-vehicular outdoor space or recreational space required for each square foot of floor area; the minimum number of parking spaces required for each living unit and the minimum number of parking spaces without parking time limits

required for each living unit; and the maximum square footage and total floor area permitted for each square foot of land area.

LANDSCAPING. The improvement of a lot with grass, shrubs, trees, and other vegetation and/or ornamental objects. **LANDSCAPING** may include pedestrian walks, flowerbeds, berms, fountains and other similar natural and man-made objects designed and arranged to produce an aesthetically pleasing effect.

LATTICE TOWER. A self supporting support structure, erected on the ground, which consists of metal crossed strips or bars to support antennas and related equipment.

LICENSEE (AS IT RELATES TO THE ADULT ENTERTAINMENT BUSINESS). A person in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a license; and in the case of an employee, a person in whose name a license has been issued authorizing employment in a sexually oriented business.

LIMITED ACCESS HIGHWAY. A highway to which abutting properties are denied access or where access is limited to certain locations.

LIVESTOCK. Any animal which has been domestic primarily for agricultural purposes, but not including house pets such as dogs, cats, canaries, or any other similar animal or fowl usually considered a house pet.

LOADING AND UNLOADING BERTHS. The off-street area required for the receipt or distribution by vehicles of material or merchandise.

LOCAL STREET. A street designed primarily to provide access to abutting properties and discourage through traffic.

LODGING HOUSE. A building where lodging only is provided for compensation to 3 or more, but not exceeding 12 persons, not open to transients, in contradistinction to a hotel or motel, which is open to transients.

LOT. A portion of a subdivision, or other parcel of land, intended as a unit for transfer of ownership or development.

LOT AREA. The horizontally projected area of a lot computed exclusive of any portion of a street.

LOT, CORNER. A lot at the junction of and having frontage on 2 or more intersecting streets.

LOT COVERAGE. The total ground area of a lot usually expressed as a percentage of the lot area that is covered, occupied or enclosed by principal and accessory buildings and structures.

LOT DEPTH. The mean horizontal distance between the front lot line and the rear lot line of a lot, measured in the general direction of the side lot line.

LOT FRONTAGE. The linear distance of a lot measured at the front lot line where the lot abuts a street, measure between side lot lines.

LOT, INTERIOR. A lot other than a corner lot, or through lot.

LOT LINE. The property line between 2 established parcels of land or 1 parcel and a public right-of-way or place.

LOT LINE, FRONT. In the case of an interior lot, a line separating the lot from the street or place; and in the case of a corner lot, a line separating the lot from the street, except in cases where deed restrictions in effect specify another street right-of-way line as the front lot line.

LOT LINE, REAR. A lot line which is opposite and most distant from the front lot line and, in the case of an irregular or triangular shaped lot, a line 10 feet in length within the lot, parallel to and at the maximum distance from the front lot line.

LOT LINE, SIDE. Any lot boundary line not a front lot line or a rear lot line.

LOT OF RECORD. A lot which is part of a subdivision, the map of which has been recorded in the office of the County Recorder of Ripley County or Franklin County, Indiana, as the case may be, or a parcel of land, the deed to which has been recorded in the office of the respective County Recorder, on or prior to July 11, 1988.

LOT, REVERSED INTERIOR. An interior lot, the front lot line of which is formed by a street, which street also forms the side lot line of an abutting corner lot. The corner lot is considered abutting even though separated from the interior lot line by an alley.

LOT, THROUGH. A lot fronting on 2 parallel or approximately parallel streets. Also double frontage lot.

LOT WIDTH. The dimension of a lot, measured between side lot lines on the building line.

LOW DENSITY. Residential development having a density equal to or less than 6 dwelling units per gross acre. Generally refers to an RS or R-1 Zoning District.

MAIN. In any system of continuous piping, the principal artery of the system to which branches may be connected.

MAINTENANCE GUARANTEE. Any security which may be required and accepted by a governmental agency to ensure those necessary improvements will function as required for a specific period of time.

MANHOLE. Storm sewer structure through which a person may enter to gain access to an underground storm sewer or enclosed structure.

MANEUVERING SPACE. Same as **AISLE**. An open space in a parking area which is:

(1) Immediately adjacent to a parking space;

(2) Used for and/or is necessary for turning, backing or driving forward a motor vehicle into a parking space; but

(3) Not used for the parking or storage of motor vehicles.

MANUFACTURED HOME. Same as **COMPONENT HOME.** A dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the Federal Manufactured Housing Construction and Safety Standards Law (1974 §§ U.S.C. 5401 *et seq.*) or I.C. 36-7-4-1106, constructed after January 1, 1981, and exceeds 950 square feet of occupied space.

MARKER (SURVEY). A stake, pipe, rod, nail, or any other object which is not intended to be a permanent point for record purposes.

MASTER PLAN. Same as **COMPREHENSIVE PLAN.** A composite of all materials prepared and approved under the 500 series of I.C. 36-7-4 or under prior law. It includes a master plan adopted under any prior law.

MEDIAN. The portion of a divided highway separating lanes of traffic proceeding in opposite directions.

MEDIUM DENSITY. Residential development having a density of 7 to 10 dwelling units per gross acre. Generally refers to an R-2 or R-3 Zoning District.

MOBILE HOME. A transportable vehicle which is greater than 8 feet in body width and longer than 36 feet in body length and designed and constructed as a detached single-family dwelling unit with all of the following characteristics:

(1) Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems;

(2) Designed to be transported after fabrication on its own wheels, or on flatbed or other trailers or detachable wheels; and

(3) Arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities, and the like.

MOBILE HOME LOT. A designated site within a mobile home park or subdivision for the exclusive use of the occupants of a single mobile home, including a mobile home slab, lawn, driveway, and parking area for the occupants.

MOBILE HOME PARK STREET. A public or private way other than an alley, which affords a primary means of access to abutting property within a mobile home park.

MOBILE HOME PARKS. A tract of land which had been developed with all necessary facilities and services in accordance with a development plan meeting all legal requirements and which is intended for the purpose of providing a site for 5 or more manufactured homes, manufactured dwellings or mobile homes for human habitation, either free of charge or for revenue purposes, including any building, vehicle or enclosure used or intended for use as part of the equipment of a **MOBILE HOME PARK.**

MOBILE HOME SLAB. The solid material upon which the mobile home rests.

MOBILE HOME STAND. The part of the mobile home park which has been reserved for the placement of 1 mobile home unit, including the mobile home slab, lawn area, driveway area and parking area for the unit.

MOBILE HOME SUBDIVISION. Any site, lot, field, or tract of land under single ownership, or ownership of 2 or more persons, which is to be divided into smaller sites, lots, fields, or tracts of

land, which smaller sites, lots, fields, or tracts of land are to be sold for use by the purchaser to park the purchaser's mobile homes.

MODERATE BURNING. A rate of combustion described by a material that supports combustion and is consumed slowly as it burns.

MODULAR HOME. A residence built pursuant to regulations promulgated by the Fire Prevention and Building Safety Commission or its successor for industrialized building systems pursuant to I.C. 22-13-4-2 as amended from time to time and which is permanently placed upon a foundation.

MONOPOLE. A wireless communication facility which consists of a monopolar structure, erected on the ground to support wireless communication antennas and connecting appurtenances.

MONUMENT (SURVEY). A permanent physical structure which marks the location of a corner or other survey point.

MOTEL. A building or detached building used as dwelling units containing bedroom, bathroom and closet space, and each unit having convenient access to a parking space for the use of the unit's occupants. The units, with the exception of the apartment of the manager or caretaker, are devoted to the use of automobile transients, and not unit cooking facilities are offered.

MOTOR VEHICLE. Any passenger vehicle, truck, tractor, tractor-trailer, truck-trailer, trailer, or semi-trailer propelled or drawn by mechanical power.

MOUNTABLE CURB. A low curb with a flat slope designed to be crossed easily without discomfort.

MOVING LANE. Any traffic lane where traffic movement is the primary if not the sole function.

MULCH. A layer of wood chips, dry leaves, straw, hay, plastic, or other materials placed on the surface of the soil around plants to retain moisture,

prevent weeds from growing, hold the soil in place, aid in plant growth, or improve the general aesthetic quality.

MULTIPLE-DWELLING. Any dwelling containing more than 2 dwelling units.

NATURAL RESOURCES. The Indiana Department of Natural Resources.

NIER. Nonionizing Electromagnetic Radiation (i.e. electromagnetic radiation primarily in the visible, infrared, and radio frequency portions of the electromagnetic spectrum).

NON-AGRICULTURAL LAND USE. Commercial use of land for the manufacturing and wholesale or retail sale of goods or services, residential or institutional use of land intended primarily to shelter people, highway use of land including lanes, alley and streets, and other land uses not included in agricultural land use.

NONCONFORMING BUILDING. A building, structure, or portion thereof, which was designed, erected, or structurally altered so that it does not conform to the regulations of the district in which it is located.

NONCONFORMING USE. A use which does not conform with the use regulations of the district in which it is located.

NUDE MODEL STUDIO. Any place where a person who appears semi-nude, in a state of nudity, or who displays specified anatomical areas and is provided to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons who pay money or any form of consideration. **NUDE MODEL SHOW** shall not include a proprietary school licensed by the State of Indiana or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational

programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:

(1) That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing;

(2) Where in order to participate in a class a student must enroll at least 3 days in advance of the class; and

(3) Where not more than 1 nude or semi-nude model is on the premises at any one time.

NUDITY or STATE OF NUDITY. The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

NUISANCE. The use of land or behavior that brings harm or substantial annoyance to adjacent property owners or the public in general.

NURSING HOME. Same as **HEALTH FACILITY**. Any building, structure, institution, or other place, for the reception, accommodation, board, care of treatment extending beyond a continuous 24 hour period in any week of more than 2 unrelated individuals requiring, in apparent need of, or desiring the services or combination of them, by reason of age, senility, physical or mental illness, infirmity, injury, incompetency, deformity, or any physical, mental or emotional disability, or other impairment, illness or infirmity, not specifically mentioned above, including institutions or places furnishing those services usually furnished by places or institutions commonly known as **NURSING HOMES**, homes for the aged, retirement homes, boarding homes for the aged, sanitariums, convalescent homes, homes for the chronically ill, and homes for the indigent. The reception, accommodation, board, care or treatment in a household or family, for compensation, of a person

related by blood to the head of household or family, or to his or her spouse, within the degree of consanguinity for first cousins, shall not be deemed to constitute the premises in which the person is received, boarded, accommodated, cared for or treated, a health facility. Any state institution or any municipal corporation may specifically request licensure and upon compliance with all sections of this title and upon compliance with all existing rules and regulations, the petitioning facility may then be so licensed under the provisions of I.C. 16-28-2; provided that the term **HEALTH FACILITY** does not include hotels, motels, or mobile homes when used as that; hospitals, mental hospitals, institutions operated by the federal government; boarding homes for children; schools for the deaf or blind; day schools for the retarded; day nurseries; children's homes; child placement agencies; offices of practitioners of the healing arts; offices of Christian Science practitioners; industrial clinics providing only emergency medical services or first-aid for employees; a residential facility, as defined in I.C. 12-7-2-165; and any hospital, sanatorium, nursing home, rest home, or other institution wherein any health care services and private duty nursing services are rendered in accordance with the practice and tenets of the religious denomination known as the Church of Christ, Scientist.

NURSING HOME CONVERSIONS. See **HEALTH FACILITY**. A dwelling which is converted for the use of a nursing home and licensed by the State Board of Health.

OCCUPANT. Any person over 1 year of age living, sleeping, cooking, or eating in or having actual possession of a dwelling unit or rooming unit.

OCCUPIED SPACE. The total area of earth horizontally covered by the structure, excluding accessory structures such as, but not limited to garages, patios, and porches.

OCTAVE BAND. A narrow range of sound frequencies which classify sounds according to pitch. In the octave band analyzer the audible sound spectrum is divided into 8 octave bands.

OFFICIAL FEE SCHEDULE. Schedule of fees established by Common Council and maintained in the Clerk-Treasurer's office which specifies all current permit fees, rates, and the like.

OFF PREMISE SIGNS. Signs identifying a business activity, property, or product at some location other than where the sign is displayed.

OFF-SITE. Located outside the lot lines of the lot in question. Everything not on site.

OFF-SITE IMPROVEMENTS. Any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval, upon which is located improvements required by or related to the property to be subdivided.

OFF-STREET PARKING. A parking space provided in a parking lot, parking structure, or private driveway.

OFF-TRACT. Not located on the property that is the subject of a development application nor on a contiguous portion of a street or right-of-way.

OMNI-DIRECTIONAL ANTENNA. Any antenna that transmits and/or receives radio frequency signals in a 360-degree radial pattern. For the purpose of this Code of Ordinances, an **OMNI-DIRECTIONAL ANTENNA** is up to 15 feet in height and up to 4 inches in diameter.

ON-SITE. Located on the lot in question.

ON-STREET PARKING. A parking space that is located on a dedicated street right-of-way.

ON-TRACT. Located on the property that is the subject of a development application or on a contiguous portion of a street right-of-way.

OPACITY. See **RINGELMANN NUMBER**.

(1) A condition which renders material partially or wholly impervious to transmittance of light and causes obstruction of an observer's view.

(2) For the purposes of these regulations, the following equivalence opacity and Ringelmann shall be employed:

<i>Opacity Percent</i>	<i>Ringelmann</i>
10	0.5
20	1
30	1.5
40	2
60	3
80	4
100	5

OPEN SPACE. The total horizontal area of a lot excluding the building area but including parking areas and recreational areas; provided, however, in residential districts, the **OPEN SPACE** may include the usable roof area within the project which has been improved for outdoor use of occupants, plus 1/2 of that space, such as balconies, which may be open on its sides but not open above to the sky.

OPEN SPACE, COMMON. 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. It may include complementary structures and improvements.

OPEN SPACE, PUBLIC. An open space area conveyed or otherwise dedicated to a municipality, municipal agency, board of education, state or county agency, or other public body for recreational or conservational uses.

OPERATOR. As it relates to erosion control, the person required to submit the NOI letter, and required to comply with the terms of Rule 5.

OPERATOR. Any person who has charge, care or control of a building or facility, or part thereof.

ORDINARY MINIMUM WINTER CONDITIONS. The temperature which is 15°F above the lowest recorded temperature for the previous 10-year period.

OUTDOOR ADVERTISING SIGN. Any outdoor sign or billboard providing information or advertisement for a product or service not offered at the same location as the sign.

OUTDOOR CAFÉ. Any portion of food establishment or eating or drinking place located on a public sidewalk or public open space that provides waiter or waitress service and is unenclosed.

OUTDOOR RECREATION. See **BUSINESS or COMMERCIAL.** Includes 1 or more of the following uses: riding clubs, polo fields, horse shows, hunter trails, and other equestrian sports; conservation clubs, Girl Scout and Boy Scout lodges or clubhouses, private parts or playgrounds, archery ranges, and other outdoor recreation uses approved by the Board of Zoning Appeals; and accessory uses, buildings, and structures such as off-street parking and loading facilities, administration, maintenance, and clubhouse buildings. **OUTDOOR RECREATION** may be private recreational developments or outdoor commercial enterprises.

OUTDOOR SALES. See **SALES.**

OUTDOOR STORAGE. The outdoor accumulation of goods, junk, vehicles, equipment, products, or materials for permanent or temporary holding.

OUTFALL. The point or location where storm runoff discharges from a sewer or drain. Also applied to the outfall sewer or channel which carries the storm runoff to the point or outfall.

OWNER. Any person, who, alone, jointly, or severally with others:

(1) Shall have legal title to any dwelling unit, with or without accompanying actual possession thereof. However, whenever the dwelling or dwelling

unit is subject to conditional sales contract, lease with option to purchase, or any other form of written contract under the terms of which any person is entitled to a conveyance of legal title on payment of a specified sum, the term **OWNER** shall mean the person who shall have a contractual right, rather than the person who is holding legal title; or

(2) Shall have charge, care, or control of any dwelling or dwelling unit as executor, executrix, trustee, receiver or guardian of the owner as defined in division (1) above. Any person thus representing the actual owner shall be bound to comply with the provisions of this Code of Ordinances to the same extent as if he or she were the owner. Any person acting as the agent of the owner shall not be construed to be the **OWNER** within the terms of this Code of Ordinances, but shall be bound to notify the owner at his or her last known address, of any order or notice to be issued by the Health Officer of Building Commissioner relating to the property of the owner.

PANEL ANTENNA. Same as **DIRECTIONAL ANTENNA.** Any antenna that transmits and/or receives radio frequency signals in a directional pattern of less than 360 degrees.

PARABOLIC ANTENNA. Same as **SATELLITE DISH ANTENNA.** Any device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn, bowl or cornucopia shaped and is used to transmit and/or receive electromagnetic or radio frequency communication/signals in a specific directional pattern. This definition is meant to include, but is not limited to, what are commonly referred to as satellite earth stations, TVROs and satellite microwave antennas.

PARCEL. A piece of land having a legal description formally set forth in a conveyance together with a description of its location, shape, and size, in order to make possible its easy identification.

PARK MANAGEMENT. The person who owns or has charge, care or control of a mobile home park.

PARKING AREA, PRIVATE. An area paved with a hard surface in accordance with city specifications, other than a street or alley, designed for use or used for the temporary parking of more than 4 motor vehicles when available for public use, whether free or for compensation, or as an accommodation for clients or customers.

PARKING AREA, PUBLIC. An open area, other than a street or alley, designed for use or used for the temporary parking of more than 4 motor vehicles when available for public use, whether free or for compensation or as an accommodation for clients or customers, and paved with a hard surface.

PARKING LANE. A lane generally located on the sides of streets, designed to provide on-street parking for vehicular traffic.

PARKING LOT SIGN. Signs placed or displayed in parking lots to supply information to people using lots, including information with respect to liability as well as entry, exit and directional information, handicapped parking requirements, and other information to facilitate the safe movement of vehicles served by the parking area.

PARKING, OFF-STREET. A parking space provided in a parking lot, parking structure, or private driveway.

PARKING, ON-STREET. A parking space that is located on a dedicated street right-of-way.

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

PARKING SPACE, AUTOMOBILE. Space within a public or private parking area for the storage of 1 passenger automobile or commercial vehicle under a 1-1/2-ton capacity.

PARTICULATE MATTER. Finely divided liquid or solid material discharged and carried along in the air. This shall not include water droplets, commonly called steam.

PAVEMENT. An asphalt or concrete surface.

PEAK FLOW. The maximum rate of flow of water at a given point in a channel or conduit resulting from a particular storm or flood.

PERFORMANCE BOND. An amount of money or other negotiable security paid by the subdivider or his or her surety to the city which guarantees that the subdivider will perform all actions required by the city regarding an approved plat, and provides that if the subdivider defaults and fails to comply with the provisions of an approved plat, the subdivider or his or her surety will pay damages up to the limit of the bond, or the surety will itself complete the requirements of the approved plat.

PERFORMANCE STANDARD. Criterion established to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, and glare or heat generated by or inherent in uses of land or buildings.

PERMANENT FOUNDATION. Any structural system transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

PERMANENT PERIMETER ENCLOSURE. A permanent perimeter structural system completely enclosing the space between the floor joists of the home and the ground, except for the necessary openings, constructed in accordance with the Batesville Building Code.

PERMANENT PERIMETER WALL. An approved non-load-bearing perimeter structural system composed of a continuous solid or mortared masonry wall having the appearance of a permanent load-bearing foundation characteristic of site constructed homes, designed to support the loads imposed and extending below the established frost line.

PERSON. Any entity, including any individuals, corporation, or public body holding title to or having an interest in land, operating, leasing, renting, or

having made other arrangements with the title holder by which the title holder authorizes use of his or her land.

PERVIOUS SURFACE. A surface that permits full or partial absorption of stormwater, such as grass and other vegetation, soil, water bodies, gravel, approved open-center paving block, and the like. Decks made of wood and other materials shall beconsidered pervious if not built over an impervious slab or foundation and if slats are spaced a minimum of 1/8 of an inch apart.

PLACE. An open, unoccupied, officially designated space other than a street, frontage street, commercial service drive, or alley, permanently reserved for use as the principal means of access to abutting property.

PLACED or DISPLAYED. Erected, constructed, posted, painted, printed, tacked, glued, carved, or otherwise fastened, affixed, or made visible in any manner whatsoever.

PLAN. In reference to documentation, the Comprehensive Plan of Batesville, Indiana, and any other supporting or accompanying ordinances, plans, resolutions, rules, or regulations and including their provisions, except where the context clearly indicates otherwise.

PLAN, CAPITAL IMPROVEMENT. A proposed schedule of future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project. Major projects requiring the expenditure of public funds, over and above the annual local government's operating expenses, for the purchase, construction, or replacement of the capital improvements for the community are included.

PLAN COMMISSION. The Batesville Advisory Plan Commission.

PLAN COMMISSION STAFF. The staff of the Batesville Advisory Plan Commission, specifically, the Building Commissioner of Batesville, Indiana, the Assistant Building Commissioner, and any other

persons employed by Batesville under the supervision of the Building Commissioner who have regular duties in the Plan Commission office.

PLAN, COMPREHENSIVE. A long-range plan or composite of plans intended to guide the growth and development of the community; inclusive physical, social, and economic analysis, recommendations, proposals, plans, and policies in written or graphic forms for the development of the jurisdiction and adopted by the Commission pursuant to the I.C. 36-7-4-500 series and including any part and/or policies separately adopted and any amendment to the plan or parts thereof.

PLAN, CONCEPTUAL. Same as **PLAN, CONSTRUCTION.** A preliminary presentation and attendant documentation of a proposed subdivision or site plat showing the specific location and design of improvements to be installed for the subdivision or site in accordance with the requirements of this plan as a condition of the approval of the plat.

PLAN, CONSTRUCTION. Same as **PLAN, CONCEPTUAL.** A preliminary presentation and attendant documentation of a proposed subdivision or site plat showing the specific location and design of improvements to be installed for the subdivision or site in accordance with the requirements of this plan as a condition of the approval of the plat.

PLAN, DEVELOPMENT. Specific plans in accordance with I.C. 36-7-1-6, as amended, for the residential, commercial, or industrial development of property setting forth certain information and data required by the Plan Commission. This information and data may include:

- (1) The proposed name of the development;
- (2) The name and address of developer(s);
- (3) The location by public way, township, and section;
- (4) The legal description;

(5) A map including date, scale and north arrow, location, size, capacity, and use of all buildings and structures existing or to be placed in the development;

(6) The nature and intensity of the operations involved in or conducted in connection with the development;

(7) The site layout of the development including the location, size, arrangement and capacity of area to be used for vehicular access, parking, loading and unloading;

(8) The name of public ways giving access to the development and location, width, and names of platted public ways, railroads, parks, utility easements, and other public open spaces;

(9) The layout of proposed public ways, their names and widths, and the widths of alleys, walkways, paths, lanes, and easements;

(10) A description of the use of adjacent property and an identification of that property;

(11) The location, size and arrangement of areas to be devoted to planting lawns, trees, and other site-screening activities;

(12) The proposals for sewer, water, gas, electricity, storm drainage, and other utilities;

(13) The contours with spot elevations of the finished grade and the directions of storm runoff;

(14) The layout of proposed lots with their numbers and dimensions; and

(15) The land density factors.

PLAN, GENERAL DEVELOPMENT. A plan outlining general, rather than detailed, development intentions. It describes the basic parameters of a major development proposal, rather than giving full engineering details. As that, it allows general

intentions to be proposed and discussed without the extensive costs involved in submitting a detailed proposal.

PLAN, THOROUGHFARE. The part of the Comprehensive Plan, now or hereafter adopted, which includes a Thoroughfare Plan and sets forth the location, alignment dimensions, identification, and functional classification of existing and proposed streets, highways, and other thoroughfares.

PLANNED UNIT DEVELOPMENT (PUD). See **UNIT DEVELOPMENT**.

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

PLAT, PRIMARY. The primary plat, pursuant to I.C. 36-7-4-700 series, is the plat and plans upon which the approval of a proposed subdivision are based. The **PRIMARY PLAT** and plans shall be subject to public notice and public hearing according to law and according to Plan Commission rules. (Under former state statutes, the **PRIMARY PLAT** was referred to as a preliminary plat.)

PLAT, SECONDARY. The secondary plat, pursuant to I.C. 36-7-4-700 series, is the final plat document in recordable form. A **SECONDARY PLAT** shall substantially conform with the preceding primary plat, or section thereof. The **SECONDARY PLAT** and plans are not subject to public notices and public hearings. **SECONDARY PLAT** approval is an administrative function to be carried out in the manner prescribed by the written rules of the Advisory Plan Commission rules, either in public meeting or by Zoning Administrator or designated agent. (Under former state statutes, the secondary plat was referred to as the final plat.)

PLUMBING. All of the following supplied facilities and equipment; gas pipes, gas burning equipment, water pipes, garbage disposal equipment, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths,

installed clothes-washing machines, catch basins, drains, vents, and any other supplied fixtures together with all connections to water sewer or gas lines.

PORCH. A roofed-over structure projecting out from the wall or walls of a main structure and commonly open to the weather in part.

PORTABLE ANTENNAE. Any device used to transmit and/or receive electromagnetic or radio frequency communication/signals in a specific directional pattern, located on a portable or moveable base designed to be placed either for temporary or long-term use at a given site.

PORTABLE SIGN. Any sign that is not permanently affixed to a building, structure, or the ground, inclusive of signs on movable objects, except signs on vehicles which are moving or parked only temporarily, incidental to their principal use for transportation; a temporary sign designed to be moved from place to place.

PRACTICAL DIFFICULTY. A difficulty with regard to one's ability to improve land stemming from regulations of this title. A practical difficulty is not a hardship, rather it is a situation where the owner could comply with the regulations within this title, but would like a variance from the development standards to improve his or her site in a practical manner. For instance, a person may request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the development standards for a new garage location.

PREFABRICATED HOME. A **MOBILE HOME**, **MANUFACTURED HOME**, or **MODULAR HOME**.

PREMISES. A lot, tract, or plat including buildings thereon, if any.

PRIMARY APPROVAL. An approval that may be granted by the Plan Commission and signed and certified by the President of the Plan Commission on a plat of a subdivision in which the procedures, standards of improvement, and conditions have been

met by the applicant as required by this title. A **PRIMARY APPROVAL** is a final decision of the Plan Commission inasmuch as it may be reviewed by the courts.

PRINCIPAL BUILDING. A building in which is conducted the main or principal use of the lot on which the building is situated. Where a part of an accessory building is attached to the **PRINCIPAL BUILDING** in a substantial manner, as by a roof, the accessory building shall be considered a part of the **PRINCIPAL BUILDING**.

PRINCIPAL USE. The main use of land or buildings as distinguished from an accessory use. A **PRINCIPAL USE** may be either a permitted use or a special exception.

PRIVATE SCHOOL. Private preprimary, primary, grade, high or preparatory school or academy.

PRIVATE STREET. Same as **PRIVATE DRIVE**. Vehicular streets and driveways, paved or unpaved, which are wholly within private property except where they intersect with other streets within public rights-of-way and are maintained by the owner(s).

PROFESSIONAL OFFICE CENTER. An architectural and functional grouping of professional offices and appropriate associated and accessory uses which is the central feature of a site plan composed of building area, parking area, landscaped reservation and plantation, and other land features appropriate for its use as a professional office enterprise, designed to serve residential neighborhoods. The center shall conform to the standards and requirements of this Code of Ordinances.

PROJECTING SIGN. A sign characterized by its attachment at an angle with the face of the building as opposed to being mounted flat on the surface of the building.

PUBLIC or PRIVATE PARKING AREA. A group of parking spaces in an open area not including any part of a street or alley designed or used for temporary parking of motor vehicles.

PUBLIC IMPROVEMENTS. Any storm drainage facility, street, highway, parkway, sidewalk, pedestrian-way, tree, lawn, off-street parking area, lot improvement, utility, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

PUBLIC OPEN SPACE. An open space area conveyed or otherwise dedicated to a municipality, municipal agency, board of education, state or county agency, or other public body for recreational or conservational uses.

PUBLIC PARKING AREA. An open area, other than a street or alley, designed for use or used for the temporary parking of more than 4 motor vehicles when available for public use, whether free or for compensation or as an accommodation for clients or customers, and paved with a hard surface.

PUBLIC PLACE. Any tract owned by the State of Indiana or a political subdivision.

PUBLIC SERVICE USE OR FACILITY. A use operated or used by a public body or public utility in connection with any of the following services: water, waste water management, public education, parks and recreation, fire and police protection, solid waste management, transportation, or utilities.

PUBLIC STREET. All property dedicated or intended for public highway, freeway, or roadway purpose or subject to public easements therefore.

PUBLIC UTILITY. Any person, firm, or corporation duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, fiber optics, transportation, water, or sewerage systems.

PUBLIC UTILITY INSTALLATION. The erection, construction, alteration, or maintenance by public utilities, municipal departments, commissions, or common carriers of underground, surface, or overhead gas, oil, electrical, steam, pipes, conduits, cables, fire alarm boxes, poles, wires, mains, drains, sewers, police call boxes, traffic signals, hydrants, towers, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by the public utility or municipal departments or commissions or for the public health or safety or general welfare.

PUBLIC WAY. Includes highway, street, avenue, boulevard, road, lane, or alley.

QUALIFYING TRACT. Any tract where 20 or more cubic yards of earth is removed.

QUASI-PUBLIC USE. A use serving the public at large, and operated by a private entity under a franchise or other similar governmental authorization, designed to promote the interests of the general public or operated by a recognized civic organization for the benefit of the general public.

READILY VISIBLE. An object that stands out as a prominent feature of the landscape when viewed with the naked eye.

REAL ESTATE SIGN. Signs offering developed or undeveloped property for sale, lease, or rent.

REAR LOT LINE. A lot line which is opposite and most distant from the front lot line and, in the case of an irregular or triangular shaped lot, a line 10 feet in length within the lot, parallel to and at the maximum distance from the front lot line.

REAR YARD. A yard extending across the full width of the lot between the rear of the principal building and the rear lot line unoccupied other than by accessory buildings which do not occupy more than 30% of the required space, and steps, walks, terraces, driveways, lamp posts and similar structures, the depth of which is the least distance between the rear lot line and the rear of the principal building.

RECREATIONAL VEHICLE. A portable vehicular structure designed as a temporary dwelling for travel, vacation and recreational uses which is either a structure mounted on an automobile or truck and designed to be used for human habitation, including sleeping, or identified on the unit by the manufacturer as a travel trailer or recreational vehicle, and is not more than 12 feet in width, and not more than 400 square feet in total area.

RECREATIONAL VEHICLE PARK. A tract of land which has been developed with all necessary facilities in accordance with a site development plan meeting all legal requirements and which for short term occupancy by recreational vehicles only. It shall include, but not be limited to travel trailers, pick-up coaches, motor homes, camping trailers, and tents.

RECYCLING. A resource recovery method involving the collection and processing of a waste product for use as raw material in the manufacture of new products.

RECYCLING CENTER. Any permanent structure or facility where recyclable materials are stored or processed.

RECYCLING DROP-OFF. Any structure, facility, or location, either temporary or permanent, where recyclable materials from more than 1 household are left for transport to a recycling center.

RECYCLING, MOBILE UNIT. Any vehicle, wagon, cart, trailer, or moveable bin used for the collection and/or temporary storage of recyclable materials.

REGISTERED LAND SURVEYOR. A land surveyor properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

REGISTERED PROFESSIONAL ENGINEER. An engineer properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

REGULARLY (AS IT RELATES TO THE ADULT ENTERTAINMENT BUSINESS). A recurring and substantial course of conduct, so that the films or performances shown constitute a substantial portion of the films or performances offered as part of the regular activity of the sexually oriented business.

REGULATORY FLOOD. The flood having a peak discharge which can be equaled to exceed on the average of once in a 100-year period, as calculated by a method and procedure which is acceptable to the city. If a permit from the Natural Resources Commission for construction in the floodway is required, then the regulatory flood peak discharge should be calculated by a method acceptable to the city and the Natural Resources Commission. This **REGULATORY FLOOD** is equivalent to a flood having a probability of occurrence of 1 % in any given year.

REGULATORY FLOOD PROFILE. A longitudinal profile along the thread of a stream showing the maximum water surface elevation attained by the regulatory flood.

REGULATORY FLOODWAY. The channel of a river or stream and those portions of the flood plains adjoining the channel which are reasonably required to efficiently carry and discharge peak flow of the regulatory flood of any river or stream and, is that area covered by floodwaters in significant downstream motion or covered by significant volumes of stored water during the occurrence of the regulatory flood.

RELATED EQUIPMENT. All equipment ancillary to the transmission and reception of voice and data via radio frequencies. The equipment may include, but is not limited to, cable, conduit and connectors.

RELEASE RATE. The amount of stormwater released from a stormwater control facility per unit of time.

REPLAT. A subdivision or plat, the site of which has heretofore been platted or subdivided with lots or parcels of land.

RESIDENTIAL DISTRICT. Refers to an RS, R-1, R-2, R-3, R-4, or UD District.

RESIDENTIAL REAL ESTATE - RELATED TRANSACTION.

(1) The making or purchasing of loans or providing other financial assistance:

(a) For purchasing, constructing, improving, repairing, or maintaining a dwelling; or

(b) Secured by residential real estate.

(2) The selling, brokering, or appraising of residential real property.

RESIDENTIAL STREET. A street designed primarily to provide access to abutting properties, usually residential. Certain **RESIDENTIAL STREETS** may be marginal access streets parallel to arterial streets which provide access to abutting property and ways for traffic to reach access points on arterial streets.

REST HOME or NURSING HOME. A private home for the care of the aged or infirm, or any other person in need of nursing care and which does not contain equipment for surgical care or for treatment of disease or injury, and is not primarily designed for mental patients, drug addicts, or alcoholics.

RESTRICTED COMMERCIAL FARM ENTERPRISE. An operation of use not otherwise permitted in this code which is inherent to or closely associated with a farm or agriculture, but not including industrial grain elevators, industrial mills, abattoirs, the manufacture of commercial fertilizer, and similar operations which are of an industrial nature. Also, a **RESTRICTED COMMERCIAL FARM ENTERPRISE** is any similar operation which may:

(1) Cause stream pollution by the disposal of wastes discharged into streams thus endangering water supply and health;

(2) Release odors to the atmosphere beyond the boundary of the property, which may be strong and beyond the normal expectancy of a farm operation;

(3) Create any unusual or loud noises audible beyond the boundaries of the property;

(4) Emit poisonous and injurious fumes and gases beyond the boundaries of the property;

(5) Cause the emission of smoke or particulate matter or cause any undue vibration or excessive glare or heat beyond the boundaries of the property; or

(6) Because the location of its facilities influence adversely the uses of adjacent properties, either existing or proposed.

RESUBDIVISION. A change in a recorded subdivision plat if the change affects any street layout or area reserved thereon for public use or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

RETAINING WALL. A structure erected between lands of different elevation to protect structures and/or to prevent the washing down of erosion of earth from the upper slope level.

RETENTION BASIN. A pond, pool, or basin used for the permanent storage of water runoff. By definition, a retention pond has standing water at all times.

RIGHT-OF-WAY. A strip of land occupied or intended to be occupied by transportation facilities, public utilities, or other special public uses. **RIGHTS-OF-WAY** intended for any use involving maintenance by a public agency shall be dedicated to the public use by the maker of the plat on which the **RIGHT-OF-WAY** is established.

RINGELMANN NUMBER. See **OPACITY**. The number of the area on the Ringelmann Chart that most nearly matches the light-obscuring capacity of

smoke. The Ringelmann Chart is described in the U.S. Bureau of Mines, U.S. Department of Interior, Information Circular 8333 (Revision of I.C. 7718) May 1, 1967, or any adaptation thereof which has been approved. The chart illustrates graduated shades of gray for use in estimating smoke density.

ROOF LINE. A horizontal plane projected parallel to the primary plane of a building floor and touching the primary roof plane on the building.

ROOMING HOUSE. Any dwelling or that part of any dwelling containing 1 or more rooming units, in which space is let by the owner or operator to 5 or more persons who are not husband or wife, sister or brother, son or daughter, or father or mother of the owner or operator.

ROOMING UNIT. Any room or group of rooms or any part thereof forming a single habitable unit used or intended to be used for living and sleeping but not for cooking or eating purposes.

RUBBISH. Combustible or noncombustible waste materials, except garbage, and the term shall include the residue from the burning of wood, coal, coke and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, leaves, tin cans, metals, mineral matter, glass, crockery, or dust.

RULE 5. A name given to 327 I.A.C 15-5, a rule adopted in 1992 by the Indiana State Water Pollution Control Board and administered by the Indiana Department of Environmental Management, and applies to all sites where construction activity disturbs 5 acres or more.

RUNOFF. The portion of the precipitation from sources such as rainfall, snowmelt, or irrigation water that flows over the ground surface.

RUNOFF FROM A FULLY DEVELOPED AREA UPSTREAM. The surface water runoff that can be reasonably anticipated upon maximum development of that area of the watershed located upstream from the subject tract, as permitted by prevailing Zoning or the Comprehensive Plan.

SALE, GARAGE or YARD. A sale of household goods, furniture, equipment, utensils, appliances, tools, personal clothing or effects, novelty items, glassware, farm products, or similar personal property, including, but not limited to any sale commonly termed **PORCH SALE, YARD SALE, LAWN SALE, GROUP FAMILY SALE, RUMMAGE SALE, WHITE ELEPHANT SALE, FLEA MARKET SALE, or ATTIC SALE.**

SALE, ROADSIDE. Sale of goods by 1 or more vendor over the age of 18, having transported goods or services by car, truck, bicycle, trailer, or cart to a temporary roadside location.

SALE, SIDEWALK. Sale of goods or services by 1 or more vendor on a sidewalk or public open space immediately outside of the commercial establishment in which goods or services are typically sold.

SANITARY LANDFILL. A site on which solid wastes are disposed of in a manner protective to the environment, so that wastes are spread in thin layers, compacted to the smallest practical volume, and covered with soil at the end of each work day.

SATELLITE DISH. An apparatus capable of receiving audio/visual broadcasts from a transmitter relay located in planetary orbit, generally 4 to 8 feet, (1.2 to 2.4 m) in diameter.

SATELLITE DISH ANTENNA. Same as **PARABOLIC ANTENNA.** Any device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn, bowl or cornucopia shaped and is used to transmit and/or receive electromagnetic or radio frequency communication/signals in a specific directional pattern. This definition is meant to include, but is not limited to, what are commonly referred to as satellite earth stations, TVROs and satellite microwave antennas.

SATELLITE EARTH STATION. A communication facility consisting of more than a single satellite dish smaller than 10 feet in diameter that transmits to and/or receives signals from an orbiting satellite.

SCHOOL. A public or private institution which offers instruction in any of the branches of learning and study comparable to that taught in the public schools under the Indiana School Laws, including pre-kindergarten, kindergarten, elementary school, and junior and senior high schools, but excluding trade, business, or commercial schools.

SCRAP METAL YARD. A general industrial use established independent or ancillary to and connected with another general industrial use, which is concerned exclusively in new and salvaged metal pipes, wire, beams, angles, rods, machinery, parts, fittings, clippings, and all other metal items of every type, and which acquires these 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 the items for reuse by the connected other general industrial use or for sale and shipment and use in other industries or businesses including open hearth, electric furnaces and foundry operations; this establishment shall not include junk yards, dumps, or automobile graveyards. The storage, dealing in or the permitting of the accumulation of significant quantities of combustible, organic or nonmetal scrap materials such as wood, paper, rags, garbage, bones and shattered glass on the premises of an establishment will disqualify it from being classified as a **SCRAP METAL YARD**, and the same will be classified as a junk yard.

SEASONAL BUSINESS. A temporary business operating at a non-permanent location for certain months of the year or during special events.

SECONDARY APPROVAL. An approval that may be granted by the Plan Commission and signed and certified by the President of the Plan Commission on a plat of a subdivision which the Plan Commission has already given its primary approval before it can be

filed with the County Auditor and recorded by the County Recorder, and the improvements and installations have been completed as required by the Subdivision Control Chapter; or, if the improvements and installations have not been completed as required, the applicant has provided a bond or other proof of financial responsibility in accordance with the requirements of the Subdivision Control Chapter.

SEDIMENT. Material of soil and rock origin, transported, carried or deposited by water.

SEDIMENTATION. The process by which mineral or organic matter is accumulated or deposited by moving wind, water, or gravity. Once this matter is deposited (or remains suspended in water), it is usually referred to as **SEDIMENT**.

SEMI-NUDE or SEMI-NUDE CONDITION. The showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other apparel provided the areola is not exposed in whole or in part.

SERVICE STATION or FILLING STATION.
See **AUTOMOBILE SERVICE STATION**.

(1) Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail, and where in addition the following services may be rendered and sales made limited to the following:

(a) Sale and servicing of spark plugs, batteries, and distributors and distributor parts;

(b) Tire servicing and repair, but not recapping or regrooving;

(c) Replacement of mufflers and tailpipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors, and the like;

- (d) Radiator cleaning and flushing;
- (e) Washing and polishing, and sale of automobile washing and polishing materials;
- (f) Greasing and lubrication;
- (g) Providing and repairing fuel pumps, oil pumps, and lines;
- (h) Minor servicing and repair of carburetors;
- (i) Adjusting and repairing brakes;
- (j) Emergency wiring repairs;
- (k) Minor motor adjustments not involving removal of the head or crankcase or racing the motor;
- (l) Sales of cold drinks, packaged foods, ice, tobacco, and similar convenience goods for service stations customers, as accessory and incidental to principal operation;
- (m) Rental hauling vehicles for the moving of household goods, but not including the sale or rental of automobiles, mobile homes or recreational vehicles, as accessory and incidental to principal operation; and
- (n) Provision of road maps and other informational materials to customers; provision of restroom facilities.

(2) Uses permissible at a service station do not include major mechanical and body work, straightening of frames or body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations.

SETBACK. The minimum horizontal distance between the building line and a lot line or right-of-way. (See Figure 2.1.)

SEXUAL ENCOUNTER CENTER. A business or commercial enterprise that, as 1 of its principal business purposes, offers for any form of consideration:

(1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

(2) Activities between male and female persons and/or persons of the same sex when 1 or more of the persons is in a state of nudity or semi-nude.

SEXUALLY ORIENTED BUSINESS. An adult arcade, bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

SHARED HOUSING. Any dwelling unit which the owner allows to be occupied by unrelated persons living as a single housekeeping unit, provided that the number of occupants does not exceed twice the number of bedrooms, and that the total number of occupants does not exceed 4 regardless of the number of bedrooms.

SHOPPING CENTER. An architectural and functional grouping of retail stores, generally oriented around a supermarket or department store, and appropriate associated and accessory uses, which is the central feature of a site plan or development plan composed of building areas, parking areas, access streets and circulatory ways for vehicles and pedestrians, landscape reservations and plantations and other land features appropriate for its operation as a business enterprise, designed to serve residential neighborhoods or communities and which conforms to the requirements of this code.

SHOULDER. The graded or paved part of the right-of-way that lies between the edge of the main pavement (cartway) and the curb or ditch.

SIDE LOT LINE. A lot boundary line other than a front or rear lot line. (See Figure 2.1.)

SIDE YARD. The horizontal space between the nearest foundation of a building to the side lot line and that side lot line, unoccupied other than by architectural appurtenances projecting not more than 24 inches into that space; steps or terraces not higher than the level of the first floor of the building; and open lattice-enclosed fire escapes, fireproof outside stairways and balconies projecting not over 24 inches into that space. (See Figure 2.1.)

SIDEWALK. That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

SIGHT TRIANGLE. A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

SIGN.

(1) A physical embodiment of a visual communication which is intended to be viewed from outdoor public areas. In addition, it shall include all parts, portions, units and materials composing the same, together with the illumination, frame, background, structure, and support anchorage thereof.

(2) This definition shall not apply to the official flag, emblem, or insignia of the governmental or religious group or agency.

SIGN AREA. The surface area of a sign face is the entire area measured within a single continuous perimeter enclosing all elements of the sign which form an integral part of the sign and which are organized, related, and composed to form a single unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

SIGN, BILLBOARD or ADVERTISING. An off-site sign that directs attention to an object as described in the definition of sign. However, the

ADVERTISING SIGN shall not be associated with the primary use, business activity, or service conducted on the premises.

SIGN, BUILDING IDENTIFICATION. Permanent signs mounted on the building which identify the building and/or which identify the business or profession or industry, or combination thereof, conducted on the premises.

SIGN, CHANGEABLE COPY. Signs designed to be used with removable graphics which will allow changing of copy. Changeable copy includes change by manual or mechanical means, as well as change by electronic or digital means.

SIGN, COMMUNITY ACTIVITY or ACTIVITIES. Signs associated with a religious, charitable, cultural, civic, or educational organization.

SIGN, CONSTRUCTION ANNOUNCEMENT. Signs placed on a property upon which construction is to take place, or is taking place, which contain information regarding the individuals or firms directly connected with the construction project, including the name of the contractor, subcontractors, real estate licensee, and the possible future tenants.

SIGN, DIRECTORY. A sign or set of similarly designed individual signs placed or displayed in sequence, to list all or part of the businesses within a building or business center.

SIGN FACING. The surface of the sign on, against, or through which the message of the sign is exhibited.

SIGN, FREE-STANDING. Any sign attached to a self-supporting sign structure standing on the ground which is essentially unattached to any other structure. Signs mounted on architecturally integrated extensions of buildings are not considered free standing.

SIGN, GASOLINE PRICE. On premise signs identifying the brand and/or type and price of fuel sold.

SIGN, GOVERNMENTAL or OTHER REQUIRED BY LAW. Signs placed in any area of the city by a government entity or private individual or business as required by federal, state, or local law.

SIGN HEIGHT. Generally refers to freestanding signs. The distance measured from the average surface grade surrounding the base of a sign or the average surface grade of the roadbed nearest the base of the sign, whichever is higher, to the top of the highest element of the sign.

SIGN, ILLUMINATED. Signs or individual letters in which an artificial light source is used in order to make the message readable. This definition shall include internally and externally lighted signs, and reflectorized, glowing, or radiating signs.

SIGN, INCIDENTAL. A nameplate, temporary sign, or sign relating to the lot or use thereof and designating accessory uses, direction, identification, information, or real estate for sale, rent, or lease.

SIGN, INSTITUTIONAL. Signs identifying the premises of, or announcing the activities conducted by a church, school, hospital, rest home, or similar institutional facility.

SIGN, OFF PREMISE. Signs identifying a business activity, property, or product at some location other than where the sign is displayed.

SIGN, PARKING LOT. Signs placed or displayed in parking lots to supply information to people using the lots, including information with respect to liability as well as entry, exit and directional information, handicapped parking requirements, and other information to facilitate the safe movement of vehicles served by the parking area.

SIGN, PORTABLE. Any sign that is not permanently affixed to a building, structure, or the ground, inclusive of signs on movable objects, except signs on vehicles which are moving or parked only temporarily, incidental to their principal use for transportation; a temporary sign designed to be moved from place to place.

SIGN PROGRAM. A coordinated design plan of 1 or more signs for an individual business establishment.

SIGN, PROJECTING. A sign characterized by its attachment at an angle with the face of the building as opposed to being mounted flat on the surface of the building.

SIGN, REAL ESTATE. Signs offering developed or undeveloped property for sale, lease, or rent.

SIGN STRUCTURE. The supports, uprights, bracing, and framework for the sign. In the case of a sign structure consisting of 2 or more sides where the angle formed between any of the sides (or the projection thereof) exceeds 15 degrees, each side shall be considered a separate sign structure.

SIGN, TEMPORARY. An on-premise advertising device not fixed to a permanent foundation, for the purpose of conveying information, knowledge, or ideas to the public about a subject related to the activities on the premises upon which it is located.

SIGN, TIME and TEMPERATURE. Signs displaying the time or the temperature, or both.

SIGN, UNDER CANOPY. Signs suspended no lower than 8 feet above the public right-of-way or above a walkway that is used by the public, or under a canopy or awning of a building, which identifies a building, profession or industry conducted on the premises.

SIGN, WINDOW. Temporary window signs constructed of paper, cloth or similar expendable material, provided the total area of these signs is not to exceed 50% of the window area.

SILHOUETTE. A representation of the outline of the towers and antenna associated with a communication facility, as seen from an elevation perspective.

SITE. The entire area included in the legal description of the land on which land disturbing activity has been conducted.
(Ord. 11-96, passed 11-12-1996)

SLOPE. The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. **SLOPES** are usually expressed in a percentage based upon vertical difference in feet per 100 feet or horizontal distance.

SLOW BURNING OF INCOMBUSTIBLE. Materials, which do not in themselves, constitute an active fuel for the spread of combustion. A material which will not ignite, nor actively support, combustion during an exposure for 5 minutes to a temperature of 1,200°F.

SMOKE. Small gas-borne particles resulting from incomplete combustion, consisting predominantly but not exclusively of carbon, ash and other combustible material, that from a visible plume in the air.

SOIL STABILIZATION. Chemical or structural treatment of a mass of soil to increase or maintain its stability or otherwise improve its engineering properties.

SPECIAL EXCEPTION. The authorization of a use that is designated as that by this title as being permitted in the district concerned if it meets special conditions, and upon application, is specifically authorized by the Plan Commission per § 151.22.

SPECIAL SCHOOL. Any school which has as its primary purpose the instruction care and rehabilitation of atypical or exceptional children or adults so that the usual statutory educational requirements expressly or implicitly do not apply.

SPECIFIED ANATOMICAL AREAS.

(1) The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or

(2) Less than completely and opaquely covered human genitals, pubic region, buttocks or female breast below a point immediately above the top of the areola.

SPECIFIED CRIMINAL ACTIVITY. Any of the following offenses:

(1) Prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; engaging in organized criminal activity; sexual assault; molestation of a child; gambling; or distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of other states or countries;

(2) For which:

(a) Less than 2 years have elapsed from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;

(b) Less than 5 years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or

(c) Less than 5 years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of 2 or more misdemeanor offenses or combination or misdemeanor offenses occurring within any 24 month period.

(3) The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or a person residing with the applicant.

SPECIFIED SEXUAL ACTIVITIES. Any of the following:

(1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

(2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or

(3) Excretory functions as part of or in connection with any of the activities set forth in divisions (1) through (2) above.

STORAGE, OUTDOOR. The outdoor accumulation of goods, junk, vehicles, equipment, products, or materials for permanent or temporary holding.

STORM SEWER. A closed conduit for conveying collected stormwater.

STORY. That portion of a building, including between the surface of any floor and surface of the floor next above it. If there is no floor above it, then the space between the floor and the ceiling next above it shall be the story.

STORY, HALF. A story under a sloping, gable, hip, or gambrel roof, the wall plates on at least 2 opposite exterior walls of which are not more than 3 feet above the floor level of the half-story.

STREET. A right-of-way or thoroughfare, other than an alley, or place dedicated or otherwise legally established to the public use, usually affording the principle means of access to abutting property. A **STREET** may be designed a highway, thoroughfare, parkway, boulevard, road, avenue, lane, drive, or other appropriate name.

STREET, ARTERIAL. A street designed for large volumes of traffic movement. Certain **ARTERIAL STREETS** may be classified as limited access highways to which entrances and exits are provided only at controlled intersections and access is denied to abutting properties.

STREET, COLLECTOR. Same as **STREET, FEEDER.** A street designed to facilitate the collection of traffic from local streets and to provide circulation within neighborhood areas and convenient ways for traffic to reach arterial streets.

STREET, DIVIDED. A street having an island or other barrier separating moving lanes.

STREET, FEEDER. Same as **STREET, COLLECTOR.** A street planned to facilitate the collection of traffic from residential streets, and to provide circulation within neighborhood areas and convenient ways for traffic to reach arterial streets.

STREET FURNITURE. Man-made, above-ground items that are generally found in street rights-of-way, including benches, kiosks, plants, canopies, waste receptacles, shelters, and phone booths.

STREET HARDWARE. The mechanical and utility systems within a street right-of-way, such as hydrants, manhole covers, traffic lights and signs, utility poles and lines, and parking meters.

STREET, LOCAL. A street designed primarily to provide access to abutting properties and discourage through traffic.

STREET, PRIVATE. Vehicular streets and driveways, paved or unpaved, which are wholly within private property except where they intersect with other streets within public rights-of-way and are maintained by the owner(s).

STREET, PUBLIC. All property dedicated or intended for public highway, freeway, or roadway purpose or subject to public easements therefore.

STREET, RESIDENTIAL. A street designed primarily to provide access to abutting properties, usually residential. Certain **RESIDENTIAL STREETS** may be marginal access streets parallel to arterial streets, which provide access to abutting property and ways for traffic to reach access points on arterial streets.

STRIP DEVELOPMENT. Uncoordinated and often unsightly development that generally occurs along main highways and thoroughfares leading into and out of a community. **STRIP DEVELOPMENT** often includes fast food restaurants, filling stations, used car lots, and shopping centers.

STRUCTURAL ALTERATION. Any change in the supporting members of a building or structure, such as, bearing walls, partitions, columns, beams or girders, or any substantial change in the exterior walls or the roof.

STRUCTURE. Anything constructed or erected which requires location on the ground or attachment to something having a location on the ground except utility poles and towers.

STRUCTURE RIDGELINE. The line along the top of a roof or top of a structure, if it has no roof.

SUBDIVIDER. Any person responsibly engaged in developing or improving a tract of land that complies with the definition of a subdivision as defined in this chapter.

SUBDIVISION.

(1) The division of any parcel of land shown as a unit, as part of a unit, or as contiguous units on the last preceding transfer of ownership thereof, into 2 or more parcels, sites, or lots, any one of which is less than 5 acres in area, for the purpose, whether immediate or future, of transfer of ownership. However, the division or partition of land into parcels of more than 5 acres, not involving any new street or easements of access, and the sale or exchange of parcels between adjoining lot owners, where the sale or exchange does not create additional building sites, shall not be considered a subdivision. The requirements of this title shall not apply to an existing (recorded) plat proposed to be subdivided with the exception of filing an application and fee and providing plat certificates Appendices (A), (B), and (C) under Ch. 152;

(2) The improvement of 1 or more parcels of land for residential, commercial, or industrial structures or groups of structures, involving the subdivision and allocation of land as streets or other open spaces for common use by owners, occupants, or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public utilities and facilities;

(3) Whenever a new street or street are included to provide access to lots which are laid out for the purpose of immediate or future transfer of ownership, but which do not front on an existing street, the interior lots shall be considered as parts of the subdivision, even though they may equal 5 or more acres in area;

(4) Provided, that certain exempted divisions are set forth herein. These divisions are exempt from most of the requirements of this code:

(a) A division of land for the transfer of a tract or tracts to correct errors in an existing legal description, provided that no additional building sites other than for accessory buildings are created by the division;

(b) A division of land pursuant to an allocation of land in the settlement of decedent's estate or a court decree for the distribution of property;

(c) A division of land for federal, state, or local government to acquire street right-of-way;

(d) A division of land for the transfer of a tract or tracts between adjoining lots provided that no additional principal building sites are created by the division. The lots so created here under shall have only 1 principle building site each (See § 151.26);

(e) A division of land into cemetery plots for the sole purpose of burial of corpses; and

(5) Exempted divisions listed herein are subject only to the provisions of § 152.11 of this code, and shall be exempt from other provisions of this code not specified or referred to in that section.

SUBSTANTIAL ENLARGEMENT (OF A SEXUALLY ORIENTED BUSINESS). The increase in floor areas occupied by the business by more than 25%, as the floor areas existed prior to the effective date of this title.

SUPPLIED. Paid for, furnished, or provided by or under the control of the owner or operator.

SURVEY MARKER. A stake, pipe, rode, nail, or any other object which is not intended to be a permanent point for record purposes.

SURVEY MONUMENT. A permanent physical structure which marks the location of a corner or other survey point.

SWALE. A low-lying stretch of land which gathers or carries surface water runoff.

SWIMMING POOL, PRIVATE. A swimming pool used only by the owner of the pool and friends as an accessory use at a private residence.

TATTOO PARLOR. A place of business where tattooing is performed, also including the instruction, schooling, or education of tattooing. Tattooing means the placement in human tissue of any indelible design, letter, scroll, figure or symbol or other mark placed with the aid of needles or other instruments: or any design, letter, scroll, figure or symbol done by scarring upon or under the skin.

TELEVISION ANTENNA. A metal tower located on or adjacent to a residence or other structure, for the purpose of receiving broadcast messages from signal and/or relay towers.

TEMPORARY BUSINESS. Any business operating at or within a moveable location or structure, or any business operating at a location which lacks permanent infrastructure including full utilities, parking, permanent signage, and the like.

TEMPORARY IMPROVEMENT LOCATION PERMIT. An improvement location permit authorized by the Advisory Board of Zoning Appeals with a definite time limit attached thereto.

TEMPORARY SIGN. An on-premise advertising device not fixed to a permanent foundation, for the purpose of conveying information, knowledge, or ideas to the public about a subject related to the activities on the premises upon which it is located.

TERRITORIAL JURISDICTION. The territory within the city, the boundaries of which are shown on the zone map, latest edition, as amended, which includes all of the area over which this Code of Ordinances is effective.

THOROUGHFARE PLAN. The part of the Comprehensive Plan, now or hereafter adopted, which includes a **THOROUGHFARE PLAN** and sets forth the location, alignment dimensions, identification, and functional classification of existing and proposed streets, highways, and other thoroughfares; specifically as referenced in § 150.08 of this code.

TIME AND TEMPERATURE SIGN. Signs displaying the time or the temperature, or both.

TOPSOIL. Surface soils and subsurface soils, which are presumably fertile, soils and soil material, ordinarily rich in organic matter of humus debris. **TOPSOIL** is usually found in the uppermost soil layer call the A Horizon.

TOURIST HOME. A building in which 1 but not more than 5 guest rooms are used to provide or offer overnight accommodations to transients for compensation.

TOWER, COMMUNICATIONS. A mast, pole, monopole, guyed tower, lattice tower, free-standing tower, or other structure designed and primarily used to support antennas. A ground or building mounted mast greater than 10 feet tall and 6 inches in diameter supporting 1 or more antenna, dishes, arrays, and the like, shall be considered a **COMMUNICATIONS TOWER**.

TOWNHOUSE. A 2 or 2-1/2 story dwelling, which may include a basement, and which is normally an integral part of an apartment or multi-family use as set forth in this code.

TRADE or BUSINESS SCHOOL. A secretarial or business school or college when not publicly owned or not owned or conducted by or under the sponsorship of a religious, charitable or nonprofit organization; or a school conducted as a business enterprise for teaching instrumental music, dancing, barbering or hair dressing, drafting or for the teaching of industrial or technical arts.

TRANSFER OF OWNERSHIP OR CONTROL (OF A SEXUALLY ORIENTED BUSINESS). Includes any of the following:

- (1) The sale, lease, or sublease of the business;
- (2) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means; or
- (3) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

TREE. A woody perennial plant that reaches a mature height of at least 8 feet (2.4 m).

UNDER CANOPY SIGN. Signs suspended no lower than 8 feet above the public right-of-way or above a walkway that is used by the public, or under a canopy or awning of a building, which identifies a building, profession or industry conducted on the premises.

UNIT DEVELOPMENT. Same as **PLANNED UNIT DEVELOPMENT**. A large-scale unified development meeting the requirements for zoning approval under the provisions of Chapter 151 of this title. Generally, a **PLANNED UNIT DEVELOPMENT** consists of a parcel or parcels of land to be developed as a single entity which does not correspond in size of lots, bulk or type of buildings, density, lot coverage, and required open space to the regulations established in any district specified in this

title. This may result in more attractive and affordable development than conventional developments would allow. Clustered housing (dwellings built in innovative lot arrangements around common open space) and zero lot line housing (dwellings built immediately adjacent to lot lines) are possible as part of **PLANNED DEVELOPMENTS**. A **PLANNED UNIT DEVELOPMENT** requires approval through a zoning map amendment and development plan approval process as specified in § 151.20 of this Code of Ordinances.

USE. The employment or occupation of a building, structure, or land for service, benefit or enjoyment to a person.

USE, NONCONFORMING. An existing lawful use of land or building which fails to comply in any manner with the requirements set forth in this code applicable to the districts in which the use is located.

USE VARIANCE. The granting of a variance to permit a use in a district in which it is otherwise prohibited. A **USE VARIANCE** authorized by the Board with due process of law becomes a lawful nonconforming use unless a subsequent district reclassification makes it a conforming use.

UTILITY. Any person, firm, or corporation duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, fiber optics, transportation, water, or sewerage systems.

VARIANCE, DEVELOPMENT REGULATIONS/DESIGN STANDARDS. Same as **DEVELOPMENT REGULATION VARIANCE**. A specific approval granted by a Board of Zoning Appeals in the manner prescribed in § 151.40 of this code, to deviate from the development standards (such as height, bulk, area) that the title otherwise prescribes.

VARIANCE, USE. The granting of a variance to permit a use in a district in which it is otherwise prohibited. A **USE VARIANCE** authorized by the Board with due process of law becomes a lawful nonconforming use unless a subsequent district reclassification makes it a conforming use.

VERTICAL ANTENNA. A vertical type antenna without horizontal cross-sections greater than 1/2 inch in diameter.

VETERINARY ANIMAL HOSPITAL or ANIMAL CLINIC. A place used for the care, diagnosis and treatment of sick, ailing, infirm or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for treatment, observation and/or recuperation. It may also include boarding that is incidental to the principal activity or use.

VIBRATION. Oscillatory motion transmitted through the ground.

VISION CLEARANCE ON CORNER LOTS OR INTERSECTION VISIBILITY. A triangular space at the street corner of a corner lot, free from any kind of obstructions, except as otherwise provided in this code.

WATERCOURSE. Any river, stream, brook, branch, natural or man-made drainageway in or into which stormwater runoff or floodwaters flow either regularly or intermittently.

WATERSHED. Same as **DRAINAGE AREA**. The area from which water is carried off by a drainage system; a watershed or catchment area.

WINDOW SIGNS. Temporary window signs constructed of paper, cloth or similar expendable material, provided the total area of these signs is not to exceed 50% of the window area.

WRECKING YARD, AUTOMOBILE. See **JUNK YARD**. Any place where 2 or more motor vehicles, not in running condition, lacking current license plates and state inspection stickers, including inoperable equipment and parts thereof, are stored in the open and not being restored to operating condition; and including the commercial salvaging of any other goods, articles, or merchandise.

YARD. A space on the same lot with a building which is open and unoccupied and unobstructed by structures, except as otherwise authorized by this code.

YARD, FRONT. A yard extending across the full width of the lot or in the case of a corner lot extending also along the length of the lot abutting the side street, unoccupied other than by steps, walks, terraces, driveways, lamp posts, and similar appurtenances, the depth of which is the least distance between the front lot line and the building line.

YARD, REAR. A yard extending across the full width of the lot between the rear of the principal building and the rear lot line unoccupied other than by accessory buildings which do not occupy more than 30% of the required space, and steps, walks, terraces, driveways, lamp posts and similar structures, the depth of which is the least distance between the rear lot line and the rear of the principal building.

YARD, SIDE. A yard between the building and side lot line, extending from the front yard or from the front lot line where no front yard is required, to the rear yard, unoccupied other than by architectural appurtenances projecting not more than 24 inches from the building, or open or lattice-enclosed fire escapes or fireproof outside stairways, projecting not more than 4 feet, and certain accessory uses in accordance with the provisions of this title. The width of the required side yard is measured horizontally at 90 degrees with the side lot line from the nearest point of the building.

ZONE. Same as **DISTRICT**. A section of the City of Batesville for which uniform zoning regulations governing use, height, area, size, intensity of use of buildings and land, and open spaces about buildings are herein established.

ZONING ADMINISTRATOR. Same as **ADMINISTRATOR**. The officer appointed and/or delegated the responsibility for the administration of this title's regulations by the Common Council.

ZONING DISTRICT. Same as ***DISTRICT.*** A section of the City of Batesville for which uniform zoning regulations governing use, height, area, size, intensity of use of buildings and land, and open spaces about buildings are herein established.

ZONING MAP. The official zoning map of the City of Batesville, Indiana, denoting zoning districts.

ZONING ORDINANCE. An ordinance now or hereafter adopted under the 600 series of I.C. 36-7-4, including a zone map which divides the jurisdiction of the Commission into districts, with regulations, requirements, and procedures for the establishment of land use controls, and which indicates where subdivision of land may occur; specifically Chapter 151: Zoning Code, as amended.

ZOO. A permanent location, building, or structure where more than 1 exotic animal is kept, indoors and/or outdoors, as an attraction, and where admission is collected.

(Ord. 11-2004, passed 1-10-2005)

