

ARTICLE 2

DEFINITIONS

SECTION 200 - Interpretation of Terms or Words

For the purpose of this ordinance, certain terms or words used herein shall be interpreted as listed below. Definitions not found within this Article shall be defined as found in the current edition of *Webster's Dictionary*, and/or *A Glossary of Zoning, Development, and Planning Terms* as published by the American Planning Association.

1. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
2. The present tense includes the future tense, the singular number includes the plural, and the plural includes the singular.
3. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
4. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."
5. The word "lot" includes the words "plot" or "parcel."

AASHTO

American Association of State Highway and Transportation Officials.

Abandonment

To cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods or vacation or seasonal closure, and also excluding lapses in between different owners or tenants who carry out the same use or activity.

Abutting or Adjoining

Having a common border with, or being separated from such common border by a right-of-way, alley, or easement.

Acceleration Lane

A speed change lane, including tapered areas, for the purpose of enabling a vehicle entering a roadway to increase its speed to a rate at which it can more safely merge with through traffic.

Access

Driveway or other point of access such as a street, road, or highway that connects to the general street system. Where two public roadways intersect, the secondary roadway will be the access.

Accessory Building or Structure

A building or structure, the use of which is customarily incidental and subordinate to the use of the principal building or principal use of the land on which the structure is located.

Accessory Use of Structure

A use or structure on the same lot as the principal use or structure and is subordinate in area, extent and purpose to the principal use or structure in which it serves. An accessory use or structure contributes to the comfort, convenience, and/or necessity for the occupants of the principal use or structure.

Adjoining Property

All property that touches the property line of the subject parcel on all sides. Properties separated by roadways (except interstates) or bodies of water shall be considered adjoining property at the centerline of the road or body of water. The Decatur County Assessor's Office shall be the official public record of property ownership in Decatur County.

Administrator

The officer appointed by and/or delegated the responsibility for the administration of these regulations by the Area Plan Commission. This term shall be construed to include those planning staff members working under the direction of the Director.

Agricultural Use

Agricultural Use means the use of a tract for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers or ornamental plants.

Airport

A defined public or private land area designed and set aside for the landing and taking-off of aircraft. An airport includes all necessary runways, taxiways, passenger terminals, parking areas, aircraft maintenance and storage buildings, and open spaces.

Alley

(See Street)

Alterations, Structural

A change or rearrangement in the supporting members of a building such as bearing walls, columns, beams, or girders.

Amusement Park

A permanent facility open to the public on a seasonal or year round basis that includes a combination of recreational and/or entertainment attractions. Attractions at an amusement park consist primarily of mechanized or non-mechanized rides and exhibits for viewing, but may also include attractions such as arcades, vendors offering food or games of chance, and/or live music, theater, or multi-media events.

Apartment Dwelling Unit

A residential structure used for occupancy by three or more families, living independently of each other, and which contains three or more dwelling units, but not including townhouse dwelling units.

Applicant

The owner of land, or his agent or legal representative, who seeks an approval, permit, certificate or determination from the Area Plan Commission or Board of Zoning Appeals, under the provisions of this ordinance.

Architectural Feature

A prominent or significant part of or element of a building, structure, or site.

As-Built Plan

A plan that indicates the way the site and/or building were actually developed on the property as opposed to the way they were planned to be developed.

Assisted Living Facility

A facility which provide assistance with food preparation, medications, cleaning, social functions and other daily needs for elderly individuals in separate dwelling units.

Auto Parts and Accessory Store

A retail establishment that sells parts, components and accessories for motor vehicles but that does not conduct automotive repair activities, pursuant to the definition of “automotive repair facility,” and that does not conduct wholesaling or warehousing and distribution activities.

Automotive Repair Facility

A business establishment that repairs, rebuilds, reconditions, or services automobiles or automotive parts, including but not limited to any of the following activities: body and paint work; engine repair or rebuilding; installation, repair, or reconditioning of tires, brakes, transmissions, mufflers, automotive electrical or air conditioning systems, automotive upholstery, or automotive glass, all on an individual vehicle basis; changing of oil, other fluids, and filters; and emissions testing.

Automotive Sales

The sale or leasing of new and used motor vehicles, displayed, stored and sold or leased on site, excluding repair work except incidental repair.

Automotive Wrecking

The dismantling or wrecking of used motor vehicles, mobile homes, or trailers; or the storage, sale, or dumping of dismantled, wrecked vehicles or their parts. The presence of two or more non-operational motor vehicles on a lot for a time period exceeding thirty (30) days shall constitute evidence regarding the establishment of an automobile wrecking yard. Also may be referred to as a junkyard.

Average Daily Traffic (ADT)

The total bi-directional volume of traffic passing through a given point during a given time period, divided by the number of days in that time period.

Band Width

The time in seconds or the percent of cycle between a pair of parallel lines which delineate progressive movement on a time-space diagram. It is a quantitative measurement of through traffic capacity provided by signal progression.

Banner

Any sign of lightweight fabric or similar material that is not designed or intended for use as a permanent sign for advertising purposes.

Basement

A story underground having at least one-half of its height below the average level of the adjoining grade.

Bed and Breakfast Inn

An operator occupied dwelling unit where short term lodging rooms and meals are provided for compensation on a small scale.

Berm

An earthen mound designed to provide visual interest, screen undesirable views, and decrease noise.

Bicycle Lane (Bike Lane)

A portion of a roadway, or a lane adjacent to a roadway, which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicyclists.

Bicycle Route (Bike Route)

A segment of a system of bikeways designated by the jurisdiction having authority with appropriate directional and informational markers, with or without a specific bicycle route number.

Bikeway

Any road, path, or way which in some manner is specifically designated as being open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are to be shared with other transportation modes.

Board of Zoning Appeals (BZA)

An appointed board responsible for hearing and considering requests for variances and conditional use permits as outlined in the zoning regulations.

Bufferyard

(See Landscaped Screening)

Building

A structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property.

Building Accessory

A subordinate building detached from, but located on the same lot as, the principal building, the use of which is incidental and accessory to that of the main building or use.

Building Height

The vertical distance measured from the average elevation of the proposed finished grade at the front of building to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and the average height between eaves and ridge for gable, hip, and gambrel roofs.

Building Setback Line

A horizontal distance line which is generally parallel to the related front, rear or side lot line. The building setback line cannot encroach upon the required minimum yard dimensions for principally permitted and accessory uses or structures as specified in this Ordinance.

Capacity (for vehicle traffic)

The maximum number of vehicles that have a reasonable expectation of passing over a given roadway or section of roadway in one direction during a given time period under prevailing roadway and traffic conditions.

Cemetery

A land area used or intended to be used for the purposes of human or animal burial. A cemetery includes, but is not limited to, a burial park for earth interment, mausoleum for entombment, columbarium, burial ground consisting of one (1) or more marked or unmarked graves, and a burial mound or other burial facility.

Centerline

The mid-point in the width of a public right-of-way or the center of a roadway.

Channel

A natural or artificial water course, with bed and banks that transport continuous or intermittent water flow.

Child Care Home

The definition of child care distinguishes among the following types of establishments:

1. Family Child Care Home: A private residence where care, protection, and supervision are provided, for a fee, at least twice a week to no more than six children at one time, including children of the adult provider.
2. Group Child Care Center, Class I: A building or structure where care, protection, and supervision are provided, on a regular schedule, at least twice a week to more than 7 children and no more than 12 children, including children of the adult provider.
3. Group Child Care Center, Class II: A building or structure where care, protection, and supervision are provided on a regular schedule, at least twice a week to more than 12 children, including the children of the adult provider.

Church

A facility used primarily for religious worship services of an assembly nature that may secondarily provide social or community services such as counseling, child care, senior services, and educational programs. For the purposes of this ordinance, synagogues, temples, and other places of religious assembly for worship, regardless of the terminology used by a specific faith or denomination, are considered churches pursuant to this definition.

Clinic

A facility that offers care, diagnosis and treatment of sick or injured persons. A clinic may provide out-patient surgical attention but does not include accommodations.

Club

A facility owned or operated by persons for a social, literary, political, educational or recreational purpose for the exclusive use of members and their guests.

Commercial Recreation

A privately owned and operated facility that offers activities related to fitness, purposeful relaxation and/or games.

Comprehensive Plan

A plan or any portion thereof, adopted by the Area Plan Commission, that establishes policies for public and private actions and decisions to safeguard the development of public and private property in the most appropriate manner. A comprehensive plan shall contain as a minimum, a statement of goals and objectives, principles, policies, and standards; a land use plan element; a transportation plan element; a community facilities plan element; and any additional elements.

Concept Development Plan

A plan that generally illustrates, depicts, and/or describes a development proposal, in accordance with the requirements of this Ordinance. A Concept Development Plan is reviewed in conjunction with Zoning Map Amendment requests and other public hearing requests as specified in this Ordinance. A Concept Development Plan approval shall be binding upon the future development of the real property in question.

Conditional Use

A defined use permitted within a zoning district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals. A conditional use has some special characteristic inherent to its operation and is subject to special requirements to mitigate negative land use impacts.

Conditional Use Permit

A permit granted by the Board of Zoning Appeals permitting a defined use, other than a principally permitted use, to be established within the zoning district and subject to the special requirements established by the Board.

Condominium

A single-family attached dwelling unit separately owned and valued for property tax purposes, with common areas under group ownership and property taxes paid by a homeowners association.

Condominium Association

The community association that administers and maintains the common property and common elements of a condominium.

Confined Feeding

The raising of animals for food, fur or recreation in lots, pens, ponds, sheds or buildings, where they are confined, fed and maintained for at least 45 days during any year, and where there is no ground cover or vegetation present over at least half of the animals' confinement area. Livestock markets and sale barns are generally excluded.

Confined Feeding Operation

Any animal feeding operation engaged in the confined feeding of at least 300 cattle; 600 swine or sheep; 30,000 fowl, such as chickens, turkeys, or other poultry; and other aquatic-based operations for the raising of fish, shrimp, or other similar operations.

Convenience Store

A small retail store that sells grocery and deli items, other day-to-day goods, and stocks such goods on the premises, all on a limited basis. A convenience store may offer the retail sale of motor fuels as an accessory use, if permitted in the particular zone, or if the particular zone allows gasoline filling stations as a principally permitted use.

Corner Lot

(See Lot Types)

County Maintained Roadway

(See Public Way)

Cul-De-Sac

(See Street)

Critical Volume

A volume (or combination of volumes) for a given street which produces the greatest utilization of capacity for that street in terms of passenger cars or mixed vehicles per hour.

Cycle Time

The time period in seconds required for one complete sequence of signal indications.

Day Care Center

(See Child Care Facility)

Day-time Hours

7:00 AM to 7:00 PM, local time.

Dead-end Street

(See Street)

Deceleration Lane

A speed change lane, including tapered areas, for the purpose of enabling a vehicle that is to make an exit turn from a roadway to slow to safe turning speed after it has left the main stream of faster moving traffic.

Decibel

A unit of measurement of the loudness, or intensity of sound. Sound level meters which are employed to measure the intensity of sound are calibrated in “decibels.”

Delay

Stopped time per approach vehicle, in seconds per vehicle.

Density

Defined as a unit of measurement involving a portion of an activity devoted to a specific use identified in acres, square footage, or number of dwelling units in relation to a site or portion thereof. For commercial and employment uses, density is typically expressed in this Ordinance as a ratio of square footage of building area per acre of land area. For residential uses, density is typically expressed in terms of the number of dwelling units per acre of land. For signage, density is expressed in terms of the number of a certain type of signs per wall, building, lot, or overall development or subdivision. The term "density" may be used interchangeably with the term "intensity" in this Ordinance.

Design Hour Volume

Hourly traffic volume used for street design and capacity analysis, usually one or more peak hours during a 24-hour period.

Design Speed

Five to ten miles per hour above the proposed or desired speed limit of the facility under design

Design Vehicle

- 1. Developments intended for public use must be designed for the following types of vehicles:

Residential Uses (excluding single family or duplex)	SU30
Commercial Uses	WB40
Industrial Uses	WB50

- 2. For public street, the following design vehicles must be used:

Commercial/Multi-family Locals and' Minor Collectors	SU30
Major Collectors	WB40

Definitions for the above vehicle types are found in AASHTO Geometric Highway Design Standards.

Detention Basin

A facility constructed or modified to restrict the flow of storm water through the facility's outlet to a prescribed maximum rate and, concurrently, to detain the excess waters that accumulate behind the facility's outlet.

DHV

Design Hour Volume

Diameter at Breast Height (dbh)

The diameter of a tree trunk as measured at the height of the chest of the individual making the measurement. For the purposes of this Ordinance and the landscaping requirements contained herein, dbh is 4.5 feet from grade.

Divided Highway

A highway with separate roadways for traffic in opposite directions, such separation being indicated by depressed dividing strips, raised curbs, traffic islands, other physical separations, or by standard pavement markings and other traffic control devices.

Drive -In

An establishment such as a restaurants or movie theater designed and intended for patrons to be served or entertained within their automobiles.

Drive -Thru

A facility which provide a window in which the patron can purchase an item without leaving their automobile.

Drop-off centers

A trailer or temporary structure used as a collection point for donated items for a specific non-profit organization.

Duplex Dwelling Unit

A single residential structure that contains two dwelling units for use by two separate families living independent of each other. The two dwelling units within a duplex dwelling unit structure are separated by a common wall, floor, and/or ceiling.

Dwelling

A building or structure, which is completely or partly used for residential purposes but does not include commercial hotels, motels or tourist cabins.

Dwelling Unit

An area within a dwelling, comprising of one housekeeping unit for occupancy by a family and household employees. A dwelling unit includes facilities such as bathrooms, a kitchen and bedrooms.

Dwelling Modular Unit

A factory-fabricated transportable building designed to be incorporated with similar units at a building site into a modular structure that will be a finished building in a fixed location on a permanent foundation.

Easement

A legally authorized use for a defined area by a property owner to the public, a corporation, another person, or an entity for a specified purpose.

Employee

Any person who works for an individual, group, or business, for compensation that is paid by the operator of the activity to the person providing the work.

Enforcement Officer

Individual(s) designated by the Planning Director to enforce the regulations within the zoning and subdivision ordinance.

Erosion

Detachment and movement of soil or rock fragments by water, wind, ice, temperature changes, and gravity.

Essential Services

The erection, construction, alteration, or maintenance, by public utility or governmental agency of underground gas, electrical, steam, water or other distribution systems, collection, communication, supply, disposal, or other transmission system. Includes, but is not limited to poles, wires, main drains, sewers, pipes, traffic signals, hydrants, or other similar equipment for the public's health, safety and general welfare.

Family

1. Any number of persons all of whom are related by blood, legal adoption, or marriage, occupying a common premises and living as one housekeeping unit using one kitchen; or
2. Five or fewer persons occupying a common premises and living as one housekeeping unit using one kitchen, provided that the premises is not a boarding house, lodging house, fraternity or sorority, club, hotel or a residence for social rehabilitation, or that admission to residency in or occupancy of the premises is not limited to or intended for persons in the custody of the criminal justice system or the juvenile justice system and persons engaged in the care, custody, nurturance, or supervision of such persons; or
3. More than five persons occupying a common premises and living as one housekeeping unit using one kitchen, provided that the premises is not a boarding house, home for the infirmed

and aged, nursing home, lodging house, fraternity or sorority house, club, hotel, or other exceptional residential use, or a residence for social rehabilitation.

Farm Implement and Machinery Sales

The sale or leasing of new and used farm implements and machinery displayed, stored, and sold or leased on site, excluding repair work, except minor incidental repair.

Fence

A structure, other than a building, which is a barrier and used as a boundary or means of security or confinement.

Fire Trucks

Must be considered as a WB40 truck with a minimum of 45 ft. radius for design purposes.

Findings of Fact

The information that a board uses when making a recommendation or decision on an application.

Foot-candle

A unit of measurement that is used to gauge the brightness or illumination of a projected light source, which is equal to the light flux falling on one square foot of area one foot away from a light source of one candle power.

Franchise Style Fast Food Establishment

A restaurant that sells ready-made food or readily prepared made to order food (hot or cold), from a typically limited menu, that is generally served in disposable containers or wrappers. A franchise style fast food establishment may include drive-in or drive-through service, although orders are generally not taken at the customer's table. A franchise style fast food establishment is typically characterized by the use of corporate trademarks in the design of on-site signage and by standardized corporate architecture in the design of the building.

Frequency

The number of oscillations per second.

Frontage

That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot. Lots shall not be considered to front on stub ends of streets and the case of corner lots will be considered to front on both intersecting streets.

Garages, Private

A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers and/or boats of the occupants of the premises and wherein:

1. Not more than one space is rented for parking to persons not a resident on the premises;
2. No more than one commercial vehicle per dwelling unit is parked or stored;
3. The commercial vehicle permitted does not exceed two tons capacity.

Garages, Public

A facility designed and used for the temporary storage of operational automobiles.

Gasoline Filling Station

A facility that primarily offers the retail sale of gasoline and similar fuels. A gasoline filling station may offer automotive wash services, if permitted in the particular zone as a principally permitted, accessory, or conditional use. Gasoline filling stations include the following activities that are accessory and incidental to the principle operation:

1. Sale of cold drinks, packaged food, and similar convenience goods.
2. Sale of road maps, other travel information material and provision of restroom facilities.

Grading

The process of moving or removing of dirt, rock or vegetation from the property for the purpose of improving or developing the property. Grading can include removing material from the property to another site for the purpose of providing fill material to improve or develop the site. For the purpose of this Ordinance grading is not considered mining.

Handicapped Person

A person with a physical, emotional, or mental disability, including but not limited to mental retardation, cerebral palsy, epilepsy, autism, deafness or hard of hearing, sight impairments, and orthopedic impairments, but not including convicted felons or misdemeanants on probation or parole or receiving supervision or rehabilitation services as a result of their prior conviction, or mentally ill persons who have pled guilty but mentally ill to a crime or not guilty by reason of insanity to a crime. "Handicapped person" does not include persons with current, illegal use of or addiction to alcohol or any controlled substance.

Home Occupation

A home business that is clearly an incidental and secondary use of the principal dwelling unit and that is conducted in conformance with the home occupation requirements of this Ordinance. Examples of acceptable home occupations commonly include personal or consulting services, professional offices, or studios that do not necessitate clients coming to the business, and that do not necessitate either regular deliveries to the residence or the use of tractor-trailers for deliveries to the residence.

Homeowners Association

A private, nonprofit corporation of homeowners and/or residents of a defined area for the purpose of owning, operating, and maintaining various common properties.

Hotel or Motel and Apartment Hotel

A facility that offers transient lodging accommodations on a daily rate to the general public and provides additional services such as restaurants, conference rooms, and recreational facilities.

Hourly Volume

The number of (mixed) vehicles that pass over a given section of a lane of roadway during a time period of one hour.

Household

One or more individuals occupying a single dwelling unit.

Household Pets

Animals customarily kept within a home or upon the premises for the resident's personal use and enjoyment. They are not to be raised for commercial purposes and must be appropriately confined to a dwelling unit or a private boarding stable so as to not create a nuisance to adjoining property owners. Household pets include, but not limited to, domestic dogs, domestic cats, domestic birds, domestic fish, and domestic rodents.

Impact Vibrations

Earth-borne oscillations occurring in discrete pulses at or less than one hundred (100) per minute.

Impervious Surface

An area that has been compacted or covered by a layer of material that is highly resistant to infiltration by stormwater. Impervious surfaces include buildings, parking areas, driveways, sidewalks, and graveled areas.

Individual Sewage Disposal System

A septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device approved by the Health Department to serve the disposal needs of one single-family residential dwelling. An individual sewage disposal system is a private sewage disposal system

Industrial Park

A defined geographic area planned and coordinated for the development of various industrial uses and associated activities. An industrial park is designed, constructed, and managed on an integrated basis with particular attention given to vehicular circulation, parking, utilities, stormwater management, building design, signage, and landscaping.

Industry, Heavy

The purpose of the I-3 Heavy Industrial District is to provide for those types of heavy industrial uses, which have extensive outside storage requirements, require large movement of vehicles and goods and cannot be accommodated in an I-1 or I-2 district. Uses in this district involve heavy equipment, machinery, or other products, which require sufficient infrastructure and results in a substantial economic impact. Uses in this district will generally utilize unrefined raw materials, whose processing may potentially create noise, odors, dust, smoke; involve hazardous materials or waste or be delivered in large bulk transportation forms. Such districts will be organized to provide employment opportunities for regional and extra regional labor markets. Districts will be located on lands with direct access to expressways and/or arterials, rail lines and navigable waterways.

Industry, Intermediate

The purpose of the I-2 Intermediate Industrial District is to provide for those types of industrial uses, which have extensive outside storage requirements, require large movement of vehicles and goods and cannot be accommodated in an I-1 district. Uses in this district involve equipment, machinery, or other products, which require sufficient infrastructure and results in a substantial

economic impact. Uses in this district will generally utilize unrefined raw materials, whose processing may potentially create noise, odors, dust, smoke; involve hazardous materials or waste or be delivered in large bulk transportation forms. Such districts will be organized to provide employment opportunities for regional and extra regional labor markets. Districts will be located on lands with direct access to expressways and/or arterials, rail lines and navigable waterways.

Industry, Light

The purpose is to allow different types of small to large-scale light manufacturing, warehousing, distribution and related services uses, which require direct accessibility to a regional transportation system. Manufacturing operations in this district will generally not utilize unrefined raw materials, whose processing may potentially create undesirable noise, odors, dust, smoke, hazardous materials or waste to be delivered in large bulk transportation forms.

Infrastructure

The total composition of public, semi-public and private utilities, facilities and services which make urban areas possible. The infrastructure includes roads, rail, transit, sewage, water, storm drainage, education, fire, police, recreation, general public health, general public administration and revenue.

Institution

A facility designed and used to aid individuals in need of mental, therapeutic, rehabilitation counseling, or other correctional services.

Intensity

(See Density)

Junkyard

A junkyard is an open area where junk, waste, scrap, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, papers, rags, rubber tires, bottles, and inoperable equipment or machines or motor vehicles. A junkyard includes automobile wrecking or salvage yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house-wrecking and structural steel materials and equipment, but does not include uses established entirely within enclosed buildings or composting operations. The presence of two or more non-operational motor vehicles on a lot for a time period exceeding thirty (30) days shall constitute evidence regarding the establishment of a junkyard. An automobile wrecking yard is considered as a junkyard.

Kennel

Any parcel of real estate on which household domestic animals are maintained, boarded, trained, bred, raised, groomed, or cared for in exchange for pay, barter, commission, or remuneration of any kind.

Landfill

A facility designed and used for the disposal of solid wastes in an appropriate manner that minimizes potential environmental degradation. Hazardous, toxic, or radioactive waste disposal is not permitted in a landfill.

Landominium

A single family attached dwelling unit separately owned and valued for property tax purposes which includes land under the unit along with common areas under group ownership and paid by a homeowners association.

Landscape Island

An area that contains plantings or other landscape material and that is surrounded on all sides by paved areas such as vehicular parking and circulation areas, loading/unloading areas, outside storage and outside display areas, ingress/egress lanes, etc.

Landscape Peninsulas

An area that contains plantings or other landscape material and that is surrounded on two sides if in a corner of a paved area, or three sides in other instances, by paved areas such as vehicular parking and circulation areas, loading/unloading areas, outside storage and outside display areas, ingress/egress lanes, etc.

Landscape Screen or Bufferyard

A defined area composed of vegetation and/or structures located between different and/or conflicting types or intensities of land uses or activities. A landscape screen or bufferyard may include a combination of trees, shrubs, earthen berms, landscaping fences, and/or open space qualities. The purpose of a landscape screen or bufferyard is to minimize the potential negative impacts of noise, light, dust, dirt pollution, and differing visual effects of one use or activity upon another.

Landscaping

The preservation, addition, and maintenance of trees, bushes, plants, and/or other natural features for an area to produce an aesthetic appearance for socio-environmental reasons.

Level of Service (LOS)

A measure of the mobility characteristics of an intersection as determined by vehicle delay and secondary factor, the volume/capacity ratio.

Legislative Unit

The elected governmental body such as city council, town board or county commissioners for a given incorporated or unincorporated jurisdiction that has legislative authority within that jurisdiction.

Loading Space Off-Street

Parking lot area designed and exclusively designated for the purpose of bulk pickups and deliveries. A loading area must be appropriately scaled to delivery vehicles expected to be used and accessible to vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

Location Map

(See Vicinity Map)

Lot

A lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such setbacks and other open spaces as on an improved public street, or on an approved private street, and may consist of:

1. A single lot of record;
2. A portion of a lot of record;
3. A combination of complete lots of record, of complete lots or of portions of lots of records.

Lot Coverage

The ratio of enclosed ground floor area of all buildings on a lot, expressed as a percentage.

Lot Measurements

A lot shall be measured as follows:

1. Area: The geometric, horizontal area contained within a lot of record exclusive of any portion of the right-of-way of any public or private street or alley.
2. Frontage: The distance between the side property lines as measured across the required minimum front yard setback line.

Lot of Record

A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded in the office of the County Recorder.

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 Home Construction and Safety Standards Law of 1974 (942 USC 5401 et seq.) (Also see Mobile Home and Modular Home)

Marina

A facility designed and used for storing, fueling, berthing, and launching of private pleasure watercraft.

Mining

Mining to include the extraction from the subsurface or surface of sand, gravel, rock, clay, silt, shale, stone, and other mineral or material;

Mobile Home

A dwelling unit composed of one or more components substantially assembled in a manufacturing plant and designed to be transported to a building site on its own chassis for placement on a supporting structure. A mobile home is constructed in accordance with the standards established in the U.S. Department of Housing and Urban Development's building code for manufactured housing. A mobile home is not constructed in accordance with the standards established in the

state and local building codes that are applicable to site-built homes.

The removal of a mobile home's wheels and/or the attachment to a permanent foundation shall not change its classification. Mobile homes do not include modular homes, dwelling units with automotive capabilities, or recreational vehicles.

Model Home

A residential structure or series of structures built with the purpose of displaying the craftsmanship of the builder/developer of that unit. The unit primarily serves as a marketing tool to sell future, similar units on other lots.

Modular Home

A dwelling unit composed of two or more components substantially assembled in a manufacturing plant and transported to a building site by truck for final assembly on a permanent foundation. A modular home must be constructed in accordance with the standards established in the state and local building codes that are applicable to site-built homes. Modular homes do not include mobile homes. For the purposes of this ordinance, a modular home is considered to be a single family dwelling unit.

Mobile Home or Travel Trailer Sales

The sale or leasing of new and used mobile homes and travel trailers displayed, stored, and sold or leased on site excluding repair work except minor incidental repair.

Motel

A facility that offers overnight sleeping accommodations primarily for automobile travelers

Multi-Family Dwelling Unit

A residential building designed, arranged, and occupied exclusively by three (3) or more families living independent of each other.

Multi-Modal Transportation

Facilities, or a system of facilities, that accommodate more than one mode of transportation such as motor vehicles, bicycles, pedestrians, buses, light rail, etc. Such facilities may include but are not limited to, car pooling lots, bus stops, transit stations, bike ways or lanes, bike racks, pedestrian paths, etc.

M.U.T.C.D.

Manual on Uniform Traffic Control Devices

Nonconforming Use or Structure

A structure which lawfully existed at the time of adoption or amendment of the zoning regulations, which does not conform to the regulations of the zoning district in which it is situated.

Nuisance

Something that is considered harmful to health and well-being, annoying, obnoxious, and unpleasant.

Nursing Home

A health care facility designed and used for the care and/or treatment of invalids, or elderly persons.

Occupancy

The use of a structure for the purpose of a residence, or other use whether such structure is ordinarily designated for such use.

Office Park

A defined geographic area planned and coordinated for the development of various office/business uses and associated activities. An office park is designed, constructed, and managed on an integrated basis with particular attention given to vehicular circulation, parking utilities, stormwater management, building design, signage, and landscaping.

Open Space

A land area designated for recreation, resource protection, and/or buffering purposes. Open space may include, but is not limited to lawns, decorative plantings, walkways, trails, playgrounds, fountains, swimming pools, woods, natural drainage features, and any other passive or active recreational facilities that the Area Plan Commission deems appropriate. Open space is not defined as existing or future road right-of-ways, streets, driveways, parking areas, or buildings.

Operator

The owner, permit holder, custodian, manager, operator or any person in charge of any permitted or licensed activity.

Owner

The person, persons, or other entity having legal title to particular real estate, or such other person, persons, or entity acting on behalf of and with the written permission and authority of the legal title holder, such as a holder of an option or contract to purchase the real estate, or a lessee. In the context of this order, "owner" means the person, persons, or entity bearing responsibility for a development review application or proposal, and the term "owner" may be used interchangeably with terms such as applicant, developer, owner by option, etc.

Parking Space, Off-Street

Parking lot area designed and exclusively designated for the purpose of automobile parking. Must be adequate for parking an automobile with room for opening doors on both sides, properly related access to a public street or alley and maneuvering room. All off-street parking spaces shall be located totally outside of any street or alley right-of-way.

Pawn Shop

A business establishment that provides loans, usually short-term, using personal property as collateral and that retains the personal property, or legal title thereof, until the loan is repaid; if the

loan is not repaid, such personal property provided as collateral is offered for sale to the public, primarily in an on premise retail environment. A business establishment that primarily buys personal property for resale to the general public in a retail environment, without the provision of a loan, is also considered to be a pawn shop pursuant to this definition unless it is of a consignment nature. A pawn shop differs from a bank, savings and loan, credit union, or similar establishment in that a pawn shop does not offer routine banking services such as checking, savings, escrow, or similar accounts, nor the sale of certificate of deposits or similar investment instruments, credit services other than loans where personal property is used for collateral.

Plan Commission (also referred to as Area Plan Commission)

Public agency in the county empowered to prepare a comprehensive plan, zoning regulations, subdivision regulations, special regulations, and corridor or special area studies. The planning commission is responsible for evaluating proposed land use changes and their conformance with any applicable plans or regulations as well as reviewing subdivisions, zoning permits, site plan review and other applications outlined within the Zoning or Subdivision Ordinance. Within this Ordinance the term Plan Commission shall refer to the agency as a whole and may include the staff, director and board members.

Plan Commission Staff (also referred to as Area Plan Commission Staff)

Individuals employed by the Area Plan Commission or related boards under direct employment or by a contractual agreement.

Planned Unit Development

A defined land area to be planned and developed as a single development or an ordered series of developments. A planned development may include a variety of land use types and densities that are characterized by imaginative designs. A planned development's imaginative design shall creatively address architectural design, location of structures, integration of differing land uses, access management, interior vehicular and pedestrian access, storm water management, landscaping, signage, and the preservation of natural topography, drainage, and vegetation.

Planning Director (also referred to as Area Plan Director)

The individual appointed by the Area Plan Commission to administer, interpret, and enforce the provisions of the zoning regulations and subdivision ordinance pursuant to the provisions of this ordinance.

Pond

Any inland body of water that in its natural state has a surface area of 500 square feet or more with a depth no less than 3.5 feet, and body of water artificially formed or increased that has a surface area of 500 square feet or more with a depth no less than 3.5 feet. For purposes of measuring pond setbacks under this Ordinance, ponds shall include any man made supporting structure containing such body of water.

Postal Services

A business establishment that offers private post office boxes for rent, and/or that offers drop-off,

pick-up, or packing and crating services for the delivery of letters or packages, and that may include the sale of stamps, packaging materials, or other items necessary for the delivery of letters or packages, provided that the use is of a retail nature and not of a distribution, storage, or transfer nature that is more appropriate in an industrial district unless otherwise qualified by the text of a specific zoning district to allow such distribution, storage, or transfer activities.

Post Office, U.S.

A facility operated and occupied by the United States Postal Service for the purpose of delivering, storing, and/or transferring mail, and for carrying out related governmental functions.

Pre-application Meeting

Informal discussions between a developer or individual and the planning staff occurring prior to the submission of an application for action by the Area Plan Commission. The pre-application meeting allows the planning staff to acquaint the applicant with the applicable procedures and regulations, suggest improvements to a proposed design, encourage the applicant to contact appropriate authorities on the provision of public utility service, and provide the applicant with any pertinent information relating to the proposed application.

Primary Use or Structure

(See Principal Use or Structure)

Principal Use or Structure

Uses that are permitted by right on a given piece of property and are distinguished from an accessory use. The principal use or structure is the predominant purpose for which a lot is occupied or used.

Project Review Committee (sometimes referred to as Technical Review Committee)

The committee responsible for the technical evaluation of site plan applications required under this Ordinance. Membership may include, but is not limited to, a representative(s) from the Area Plan Commission, applicable public works department, applicable water and/or sewer district, applicable county or city engineer, applicable fire district or the Fire Chief's Association, and the Decatur County Building Department. A different project review committee may be formed for any of the legislative bodies served by the Area Plan Commission.

Protective Covenants

Contracts entered into between private parties or subdivision restrictions recorded as a part of the final plat, and which constitute a restriction on the use of all private property within a subdivision for the benefit of property owners, and provide mutual protection against undesirable aspects of development which would tend to impair stability of values. The individual, or group, that initiates the protective covenants shall be responsible for the enforcement, it is not the responsibility of county staff.

Public Way

A publicly dedicated area in which a public entity or the general public have the legal right-of-passage regardless of improvements to the dedicated area. Public ways include, but are not limited

to, an alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel viaduct, walk, or bicycle path.

Recreational Use

A public or private use of a building, structure or property which involves either an active or passive activity conducted indoors or out for the purpose of pleasure, leisure, fellowship or exercise commonly involving a sporting activity, camping, hiking, jogging, hunting, bicycling, fishing, swimming, boating, and other related activities.

Recreational Vehicle

A wheeled vehicle designed primarily for the purpose of personal recreation, pleasure, or travel, but not for permanent habitation. Recreational vehicles include, but are not limited to, motor homes, camper trailers, boats, dune buggies, stock cars, and motorcycles that are not street legal. Such wheeled vehicles may also be considered to be a trailer pursuant to the definition in this article. Recreational Vehicles may be used for recreational purposes during seasonal periods of the year, but may not be used for more than 90 consecutive days or for more than 180 days of each calendar year.

Recreational Vehicle Park

Any lot or parcel of land used or intended to be used for the accommodation of two or more recreational vehicles for transient dwelling purposes.

Recycling Center

A completely enclosed facility that collects, sorts, and processes for shipment to a recycling plant, recoverable resources such as newspapers, glassware, plastics, and aluminum cans.

Recycling Collection Point

A neighborhood collection point for the temporary storage of recoverable resources. Does not include the processing of recoverable resources for shipment to a recycling plant.

Recycling Plant

A facility that is not a junkyard and in which recoverable resources are recycled, reprocessed, and treated in order to return such materials to a condition in which they may be used in the production of additional goods.

Retail

A use engaged in the sale of merchandise and/or services directly to the end purchaser or end user, and where sales to the general public are not restricted or prohibited as may occur in a wholesaling use. A retail use is generally not conducted in conjunction with warehousing or distribution functions, with the exception of factory outlet stores where the retail use is accessory to the warehousing or distribution use.

Right-of-Way

An area or strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may

include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts and bridges. For land platting purposes the term “right-of-way” shall mean that every right-of-way established and shown on a plat is to be separated and distinct from the lot/s or parcel/s adjoining such right-of-way and not included within the dimensions or areas of such lot/s or parcel/s. Rights-of-way intended for streets, crosswalks, water lines, sanitary sewer, storm drains, screening or special landscaping, or any other use involving maintenance by a public agency shall be dedicated to public use by the subdivider on whose plat such right-of-way is established.

Right-of-Way Easement

A legally authorized use for a defined area by a property owner to the County or other governmental jurisdiction for use as a public roadway and the maintenance of the roadway and/or other utilities as specified.

Roadside Stand

A temporary structure designed or used for the display or sale of agricultural and related products.

Satellite Dish

A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device is used to transmit and/or receive radio or electromagnetic waves between terrestrial and/or orbital based uses. This definition includes but is not limited to what is commonly referred as satellite earth stations, TVRO’s (television reception only satellite dish antennas), and satellite microwave antennas.

School

Any public or private educational facility, including but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities. The term “School” includes the school grounds, but does not include the facilities used primarily for another purpose and only incidentally as a school.

Sewers, Central or Group

A central sewage treatment facility for a single development, community, or region with an accompanying collection network. Must be designed to properly provide for the safe treatment and disposal of the generated raw sewage. Subject to the approval by the appropriate local and state health officials.

Shopping Center

A group of retail and/or service establishments planned, developed, and managed as a single site with common off street parking provided on the property.

Sidewalk

A portion of the road right-of-way outside the roadway, or a pathway on private property which is improved for pedestrian traffic

Sight Distance

The length of roadway that is visible in front of a driver. The minimum sight distance available should be sufficiently long to enable a vehicle traveling at or near the design speed to stop before reaching a stationary object in its path.

Sign

A device designed to promote and identify an establishment or activity by any means including but not limited to words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images.

The following represents terminology associated with signs:

- Abandoned:* A sign on which the use has ceased or discontinued without the intent to resume. Abandoned signs have often fallen into a state of disrepair because of long periods of limited or no maintenance and/or use.
- Directional:* A low-rise sign of an incidental nature that is located near an exit or entrance to an office park or commercial shopping center, or within vehicular circulation areas, to convey directional information to motorists.
- Free-Standing:* A sign which is attached to a self-supporting structure that is placed on, or anchored in, the ground and that is independent of any building.
- Illuminated:* A sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.
- Lighting Device:* A light, string of lights, or groups of lights located or arranged so as to cause illumination on a sign.
- Monument Style:* A freestanding sign that is composed of a solid structure between finished grade and the top of the sign.
- Off-Premises:* A sign advertising an attraction, facility, or product and the location of said attraction, facility, or product. The sign may or may not be located on the same property as the advertised item.
- On-Premises:* A sign related to a business or professional conducted, or a commodity or service sold or offered upon the premises where such sign is located.
- Political:* A temporary sign that advertises for the election an individual or group, or the passage of an issue, or similar activity that is placed on a voting ballot.
- Portable:* Any sign not permanently attached to the ground or to a permanent structure, or a sign designed to be transported, including but not limited to signs designed to be transported by means of wheels, including such signs originally designed to be transported by means of wheels but have had the wheels removed (regardless of whether they are mounted to a pole, building, or other permanent or temporary structure), and signs attached to or painted on parked vehicles that are visible from the public right-of-way, unless said vehicles is used in the normal day-to-day operations of the business.
- Projecting:* A sign which projects from the exterior of a building, having a display area which is other than parallel to the face of the building.
- Real Estate:* A sign that advertises the sale of land, structure, or related property.

Temporary: A sign that is not intended to be a permanent method of advertising.

Vehicle: An off-premise sign painted or otherwise affixed to a vehicle or vehicle trailer.

Wall: A sign that is attached to an exterior wall of a building having a display area that is parallel to that wall.

Signal Progression

Progressive movement of traffic at a planned rate of speed through adjacent signalized locations within a traffic control system without stopping.

Single Family Dwelling Unit

A detached building designed exclusively for and occupied exclusively by one family.

Site Plan

A plan prepared to scale showing, accurately and with complete dimensioning, the location of all proposed uses and all site development features for a specific site. A site plan addresses physical design, location of structures, access management, interior vehicular and pedestrian access, stormwater management, landscaping, signage, provisions of all required improvements, and the interrelationship of the various site plan components.

Sound Level Meter

An instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighting networks used to measure sound pressure levels.

Sound Pressure

The instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by sound energy.

Specialized Amusement Facility

An establishment that offers one or more separate, single purpose, recreational attractions such as skateboard parks; bungee, bicycle, or ski jumping; hang gliding; etc, but that does not include live entertainment such as live music performances, theater, or multi-media events.

Speed Change Lane

A separate lane for the purpose of enabling a vehicle entering or leaving a roadway to increase (acceleration lane) or decrease (deceleration lane) its speed to a rate at which it can more safely merge or diverge with through traffic.

Steady-State Vibrations

Continuous earth-borne oscillations occurring more than one hundred (100) times per minute.

Stopping Sight Distance

The distance traveled by the vehicle from the instant the driver of a vehicle sights an object necessitating a stop to the instant the brakes are applied, and the distance required to stop the vehicle from the instant brake application begins.

Storage Lane

Additional land footage added to a deceleration lane to store the maximum number of vehicles likely to accumulate during a critical period without interfering with the through lanes.

Story

The portion of a building between the surface of a floor and the ceiling immediately above.

Structure

Anything constructed or erected that requires the use to be located on the ground, or attachment to something having a fixed location on the ground.

Street

Any vehicular way that (1) is an existing State or Municipal roadway (2) is shown on a plat approved pursuant to law or (3) is approved by other official action. Street shall include road and highway, unless otherwise indicated, the term street shall refer to both public and private streets.

Subdivision

(See *Decatur County Subdivision Control Ordinance*)

Substantially Underway

Any activity in which earth has been moved and/or removed and construction has begun on the site including but not limited to the digging and poring of the foundation or footers, raising of walls. May also include the laying of material for the construction of roads or parking areas.

Swimming Pool

A pool, pond, lake, or open tank containing a depth of at least 1.5 feet of water at any point and maintained by the owner or manager:

1. Private or Residential: Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multi-family development, or a community, the members and guests of a club, or the patrons of a motel or hotel; and accessory to the principal use.
2. Community: Operated with a charge for admission, and as a primary use.

Three-Component Measuring Device

A device for measuring the intensity of any vibration in three mutually perpendicular directions.

Townhouse Dwelling Unit

A single-family attached dwelling consisting of one dwelling from ground to roof, a separate entrance and having more than one floor or story, but sharing walls with another dwelling unit or an accessory structure of another dwelling unit, where three or more dwelling units attached.

Trailer

Any wheeled vehicle designed to be hauled, pulled, or towed by automobile, truck, tractor, or other vehicle, including but not limited to campers, utility wagons, construction and farm equipment.

Such wheeled vehicle may also be considered to be a recreational vehicle pursuant to the definition in this article.

Trips

Generally referred to in this ordinance as one-way trips and not two-way round trips.

Use

The specific purposes for which land and/or a building are designated, arranged, intended, or for which it is or may be occupied or maintained.

Variance

A variance is an exception granted from the literal enforcement of the zoning regulations where, by reason of exceptional topographic conditions, or some other extraordinary situation or condition of that site that would deprive the applicant of reasonable capacity to make use of the land in a manner equivalent to those permitted to other landowners in the same zone district. It is a departure from dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces.

Vibration

(See *Steady-State Vibration & Impact Vibration*)

Vehicular Use Area (VUA)

All outside paved areas within the perimeter of the site that serve as vehicular parking and circulation areas, loading/unloading areas, outside storage and outside display areas, and ingress/egress lanes. VUA's are used to determine certain landscaping requirements as specified in the section regarding Landscaping, Buffering, Screening and Fences.

Veterinary Animal Hospital or Clinic

A facility that offers care, diagnosis, and treatment of sick, or injured animals, which may include overnight accommodations on site for the treatment, observation and/or recuperation of animals. Also included, are boarding facilities that are incidental and subordinate to the principal activity.

Vicinity Map

A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and service within the general area in order to better locate and orient the area in question.

Warehousing and Distribution

A use engaged in storage, wholesale, transfer, and/or distribution of manufactured products, bulk materials, food and drink, supplies, and/or equipment.

Welfare and Charitable Services

An office use that may also provide client services such as rehabilitation, personal development, counseling, outreach programs, or distribution of material goods for daily living needs. For the purposes of this ordinance, welfare and charitable services does not include residential based or in-patient programs.

Wholesaling

A use engaged in volume or on-going sales of manufactured goods, bulk materials, food and drink, supplies, and/or equipment to a retailer or other middle man, but not to the end purchaser or end user, and where sales to the general public is commonly restricted or prohibited. Wholesaling is typically conducted in, and considered a part of, a warehousing and distribution environment in contrast to a retail or commercial environment.

Yard

A required open space unoccupied and unobstructed by any structure or portion of a structure from thirty (30) inches above the general ground level of the graded lot upward, provided accessories, ornaments, and furniture, may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

Front Yard: A yard extending between the side lot lines across the front of the lot and from the front lot line to the front of the principal building. For flag lots, the front yard is measured from the rear lot line of the adjoining lot that is between the flag lot in question and the street.

Rear Yard: A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.

Side Yard: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

Zone Change

(See Zoning Map Amendment)

Zoning District

A mapped area to which different land use controls are imposed. These controls specify the allowed uses of land and buildings, the density of such uses, the maximum height and minimum setbacks for any proposed structures, and other matters as specified in this order

Zoning Map Amendment

A change to the existing zoning district boundaries. Commonly known as a zone change.

Zoning Map, Official

The map officially adopted by the appropriate legislative unit that delineates the boundaries of all officially adopted zoning districts. The official zoning map may include geographic information, such as the location of streets, railroads, watercourses or bodies, and/or public facilities, that is provided for benchmark or orientation purposes.

Zoning Permit

A permit issued by the Plan Commission, in accordance with this Ordinance, authorizing the permitted use of lot and/or a structure and its accompanying characteristics.

Zoning Regulations

The minimum land use requirements for each zoning district, adopted for the promotion of the public health, safety, morals and general welfare. Whenever the requirements of these regulations conflict with the requirement of any other lawfully adopted rules, regulations, ordinances, orders or resolutions, the most restrictive, or that imposing the higher standards shall govern.