

# Chapter 11: Definitions

# 11

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# 11.1 Definitions

## Unified Development Ordinance

**A**

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**B** Abandonment: To intentionally stop the use or development of a property for a continuous period of time.

**C**

**D** Abutting: Having a common border, including being separated from such a common border by a right-of-way, street, alley, easement, body of water, or other feature. In some cases, where specified by this ordinance, abutting also includes lots or other features within a specific vicinity.

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**H** Access Point: A driveway or other means of physical connection for the movement of vehicles or persons between a property and an adjacent property or street.

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**K** Accessory Structure: See "Structure, Accessory".

**L** Accessory Use: See "Use, Accessory".

**M** Acre: A land area equal to 43,560 square feet.

**N**

**O** Acreage, Gross: The total area within a parcel of land.

**P** Addition: Any construction that increases the size of a structure in terms of site coverage, floor area, volume, and/or height.

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**R** Address: The number or other designation assigned to a housing unit, business establishment, other structure, or lot for the purposes of mail delivery, emergency services, and general identification.

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**V** Adjacent: see Abutting

**W** Adjoining: see Abutting

**X** Administrative/Professional Office: An office establishment primarily engaged in overall management and general supervisory functions, such as executive, personnel, finance, legal, and sales activities.

**Y**

**Z** Administrator, Planning and Zoning: The

appointed and/or delegated individual or group responsible for the implementation and enforcement of this ordinance.

Adult Drive-In or Movie Theater: An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

Adult Uses: The exhibition, sale, distribution, or performance of material that is devoted to material characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

Advertising Structure (Off Premise Sign): See "Sign, Off-Premise".

Advisory Plan Commission: A plan commission serving a single local government jurisdiction established as defined under the Indiana Code, 36-7-1-2 (1983) as amended. The Lebanon Plan Commission is the "advisory plan commission" or "plan commission" referred to by this ordinance.

Agricultural Products Sales, Distribution, and Storage: A principal use engaged in the sale or rental of farm tools and equipment, grain, tack, animal care products, and farm supplies. This excludes the sale of large farm implements, such as tractor and combines, but does include food sales and farm machinery repair services that are incidental to the principal use.

Agricultural Products Terminal: A commercial facility for the transfer, pickup, storage, or discharge of agricultural goods.

Agriculture: The art or science of cultivating the ground, and raising and harvesting crops, also often including feeding, breeding and management of livestock; tillage, animal or

poultry husbandry; farming; and the necessary accessory uses for packing, treating and storing the produce, all of which are directly related to the production of food. The operation of any accessory uses shall be secondary to that of the normal agricultural activities. "Agriculture" shall not include feed lots, stock yards, or the common feeding of garbage or offal to swine or other animals. See also "Farm (General)".

**Agriculture Structure:** A structure located on a farm and designed and constructed to house farm implements, livestock, hay, grain, fruit, and/or other agricultural products, supplies, and equipment used by the operators of the farm. An agriculture structure shall not include dwellings or structures used for the processing, treating, or packaging of agricultural products, or by the public.

**Air Pollution:** Presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of characteristics and duration that are injurious to human, plant, or animal life, to property, or which unreasonably interfere with the comfortable enjoyment of life and property.

**Airport:** Any area of land designed and used for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft.

**Alley:** A public right-of-way, other than a street, road, crosswalk, or easement, that provides secondary access for the abutting property.

**Alley Line:** A lot line bordering on an Alley.

**Alteration:** Any change, addition, or modification in construction or use of an existing structure or property. See also "Addition".

**Amateur Radio Tower:** A freestanding or building-mounted structure, including any base, tower or pole, antenna and appurtenances, intended for airway communication purposes by a person holding a valid amateur

radio license from the Federal Communications Commission.

**Amend or Amendment:** Any repeal, modification, or addition to a regulation, or any new regulation.

**Animal and Animal Products Processing:** The processing or treatment of animals and animal material as a raw resource for refinement as food and non-edible products.

**Animal:** Any live vertebrate creature, domestic or wild, excluding human beings.

**Animal Boarding:** The use of any structure and/or land for the lodging, breeding, or care of dogs, cats, pets, fowl, horses, or other domestic animals for profit, excluding animals used for agricultural purposes.

**Animal, Domestic:** Any animal that has been adopted by human beings to live and breed in a tame condition, and are commonly used as household pets, protection, companions, and for the assistance of disabled persons. Domestic animals shall include animals that are cared for and treated in a manner acceptable for pet dogs, cats, and birds. Domestic animals shall include, but not be limited to, dogs, cats, parakeets, parrots, finches, spiders, guinea pigs, hamsters, gerbils, rats, mice, rabbits, aquarium fish, pot belly pigs, ferrets, and snakes if cared for in the manner described above.

**Animal, Farm:** See "Farm Animal".

**Animal Shelter:** A facility used to care for and house lost, stray, homeless, abandoned, or unwanted animals; including those found running at-large or otherwise subject to impoundment consistent with applicable laws. Animal shelter includes facilities for adoption, medical treatment, and cremation.

**Animal Stables:** The use of any structure with stalls or compartments and/or land where animals, excluding dogs and cats, are sheltered and fed.

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**A** Antenna: Any system of wires, poles, rods, reflecting discs, or similar devices used for the purpose of receiving and/or transmitting signals, images, sounds, or information of any nature by radio, visual, or electromagnetic waves, including but not limited to directional or omni-directional antennas, panels, and microwave or satellite dishes external to, or attached to, the exterior of any building.

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**F** Antique Shop: Any premises used for the sale or trading of articles of which eighty percent (80%) or more are over 30 years old or have collectible value. Antique shop does not include a secondhand store.

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**J** Apartment: A dwelling unit in a structure arranged, intended, designed, or occupied on a rental basis for the housing of a single-family, an individual, group of individuals, or other single housekeeping unit.

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**M** Apparel Shop: Retail stores where clothing is sold or accepted for sale at retail prices.

**N**

**O** Applicant: The owner, owners, or legal representative of real estate who make application for action affecting the property. See also "Petitioner".

**P**

**Q** Application: The completed form or forms, together with any other required materials, exhibits, and fees required of an applicant consistent with the procedures established by this ordinance.

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**T** Appurtenance: A minor element of a larger structure, such as a bay window, stairs, light post, etc.

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**W** Arborist: An individual trained in arboriculture, forestry, landscape architecture, horticulture, or related fields and experienced in the conservation and preservation of trees.

**X**

**Y** Arcade (recreational): A building or part of a building containing four or more video, pinball, or similar player-operated amusement devices, in any combination, for commercial

**Z**

use.

Arcade (architectural): An area contiguous to a street or plaza that is open and unobstructed to a height of not less than 12 feet and that is accessible to the public at all times. Any portion of an arcade occupied by building columns, landscaping, statuary, pools, or fountains shall be considered part of the arcade. The term "arcade" shall not include off-street loading areas, driveways, off-street parking areas, or open pedestrian walkways. The floor of any arcade shall be level with the adjoining street or plaza.

Archery Range: A facility designed and/or used for target practice with bows and arrows.

Area Plan Commission: A plan commission serving a County and 1 or more City or town government jurisdictions, established as defined under the Indiana Code, 36-7-1-2 (1983) as amended. The Boone County Area Plan Commission is the "area plan commission" referred to by this ordinance.

Art or Photo Gallery: A room or structure in which original works of art or limited editions of original art are bought, sold, loaned, appraised, or exhibited to the general public. This does not include libraries or museums.

Arterial: See "Street, Arterial".

Assembly Facility: A building or portion of a building in which facilities are provided for group civic, educational, political, professional, religious, cultural, or social functions.

Assisted Living Facility: A residential facility providing services that assist residents with daily activities, such as dressing, grooming, bathing, etc.

Athletic Field: A wide stretch of open land used for outdoor games such as baseball, basketball, football, or soccer.

Auction Facility: A building or property used for the storage of goods and materials that are to be sold on the premises by public auction,

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and for the sale of the said goods and materials by public action on an occasional basis only.

**Automobile Filling Station:** Buildings and premises where gasoline and other petroleum are supplied and dispensed at retail, and where light automobile maintenance activities may be conducted. 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. A service station shall not be construed as a repair garage or a body shop.

**Automobile/Motorcycle/Mobile Home Sales Area and Leasing:** An open area, other than a street, used for the display, sale or rental of new or used automobiles, motorcycles, or mobile homes to be displayed, sold or rented on the premises.

**Automobile Parts Sales:** The use of any structure and/or property for the display and sale of new or used parts for motor vehicles. This does not include any salvage yard or the storage of inoperable vehicles.

**Automobile Sales and Service:** See "Vehicle Sales, New" and "Vehicle Sales, Used".

**Awning:** A roof-like cover, often of fabric, metal, or glass designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, or door. Awnings include those that may be retracted or folded against the face of a supporting building.

## B

**Bakery (retail):** An establishment primarily engaged in the retail sale of baked products for

consumption off-site. The products may either be prepared on or off-site.

**Bakery (wholesale):** A place for preparing, cooking, baking, and wholesale selling of products intended for off-site distribution and retail sales.

**Balcony:** A platform that projects from the wall of a building and is surrounded by a railing or parapet.

**Bank:** A facility for the custody, loan, or exchange of products, typically money. Also included is the extension of credit and facilitating the transmission of funds.

**Banquet Hall:** see Assembly Hall

**Bar:** A facility or area used primarily for the serving of alcoholic beverages, and in which the serving of food is only incidental to the consumption of alcohol.

**Barber Shop:** Any establishment or place of business within which the practice of cutting hair is engaged in or carried on by one or more employees.

**Base Flood Elevation:** The elevation, expressed in feet above mean sea level, to which flooding can be expected to occur on a frequency of once every one hundred (100) years, or which is subject to a one percent (1%) or greater chance of flooding in any given year. See also "Regulatory Flood".

**Basement:** The portion of a building with more than half of its interior height below the average finished grade of the building perimeter. For the purposes of this ordinance, a basement shall not be considered a story unless it has been subdivided into rooms and used for tenant purpose.

**Beacon:** Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

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**A** Beauty Salon: Any commercial establishment where cosmetology is offered or practiced on a regular basis for compensation.

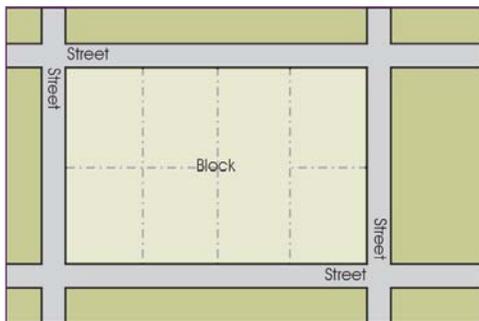
**B**  
**C** Bed and Breakfast: A private, owner occupied dwelling unit containing up to five (5) guest rooms for rent for periods of less than two (2) weeks. Guest rooms are not intended to be used for cooking or eating, however, meals may or may not be provided.

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**G** Berm: A man-made mound of earth of definite height and width used for landscaping and obscuring purposes.

**H**  
**I** Best Management Practices: The utilization of the natural environment, artificial structures, scheduling, and/or prohibition to ensure the long-term operation and maintenance of features that control stormwater filtration, erosion and/or the discharge of polluting elements.

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**M** Billiard Room (Pool Hall): A business establishment containing more than two pool or billiard tables for the use by patrons where pool or billiard activities are the principal use.

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**O** Block: Property abutting 1 side of a street and lying between the 2 nearest intersecting streets (either crossing or terminating), railroad right-of-way, lake, river, stream, or other physical boundary.



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**Y** Block Face: The edge of one side of a street between intersections that faces the street.

**Z** Board: The Lebanon Board of Zoning Appeals (BZA).

Board of Zoning Appeals (BZA): A board established consistent with the Indiana Code 36-7-4-900 series. The Lebanon Board of Zoning Appeals is the Board of Zoning Appeals referred to by this ordinance.

Boarding House: An establishment offering rooms for rent, where meals are regularly served from a single kitchen (not open to the general public) for compensation for three (3) or more persons, but not exceeding twelve (12) persons. Boarding houses do not include bed and breakfasts, multifamily dwellings, hotels, or motels.

Boat Storage Facility: A structure or area designed for the storage of watercraft and marine equipment.

Bookstore: A retail establishment that, as its primary business, engages in the sale, rental, or other charge-for-use of books, magazines, newspapers, greeting cards, postcards, videotapes, computer software and/or any other printed or electronically conveyed media.

Bond: see "Surety".

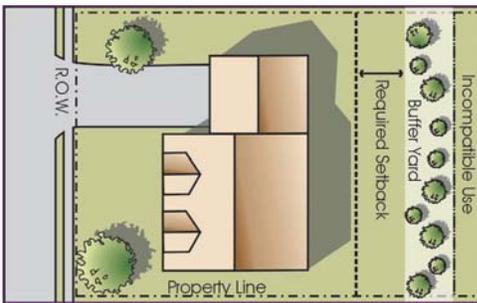
Bottle Gas Storage and Distribution: The storage and distribution of bottle gasses including propane, carbon dioxide, helium, and other commercially used gases.

Bowling Alley: An establishment that devotes a majority of its gross floor area to bowling lanes, equipment, and playing areas. A bowling alley may include other incidental uses, such as other recreation activities, a restaurant, or a bar.

Buffer: Any trees, shrubs, walls, fences, berms, other related landscaping features, or buffer yard required under this ordinance to be placed either on private property and privately maintained, or in public rights-of-way for the purpose of buffering lots from adjacent properties, for aesthetic purposes and for creating sound, noise, light, odor, chemical, or visual privacy barriers. See also "Buffer Yards".

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**Buffer Yards:** An area adjacent to front, side and/or rear property lines, measured perpendicularly from adjacent property lines and/or right-of-way lines, intended to screen incompatible uses from each other. Buffer yards are also used to help maintain existing trees or natural vegetation; to block or reduce noise, glare or other emissions; and to maintain privacy. Buffer yards are in addition to (separate from) front, rear, or side yard setbacks.



**Building Supply Store:** A large warehouse-style establishment that offers retail and wholesale site development, building, and hardware supplies, including various basic hardware lines, such as tools, builder's hardware, plumbing and electrical supplies, paint and glass, housewares and household appliances, and garden supplies and cutlery. A lumberyard may be included as an incidental use to the building supply retail sales.

**Build-to Line:** A line parallel to the front property line indicating the distance from the front property line at which principal structures must be built. A built-to line is neither a minimum or a maximum, but rather a specific requirement.

**Buildable Area:** See "Building Envelope".

**Building:** A structure having a roof supported by columns or walls, for the shelter, support, or enclosure of persons, property, or animals. When separated by division walls from the ground up and without openings, each portion of such building may be deemed as a separate building.

**Building Area:** The maximum horizontal

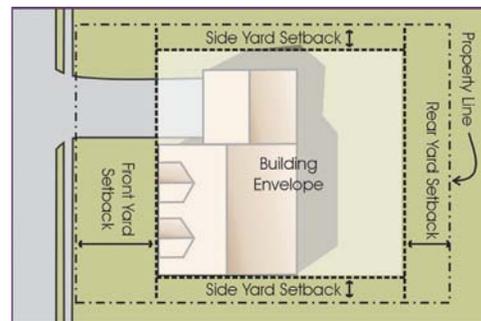
projected area of the principal and accessory building, excluding required setbacks, buffers, and other non-buildable areas.

**Building Code:** The locally adopted Indiana Building Code establishing and controlling the standards for constructing mechanical equipment, all forms of permanent structures, and related matters within Lebanon. Also referred to in this ordinance as the Lebanon Building Code.

**Building, Attached:** A building that is structurally connected to another building by a foundation, wall, or roof line.

**Building, Detached:** A building having no structural connection with another building.

**Building Envelope:** The three dimensional portion of a lot or site, exclusive of all required setbacks, buffer yards, maximum height standards, landscaping, or open space, within which a structure may be built.



**Building Finishes Store:** A store devoted to the sale of wall treatments, window treatments, floor coverings, cabinets, and other building finishes.

**Building, Front Line of:** The line of the face of the building nearest the front lot line.

**Building Height:** See "Height".

**Building Setback Line:** See "Setback".

**Building, Principal:** A building in which the

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**A** main or principal use, of the lot on which said building is situated, is conducted. Where a

**B** substantial part of an accessory building is attached to the principal building in a substantial

**C** manner, as by a roof, such accessory building shall be counted as a part of the principal

**D** building. Standards recognized by the Indiana Department of Fire and Building Services shall

**E** be used to determine whether a given structure constitutes one or more buildings in cases

**F** where ambiguities exist.

**G** Burning, Free: A rate of combustion described by a material which burns actively and easily

**H** supports combustion.

**I** Burning, Intense: A rate of combustion described by a material that burns with a high

**J** degree of activity and is consumed rapidly.

**K** Burning, Moderate: A rate of combustion described by a material which supports combustion and is consumed slowly as it burns.

**L**

**M**

**N** Burning, Slow: Materials which do not in themselves constitute an active fuel for the spread

**O** of combustion. A material which will not ignite, nor actively support combustion during an

**P** exposure for five (5) minutes to a temperature of 1200° F.

**Q**

**R** Business: A commercial endeavor to engage in the purchase, sale, lease, barter, or exchange

**S** of goods, wares, merchandise, and/or the provision of services. Also includes the maintenance or

**T** operation of offices or the maintenance or operation of recreational and amusement enterprises for

**U** profit.

**V** Business District: A geographic area wherein the majority of uses are related to commerce

**W** and the operation of businesses.

**X** Business/Financial Services Office: Any office where the primary occupation is concerned

**Y** with such federal or state-regulated businesses as banking, savings and loans, loan

**Z** companies, and investment companies.

BZA: See "Board of Zoning Appeals".

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## C

**Campground:** Any site, lot, field, or tract of land designed with facilities for short term and/or seasonal occupancy by campers through the use of recreational vehicles, travel trailers, tents, cabins, or other temporary accommodations, but not including mobile homes.

**Campus:** An area of land constituting and making up the grounds of an institution, such as a college or university, a business complex, or a manufacturing park.

**Car Wash:** The use of a property for the washing, cleaning, polishing, and/or waxing of passenger vehicles, recreational vehicles, or other light duty equipment. The method of washing, cleaning, polishing, and/or waxing is done either through automated machinery, or through self-service open bays.

**Car Wash, Self-Service:** The use of a property for the washing, cleaning, polishing, and/or waxing of passenger vehicles, recreational vehicles, or other light duty equipment. The method of washing, cleaning, polishing, and/or waxing is done through self-service open bays.

**Carport:** A permanent structure, which includes a roof and roof-supports but not enclosed by walls, which is used as an accessory to a dwelling unit for the purpose of providing shelter to one or more vehicles.

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

**Child Care Institution:** As defined by IC 12-7-2-29 and for the purposes of this ordinance: 1) a residential facility that provides child care on a twenty-four (24) hour basis for more than

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ten (10) children; or 2) a residential facility with a capacity of not more than ten (10) children that does not meet the residential structure requirements of a group home; or 3) operates under a license issued under IC 12-17.4; provides for delivery of mental health services that are appropriate to the needs of the individual; and complies with the rules adopted under IC 4-22-2 by the Indiana Division of Family and Children.

**Child Day Care Center:** As defined by IC 12-7-2-28.4 and for the purposes of this Zoning Ordinance, a nonresidential building where at least one (1) child receives child care from a provider: 1) while unattended by a parent, legal guardian, or custodian; 2) for regular compensation; and 3) for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.

**Child Day Care Home:** As defined by IC 12-7-2-28.6 and for the purposes of the Zoning Ordinance, an establishment providing non-overnight care, supervision, and protection of children in private residences which is incidental to the principal residential use. A Child Day Care Home includes at least six (6) and no more than sixteen (16) children (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative; or those which are at least age seven (7) who, at any time, 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 four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays. The term includes Class I child care homes and Class II child care homes as defined in IC 12-7-2-33.7 and IC 12-7-2-33.8

**Church:** The use of a building and/or property by a non-profit group for the purpose of religious worship together with all incidental uses commonly associated with such a facility,

such as a day-care center or school. Church includes synagogue, temple, mosque or any other like facility used for worship and religious activities.

**Circus or Carnival:** A temporary outdoor amusement center, bazaar, or fair, either involving use of special purpose equipment or conducted by professional operators, or both, and where activities include such things as rides, exhibitions, food service, sales, or small-scale games.

**City:** The City of Lebanon, Indiana.

**Clinic:** See "Medical or Health Clinic".

**Club:** Building and facilities owned or operated by a person or organization 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:** A development in which a number of dwelling units, or other structures, are placed in closer proximity than usual, or are attached, for the purpose of providing open space.

**Cluster Subdivision:** see Cluster Development

**Coffee Shop:** An informal restaurant that primarily serves non-alcoholic beverages, including coffee and tea, as well as desserts and limited food items.

**College:** See "University".

**Collector:** see "Street, Collector".

**Commission:** The Lebanon Plan Commission.

**Commercial District:** See "Business District".

**Common Area:** Land within a development which is not individually owned or dedicated to the public, but which is designed and intended for the use, enjoyment, and maintenance of the property owners within that development or other specific area. The common area may

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A include complimentary structures and/or other improvements.

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C Common Council: The Common Council of the City of Lebanon, Indiana.

D Common Ownership: Ownership by the same person, corporation, firm, entity, partnership,

E or unincorporated association, including ownership by different corporations, firms, partnerships, entities, or unincorporated associations

F with at least one (1) common stockholder,

G partner, or associate.

H

I Communications Service Exchange: A telecommunications facility that houses one or more computer systems and related equipment

J dedicated to building, maintaining, and/or processing data. Such a facility would likely

K include a telephone service exchange, a data center, and a server farm.

L

M Community Center: A meeting place where people living in the same community and their

N guests may carry on cultural, recreational, or social activities.

O

P Compatible: Having harmony and consistency in design, function, and/or appearance.

Q

R Composting Facility: An offsite facility where the organic component of municipal solid waste is decomposed under controlled conditions. Organic components could include

S leaves, yard trimmings, wood debris, manure, or other elements.

T

U Comprehensive Plan: The official policy document which establishes development goals and objectives to guide growth within and around

V Lebanon in a coordinated manner, prepared by the Lebanon Plan Commission and adopted in accordance with the Indiana Planning

W Statutes.

X

Y Concept Plan: An illustration of the layout of a proposed planned unit development, required

Z prior to a PUD rezoning consideration, and prior to the filing of a Preliminary Plan for a

PUD or a Primary Plat for a subdivision.

Concrete/Asphalt Production Facility: A facility where raw materials are processed into concrete or asphalt for sale and/or immediate use. Facilities typically include all necessary equipment for both transport and application of the finished product.

Condition of Approval: Stipulations or provisions set forth as a prerequisite for approval of an application.

Conditional Use: Uses that, because of potential incompatibility and negative impact on the immediate neighborhood, require a greater degree of scrutiny and review of site characteristics and impacts to determine their suitability in a given location. Conditional uses are permitted only following approval by the Board of Zoning Appeals.

Condominium: Real estate lawfully subject to IC 32-25: Condominiums by the recording of condominium instruments, in which undivided interests in the common areas and facilities are vested in the condominium unit owners.

Conference Center: A facility used for service organizations, business and professional conferences, and seminars limited to accommodations for conference attendees. The accommodations can include sleeping, eating, and recreation. A conference center is not designed to be utilized only by the general public for overnight purposes.

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 forty-five (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 excluded from this term. See also "Farm (Confined Feeding)".

Conservation District: The Boone County Soil

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and Water Conservation District.

**Construction, Actual:** Work done which is beyond the preparation stage and into that stage where the changes or additions are made permanent.

**Construction Services:** Any of the activities commonly referred to as construction and shall include without limiting thereby, plumbing, heating, roofing, interior remodeling, excavating.

**Construction Trailer:** A manufactured mobile unit without cooking or bathroom facilities, not designed for dwelling purposes, and used as a temporary office during construction.

**Construction Plans:** Subdivision drawings that detail the specific location and design of utilities, streets, and other improvements.

**Contiguous:** see Abutting

**Contractor's Warehouse/Storage Yard:** An unenclosed portion of a lot or parcel upon which a construction contractor maintains a facility for the storage of construction equipment and other materials customarily used in the trade carried on by the contractor.

**Convenience Store:** A small retail establishment that offers for sale a limited line of groceries, convenience goods, tobacco products, periodicals, and other household products. A convenience store may also sell gasoline.

**Country Club:** An establishment operated for social or recreational purposes that is open only to members and not to the general public.

**County:** Boone County, Indiana

**Covenants:** Private and legal restrictions of various kinds on the usage of lots, typically within a subdivision and applied by the subdivider, that are recorded with the plat and deed. Covenants are enforceable in civil court by interested or affected parties.

**Craft/Fabric Store:** Any business that produces on the premises articles for sale of artistic quality or handmade workmanship, or businesses that primarily sell items and materials used in the creation of crafts and other such handiwork.

**Crematory:** An establishment containing a furnace (called a retort) used for the cremation of human remains. A crematory may be owned by or deal directly only with funeral homes, or may have open access to the public. Also called a crematorium.

**Crop Processing and Storage:** The processing of harvested crops, as well as the storage of both the raw and processed crops. Processing includes any or all of the following or similar activities as they relate to crop produce: cleaning, shelling, drying, cooking, and packaging.

**Crop Production:** The production and management of agricultural crops, including planting, cultivation, and harvesting.

**Crosswalk:** A strip of land dedicated to public use, which is reserved across a block to provide pedestrian access to adjacent areas.

**Cul-De-Sac:** See "Street, Cul-de-sac".

**Curb:** A concrete boundary marking the edge of a street or other paved area and providing for a change in grade between the street surface and the adjacent unpaved portions of the street right-of-way.

**Curb Cut:** The providing of vehicular ingress and/or egress between property and an abutting public street.

**Curb Radius:** The curved edge of a street, driveway, or other paved area at an intersection with another street, driveway, or other paved area.

**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.

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**Dance/Martial Arts/Gymnastics Studio:** An establishment where patrons learn and/or practice dance, martial arts, or gymnastics.

**Data Processing/Call Center:** Facilities where electronic data is processed by employees, including data entry storage, conversion, or analysis; subscription and credit card transaction processing; telephone sales and order collection; mail order and catalogue sales; and mailing list processing.

**Day Care Center:** See "Child Day Care Center".

**Day Care Home:** See "Child Day Care Home".

**Deck:** A platform, either freestanding or attached to building that is supported by pillars or posts.

**Decibel:** A unit of measurement of the intensity of loudness of sound . Sound level meters are used to measure such intensities and are calibrated in decibels.

**Deciduous Tree:** See "Tree, Deciduous".

**Dedication:** The intentional setting apart of land or interests in land for use by the City of Lebanon.

**Defective Landscaping:** See "Landscaping, Defective".

**Delicatessen (Deli):** An establishment where food is sold for consumption either on or off premises, excluding groceries and supermarkets.

**Density:** The number of dwelling units per acre.

**Density, Gross:** The numerical value obtained by dividing the total number of dwelling units in a development or area by the gross size of the area (in acres), including all nonresidential land uses, rights-of-way, streets, and other features included in the area.

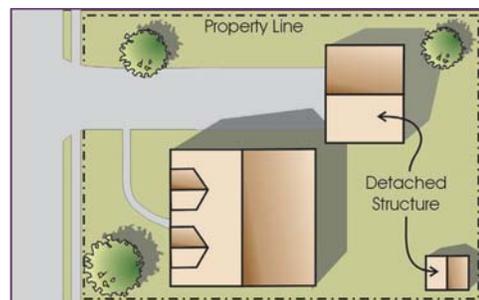
**Density, Net:** The numerical value obtained by dividing the total number of dwelling units in a development or area of the actual tract of land (in acres) upon which the dwelling units are located, or proposed to be located, including common open space and excluding nonresidential uses, rights-of-way, and streets.

**Department Store:** A business conducted under a single name that directly exhibits and sells a variety of unrelated merchandise and services to customers (includes discount stores).

**Design:** A planned arrangement of forms, shapes, massing, colors, and materials intended to serve a useful purpose or be decorative or artistic. The essence of a design resides not in the elements individually, nor in their method of arrangement, but in the total ensemble that awakens some sensation in the observer's mind.

**Designated Enforcement Entity:** The Lebanon Board of Zoning Appeals.

**Detached Structure:** A building that has no structural connection with the principal structure.



**Detention Basin:** An area that is designed to temporarily hold specific quantities of stormwater and to gradually release the stormwater into an identified body of water or waterway at a sufficiently slow rate to avert flooding.

**Developer:** An individual, partnership, corporation (or agent thereof), or other entity that undertakes the responsibility for land development, particularly the designing of a subdivi-

# 11.1 Definitions 11

sion plat or site development plan showing the layout of the land and the public improvements involved therein. In as much as the subdivision plat is merely a necessary means to the end of assuring a satisfactory development, the term "developer" is intended to include the term "subdivider", even though the personnel involved in successive stages of the project may differ. See also "Subdivider".

**Development:** Any man-made change to improved or unimproved real estate including but not limited to: 1) construction, reconstruction, or placement of a structure or any addition to a structure; 2) installing a manufactured home on a site, preparing a site for a manufactured home or installing recreational vehicle on a site for more than one hundred eighty (180) days; 3) installing utilities, erection of walls and fences, construction of roads, or similar projects; 4) construction of flood control structures such as levees, dikes, dams, channel improvements, etc.; 5) mining, dredging, filling, grading, excavation, or drilling operations; 6) construction and/or reconstruction of bridges or culverts; 7) storage of materials; or 8) any other activity that might change the direction, height, or velocity of flood or surface waters.

**Development Plan:** Dimensioned plans showing the entire on-site distribution of all elements for a proposed construction project, which would normally include architectural, engineering, landscape architectural, lighting and signage plans.

**Development Standards:** Regulations provided by this ordinance that provide specific conditions for the development and use of buildings/structures and property.

**Distribution Facility:** A use where goods are received and/or stored for delivery to the final consumer at remote locations.

**District:** An area with common social, physical, economic, or land use characteristics.

**Domestic Pets:** See "Animal, Domestic".

**Dormitory:** A structure specifically designed to provide sleeping and living quarters for long-term stay by students of a college, university, or other institution. A common kitchen and common gathering rooms may also be provided.

**Double Frontage Lot:** See "Lot, Through".

**Drainage:** The outflow of water or other fluids from a site through either natural or artificial means.

**Drainage, Subsurface:** A system of pipes, tile, conduit or tubing installed beneath the ground surface and used to collect ground water from individual parcels, lots or building footings.

**Drainage, Surface:** A system by which storm water runoff is conducted to an outlet. This includes the proper grading of parking lots, streets, driveways, yards, etc. so that storm water runoff is removed without ponding and flows to a drainage swale, open ditch or a storm sewer.

**Drainage Swale:** A natural or constructed waterway, usually broad and shallow, covered with erosion-resistant grasses, and used to conduct surface water from a field, diversion, or other site feature.

**Drainage System:** All facilities, channels, and areas which serve to convey, filter, store, and/or receive stormwater, either on a temporary or permanent basis.

**Dressmaking:** A retail store where custom clothing is made and sold, or where alterations of clothing are done.

**Drip Line:** An imaginary vertical line that extends from the outermost branches of a tree's canopy to the ground.

**Drive, Private:** See "Street, Private".

**Drive-thru/Drive-in/Drive-up facility:** A small scale establishment developed so that its retail or service character is dependant on providing a driveway approach or parking spaces for

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A motor vehicles so as to serve patrons while in the motor vehicle, rather than within a building or structure. See also "Restaurant, Drive-In".

C Drive-thru Service: An opening or openings in the wall of a building or structure designed and intended to be used to provide for sales and/or service to patrons, who remain in their vehicles, products that are used or consumed off-site.

F Driveway: A private roadway providing access for vehicles to a parking space, garage, dwelling, or other structure.

H Driveway, Common: An access shared by adjacent property owners.

J Driving Range: An area equipped with distance markers, clubs, balls, and tees for practicing golf drives and putting, which may or may not include a snack-bar and pro-shop, but does exclude golf courses and miniature golf courses.

M Dry Cleaners: An establishment that cleans fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation in volatile solvents, and all related processes. Retail cleaners serve individuals on a walk-in basis, generally with patrons dropping off, and picking up their clothing.

R Dumpster: A receptacle container that has a hooking mechanism that allows it to be raised and dumped into a sanitation truck, including dumpsters for trash, compacted materials, and recycling.

U Duplex: See "Dwelling, Two-Family".

V Dwelling: A Building or portion thereof, used primarily as a place of abode for one or more human beings, but not including Hotels or Motels, Lodging or Boarding Houses.

Y Dwelling, Accessory: A second dwelling unit either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facil-

ity with provision in the accessory apartment for cooking, eating, sanitation, and sleeping. Accessory apartments shall be clearly subordinate to the principal use in both size and location.

Dwelling, Farm: A single-family dwelling that is located on, and used in connection with farm operations.

Dwelling, Manufactured Home: Single-family detached dwelling units that are factory built to the National Manufactured Construction and Safety Standards Act in a transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. A manufactured home is a single-family dwelling for the purposed of this ordinance.

Dwelling, Modular Home: A factory-fabricated transportable building (manufactured home) designed to be used alone or to be incorporated with similar units at a building site and designed and constructed with a perimeter frame to become a permanent structure on a site, with all outside walls supported by a permanent foundation. A modular home is a single-family dwelling for the purposes of this ordinance.

Dwelling, Multifamily: A structure designed for and occupied by three (3) or more families or other single units of housekeeping, with each family or housekeeping unit occupying only one unit. The number of families and housekeeping units in residence not exceeding the number of dwelling units provided.

Dwelling, Secondary: A structure designed for and occupied by one (1) family or single unit of housekeeping, and secondary to a nonresi-

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dential principal use for the property. Secondary dwellings are generally found in mixed-use settings, where residential structures may exist on the floors of a building above a first-floor commercial use. There may be more than one (1) secondary dwelling in a structure, but the number of families and housekeeping units in residence shall not exceed the number of dwelling units provided.

**Dwelling, Single-family:** A detached residential dwelling unit designed for and occupied by one (1) family or other single unit of housekeeping and therefore including no more than one (1) dwelling unit.

**Dwelling Site:** A site within a manufactured home park and/or mobile home park with required improvements and utilities that is leased for the long term placement of manufactured homes and/or mobile homes.

**Dwelling, Two-Family:** A detached residential building containing two (2) dwelling units designed for occupancy by not more than two (2) families or other single units of housekeeping.

**Dwelling Unit:** Any structure or portion thereof designed for or used for residential purposes as a self-sufficient, individual unit by one (1) family or other similar social association of persons as a single housekeeping unit, and having permanently installed sleeping, cooking, and sanitary facilities.

## E

**E.I.F.S.:** Acronym for Exterior Insulation Finish-ing System, a construction siding material.

**Easement:** A grant by a property owner to specific persons, the general public, corporations, utilities, or others, for the purpose of providing services or access to the property.

**Educational Institution:** See "School".

**Egress:** An exit.

**Electric Appliance Shop:** A retail store that sells electric appliances used for domestic functions including, but not limited to, washers, dryers, refrigerators, freezers, ovens/ranges, dish-washers, vacuum cleaners, televisions, toasters, hairdryers, mixers, fans, radios, and food processors.

**Elevation:** A flat scale drawing of the front, rear, or side of a building.

**Employment Service:** An establishment that seeks and identifies available jobs for patrons seeking employment.

**Equine Services:** Operations involved in the shelter and care of horses, as well as breeding, training, and for giving lessons, including stables, stud farms, and other related uses.

**Equipment, Mechanical:** See "Mechanical Equipment".

**Erosion:** The removal of natural surface materials (soil and rock fragments) by flowing surface or subsurface water or by wind.

**Essential Services:** The erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, telephone, sewer, or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate services by public utilities or municipal or other governmental agencies or for the public health, safety, or general welfare, but not including buildings.

**Evergreen Tree:** See "Tree, Evergreen".

**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. Shall also

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A include the conditions resulting therefrom.

B Existing Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this ordinance.

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G Expansion of an Existing Manufactured Home Park or Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

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L Explosive Manufacturing and Storage: The manufacture and storage of any chemical compound, mixture, or device of which the primary and common purpose is to function by explosion with substantially simultaneous release of gas and heat, the resulting pressure being capable of producing destructive effects.

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P External Illumination: See "Illumination, External".

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W FBFM (Flood Boundary and Floodway Map): An official map delineating the floodway, floodway fringe, 100-year floodplain, and 500-year floodplain which is prepared in conjunction with a flood insurance study.

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Z FEMA: Federal Emergency Management Agency.

FHBM: Flood Hazard Boundary Map.

FIRM (Flood Insurance Rate Map): The official map on which FEMA has delineated both the areas of special flood hazard and risk premium zones.

FPG (Flood Protection Grade): The elevation of the regulatory flood plus two feet at any given location in the Special Flood Hazard Area (SFHA).

Fabrication Facility: An establishment where employees and machinery are used to assemble product components created offsite.

Facade: The portion of any exterior elevation on a building, extending from grade level to the top of the parapet, wall, or eaves for the entire width of the building.

Fairgrounds: An area of land used for agricultural related office buildings, animal shows and judging, carnivals, circuses, community meeting and recreational facilities, concerts, food booths and stands, games, rides, rodeos, sales and auctions, storage, and theaters.

Family: A group of one (1) or more persons occupying a building and living as a single housekeeping unit and therefore using common facilities for cooking, sanitation, and gathering. No group living as a single housekeeping unit but not related by blood, marriage, adoption, or foster care shall consist of more than three (3) persons, as distinguished from a group occupying a lodging house, hotel or nursing home. A family does not include any society, club, fraternity, sorority, group living in a boarding house, hotel, motel, bed and breakfast facility, lodging house, rooming house, assisted living facility, nursing home, or club.

Farm Animals: Animals commonly used for transportation, food, skins, and other by-products and has the potential of causing a nuisance outside of rural areas or if not properly maintained. Farm animals include, but are not limited to, horses, cattle, pigs, sheep, goats, mules, donkeys, miniature horses, miniature donkeys, camels, emu, ostrich, llamas, alpacas, rabbits, mink, fox, buffalo, chickens, turkeys, quail, pheasants, and other animals or fowl of similar characteristics.

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**Farm (confined feeding):** Any livestock operation that meets one or more of the following characteristics: 1) Any confined feeding of at least three hundred (300) cattle, or six hundred (600) swine or sheep, or 30,000 fowl, such as chickens, ducks and other poultry; 2) Any animal feeding operation utilizing a waste lagoon or holding pits; 3) Any animal feeding operation where the operator elects to come under the provisions of IC 13-18-10; or 4) Any animal feeding operation that is causing a violation of IC 13-18-10 as determined by the Stream Pollution Control Board. See also "Confined Feeding".

**Farm Co-op. Facility:** A cooperative business owned by farmers to produce and/or store and market agricultural products.

**Farm (dwelling):** See "Dwelling, Farm".

**Farm (general):** An property or area exceeding twenty (20) acres in size that 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. A farm shall include all related structures and the storage of equipment and materials used on-site for the farm operation. A farm shall not include the commercial raising of animals, confined feeding, or the commercial feeding of garbage or offal to swine or other animals. See also "Agriculture".

**Farm Equipment Sales and Service:** A use primarily engaged in the sale/rental and/or service of farm tools and implements, and/or the sale of feeds, grain, tack, animal care products, and farm supplies. Does not include the sale or distribution of agricultural chemicals, including fertilizer.

**Farmer's Market:** The seasonal selling at retail of home-grown vegetables or produce, occurring in a pre-designated area, where the vendors are the same individuals who have raised the products for sale.

**Fast Food Restaurant:** See "Restaurant, Fast Food".

**Fence:** Any structure, solid or otherwise, which is a barrier and is used as a boundary or means of protection, confinement, or concealment.

**Fence, Barbed-Wire/Razor-Wire:** One or more strands of wire or other material having intermittent sharp points of wire or metal that may puncture, cut, tear, or snag persons, clothing, or animals.

**Fence, Stockade (100% opaque):** A fence constructed of vertical wood strips, with no intervening spaces, providing a complete visual barrier.

**Fertilizer Sales, Distribution, and Storage:** An establishment that stores, distributes, and sells fertilizers primarily for agricultural crop production use.

**FHBM:** Flood Hazard Boundary Map.

**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. Shall also include the conditions resulting therefrom. Also the difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade, or the material used to make a fill.

**Filling Station:** See "Automobile Filling Station".

**Financial Guarantee:** Any guarantee which may be accepted in lieu of a requirement that certain improvements be made before the Commission approves the secondary plat, including but not limited to, performance bonds, escrow agreements, letters of credit, deposit agreements, and other similar collateral or surety arrangements approved as valid and enforceable by the Commission.

**Financial Institution:** Any establishment

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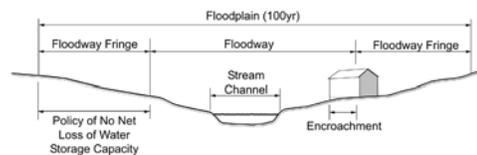
- A** wherein the principal use is concerned with such Federal or state-regulated business as
- B** banking, savings and loans, loan companies, and investment companies.
- C**
- D** Finished Floor Area: see "Floor Area, Finished".
- E** Fire Station: See "Police, Fire, or Rescue Station".
- F**
- G** Fireworks Sales: The primary business is the retail sale of devices defined as fireworks by the State of Indiana.
- H**
- I** FIRM: Flood Insurance Rate Map.
- J** Fitness Center: A place or building where passive or active exercises and related activities are performed for the purpose of physical fitness, improved circulation or flexibility, and/or weight control.
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- M** Flag: Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.
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- P** Flag Lot: See "Lot, Flag".
- Q** 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.
- R**
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- T** Flat Roof: The silhouette formed by a roof line. While the name infers a roof with no pitch, the actual roof structure is required to have a slope for drainage purposes. The roof line can be stepped or flat in appearance by using architectural elements such as cornices, mansards, and parapets.
- U**
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- X** Flea Market: An occasional or periodic market held in an open area or structure where goods are offered for sale to the general public by individual sellers from open or semi-open facilities or temporary structures. Flea market shall not include informal garage or yard sales.
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**Flood:** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

**Flood Hazard Area:** Any area located within the floodplain, including the flood fringe and floodway.

**Floodlight:** Reflector type light fixture that produces unshielded and undirected illumination.

**Floodplain:** The relatively flat area or low land adjoining the channel of a river, stream, lake, or wetland which has been or may be covered by the regulatory flood. The flood plain includes the channel, floodway, and floodway fringe. Floodplain boundaries are to be determined by using the Floodway-Flood Boundary Maps of the Federal Insurance Administration/ Federal Emergency Management Administration (FEMA).



**Floodway:** The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulation flood of any river or stream.

**Floodway Fringe:** Those portions of the floodplain lying outside the floodway. The floodway fringe is not necessary for carrying and discharging peak flood flow, but is subject to flooding.

**Floor Area:** The sum of all horizontal surface areas of all floors of all roofed portions of a building enclosed by and within the surrounding exterior walls or roofs, or to the centerline(s) of party walls separating such

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buildings or portions thereof. Floor area of a building shall exclude exterior open balconies and open porches.

**Floor Area, Finished:** That portion of floor area constructed, completed, and usable for living purposes with normal living facilities which includes sleeping, dining, cooking, working, entertainment, common space linking rooms, areas for personal hygiene, or combination thereof. Floor area or portion thereof used only for storage purposes and not equipped for the facilities mentioned above shall not be considered Finished Floor Area. The Finished Floor Area of a principal structure does not include a garage, carport, deck, unfinished storage, patio, or open porch.

**Floor Area, Gross:** The total horizontal areas of the one or several floors of a building or portion thereof devoted to a particular use, including accessory storage areas located within selling or working space such as counters, racks, or closets and any basement floor area devoted to retailing activities, to the production or processing of goods or to offices; provided, however, gross floor area shall not include that area devoted entirely and permanently to storage purposes, parking and loading facilities, or space used for restrooms, utilities, stairwells or elevator shafts.

**Floor Area, Ground:** The area of a building in square feet, as measured in a horizontal plane at the ground level within its largest outside dimensions, exclusive of open porches, breezeways, terraces, garages, and exterior stairways.

**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 or egress.

**Floor Area Ratio (FAR):** The combined floor area of all stories of all buildings within a lot, divided by the land area.

**Floriculture:** The cultivation of flowers or

flowering plants, especially for ornamental purposes.

**Flower Shop:** An indoor or outdoor facility that primarily sells flowers, bulbs, and seeds for planting by patrons. Flower shops can include small greenhouse operations, and incidental sales of small gardening equipment and accessories.

**Food and Beverage Production:** The large scale processing of raw ingredients and materials to create finished or unfinished foods and beverages.

**Foundation:** The supporting member of a wall or structure. See also "Permanent Foundation".

**Free Burning:** See "Burning, Free".

**Fraternity, Educational:** A club or social activity officially associated with and recognized and supervised by an institution for higher education whose membership is limited exclusively to students of the institution.

**Fraternity, Social:** A private club of individuals organized around a civic, social, or intellectual goal or pursuit. See also "Private Club".

**Front Line:** With respect to a building, the foundation line that is nearest the front lot line.

**Front Lot Line:** See "Lot Line, Front".

**Front Setback:** See "Setback, Front".

**Frontage, Street:** All the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

**Frontage, Lot:** See "Lot Frontage".

**Frontage Road:** A road which parallels a major arterial or collector street, providing access from abutting property and separated from the

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A thoroughfare by a common dividing strip.

B Funeral Home: A facility used for the preparation of the deceased for display and burial and the conducting of rituals and religious programs associated with burial.

## E G

F Garage: An attached or detached structure whose principal use is to house motor vehicles or personal property for the accommodation of related dwelling units or related business establishments. (Not a repair facility)

G Garage/Yard Sale: The sale or offering for sale to the general public six (6) or more items of personal property on any portion of a lot in a residential zoning district, either within or outside of a structure.

L Garbage Transfer Station: A facility that compacts trash from curbside collection trucks. The compacted trash can then be reloaded onto larger trucks for long-distance transfer to landfill facilities.

M Garden Shop: A retail establishment that primarily sells garden implements, plants, landscaping materials, and related accessories.

N Gas Station: See "Automobile Filling Station".

O Gift Shop: An establishment that primarily sells keepsakes, trinkets, jewelry, cards, stationary, and other small gift related items.

S Glare: The reflection of harsh, bright light producing an effect that causes annoyance, discomfort, or loss of visual performance and visibility.

T Golf Course: A tract of land laid out with at least nine (9) holes improved with tees, greens, fairways, and hazards for playing a game of golf, including any associated clubhouse or shelters and excluding miniature golf courses, and other similar commercial enterprises.

U Golf Course, Miniature: A theme-oriented recreational facility composed of a series of putting greens where patrons pay a fee to move in consecutive order from one green to the next.

V Government Facility: A building, group of buildings, and/or piece of property operated or occupied by a governmental agency to provide a governmental service to the public. Government facilities also include the storage and service of government vehicles, equipment, and supplies.

W Government Office: An office occupied by a governmental agency that provides a governmental service to the public.

X Grade: The surface of the ground adjacent to the exterior walls of a building.

Y Grade, Adjacent: The average of grade immediately adjacent to the structure in question.

Z Grade, Existing: The vertical elevation of the ground prior to any excavation, filling, or other construction activity.

AA Grade, Finished: The final elevation of the ground surface after man-made alterations have been completed.

BB Grading: Any stripping, cutting, filling, stockpiling or any combination thereof; also the land in its cut or filled condition.

CC Grading Plan: The drawing and supporting documents that describe the process and result of the excavating, filling, or leveling of a property by mechanical or other artificial methods.

DD Grandfathered: A description of the a status of certain properties, uses, activities, and conditions that were legally existing prior to the effective date of this ordinance.

EE Granny Flat: See "Dwelling, Accessory".

FF Grazing and Pasture Land: A fenced area used for the feeding and upkeep of livestock.

# 11.1 Definitions 11

**Greenhouse:** A building or structure constructed primarily of translucent materials which is devoted to the protection or cultivation of flowers and other tender plants.

**Greenhouse, Commercial:** A building used for the growing of plants, all or some of which are sold at retail or wholesale either on or off-site.

**Grocery Store:** Small-scale retailers of food and grocery supplies.

**Ground Cover:** Landscaping elements that include living plant material.

**Ground Cover, Non-Living:** Landscaping elements including mulch and landscaping stones such as colored pebbles and gravel.

**Ground Floor Area:** See "Floor Area, Ground".

**Group Home:** A residential facility, licensed by the Developmental Disabilities Residential Facilities Council, which provides residential services for not more than eight (8) developmentally disabled or mentally ill persons, none of whom has a history of violent or anti-social behavior. Group homes are permitted such staff as are necessary to adequately manage the home, but not to exceed two (2) staff members residing in the home at any one time.

## H

**Hardship:** A difficulty with regard to one's ability to improve land stemming from the application of the requirements of this ordinance, 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. Nor shall 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, be considered a hard-

ship. Nor shall any improvement initiated in violation of the standards of this ordinance be considered a hardship.

**Hard Surface:** See "Paved Surface".

**Hardware Store:** A small or medium-scale facility primarily engaged in the retail sale of various basic hardware lines, such as tools, builder's hardware, plumbing and electrical supplies, paint and glass, housewares and household appliances, and garden supplies and cutlery. A lumberyard may be included as an incidental use to the hardware retail sales.

**Hazardous Material:** Any substances or materials that by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental to the health of any person handling or otherwise coming into contact with such material or substance.

**Health Spa:** A place or building where active exercise and related activities are performed utilizing weight control or muscle building equipment or apparatus for the purpose of physical fitness. Also a place or building that provides massage, exercise, and related activities with or without such equipment or apparatus.

**Hedge:** A row of closely planted shrubs, bushes, or any other kind of plant used as a compact, dense, living barrier that protects, shields, separates, or demarcates an area.

**Height:** In all instances, the height of a structure shall be measured from adjacent grade level to the highest point of the structure, excluding the necessary appurtenances such as chimneys, church spires, steeples, clock or bell towers, cooling towers, elevator bulkheads, fire towers, penthouses, stacks, tanks, water towers, transmission towers, or essential mechanical equipment not prohibited by other laws or further provisions of this ordinance.

**Heliport:** An area used for the landing and take-off of helicopters, including any structures,

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# 11.1 Definitions

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**A** buildings, and equipment associated with that use.

**B**

**C** Historic Site: All structures and other features identified as contributing, notable, or outstanding by the Indiana Historic Sites and Structures Inventory - Boone County Interim Report, or listed in the National Register of Historic Places or the Indiana Register of Historic Sites & Structures, as well as any subsequent amendments and/or additions to any of these publications.

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**H** Home Electronics/Appliance Store: An establishment that primarily sells home appliances, electronics, and related accessories.

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**J** Home Occupation: An occupation carried on in a dwelling unit by a resident thereof which is limited in extent, and incidental and secondary to the use of the dwelling unit for residential purposes, and therefore does not change its residential character.

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**N** Home Owner's Association: See "Lot Owner's Association".

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**P** Hospital: An institution licensed by the State Department of Health to provide health services for the sick or injured, and where, during the course of treatment, patients are housed overnight, fed, and provided nursing and related services. Related services may include, but are not limited to, laboratories, out-patient departments, training facilities, central service facilities, and staff offices which are an integral part of the facility. Such institution must be operated by, or treatment 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. Hospital does not include nursing homes, retirement facilities, shelters, or boarding houses.

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**Z** Hotel. A building offering transient lodging to the public for compensation in which egress and ingress from all rooms is made through an

inside lobby or office., and which may provide additional services, such as restaurants, meeting rooms, and recreation facilities.

Housekeeping Unit: A group of individuals functioning as a single household, making common use of a single kitchen and other social quarters. See also "Family".

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## I

Ice Cream Shop: Any establishment that primarily offers ice cream and frozen desserts to be eaten on or off premises.

Illumination, External: Illumination of a sign that is affected by an artificial source of light not contained within the sign itself.

Impervious Surface: Any hard-surfaced, man-made area that prevents absorption of storm-water into the ground.

Improvement: Any building, structure, bridge, work of art, area, parking facility, public facility, fence, gate, wall, landscaping, or other object constituting a physical addition to real property. See also "Public Improvement".

Improvement Location Permit: A permit allowing a person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any structure; alter the condition of the land; change the use or occupancy of a property; or otherwise cause any change to occur that is subject to the requirements of this ordinance.

Improvement, Off-Site: See "Off-Site Improvement".

Incidental: A minor occurrence or condition that is customarily associated with a permitted use and is likely to ensue from normal operations.

Incidental Sales: See "Sales, Incidental".

Incinerator: A facility that uses thermal com-

# 11.1 Definitions 11

bustion processes to destroy or alter the character or composition of medical waste, sludge, soil, or municipal solid waste (not including animal or human remains).

**Indecisive Vote:** A vote which fails to receive a majority, either in favor or opposed.

**Industrial District:** The use of a property or area for the manufacture, fabrication, processing, reduction, or destruction of any article, substance, or commodity, including related storage facilities and warehouses. Refers to the PBI and ID zoning districts.

**Infrastructure:** Facilities and services needed to sustain industry, residential, commercial, and all other land use activities, including utilities and streets.

**Ingress:** An entrance.

**Inoperable Motor Vehicle:** A motor vehicle which meets one (1) or more of the following conditions: 1) Any motor vehicle from which the engine, transmission, or differential has been removed, or that is otherwise partially dismantled or mechanically inoperable; or 2) Any motor vehicle which cannot be driven on a public street without being subject to issuance of a traffic citation by reason of its operating condition or not displaying a valid and current license plate.

**Inoperable Vehicle Storage:** The outdoor storage of inoperable motor vehicles and their parts.

**Inspectors:** Employees of the Plan Commission authorized by the Administrator to enter, examine, and survey all lands within the City to accomplish the enforcement of this ordinance and any other land use regulations of the City.

**Institutional Facility for the Developmentally Disabled:** An institutional facility that provides care, supervision, and protection for persons with developmental disabilities consistent with the provisions of Indiana Code. See also

“Residential Facility for the Developmentally Disabled”.

**Institutional Facility for the Mentally Ill:** An institutional facility that provides care, supervision, and protection for mentally ill persons consistent with the provisions of Indiana Code. See also “Residential Facility for the Mentally Ill”.

**Intense Burning:** See “Burning, Intense”.

**Interested Party:** Those persons, groups, property owners, or other entities that are considered or consider themselves to be affected by a change in land use or the results of an application to change land use. (For the purposes of public notification, “interested party” is defined by the Plan Commission Rules & Procedures.)

**Interior Lot:** See “Lot, Interior”.

**Investment Firm:** Any office where the primary occupation is concerned with businesses that buy and sell stocks, bonds, and other notes of purchase.

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## J

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**Jewelry Store:** Store that primarily sells new jewelry, with some sales of used merchandise.

**Junk:** Scrap or waste material of any kind.

**Junk Yard/Salvage 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, bogs, 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:** Any area over which a unit of government exercises power and authority.

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**Kennel:** An establishment which houses four (4) or more dogs, cats, or other small animals, and where boarding, grooming, breeding, training or selling of animals is conducted either for commercial or non-commercial purposes.

**Kindergarten or Day Nursery:** A preschool for children who are ages 4-6 years. This type of educational facility can be part of a public school system and taught during the year preceding first grade.

## L

**Land Use:** The occupation or use of land for any human activity or purpose.

**Land Use Petition:** A rezoning petition, variance petition, conditional use petition, or any other petition permitted by rules of procedure adopted by the Plan Commission.

**Landscape Buffer:** See "Buffer".

**Landscaping:** The improvement of a lot with grass, shrubs, trees, and other vegetation and/or ornamental objects. Landscaping may include pedestrian walks, flower beds, berms, fountains and other similar natural and man-made objects.

**Landscaping, Defective:** Dead or dying plant material, damaged berms, walls, fences, and/or other landscaping elements.

**Laundry (Self Service):** A business with vending machine type washing, drying, dry-cleaning, and ironing equipment for use by customers on site.

**Laundry Service (large-scale):** A large scale establishment that cleans fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation in volatile solvents, and

all related processes. Laundry services serve businesses and individuals, generally with the cleaners picking up and delivering the clothing or uniforms to its clients.

**Lease:** To rent, to permit the possession of, or to grant the right of possession or use of a lot, parcel, tract, land or group of lots, parcels, tracts, or lands for compensation.

**Legal Drain:** Any drainage system consisting of an open drain, a tiled drain, or any combination of the two, and is under the jurisdiction of the County drainage board as provided by I.C. 36-9-27.

**Legal Nonconforming Lot:** Any lot which has been legally established and recorded prior to the effective date of this ordinance, or its subsequent amendments, or has been granted a variance from this ordinance, that does not meet the lot-specific development standards.

**Legal Nonconforming Use:** Any continuous, lawful use of structures, land, or structures and land in combination established prior to the effective date of this ordinance, or its subsequent amendments, that does not meet the requirements of this ordinance for a permitted use in the zoning district in which it is located.

**Letter of Map Amendment (LOMA):** An amendment to the currently effective FEMA map that establishes that a property, area, and/or structure is not located in a Special Flood Hazard Area (SFHA). A LOMA is only issued by FEMA.

**Letter of Map Revision (LOMR):** An official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

**Library:** A public facility for the use, but not sale, of literary, musical, artistic, or reference materials.

# 11.1 Definitions 11

**Light Industrial Processing and Distribution:** Processing and distribution of materials and products from processed or previously manufactured materials. Light industry is capable of operation in such a manner as to control the external effects of processing such as smoke, noise, odor, etc.

**Linear Park:** A park or other green, open space that forms a corridor, or is a part of a corridor along a body of water, street, or pedestrian/bicycle trail.

**Liquor Store:** A store that offers retail and/or wholesale liquor, including wine and beer.

**Livestock:** See "Farm Animal".

**Livestock Auction/Sales Facility:** A commercial establishment where livestock is collected and auctioned and/or sold. Livestock at the facility are there on a temporary basis, for immediate sale only, and not housed long term.

**Livestock Raising and Breeding:** The production and upkeep of livestock for the purposes of sale, including the feeding, sheltering, grazing, and shipping of livestock, including the storage of all necessary materials and equipment.

**Loading Spaces/Loading and Unloading Berths:** The off-street area required for the receipt or distribution by vehicles of material or merchandise.

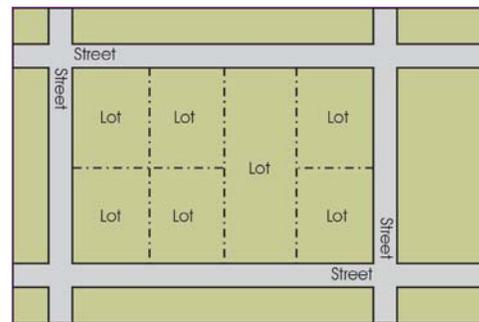
**Local Street:** See "Street, Local".

**Location Map:** A map showing the location of the property proposed to be subdivided. Such map shall show the closest cross streets in all directions.

**Lodging House:** A building where long term rental lodging is provided for compensation to three (3) or more, but not exceeding twelve (12) persons.

**Lodge or Private Club:** A membership organization that holds regular meetings and that may, subject to other regulations controlling such uses, maintain dining facilities, serve alcohol, or engage professional entertainment for the enjoyment of dues paying members and their guests. There are no sleeping facilities.

**Lot:** A parcel of land of at least sufficient size to meet the minimum zoning requirements of the zone in which it is located, and that has frontage and access on an improved public street, or on an approved private street. A lot may be a single parcel separately described in a deed which is recorded in the Office of the County Recorder; or a lot may be a single parcel separately described in a survey which is recorded in the Office of the County Recorder; or a lot may include a parcel contained in a plat or subdivision of land which is recorded in the Office of the County Recorder; or a lot may include parts of, or a combination of, such parcels which are adjacent to one another and used as one.



**Lot Area:** The horizontal area within the exterior lines of a lot, including any easements, but excluding any rights-of-way or other similar dedications to the public.

**Lot, Buildable:** Any lot upon which improvements are permitted to be constructed, or which is otherwise allowed to be occupied and used consistent with all applicable requirements of this ordinance.

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# 11.1 Definitions

A Lot, Corner: A lot located at the junction of and abutting two or more intersecting streets.

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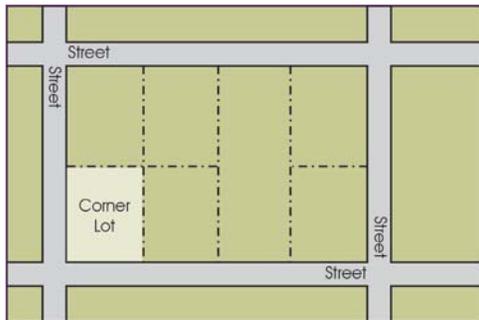
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Lot Coverage: The total ground area of a lot usually expressed as a percentage of the lot area that is covered, occupied or enclosed by buildings structures, parking areas, driveways, walkways, and other paved or impervious surface.

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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.

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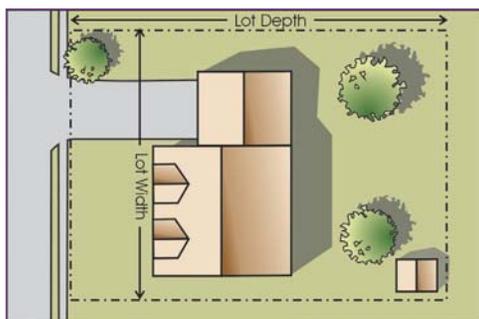
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Lot, Developed: A lot upon which improvements have been made or is otherwise being used for human purposes.

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Lot, Double Frontage: See "Lot, Through".

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Lot, Flag: A lot with access provided to the bulk of the lot by means of a narrow corridor.

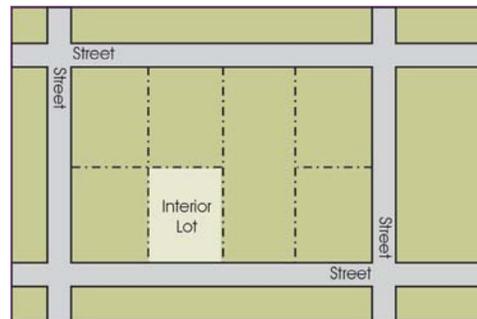
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Lot Frontage: The linear distance of a lot measured at the front lot line where said lot abuts a street right-of-way, measured between side lot

lines.

Lot, Improved: See "Lot, Developed".

Lot, Interior: Any lot which is not a corner lot or through lot.



Lot, Irregular: A lot that is characterized by elongations, angles, shapes, and/or configuration that is inconsistent with the topography, street systems, other lots, and other features of the area in which it is located.

Lot Line, Front: For an interior or through lot, the line marking the boundary between the lot and the abutting street right-of-way. For a corner lot, the line marking the boundary between the lot and each of the abutting street rights-of-way.

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 ten (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 Line: The property lines which define the lot.

Lot, Legal Nonconforming: See "Legal Nonconforming Lot".

Lot Owners Association: An incorporated non-profit organization operating under recorded

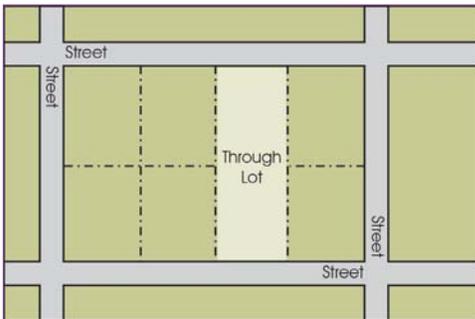
# 11.1 Definitions 11

land agreements through which each lot owner is automatically a member and each lot is automatically subject to a proportionate share of the expenses for the organization's activities, such as maintaining common property.

**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 Boone County, Indiana; or a parcel of land, the deed to which has been recorded in the Office of the County Recorder of Boone County, Indiana, prior to the date of passage of this ordinance.

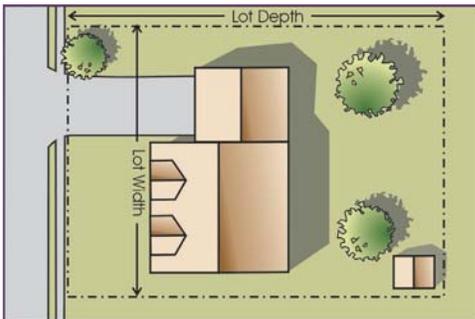
**Lot, Recorded:** See "Lot of Record".

**Lot, Though:** A lot having frontage on two (2) or more non-intersecting streets.



**Lot, Undeveloped:** A lot of record upon which no improvements exist.

**Lot Width:** The horizontal distance between side lot lines measured at the required minimum front setback line or built-line line affecting the property.



**Lot, Zoning:** A single tract of land that, at the time of application for an improvement location permit, is designated by the applicant for the purpose of complying with this ordinance as the tract to be used, developed, or built upon. A zoning lot or lots may coincide with one or more lots of record.

**Lowest Floor:** The lowest of the following: 1) the top of the basement floor; 2) the top of the garage floor, if the garage is the lowest level of the building; 3) the top of the first floor of buildings elevated on pilings or constructed on a crawl space with permanent openings; or 4) the top of the floor level of any enclosure below an elevated building where the walls of the enclosure provide any resistance to the flow of flood waters unless: the walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, by providing a minimum of two openings (in addition to doorways and windows) having a total area of one (1) square inch for every one (1) square foot of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one (1) foot above grade; such enclosed space shall be usable for the parking of vehicles and building access.

**Lumber Yard:** An area used primarily for the storage, distribution, and sale of finished or rough-cut lumber and lumber products.

**Luminaire:** A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

**Luminaire, Cut-off Type:** A luminaire with elements such as shields, reflectors, or refractor angles that direct and cut-off light.

**Luminaire, Full Cut-off Type:** A luminaire with no light emitted above the horizontal plane.

**Luminaire, Semi Cut-off Type:** A luminaire with less than 5% of the lamp lumens emitted above the horizontal plane.

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**Maneuvering Aisle:** A maneuvering space which serves two or more parking spaces, such as the area between two rows of parking spaces and/or the driveway leading to those spaces.

**Maneuvering Space:** An open space in a parking area which is immediately adjacent to a parking space; is used for and/or is necessary for turning, backing or driving forward a motor vehicle into said parking space; but is not used for the parking or storage of motor vehicles.

**Manufacturing, Heavy:** Heavy Manufacturing involves transforming refined materials which creates smoke, gas, odor, dust, noise, vibration of earth, soot or lighting to a degree that is offensive when measured at the property liine of subject property. Heavy Manufacturing in general industrial districts are intended to provide suitable areas for manufacturing, assembling, fabrication and processing, bulk handling, storage, warehousing and trucking.

The uses associated with this district are likely to generate significant levels of truck traffic, noise, pollution, vibration, dust, fumes, odors, pesticides, herbicides, or other hazardous materials, fire or explosion hazards, or other undesirable conditions. Conditional uses permitted in this district are primarily those known to cause a safety hazard or produce particulate matter, thus being subject to various state and/or federal environmental laws.

Heavy industrial districts are highly unsuitable adjacent to residential districts and are generally unfit for the sustained activity of humans and animals. Therefoere, uses involving human activity such as dwellings, care centers, and certain commercial uses are not permitted. Activity at heavy industrial sites consists predominately of trucks, rather than passenger vehicles, and the road system is built to support truck traffic

Amended: 11/10/2015

**Manufactured Home:** See "Dwelling, Manufactured Home".

**Manufactured Home Park:** A parcel of land containing two (2) or more dwelling sites, with required improvements and utilities, that are leased for long term placement of Manufactured Home Dwellings. A Manufactured Home Park does not involve sales of Manufactured Home Dwellings in which unoccupied units are parked for inspection or sale.

**Manufactured Home Sales:** The sale and incidental storage of single-family detached housing that includes manufactured homes.

**Manufactured Home Site:** The area of land in a manufactured home park for the placement of one manufactured home.

**Manufacturing, Processing, Assembling:** The mechanical or chemical transformation of materials or substances into new products. The land uses engaged in these activities are usually described as plants, factories or mills and characteristically use power-driven machines and materials handling equipment. Establishments engaged in assembling component parts of manufactured products are also included under this definition if the new product is neither a fixed structure nor other fixed improvement. Also included is the blending of materials such as lubricating oils, plastic resins, or liquors. This definition does not include harvesting of crops or hay.

Amended: 11/10/2015

**Manufacturing, Light:** Light Manufacturing is to provide for wholesale and warehousing uses as well as those industrial uses that include fabrication, assembly, or processing of materials that are in refined form. Lighting Manufacturing is considered for the processing of electronics, general material products, and research and development which produces a low intensity industrial use. Such light industrial uses are controlled operations; relatively clean, quiet and free of objectionable or hazard-

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ous elements such as smoke, noise, odor or dust; operating and storing within enclosed structures; and generating fluid traffic and no nuisance. Conditional uses permitted in this district are primarily those not known to create a safety hazard or produce particulate matter, thus being subject to various state and/or federal environmental laws.

**Electronics Products Processing:** The manufacture or assembly of electrical appliances, electronic instruments and cellular technologies and other various electronic devices.

**General Materials Products:** The manufacture, compounding, assembling, or treatment of articles or merchandise from the following previous prepared materials: canvas, cellophane, cloth, cork, felt, fiber, glass, horn, leather, paper, plastics, precious or semi-precious metals or stones, sheet metal (excluding large stamping such as automobile fenders or bodies), shell textiles, wax, wire, wood (excluding saw and planing mills).

**Research and Development:** The research and development use type refers to establishments primarily engaged in the research, development, and controlled production of high-technology electronic, industrial, or scientific products or commodities for sale. Any research and development facility proposed which produces offensive odor, dust, noise, bright lights, vibration of the storage of hazardous material or products are prohibited.

Amended: 11/10/2015

**Marginal Access Street:** See "Frontage Road".

**Marker (survey):** A stake or any other object which is intended to mark a survey point on a lot or within a subdivision.

**Marquee:** Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the

building, generally designed and constructed to provide protection from the weather.

**Masonry:** Construction material that consists of brick, stone, tile, rock, granite, marble, or other built-up panels of these materials, or molded concrete that is held together with mortar, as long as the molded concrete does not make up a continuous wall section.

**Massage Parlor:** See "Health Spa".

**Massing:** The shape and form a building takes on through architectural design. There are ten (10) architectural design elements that create urban space; 1) building silhouette (similar pitch and scale to a roof line), 2) spacing between building facades (setbacks or notches between primary facades that frame the structure), 3) setback from property line (building setback and/or primary facade setback from the property line), 4) proportion of windows, bays, and doorways (vertical or horizontal elements tied together in bands across facade lengths), 5) proportion of primary facade (size of facades similar in area and height to width ratios), 6) location and treatment of entryway (important visual commonality between structures), 7) exterior materials used (similar materials and treatment add to detail and monumentality of a building), 8) building scale (similarity of building height and configuration), 9) landscaping (ties together buildings and defines space), and 10) shadow patterns form decorative features (the light and dark surfaces from materials used and projections from windows, bays, and setbacks create visual breaks). A specific project may not need to incorporate all ten (10) elements.

**Meat Market (Butcher):** A market that primarily offers retail and/or wholesale meats, but may also sell related incidental products.

**Mechanical Equipment:** Equipment installed for a use appurtenant to the principal use. Such equipment may include heating and air conditioning equipment, solar collectors, parabolic antennas, and power generating devices.

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**A** Medical or Health Clinic: A facility in which human patients are admitted for medical or dental study or treatment on an out-patient only basis, and in which the services of at least two (2) physicians or dentists are provided.

**D** Medical Office: A building, other than a hospital, used by one or more licensed physicians for the purpose of receiving and treating patients.

**G** Metes and Bounds: A description of land prepared by a state-registered land surveyor providing measured distances and courses from known or established points on the surface of the earth.

**J** Microbrewery (Brew-Pub): A facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail, or wholesale, on or off premise, with a capacity of not more than 15,000 barrels per year. The development may include other uses such as a standard restaurant, bar or live entertainment.

**N** Mineral Extraction: The extraction of metallic and nonmetallic minerals or materials from the earth for use off-site, including incidental uses and facilities such as rock crushing, screening, and the necessary storage and use of explosives.

**R** Mini-Storage Facility: A storage structure containing separate storage spaces of varying sizes, each for individual purchase or rental for the storage of household goods.

**U** Minor Subdivision: A subdivision which results in the creation of four (4) or fewer lots from a parent tract, whether at the same time or over the course of time.

**W** Mixed-Use Development: An area, parcel of land, or structure developed for two (2) or more different land uses.

**Y** Mobile Home: See "Dwelling, Mobile Home".

**Z** Mobile Home Park: See "Manufactured Home Park".

Moderate Burning: See "Burning, Moderate".

Monument: See "Marker (survey)".

Motel: A building or a group of detached or connected buildings devoted to the provision of sleeping accommodations for automobile transients, and containing bedroom, bathroom, closet space, and convenient access to a parking space. Motels may include other accessory uses such as restaurants, swimming pools, meeting rooms, and the like. A motel furnishes customary services such as maid service and laundering of linen, telephone, secretarial, or desk service, and the use and upkeep of furniture. See also "Hotel".

Motorbus or Railroad Passenger Station: A centralized and/or primary community facility for the transient housing or parking of motor driven buses, trains, or similar mass transit modes of transportation, and the loading and unloading of passengers.

Motor Home: See "Recreational Vehicle".

Motor Vehicle: Any passenger vehicle, truck, tractor, tractor-trailer, truck-trailer, trailer, or semi-trailer propelled or drawn by mechanical power.

Motor Vehicle, Inoperable: See "Vehicle, Inoperable".

Multifamily Dwelling: See "Dwelling, Multifamily".

Multi-Tenant Building: A grouping of two or more business establishments that either share common parking on the lot where they are located, or that occupy a single structure or separate structures that are physically or functionally related or attached.

Multi-Use Pathway: See "Pathway".

Museum: A building having public significance by reason of its architecture or former use or occupancy, or a building housing a specific collection of natural, scientific, or literary ma-

terials, objects of interest, or works of art, and designed to be used by the public with or without an admission charge. It may include as an accessory use the sale of goods to the public.

## N

**Natural Condition:** The condition that arises from, or is found in nature unmodified by human intervention.

**Natural Drainage:** Drainage channels, routes, and ways formed over time in the surface topography of the earth prior to any modifications or improvements made by unnatural causes and/or human intervention.

**Natural Features:** The physical characteristics of a property or area that are not man-made, such as soil types, geology, slopes, vegetation, and drainage patterns.

**Nature Preserve/Center:** An area in which plants, animals, and topographic features are protected in their current, natural condition.

**Neighborhood Recreational Area:** A private recreation area which is owned by a neighborhood association or a developer, and is only for the use of the residents of that subdivision.

**News Dealer:** An establishment that primarily sells newspapers, magazines, and other periodicals.

**Night Club:** A commercial establishment operated as a place of entertainment featuring live, recorded, or televised musical, comedy, or magic performances; dancing; and/or the serving of alcoholic beverages.

**No Access Easement:** Public easement along a public right-of-way across which the access to the property is not permitted.

**No-Access Reservation:** A restriction placed on a lot, typically shown as a line labeled as such on preliminary and final subdivision plats, that prohibits vehicular access from the affected

lot(s) to an adjacent street.

**Nonconforming Lot, Use, or Structure (Legally):** See "Legal Nonconforming Lot" or Legal Nonconforming Use".

**Nonconforming Lot:** A lot that does not conform to the regulations of the zoning district in which it is located.

**Nonconforming Structure:** A building or other structure that does not conform to the regulations of the zoning district in which it is located.

**Nonconforming Use:** A use of land that does not conform with the regulations of the district in which it is located.

**Nuisance:** An interference with the enjoyment and use of property as defined by the Nuisance Ordinances of the City of Lebanon.

**Nursery:** An enterprise that conducts the retail and/or wholesale of plants grown on the premises, as well as accessory items (but not power equipment, such as gas or electric lawn mowers and farm implements) directly related to their care and maintenance.

**Nursing Home:** Any institution, whether operated for profit or not, including a place operated by a county or municipality, which undertakes through its ownership or management to provide for a period exceeding twenty-four (24) hours, nursing care, personal care, or custodial care for three (3) or more persons not related to the owner or manager by blood or marriage, who by reason of illness, physical infirmity, or advanced age require such services, but, in contradistinction to a hospital, does not include any place providing care or treatment primarily for the acutely ill.

## O

**Objectionable Odor:** Odors that are nauseating, noxious, or generally recognized as unpleasant.

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# 11.1 Definitions

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**A** Occupancy: The use of any land or structure.

**B** Occupied Space: The total area of earth horizontally covered by the structure, excluding garages, patios and porches and other accessory structures.

**C**

**D**

**E** Octive 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 eight octave bonds.

**F**

**G**

**H** Octive Band Analyzer: An electrical device used with the sound level meter that sorts a complex noise or sound into the various octave bonds.

**I**

**J**

**K** Off-Site Improvement: An improvement related to new development that occurs, or is constructed on property that is outside of the parcel or tract that is being developed. Off-site improvements typically include, but are not limited to drainage, public water systems, public sewer systems, and streets.

**L**

**M**

**N**

**O** Office, Professional: See "Professional Office".

**P** Office Supply Store: A large establishment that offers retail and wholesale office supplies including items such as paper, writing utensils, computer equipment, and office furniture.

**Q**

**R** Office Use/Building: Administrative, executive, professional, research, or similar organizations, and laboratories having only limited contact with the public, with no merchandise or merchandising services sold on the premises.

**S**

**T**

**U**

**V** Official Zoning Map: A map of the City of Lebanon, Indiana and its vicinity, that legally denotes the boundaries of zoning districts as they apply to the properties within the Plan Commission's jurisdiction.

**W**

**X**

**Y** Oil Change Shop: A facility that provides lubrication, checking, changing, and the addition of those fluids and filters needed for automobile maintenance. Generally such services are provided while the customer waits.

**Z**

Open Space: The total horizontal area of a lot excluding buildings, parking areas, drives, and sidewalks/pathways (unless related to recreation) but including recreational area, landscaped area, wetlands, streams, meadows or open fields containing baseball, football, and soccer fields, golf courses, swimming pools, and wooded areas. In residential districts, said open space may include the usable roof area within the project which has been improved for outdoor use of occupants.

Ornamental Shrub: See "Shrub, Ornamental".

Ornamental Tree: See "Tree, Ornamental".

Outdoor Commercial Recreational Enterprise: An establishment whose main purpose is to provide the general public with an amusing or entertaining activity and where tickets are sold or fees are collected for the activity. These activities include, but are not limited to, skating rinks, water slides, go-cart tracks, carnivals, and amusement parks.

Outdoor Storage: The keeping of items for sale, the products of manufacturing, materials used in production, vehicles, and other similar materials and/or equipment in an area outside of any building.

Outdoor Storage, Seasonal: The outdoor storage of items for retail sale that are, by their nature, sold during a peak season, such as fruits and vegetables, Christmas trees, lawn accessories, and bedding plants.

Outlot: A lot platted as part of a larger development that is intended for the development of uses and structures which are complementary to but of a smaller scale than the principal use or structure in the development.

Overlay Zoning District: A zoning district that extends across one or more other zoning districts which is intended to provide additional or alternate regulations for a specific critical feature or resource.

# 11.1 Definitions 11

Owner: Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to, or sufficient proprietary interest in the land, or their legal representative.

Owners Association: See "Lot Owners Association".

## P

Packaging Facility: A facility that packages supplies and products that are manufactured off site.

Parapet: The portion of a wall which extends above the roof line.

Parcel: see "Lot".

Parent Tract: The land from which the new lot or tract of land is being taken from, as recorded in the Recorder's Office at the time of adoption of this ordinance or any subsequent amendments thereto.

Park: Any public or private land and related structures, including athletic facilities, shelter houses, and maintenance facilities that are designed to provide recreational, educational, cultural, or aesthetic use to the community.

Parking Lot: An open off-street area to be used for the storage of motor vehicles, whether free or for compensation, for limited periods of time. A parking lot includes all parking spaces, interior drives, and maneuvering areas.

Parking, Off-Street: A storage space for an automobile located outside of a street right-of-way.

Parking, On-Street: A storage space for an automobile that is located within the right-of-way of a street.

Parking, Shared: A parking space or lot used jointly by two (2) or more uses or structures.

Parking Space: A space within a public or private parking area for the storage of one (1) motor vehicle.

Parking Structure: A structure of two or more stories, whether privately or publicly owned, used for parking.

Particulate Matter: Finely divided liquid or solid material which is discharged and carried along in the air. This shall not include water droplets, commonly called steam.

Pathway: A designated route for travel by pedestrians, bicycles, and other non-motorized methods of personal transportation and recreation which is surfaced with crushed rock, concrete, or asphalt and separated from streets by distance or striping. See also "Trail".

Paved Surface: A durable surface for parking, driving, riding or similar activities that utilizes asphalt, Portland cement, concrete, brick, paving blocks or similar material. Crushed gravel, street grindings, stone, rock, or dirt, sand or grass are not a paved surface.

Penal (Correctional) Institution: Publicly or privately operated facilities housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense.

Performance Bond or Surety Bond: A personal or corporate surety agreement between a subdivider and such surety in favor of a governmental body guaranteeing the completion of physical improvements according to plan and specifications within the time prescribed by the subdivider's agreement. See also "Surety".

Permanent Foundation: A structural system for 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. See also "Foundation".

Person: A natural person, corporation, firm, partnership, association, trust, organization, unit of government, or any other entity that acts

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# 11.1 Definitions

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**A** as a unit, including all members of any group.

**B** Personal Services: An establishment or place of business primarily engaged in the provision of frequent and recurrent services of a personal nature, such as a beauty or barber shop, shoe repair shop, or tanning salon.

**E** Pervious Pavement: A hard surface that presents an opportunity for precipitation to infiltrate into the ground.

**G** Pervious Surface: A surface that presents an opportunity for precipitation to infiltrate into the ground.

**I** Pet Store: A retail sales facility primarily involved in the sale of domestic animals, such as cats, dogs, fish, birds, and reptiles as well as domestic pet accessories. A pet shop does not include the retail sale of exotic or farm animals.

**M** Petitioner: Any person who formally makes a request before the Plan Commission or Board of Zoning Appeals consistent with the processes and requirements of this ordinance. See also "Applicant".

**P** Petroleum Processing and Storage: An establishment that processes and stores petroleum and its raw ingredients.

**S** Pharmacy: A place where drugs and medicines are prepared and dispensed. Pharmacy also includes the incidental retail sale of medical accessories and convenience goods and services.

**V** Photographic Studio: A facility engaged in onsite photography, processing, and development, including limited retail sale, lease and service of photography equipment and supplies.

**Y** Place of Worship: See "Church".

**Z** Plan: See "Comprehensive Plan".

Plan Commission: The Lebanon Plan

Commission.

Planned Unit Development: A large-scale unified development meeting the requirements of this ordinance. Generally a planned unit development consists of a parcel or parcels of land, controlled by a single person, 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 zoning district of this ordinance.

Planning and Zoning Administrator: See "Administrator, Planning and Zoning".

Planting Season: The spring and fall time periods during which new plant material which is installed is most likely to survive the planting process. Generally these periods are from April 15 to June 15 in the spring and from October 15 to November 15 in the fall.

Plat: A map or chart indicating the subdivision or re-subdivision of land, intended to be filed for record.

Plat Committee: A committee established by the Plan Commission to review and make decisions on minor subdivision and administrative subdivision petitions.

Plat, Primary: The map and supporting information indicating the proposed layout of the subdivision and presented to the Commission for consideration and primary approval in accordance with these regulations.

Plat, Secondary: A drawing, in final form, showing the subdivider's plan of subdivision, containing all information or detail required by law and by these regulations, and which is to be presented to the Plan Commission for approval; if approved and signed by the designated officials, such plat may be duly filed or recorded by the applicant in the Office of the Boone County Recorder.

Plat, Minor: See "Minor Subdivision".

# 11.1 Definitions 11

**Playground:** A recreational area for use primarily by children.

**Police, Fire, or Rescue Station:** An outpost station that serves as an office of operation for police, fire, and/or rescue services. Such stations include personnel, equipment, vehicles, and training facilities.

**Porch:** A covered, but otherwise unenclosed structure projecting out from the wall or walls of a main structure.

**Porous Pavement:** See "Pervious Pavement".

**Post Office:** A facility operated by the United States Postal Service that houses service windows for mailing packages and letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.

**Power Generation Facility:** A facility that produces usable electricity by harnessing any array of resources including fossil fuels, water, wind, and solar sources.

**Practical Difficulty:** A difficulty with regard to one's ability to improve land stemming from regulations of this ordinance. A practical difficulty is not a "hardship," rather it is a situation where the owner could comply with the regulations within the Zoning Ordinance, but would like a variance from the Development Standards to improve his/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.

**Premises:** A Lot or Plot of land, including any buildings thereon.

**Primary Approval:** An approval (or approval with conditions) granted to a subdivision by the Plan Commission, indicating that it has determined after a public hearing that the subdivision complies with the standards prescribed in this ordinance.

**Principal Structure:** See "Structure, Principal".

**Primary Plat:** See "Plat, Primary".

**Principal Use:** See "Use, Principal".

**Print Shop (Copy Center):** A facility for the custom reproduction of written or graphic materials on a custom order basis for individuals or businesses. Typical processes include, but are not limited to, photocopying, blueprint, and facsimile sending and receiving, and including offset printing.

**Printing Facility:** Any facility that prints publications including books, magazines, and newspapers for the purposes of sale and/or distribution.

**Private Club:** A facility or property owned or operated by a corporation, association, person or persons for a social, educational, or recreational purpose and for which membership is required for participation.

**Private Recreational Facility:** A recreational facility for use by residents and guests of a particular residential development, church, private primary or secondary educational facility, or limited residential neighborhood, including both indoor and outdoor facilities and private-owned golf courses open to the public.

**Private Street/Drive:** See "Street, Private".

**Processing Plant:** A building or an enclosed space used for the collection and processing of material. "Processing" means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing.

**Produce Terminal:** A large warehouse facility that sells produce at wholesale to retailers, hotels, catering services, and other businesses.

**Professional Office:** Office of a member or members of a recognized profession, including

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# 11.1 Definitions

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A but not limited to: architects, artists, dentists, engineers, lawyers, musicians, physicians, B surgeons or pharmacists, and realtors or insurance agents and brokers.

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D Prohibited Tree: See "Tree, Prohibited".

E Property Owner: See "Owner".

F Public Art: Any visual work of art that is accessible to public view and located on public or G private property.

H Public Hearing: A formal meeting, announced and advertised in advance consistent with the I requirements of this ordinance, which is open to the public, and at which members of the J public have an opportunity to participate.

K Public Improvement: Any drainage ditch, L street, highway, parkway, sidewalk, pedestrian-way, tree, lawn, off-street parking area, lot M improvement, or other facility for which the local government may ultimately assume the N responsibility for maintenance and operation, or which may affect an improvement for which O local government responsibility is established.

P Public Street: See "Street, Public".

Q

**R** Public Utility Installations: The erection, construction, alteration, or maintenance by public utilities, municipal departments, commissions or common carriers of underground, surface S or overhead gas, oil, electrical, steam, pipes, conduits, cables, fire alarm boxes, police T call boxes, traffic signals, hydrants, towers and other similar equipment and accessories U in connection therewith, by public utility or V municipal departments, commissions, or common carriers, for the public health or safety or W general welfare.

X Public Utility Structure: Electric and telephone substations and distribution centers, filtration Y plants, pumping stations and water reservoirs; public or package sewer treatment plants, Z telephone exchanges; radio and television transmitting or relay stations; antenna towers and

other similar public utility service structures.

Publishing Facility: Any facility that prints and/or assembles publications including books, magazines, and newspapers for the purposes of sale and/or distribution.

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## Q

Quarry: A lot or any part of a lot used for the extracting of stone, sand, gravel, or any other material to be processed for commercial purposes.

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## R

Racetrack: Any measured venue for the sport of racing where animals or machines are entered in competition against one another or against time. A racetrack may or may not have areas for spectators. Racetrack includes, but is not limited to, oval track racing, drag racing, motorcross, tractor pulling, go-cart racing, remote control airplane flying, and similar uses.

Radio Station: An establishment that broadcasts radio signal programming.

Rear Setback: See "Setback, Rear".

Record: The written documentation of the actions and expressions of a public body, such as the Plan Commission or Board of Zoning Appeals.

Record Shop (CD Shop): An establishment that primarily deals with new and used audio recordings in an array of media formats. Some shops also include the sales of new and used video recordings as well.

Recreational Development, Private: A recreational establishment held in private ownership and either open only to members or open to the general public in exchange for an admission fee.

Recreational Vehicle: Any building, structure,

# 11.1 Definitions 11

or vehicle designed and/or used for seasonal living or sleeping and/or recreational purposes and equipped with wheels to facilitate movement from place to place (either under its own power or towed by another vehicle). Recreational vehicles are built on a single chassis and measure four hundred (400) square feet or less, including the largest horizontal projections, and are of a size that is street legal. Recreational vehicles include pick-up truck coaches, motorized homes, boats, travel trailers, snow mobiles, and camping trailers not meeting the definition of a manufactured or mobile home.

**Recreational Vehicle Park:** Any site, lot, field, or tract designed with facilities for the temporary use of recreational vehicles.

**Recreational Vehicle Sales:** The sale and incidental storage of recreational vehicles.

**Recycling Center:** A facility for the collection, sorting, storing and processing of paper products, glass, plastics, aluminum or tin cans prior to shipment for remanufacture into new materials.

**Refuse Dump:** A facility designated to receive and hold municipal solid waste and other waste matters. Waste at a refuse dump is not compacted or covered as it is in a sanitary landfill. See also "Sanitary Landfill".

**Registered Architect:** An architect properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

**Registered Land Surveyor:** A land surveyor properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

**Registered Landscape Architect:** A landscape architect 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.

**Regulatory Flood:** The flood having a one percent (1%) probability of being equaled or exceeded in any given year, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission and the Federal Emergency Management Agency. The "Regulatory Flood" is also known by the term "Base Flood." See also "Base Flood Elevation".

**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.

**Repair Services:** Establishments that provide repair services to individuals and households, rather than businesses, not including automotive and equipment repair. Typically such services include the repair of appliances, watches, jewelry, and musical instruments.

**Replat (or Resubdivision):** Any change in a recorded plat which does not result in the creation of additional lots. It may include all or any part of a previous subdivision or plat. A replat shall be considered an Administrative Subdivision, provided no new streets or utility expansions are required.

**Rescue Station:** See "Police, Fire, or Rescue Station".

**Research Laboratory:** A structure or group of structures used primarily for applied and developmental research where product testing is an integral part of the operation and goods or products used in the testing may be manufactured and stored.

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# 11.1 Definitions

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- A** Residence: See "Dwelling".
- B** Residential District: An area used primarily for dwellings.
- C**
- D** Residential Facility for the Developmentally Disabled Type I: A residential facility which provides residential services for not more than eight (8) developmentally disabled individuals, as defined by IC 12-28-4-8.
- E**
- F**
- G** Residential Facility for the Developmentally Disabled Type II: A residential facility which provides residential services for more than eight (8) developmentally disabled individuals, as defined by IC 12-28-4-8.
- H**
- I**
- J** Residential Facility for the Mentally III: A residential facility which provides residential services for mentally ill individuals, as defined by IC 12-28-4-7.
- K**
- L**
- M** Residential Treatment Center: Any facility licensed by the Indiana Department of Health, public or private, which regularly provides one or more people with twenty-four (24) hour a day substitute care, food, lodging, training, education, supervision, habilitation, rehabilitation and treatment they need, but which for any reason can not be furnished in the person's own home.
- N**
- O**
- P**
- Q**
- R** Restaurant: A structure in which the principal use is the preparation and sale of food and beverages.
- S**
- T** Restaurant, Drive-in: A facility, including a building and adjoining parking area, the primary function of which is selling food to the public by order from and service to passengers in vehicles parked outside of the structure.
- U** Drive-in restaurants may also provide seating inside of the building.
- V**
- W**
- X** Restaurant, Fast Food: An establishment that offers quick food service, which is accomplished through a limited menu of items already prepared and held for service, or prepared quickly. Orders are generally not taken at the customer's table, and food is generally served in disposable wrapping or containers. Establishment may include a drive-thru service facility.
- Y** Retail Uses: Commercial enterprises that provide goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the business.
- Z** Retention Pond: An area that is designed to permanently hold specific quantities of stormwater. Captured water only dissipates via percolation into the ground water or by evaporation.
- Retirement Facility: A residential complex containing multifamily dwellings designed for and occupied by senior citizens (persons sixty (60) years of age or older, or couples where either the husband or wife is sixty (60) years of age or older). Such facilities may include a common gathering and dining facilities, but exclude nursing care.
- Retreat Center: A facility used for professional, educational, or religious meetings, conferences, or seminars which provides meals, housing, and recreation for participants during the period of the retreat or program.
- Rezoning: An amendment to the Official Zoning Map which has the effect of removing property from one zoning district and placing it in a different zoning district.
- Riding Stable: An establishment that shelters and offers upkeep to horses for use by patrons and private owners. Stables generally include grazing pastures and land designated for horseback riding.
- Right-of-Way: A specific and particularly described strip of land, property, or interest therein devoted to and subject to the lawful public use, typically as a thoroughfare of passage for pedestrians, vehicles, or utilities, as officially recorded in the office of the Boone

# 11.1 Definitions 11

County Recorder.

Right-of-Way Line: The limit of publicly owned land encompassing a public facility, such as a street or an alley.

Ringelmann Number: The number of the area on the Ringelmann Chart that most nearly matches the light-obscuring capacity of smoke. The Ringelmann Chart is published by the U. S. Bureau of Mines, and it illustrates graduated shades of gray for use in estimating smoke density. Smoke below the density of Ringelmann No. 1 shall be considered no smoke, or Ringelmann "0".

Road: See "Street".

Roadside Sales Stand: A temporary structure, not permanently affixed to the ground, which is used solely for the display or sale of farm products produced on the premises upon which such roadside stand is located. No roadside stand shall be more than three hundred (300) square feet in ground area and there shall not be more than one roadside stand on any one premise.

ROW: See "Right-of Way".

Runoff: The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.

## S

Sales, Incidental: Sales that are related and subordinate to the primary service or retail activities of a commercial use.

Sales, Temporary/Seasonal: Facilities that are indoor or outdoor and operate on a temporary basis for the sale of seasonal fruits and vegetables, fireworks, Christmas trees, and/or other holiday, event, or season related products.

Sanitary Landfill: The designated area where nonhazardous and non-medical farm, residential, institutional, commercial, or industrial waste is buried. See also "Refuse Dump".

Satellite Dish/Antenna: An apparatus capable of receiving communications from a transmitter relay located in a planetary orbit or broadcasted signals from transmitting towers.

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, whether public or founded or conducted by or under the sponsorship of a religious or charitable organization, but excluding trade, business, or commercial schools. See also "Trade or Business School".

School, Commercial: See "Trade or Business School".

School, Private: Non-state supported or sponsored primary, grade, high or preparatory school or academy.

School, Special: Any school which has as its primary purpose the instruction, care and rehabilitation of atypical or exceptional children or adults such that the usual statutory educational requirements expressly or implicitly do not apply.

School (University or College): See "University".

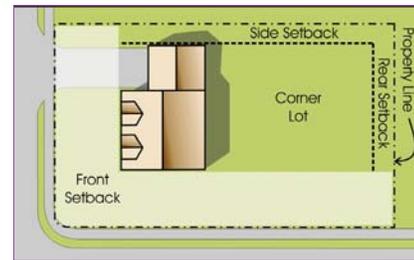
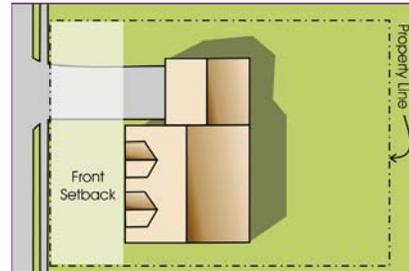
Scrap Metal Yard: A general industrial use established independent or ancillary to and connected with another general industrial use, which is concerned exclusively in new and salvaged metal pipes, wire, beams, angles, rods, machinery, parts, filings, clippings, and all other metal items of every type, and which acquires such items incidental to its connection with the other general industrial use or by purchase, consignment or bailment which stores, grades, processes, melts, cuts, dismantles, compresses, cleans, or in any way prepares said items for reuse by the connected other general industrial use or for storage, sale or shipment and use in other industries or businesses including open hearth, electric furnaces and foundry operations; such an establishment shall not include junk yards, dumps, or auto-

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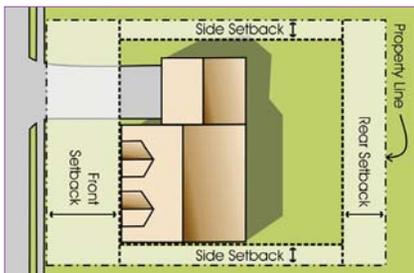
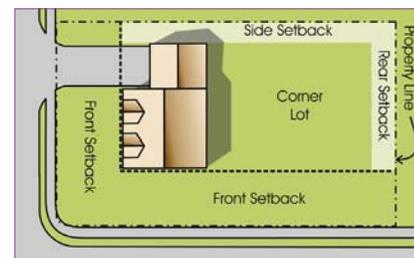
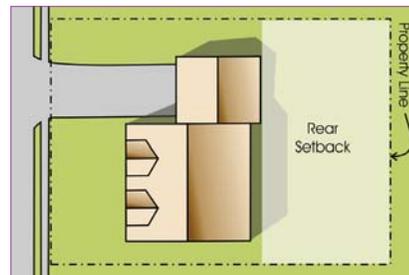
# 11.1 Definitions

- A mobile graveyards.
- B Secondary Approval: An approval by the official designated by the Plan Commission indicating that all conditions of Primary Approval have been met.
- C
- D
- E Secondary Plat: See "Plat, Secondary".
- F Section: A unit of a manufactured home.
- G 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".
- H
- I
- J Seed Sales, Distribution, and Storage: An establishment that sells, stores, and distributes agricultural seed for farm planting. Such establishments primarily sell in bulk for commercial farm purposes.
- K
- L
- M Semi-Tractor/Trailer Storage: The storage of any vehicle without motive power designed to be coupled with or drawn by a motor vehicle and constructed so that some part of its weight and that of its load rests upon or is carried by another vehicle.
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- Q Senior Housing: See "Retirement Facility".
- R
- S Setback: The horizontal distance between a structure and a lot line or right-of-way line measured at a distance that is perpendicular to the lot line or right-of-way line.
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- Z Setback, Front: 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.

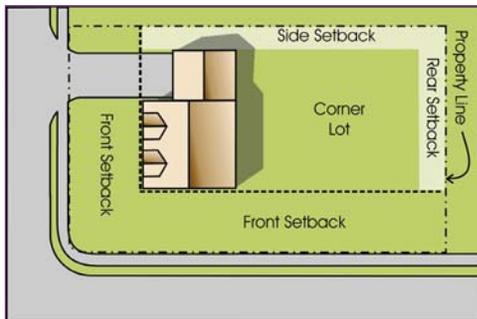
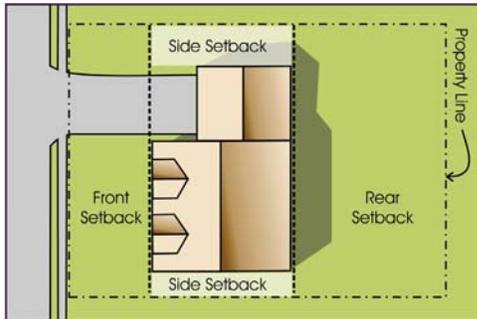


Setback, Rear: The horizontal space between the nearest foundation of a building to a rear lot line and that rear lot line, extending to the side lines of the lot, and measured as the shortest distance from the foundation to the rear lot line. Corner lots shall have no rear yards, only front yards and side yards.



# 11.1 Definitions 11

**Setback, Side:** The horizontal space between the nearest foundation of a building to the side lot line, measured as the shortest distance between that foundation and the side lot line at a ninety degree (90°) angle to the side lot line.



**Sewage Treatment Plant:** Any facility designed for the treatment of sewage that serves an entire community, region, or specific geographic area.

**Shoe Repair Shop:** An establishment that primarily repairs shoes, with incidental sales of shoe related items.

**Shooting Range (Indoor):** Any establishment at which firearms are discharged for the purpose of recreation and entertainment, and at which all shooting areas and targets are completely enclosed in a structure.

**Shooting Range (Outdoor):** Any establishment at which firearms are discharged for the purpose of recreation and entertainment, and at which any portion of the shooting areas or targets are located outside of a completely enclosed structure.

**Shopping Center:** An architectural and functional grouping of retail stores and appropriate associated and accessory uses, generally oriented around a super market or department store, and designed to serve residential neighborhoods or communities. For the purpose of this ordinance, any development consisting of two or more professional office uses, personal service uses, retail service uses, or any combination thereof, shall be considered a shopping center.

**Shopping Mall:** A shopping center where numerous stores front on a pedestrian way that may be enclosed or open.

**Shrub, Ornamental:** A shrub planted primarily for its ornamental and screening value, not to be confused with a perennial.

**Side Lot Line:** See "Lot Line, Side".

**Side Setback:** See "Setback, Side".

**Sight Distance:** The measurement from a driver's eyes, which are assumed to be three and three-quarters (3.75) feet above the pavement surface, to an object six (6) inches high on the pavement.

**Sight Visibility Triangle:** Triangular shaped areas on each corner of an intersection that are looked through by drivers approaching or departing an intersection to view oncoming traffic on crossing streets and roadways.

**Sign:** Any name, identification, description, device, display, or illustration which is affixed to, painted, or represented directly or indirectly upon a building, structure, or piece of land which directs attention to an object, product, place, activity, person, institution, organization, or business. A sign includes the face area which conveys a message, any equipment or sign device, and any related mechanical, electrical, and structural supports and features, such as poles and lighting. In no instance shall this ordinance be interpreted as considering any flag as a sign.

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# 11.1 Definitions

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**A** Sign, Abandoned: A sign that is no longer located on or conducted on the property where the sign is displayed.

**C** Sign, Animated: A sign with action, motion, or changing colors or lights, any of which imitates movement. A flashing sign shall be considered to be an animated sign.

**F** Sign, Area: The entire face of a sign including the message surface and any framing or trim, but excluding any poles or other supports. Sign area is measured as the maximum vertical dimension of the face area multiplied by the maximum horizontal dimension of the face area, each at its largest point.

**J** Sign, Awning: A sign incorporated into, or attached to an awning.

**L** Sign, Banner: A sign with or without characters, letters, illustrations, or ornamentations applied to cloth, paper, flexible plastic, or fabric of any kind with only such material for backing and secured or mounted to allow motion caused by the atmosphere.

**P** Sign, Banner (Fixed): A banner that is supported along one or more sides or at two or more corners by staples, tape, wires, ropes, strings, or other materials that are not fixed or rigid.

**R** Sign, Billboard: See "Sign, Off-Premise".

**S** Sign, Canopy: Any sign that is a part of or attached to an awning, canopy or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

**V** Sign, Changeable Copy: A sign designed and used to display temporary letters, numbers, symbols, and other items which may be changed by hand, electronically, or by other means. The height, face area, and other structural and lighting characteristics of changeable copy signs remain constant, providing a background for temporary messages. A sign on which the message changes more than eight

times per day shall be considered an animated sign and not a changeable copy sign for the purposes of this ordinance.

**Sign, Directional:** Any on-premises sign that includes information assisting in the flow of pedestrian or vehicular traffic, such as "enter", "exit", and "one-way".

**Sign, Double-Faced:** A sign designed and/or used to display a message on the outer surface of two (2) identical and opposite parallel planes.

**Sign, Entry Feature:** A permanent on-premise sign identifying an entrance to a residential subdivision, apartment complex, or manufactured home park.

**Sign, Face:** The area or display surface used for the message.

**Sign, Free-Standing:** A sign supported completely by a frame, pole, or foundation and which is independent from all other structures on the property.

**Sign, Ground:** See "Sign, Monument".

**Sign, Height:** The highest point measured from grade level at the base of the sign to the highest point of the sign, including any structure, frame, light fixture, or other element of the sign.

**Sign, Illuminated:** A sign lighted by or exposed to artificial lighting either by lights on or within the sign or directed toward the sign.

**Sign, Incidental:** A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking", "entrance", "loading only", "telephone", and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

**Sign, Monument:** A sign that is permanently affixed to the ground at its base, supported

# 11.1 Definitions 11

entirely by a base structure, and not mounted on a pole. This sign could be displayed on a decorative feature of brick, wood or other material, which is intended to serve as an entry feature or focal point.

**Sign, Mural:** A sign painted onto the side of a building, wall, ground, or structure.

**Sign, Off-Premise:** A sign which directs attention to a business, commodity, service, organization, or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located or to which it is affixed. This includes billboard and other outdoor advertising and directional signs located on private property.

**Sign, Pennant:** Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

**Sign, Political:** See "Sign, Yard Card".

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

**Sign, Post:** A sign supported by one or two posts, often made of wood or similar material. The sign display may be attached between two posts or suspended from an above support.

**Sign, Poster:** Any sign made of cardboard, metal, plastic or other semi-rigid material which is attached to outdoor products, structures, or other features, or anchored into the ground with the use of stakes.

**Sign, Projecting:** A sign attached to and projecting out from a building face or wall, generally at right angles to the building.

**Sign, Pylon:** A freestanding sign, other than a pole or ground mounted sign, which is secured permanently to the ground, and has a height that is greater than its width.

**Sign, Real Estate:** A temporary sign that relates to the sale, lease or rental of property or structures, or to construction activity on a site. See also "Sign, Yard Card".

**Sign, Searchlight:** A searchlight used to attract attention to a property, use, or structure consistent with the definition of a sign.

**Sign, Sandwich Board:** A temporary sign located at grade level, not permanently attached to a building, structure, or the ground, and constructed in such a manner as to form an "A" by separating to opposite and parallel sign faces by supporting structural members.

**Sign Structure:** The supports, uprights, bracing and frame work for the sign. In the case of a sign structure consisting of two or more sides, where the angle formed between any of the sides (or the projection thereof) exceeds fifteen (15) degrees, each side shall be considered a separate sign structure.

**Sign Surface:** See "Sign Face".

**Sign, Suspended:** A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

**Sign, Temporary:** An on-premise sign not fixed to a permanent foundation and displayed for a fixed period of time, 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, Vehicle:** A sign that is attached to or painted on a parked vehicle for the purpose of drawing attention to the product, business, or property which is indicated on the sign. See

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# 11.1 Definitions

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- A also "Sign, Portable".
- B Sign, Wall: Any sign attached parallel to, but within twelve (12) inches of, a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.
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- F Sign, Wayfinding: Any sign erected by a governmental entity to aid visitors in navigating within the City. These signs may include directional indicators to guide visitors to special areas (including downtown and the industrial park), specific locations (including libraries, governmental centers, and entertainment venues), or to major thoroughfares (including SR 32, SR 39, and I-65). These signs may be free standing, but are recommended to follow a uniform style of design and have varying scales dependent on district or environment density.
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- M Sign, Window: Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, and is affixed to a window or placed immediately behind a window pane so as to attract the attention of persons outside of the structure.
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- R Sign, Yard Card: A temporary sign displayed on private property and usually displaying a message associated with political support, local sports team or club support, or garage/yard sales.
- S
- T
- U Signable Area: A two-dimensional area that describes the largest square, rectangle, or parallelogram on the facade of a building which is free of architectural details.
- V
- W
- X Site Development Plan: The plan indicating the location of existing and proposed buildings, structures, paved areas, walkways, vegetative cover, landscaping and screening within a site proposed for development which is to be submitted for approval prior to the release of Improvement Location Permits on the site
- Y
- Z consistent with the requirements of the IC 36-7-4-1400 series.
- Site Improvement: See "Improvement".
- Skating Rink: An establishment that provides facilities for patron skating.
- 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 one hundred (100) feet of horizontal distance.
- Slow Burning or Incombustible: See "Burning, Slow".
- Smoke: A suspension of fine particles, excluding water droplets, in a gaseous plume, which more or less obscures the transmission of light.
- Smoke Unit: The number obtained when the smoke density in Ringelmann number is multiplied by the time of emission in minutes. For the purpose of this calculation, a Ringelmann density reading shall be made at least once a minute during the period of observation; each reading is then multiplied by the time in minutes during which it is observed. The various products are then added together to give the total number of smoke units observed during the entire observation period.
- Soil Stabilization: Chemical or structural treatment of a mass of soil to increase or maintain its stability or otherwise improve its engineering properties.
- Sorority, Educational: A club or social activity officially associated with and recognized and supervised by an institution for higher education whose membership is limited exclusively to students of the institution.
- Sorority, Social: A private club of individuals organized around a civic, social, or intellectual goal or pursuit. See also "Private Club".
- Special Flood Hazard Area (SFHA): Those lands within the jurisdiction of the City of

# 11.1 Definitions 11

Lebanon that are subject to inundation by the regulatory flood. The SFHAs of the City are identified on the Flood Insurance Rate Map (FIRM) of Boone County prepared by the Federal Emergency Management Agency (FEMA).

**Sporting Goods Shop:** An establishment that primarily sells sporting equipment, sporting apparel, and related items.

**Spot Zoning:** The zoning of a typically small area of land controlled by a single or limited number of property owners that results in the property involved being granted permitted uses and/or development standards that are inconsistent with those provided to, or planned for, similar surrounding properties.

**Spotlight:** A fixture designed to direct a narrow intense beam of light on a desired area.

**Stadium or Coliseum:** A large open or enclosed space that is used for games or major events, especially sporting events, and is partly or completely surrounded by tiers of seats for spectators.

**State:** The State of Indiana.

**Stationary Shop:** An establishment that primarily sells stationary, paper, cards, writing utensils, and various related items.

**Stop-Work Order:** A written document issued by an enforcement official which requires the cessation of an activity.

**Storage, Outdoor:** See "Outdoor Storage".

**Story:** That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling above it. For the purpose of this ordinance, a basement shall not be considered a story unless it has been subdivided into rooms and used for tenant purpose.

**Story, Half:** That portion of a building under a sloping, gable, hip, or gambrel roof, the wall

plates on at least two opposite exterior walls of which are not more than three (3) feet above the floor level of such half-story.

**Stream Bank:** The usual boundaries, not the flood boundaries, of a stream channel.

**Street:** A right-of-way or thoroughfare, other than an alley, dedicated or otherwise legally established to the public use, usually affording the principal means of access to abutting properties.

**Street, Arterial:** A street which serves the major traffic movements within a community, such as between the central business district and the outlying commercial and residential areas, as well as a majority of the vehicular traffic entering and leaving the City to travel to and from adjacent communities. Lebanon arterial streets are identified in the Thoroughfare Plan.

**Street, Collector:** A street designed and used to carry moderate volumes of traffic from local streets to arterial streets. Lebanon collector streets are identified in the Thoroughfare Plan.

**Street, Cul-de-sac (Court or Dead End Street):** A street with a single common ingress and egress and with a turn-around at the end.

**Street Frontage:** See "Frontage, Street".

**Street, Half:** A street for which only half of the required right-of-way and/or pavement width has been provided.

**Street (or Alley) Improvement:** Shall mean the construction of a street or alley to its full thickness, commencing at the subgrade according to the specifications contained in this ordinance. The placing of a new surface over an existing paved or closed surface street or alley shall not be considered as an improvement but as maintenance.

**Street Intersecting:** Any street that joins another street at an angle, whether or not it crosses the other street.

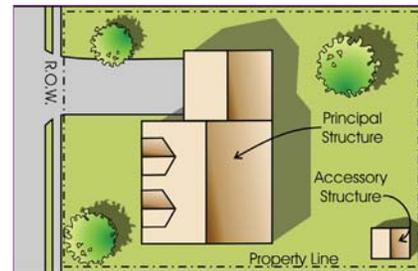
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# 11.1 Definitions

- A** Street Intersection: The point of crossing or meeting of two (2) or more streets.
- B**
- C** Street, Local: A Street designated primarily to provide access to other streets from individual properties. Lebanon local streets are identified on the Thoroughfare Plan.
- D**
- E** Street, Nonresidential: Any street where the principal land use of the lots which the street provides access to, as well as the lots on either side of the street is not residential.
- F**
- G**
- H** Street Orientation: The direction of the architectural front facade of a building in relation to the street.
- I**
- J** Street, Private: Vehicular streets and driveways, paved or unpaved, which are wholly within private property except where they intersect with public streets within public rights-of-way, and is privately owned and maintained and used to provide vehicular access to more than one (1) property or dwelling unit.
- K**
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- N** Street, Public: A street constructed and maintained by a unit of government within an officially deeded and accepted public right-of-way.
- O**
- P**
- Q** Street, Residential: Any street where the principal land use of the lots which the street provides access to, as well as the lots on either side of the street is residential.
- R**
- S** Street Vista: A view framed by buildings at the termination of the axis of a thoroughfare.
- T**
- U** Street Width: The width of the paved surface of a street, measured from back-of-curb to back-of-curb or from edge-of-pavement to edge-of-pavement where curbs are not present.
- V**
- W** Structural Alterations: 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, roof, or footprint or increasing size of living space. Also, substantial roofing and siding work when repairs are made to the structure beneath.
- X**
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**Structure:** Any building or other object that is constructed or erected that requires location on or under the ground or is attached to something on the ground.

**Structure, Accessory:** A structure that is subordinate to a principal structure in area, intent, and/or purpose; contributes to the comfort, convenience, or necessity of occupants of the principal structure; does not alter or change the character of the property; and is located on the same lot as the principal structure.



**Structure Height:** The vertical distance measured from ground level to the highest point of the roof.

**Structure, Principal:** The building or structure in which the principal use of the lot or premises is located or conducted. With respect to residential uses, the principal building or structure shall be the main dwelling. For agricultural uses, the principal structure may be a barn or other agricultural structure.

**Subdivider:** Any person or persons, firm or corporation engaged in developing or improving a tract of land which complies with the definition of a subdivision as defined in this ordinance. See also "Developer".

**Subdivision:** The division of any lot, tract or parcel of land, separately described in a deed on record in the Office of the County Recorder, into two (2) or more contiguous parcels, sites, or lots fronting on public street, for the purpose of immediate or future offer, sale, lease, or development.

**Subdivisions, Administrative:** Administrative

# 11.1 Definitions 11

subdivisions include one (1) or more of the following:

- A) A resubdivision which involves only the removal of interior lot lines, with the outside perimeter of the property remaining unchanged, resulting in fewer parcels than were contained in the original parcel;
- B) A resubdivision which involves only the removal or relocation of easements on the property;
- C) A resubdivision which involves only the changing of notations written on the plat or correction of errors thereon;
- D) A division of land pursuant to an allocation of land by court decree;
- E) The division of land into cemetery plots;
- F) A resubdivision to correct errors in an existing legal description, provided that no additional building lots are created;
- G) A division of land involving no more than two (2) parcels for the sale or exchange of tracts between adjoining land owners, provided that no additional building sites are created;
- H) A division of a building site containing an existing dwelling which has been located on an agriculturally used site for at least ten (10) years;
- I) A division or resubdivision of land for the acquisition by the public or by a utility for street right-of-way or easement.

Subdivision, Cluster: See "Cluster Development".

Subdivision Improvement Agreement: A document which establishes the contractual relationship between the developer of a subdivision and the City of Lebanon for the installation of improvements in accordance with the standards and specifications set forth in this ordinance.

Subdivision, Major: All subdivisions not classified as minor subdivisions and resulting in the creation of more than four (4) lots, including

but not limited to subdivisions requiring any new street or extension of Lebanon facilities or the creation of any public improvements.

Subdivision, Minor: A subdivision of land which results in the creation of four (4) or fewer new lots or the reconfiguration of existing lots and which does not involve the construction or extension of public or private streets or utilities.

Sub-lots: Portions of a lot of record created in connection with the transfer of ownership of individual dwelling units in a two-family or multifamily dwelling.

Substantial Improvement: See "Improvement, Substantial".

Supermarket: Large-scale retailers of food and grocery supplies, typically also including flower shops, pharmacies, bakeries, branch banks, and other complementary and incidental uses.

Supply Yards: A commercial establishment storing or offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods. Supply Yards do not include the wrecking, salvaging, dismantling or storage of automobiles and similar vehicles.

Surety: An amount of money or other negotiable instrument provided by a developer to the City which guarantees that they will perform all actions required by the City regarding an approved site development plan, plat, or other improvement, which provides that if the developer fails to comply with the requirements of approval, funds will be provided for the City to complete those requirements.

Surface Drainage: See "Drainage, Surface".

Swale: See "Drainage Swale".

Swimming Pool: Any structure located either at, above, or below grade which is designed and/or used to hold water which exceeds two (2) feet in depth at any point for the purpose of recreation and entertainment of adults and children.

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A Swimming Pool, Private: A swimming pool used only by the owner of the pool and the owner's invited guests, and which is an accessory use at a private residence or private commercial operation.

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Tailor Shop: An establishment that alters and repairs clothing for patrons.

Tanning Salon: Any business which provides a service using artificial lighting systems to produce a tan on a person's body, including the incidental sale of tanning products.

Tavern: See "Bar".

Technical Assistance Committee (TAC): A committee established by the Planning and Zoning Administrator to assist with the technical evaluation of subdivisions by reviewing sketch plats, and to make appropriate technical recommendations to the subdivider, Plan Commission, Plat Committee or City departments.

Telecommunications: The transmission of information between or among geographic points without change in the form or content of the information as sent or received. See also "Communications Service Exchange".

Telecommunications Antenna: Any structure or device, including all appurtenances, used for the purpose of collecting or radiating electromagnetic waves, including those used to transmit cellular telephone service, data, radio and television signals, and any other information.

Telecommunications Tower: A mast, pole, monopole, guyed, or freestanding framework, or other vertical structure that acts as an antenna or to which an antenna is affixed or attached.

Temporary Seasonal Sales: See "Sales, Temporary/Seasonal".

Temporary Use: See "Use, Temporary".

Theater: A facility for audio and visual productions and performing arts, excluding adult motion picture theaters and adult entertainment businesses.

Through Lot: See "Lot, Through".

Thoroughfare Plan: The official plan, now and hereafter adopted, which sets forth the location, identification, alignment, dimensions, and classification of existing and proposed streets and other thoroughfares.

Tool and Dye Shop: An establishment that processes, cuts, and molds metal into tools, molds, machine components, and similar products.

Top Soil: Surface soils and subsurface soils which presumably are fertile soils and soil material, ordinarily rich in organic matter or humus debris. Top soil is usually found in the uppermost soil layer called the "A Horizon".

Top-of-Bank: The ordinary high water level for a water basin or wetland, and the break in slope for a watercourse.

Topography: The configuration of the earth's surface, including the relative relief, elevations, and position of land features.

Tower: A ground pole, spire, structure, or combination thereof including supporting lines, cables, wires, braces, and masts intended primarily for the purpose of mounting an antenna, a meteorological device, or other similar apparatus above ground.

Townhouse: A single-family dwelling with a private entrance that is attached horizontally to other dwelling units in a linear arrangement, with a front and a rear wall that are totally exposed for light, access, and ventilation.

Trade or Business School: A school conducted as a commercial enterprise that provides on-site training for business or secretarial skills, instrumental music, dancing, barbering or hair dressing, drafting, and the like; or for industrial or technical arts. Includes vocational schools

# 11.1 Definitions 11

and career centers.

**Traffic Calming:** Methods of reducing the negative impact of vehicles on surrounding land uses and other methods of personal transportation through street design that decreases the speed of vehicles and provides increased space and comfort for pedestrians.

**Trail:** A public way, separate from a street, alley, or other vehicle roadway, designed for and used by pedestrians, cyclists, and others using non-motorized transportation and recreation equipment. See also "Pathway".

**Tree, Broadleaf:** Trees having non-needle like leaves.

**Tree, Deciduous:** Trees and shrubs that shed their leaves annually.

**Tree, Evergreen:** Trees and shrubs that do not shed their leaves annually.

**Tree, Ornamental:** A deciduous tree possessing qualities such as flowers or fruit, attractive foliage, bark or shape, with a mature height generally under forty (40) feet.

**Tree, Prohibited:** A tree, as listed in this ordinance that does not meet site-landscaping or performance standard requirements.

**Tree, Shade:** A deciduous tree planted primarily for its high crown of foliage or overhead canopy.

**Truck Freight Terminal:** An area and building where trucks and cargo are stored, where loading and unloading is carried on regularly, and where minor truck maintenance is performed.

**Truck Stop:** A facility designed and used to provide services to the trucking industry including, but not limited to, fuel stations, repair shops, truck washes, restaurants, convenience stores, weight scales, and shower facilities, all as part of a unified facility.

**Truck Sales and Service:** Any establishment that sales and services semis, grain trucks, and other vehicles similar in size. Inoperable trucks may be stored on a temporary basis, and only if they are to be serviced.

## U

**Undeveloped Land:** Land in its natural state.

**University (or college):** An institution for post-secondary education, public or private, offering courses in general, technical, or religious education and operated not-for-profit. It operates in buildings owned or leased by the institution for administrative and faculty offices, student and faculty housing, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, community rooms and facilities, athletic facilities, fraternities, and sororities. A university may include for-profit businesses and facilities that are incidental to the educational, cultural, and athletic functions and which lease space from the institution. A university shall not include trade schools operated for profit.

**Use:** The purpose of which land, building, or structure thereon is designed, arranged, or intended, or for which it is occupied, maintained, let, or leased.

**Use, Accessory:** A use which is secondary to a principal use in area, intent, and/or purpose; contributes to the comfort, convenience, or necessity of occupants of the principal use; does not alter or change the character of the property; and is located on the same lot as the principal use.

**Use Category:** A group of similar use types that are associated with each other to such an extent that they are grouped together for the purpose of identifying land uses by this ordinance, such as retail uses, office uses, personal service uses, and general industrial production.

**Use, Change of:** The discontinuation of the

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**A** specific principal use of a lot or structure and the replacement of that use with a different specific use.

**B**

**C** Use, Conditional: See "Conditional Use".

**D** Use, Existing: The use of a lot or structure present at the effective date of this ordinance.

**E**

**F** Use, Illegal: Any use that is neither legal non-conforming or permitted by right or conditional use in the zoning district in which it is located as defined by this ordinance.

**G**

**H** Use, Nonconforming: See "Nonconforming Use".

**I**

**J** Use, Permitted: Any use listed as a permitted use in this ordinance or which is an accessory or temporary use associated with a permitted use for the zoning district in which it is located.

**K**

**L**

**M** Use, Principal: The main use of land or structures, as distinguished from an accessory use. A principal use may be either a permitted use or a conditional use.

**N**

**O** Use, Temporary: A land use or structure established for a limited and fixed period of time with the intent to discontinue such use upon the expiration of the time period.

**P**

**Q**

**R** Use Variance: The approval of a use by the Board of Zoning Appeals which is not listed as a permitted or conditional use by this ordinance and is not an accessory or temporary use associated with any principal use permitted by this ordinance.

**S**

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**U**

**V** Utility Substation: A building or structure used for the distribution or transmission of utilities such as water, gas, electricity, or sewer.

**W**

**X**

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## V

Variance, Development Standards: A specific approval granted by a Board of Zoning Appeals in the manner prescribed by this ordinance, to deviate from the development standards (such as height, bulk, area) that the Ordinance otherwise prescribes for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and district.

Variance, Use: See "Use, Variance".

Variety Store: A retail establishment that sells a multitude of consumer goods.

Vehicle: A device used as a mode of transportation of persons and/or goods including but not limited to automobiles, semi-tractors, semi-tractor trailers, all types of trailers, snowmobiles, recreational vehicles, motorcycles, and similar devices.

Vehicle Detailing/Accessory Shop: An establishment that provides auto-detailing services and/or sells associated merchandise. Services offered are cosmetic in nature, and do not include mechanical upgrades or repairs.

Vehicle, Inoperable: See "Inoperable Motor Vehicle".

Vehicle Sales, New: The storage and display for sale of motor vehicles where repair work, body work, and parts sales is incidental to the operation of the new or used vehicle sales. At least eighty percent (80%) of the vehicle inventory must be new.

Vehicle Sales, Used: The storage and display for sale of more than two (2) motor vehicles where repair work, body work, and parts sales is incidental to the operation of the new or used vehicle sales.

Vending Machines: Machines that, for a fee, distribute drinks, newspapers, and other items. The machines are owned by a person other than the property or business owner.

# 11.1 Definitions 11

Vested Right: A right that has become fixed and cannot be revoked by subsequent changes of applicable regulations.

Veterinary Office (Animal Clinic): An establishment for the care, observation, or treatment of domestic animals.

Vibration: Oscillatory motion transmitted through the ground.

Video Store: An establishment primarily engaged in the retail rental of DVD, videotapes, films, CD-ROMS, laser discs, video games, or other electronic media.

Viticulture (Vinyard): The cultivation of grapevines and the growing of grapes.

## W

Waiver: A specific modification or lessening of the regulations established by this ordinance that may be granted by the Plan Commission for a specific development in response to unique site characteristics or development patterns that justify relief from the otherwise generally applicable regulations.

Warehouse: A facility for the storage, wholesale, and distribution of manufactured products, supplies, and equipment.

Waste Disposal Facility: Any facility that functions to store or dispose of waste including incinerators, junk metal yard, sanitary landfills, refuse dumps, and inoperable vehicle storage.

Waste Incinerator: See "Incinerator".

Water Tower: A tower or standpipe that functions as a reservoir providing water to the community.

Watercourse: Any natural or man-made channel through which water flows on a continual or temporary basis.

Wellfield (Public Pumphouse): An area of

land that contains one (1) or more existing or proposed wells for supplying water to a water utility.

Wetland: Areas that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to support vegetation typically adapted for life in saturated soil conditions as identified by the National Wetlands Institute and certified by an individual with a US Army Corps of Engineers Regulation 4 Jurisdictional Wetland Certification.

Wholesale Facility: An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers.

Winery: A facility in which wine products are grown and processed for commercial sales. The development may include other uses such as a retail shop, standard restaurant, bar or live entertainment.

Wireless Communication Facility: A land use facility supporting antennas and microwave dishes that sends and/or receives telecommunication and radio frequencies signals. Communications facilities include structures or towers, and accessory buildings.

## X, Y

Yard: A space on a lot that is open, unoccupied and unobstructed other than by steps, walks, terraces, driveways, lamp posts and similar structures.

Yard Sale: See "Garage/Yard Sale".

Yard, Side (Separation): The sum of the distance of the horizontal space between a foundation and side lot line, plus the horizontal space between the foundation and shared side lot line of the structure on the immediately adjacent lot.

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## Z

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Zoning District: A section of the territory within the Jurisdiction of the Lebanon City Plan Commission for which uniform regulations governing the Use, Height, Area, Size, and Intensity of Use of Buildings and Land, and open spaces about buildings, are herein established.

Zoning Map: See "Official Zoning Map".