

**ARTICLE 2. DEFINITIONS AND RULES OF WORD USAGE**

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**Section 1. Word Usage**

- A.** For the purpose of these regulations, certain numbers, abbreviations, terms, words, and phrases used herein shall be used, interpreted, and defined as set forth in this Article.
- B.** Whenever any words and phrases used herein are defined in the State laws regulating the creation and function of various planning agencies, such definition shall apply to such words and phrases used herein, except when the context requires otherwise.
- C.** For the purpose of these regulations, certain words and phrases used herein shall be interpreted as follows:
  - 1.** The word “person” includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other legal entity.
  - 2.** The masculine includes the feminine.
  - 3.** The present tense includes the past and future tense; the singular number includes the plural.
  - 4.** The word “shall” is a mandatory requirement; the word “may” is a permissive requirement; and the word “should” is a preferred requirement.
  - 5.** The words “used” or “occupied” include the words “intended, arranged, or designed to be used or occupied.”
  - 6.** The word “lot” includes the words “plot, parcel, and tract.”
- D.** All other words not defined shall be defined according to any recent edition of Webster’s New Collegiate Dictionary (1985 edition or newer).

## Section 2. Definitions of Words and Terms Used

### A

**{360° Architecture** – Use of same materials, colors, architecture elements around all four (4) sides of a structure.}

**Abutting**—Bordering.

**{Access Connection** – Any driveway, street, road, turnout or other means of providing for the movement of vehicles to and from a roadway system or between abutting sites. This includes any pedestrian crosswalks not adjacent to an intersection and intersecting with vehicular movements.} **ORD. #25-7-09**

**Accessory Use, Structure, or Building**—A use, structure, or building on the same lot with, and of a nature customarily incidental and subordinate to, the principal use, building, and/or structure.

**Acre**—A unit of land that measures 43,560 square feet.

**{Actual Emissions** – Any emissions which occur over a specified period of time based upon emissions monitoring, stack testing, emission factors or other acceptable measurements.} **ORD. #09-03-12**

**{Abandonment** – The relinquishment of property or a cessation of the use of the property for a continuous period of one (1) year.

**Adjacent Property** – Any property adjacent to or directly diagonal to the subject property. Properties across a public or private right-of-way are also considered adjacent.

**Administrator** – The Director of Department of Planning or his/her designee who administers and enforces the provisions of the Unified Development Ordinance or Building Codes.} **ORD. #95-11-06**

**{Adult cabaret** – A building or portion of a building regularly featuring dancing and other live entertainment if the dancing or entertainment that constitutes the *primary live entertainment* is distinguished or characterized by an emphasis on the exhibiting of *specific sexual activities* or *specified anatomical areas* for observation by patrons therein.

**Adult media** – Magazines, book, videotapes, movies, slides, CD-ROMS, or other devices used to record computer images, or other *media* that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to *hard-core material*.

**Adult media shop** – An establishment that rents and/or sells *media*, and that meets any of the following three tests.

1. 40 percent or more of the gross public floor area is devoted to *adult media*
2. 40 percent or more of the stock-in-trade consists of *adult media*
3. It advertises or holds itself in any forum as “XXX”, “adult”, “sex” or otherwise as a *sexually oriented business* other than as an *adult media store*, *adult motion picture theater*, or *adult cabaret*.

**Adult motion picture theater** – An establishment emphasizing or predominantly showing films, motion pictures, video cassettes, slides or similar photographic reproductions, which are characterized by the depiction or description of, *specified sexual activities* or *specified anatomical areas* or by *specified sexual activities*.} **ORD. #57-9-04**

**{Aggregate Side Yard** – The minimum yard area between two structures on adjacent lots.} **ORD. #76-9-05**

**{Agriculture** – The science, art, or practice of cultivating soil, producing crops, and raising livestock.} **ORD. #64-11-08**

**Agricultural Processing, Primary** – An establishment primarily engaged in performing services on crops, subsequent to their harvest, with the intent of preparing them for market or further processing.

**Agricultural Processing, Accessory** – The use of land and building for agricultural processing on the same lot with, and of a nature incidental and subordinate to, the principal agricultural use.

{**Agricultural Uses** – The use of land for farming, pasturage, horticulture, floriculture, viticulture, and the necessary accessory uses for packing, treating, or storing the resulting product provided, that the operation of any such accessory uses shall be secondary to the normal agricultural activities. The term agriculture does not include chemical storage, the sale of resulting products to the general public except from temporary roadside stands, or manufacturing of products associated with Agriculture. See also *Farm*.} **ORD. #64-11-08**

{**Air Containment** – Any solid, liquid, or gaseous matter, or any combination thereof, that may be emitted into the ambient air in any manner which may cause or contribute to air pollution.

**Air Containment Emitter or Air Containment Source** – Any vehicle, process facility or other device that emits or is capable of emitting air contaminants, which are privately or publicly owned or operated. Without limiting the generality of the foregoing, this term includes all types of business, commercial, industrial plants; workshops and stores; heating and power plants and power stations; and buildings and other structures of all types including but not limited to single-family, two-family, and multi-family residences; office buildings; public buildings; commercial uses; industrial uses, all types of vehicles; portable fuel burning equipment; incinerators of all types; refuse dumps and piles; and all stack and other chimney outlets from any of the foregoing.

**Air Pollution** – The presence or threatened discharge from whatever source of solid, semisolid, liquid or gaseous matter or any combination thereof, in the ambient air in sufficient quantities and of such characteristics and duration which: (1) injures or threatens to injure human, plant, or animal life; or  
(2) damages or threatens to damage property; or  
(3) unreasonably interferes with the comfortable enjoyment of life and property.} **ORD. #09-03-12**

**Airport**—Any location either on land, water, or structure which is designed or used for the landing and taking-off of aircraft, including all necessary buildings and facilities, if any.

{**Airport (Public Use)** – Any area, site or location, either on land, water or upon any building, which specifically adopted and maintained for landing and taking off of aircraft, and utilized or to be utilized in the interest of the public or such purposes. The term does not include (1) private use airport or landing field, or (2) any military airport solely occupied by any federal branch of government using that airport for military purposes.

**Alley**—A right-of-way intended to provide secondary access to the rear or side of lots or to buildings in urban areas and not intended for the purpose of through vehicular traffic.

**Alteration**—Any change, addition, or modification in construction, or any change in the structural members of a building, such as load bearing walls, columns, beams, or girders.

{**Amenity Area** – An outdoor facility that may include a clubhouse that is owned and maintained by the owner's association or property owner(s) for the primary use and benefit of the residents of the residential development. The term may include swimming pools, basketball courts, soccer fields, tennis courts, and indoor recreational facilities.} **ORD. #56-11-07**

**Amphitheater**—Any land, semi-enclosed structure, or combination thereof, designed for the enactment of the performing arts {or other entertainment uses that include entertainment related facilities and uses.} **ORD. #26-4-03**

**Amusements, Outdoor**—A commercial use of land, which is primarily outdoors, and which is conducted primarily for the entertainment of the customer. Such uses shall include miniature golf courses, batting cages, and similar uses. See also *Sports and Recreation Parks*.

{**Annuals**– A plant that dies at the end of a growing season both above and below ground.} **ORD. #95-11-06**

**Antenna or Satellite Dish**—Any device designed to transmit or receive wave signals to or from any source whatsoever.

{**Antenna Array or Wireless Telecommunications Antenna Array** – One or more rods, panels, discs, or similar devices used for the transmission or receptions of radio frequency signals, which may include omni-directional antennas (whip), direction antennas (panel), and parabolic antennas but excluding any support structure.} **ORD. #64-11-08**

{**Application** - The completed form or forms, together with any other materials, exhibits, and fees as required of an applicant pursuant to this Ordinance.} **ORD. #64-11-08**

**Aquatic Buffer** – Any area in and around a water feature including lakes, ponds, detention and retention areas, legal drains, and rivers that are generally vegetated and separate the water resources from adjacent land providing numerous functions including water quality, fish and wildlife habitats, and wildlife travel corridors.} **ORD. #89-10-06**

{**Appellant** – A person filing for an appeal.

**Applicant** - The owner, {owners, or legal representative of land who makes application to the City of Noblesville} Written consent shall be required from the legal owner of the premises. **ORD. #56-11-07**

{**Applied Trim** – Supplemental and separate decorative strips applied to the face or sides of a frame.} **ORD. #23-4-07**

**Architectural Detail**—Any project, relief, cornice, column, change of building material, window, or door opening on any building.

{**Architectural Guidelines** – The guidelines established by the Architectural Review Board for reviewing detached single-family, attached single-family and multi-family structures as a part of the Preliminary Development Plan process.} **ORD. #56-11-07**

{**Architectural Plane** - A two-dimensional surface defined by width and length.

**Architectural Plane (Primary)** - That two-dimensional surface fronting along a street.

**Architectural Plane (Secondary)** - All two-dimensional surfaces of a building other than the primary architectural plane.} **ORD. #23-4-07**

**Art Galleries and Museums** - Public or semipublic uses whose primary use is to enhance the appreciation of its visitors for past and present cultural practices and events, through the use of exhibits, tours, demonstrations, audio-visual technologies, and similar communications media.

**Arterial**—See *Street*.

**As-Built Construction Plans**—Drawings made after the completion of improvements, which identify how the improvements were constructed on site.

{**Assisted Living Facility** – A residential facility where limited health care is provided including assistance with daily activities such as dressing, grooming and bathing, and/or taking medicines are provided for the aged or any other reasonably independent person in need of nursing care. These facilities do not contain equipment for surgical care or treatment of disease or injury and are not primarily designed for patients with mental illness or alcohol or drug addiction. Assisted Living Facilities have private rooms that are not shared by non-related persons.} **ORD. #23-6-10**

{**Automated Teller Machine (ATM)** – An electronically operated device used to conduct financial transactions on site by means of direct computerized access.} **ORD. #56-11-07**

**Automotive Fuel Station**—Any land, building, structure, or premises used for the retail sale of motor vehicle fuels, oils, or accessories.

**Automotive Rental**—Any land, building, structure, or premises used for the rental of motor vehicles on a temporary basis, and including any incidental storage thereof.

**Automotive Repair/Body Shop** - Any land, building, structure, or premises used for the {general repair of automobiles including but not limited to engine rebuilding or reconditioning of motor vehicles; engine steam cleaning; transmission welding or rebuilding and installation; collision service such as body, frame and fender straightening and repair; and painting of motor vehicle after a collision, fire damage, water damage, or other natural disaster or for the purpose of restoration. *Automobile Repair/Body Shop* may also include Automotive Service, as defined.} **ORD. #29-9-11**

**Automotive Sales**—Any land, building, structure, or premises used for the sale or lease of new or used motor vehicles. Automotive Sales may include Automotive Repair and Automotive Service. See also *Automotive Repair* and *Automotive Service*.

**Automotive Service** - Any land, building, structure, or premises used for the {routine maintenance of automobiles and limited servicing of automobiles including but not limited to the sale and installation of oil, lubricants, filters, batteries, tires, brakes, belts, and other similar activities or for installing or repairing parts and accessories but not to include the activities of *Automobile Repair/Body Shop* as defined.} **ORD. #29-9-11**

{**Average Daily Traffic (ADT)** - The estimated daily average number of vehicular travelers on a street in a 24-hour period.} **ORD. #95-11-06**

## **B**

{**Ballast** – A heavy substance placed in such a way as to improve the stability and control of an object.} **ORD. #17-5-09**

{**Banding** – A continuous series of moldings projecting slightly from the architectural plan.} **ORD. #23-4-07**

**Bar, Tavern or Lounge**—Premises used primarily for the sale and dispensing of liquor by the drink for on-site consumption and where food may be available for consumption on the premises as accessory to the principle use. **ORD. #67-12-98**

**Bare-bulb (Illumination)**—See *Illumination, Bare-bulb*.

{**Base Flood Elevation** – The elevation of the one-percent annual chance of a flood.} **ORD. #95-11-06**

**Basement**—That portion of the building that is underground but having at least half its clear height below the average grade of the adjoining ground. See also *Cellar*.

**Bed and Breakfast Establishment**—An owner-occupied dwelling unit providing overnight accommodations and breakfast to the public for compensation for ten (10) or more days in a twelve-month period.

{**Berm (mound)** – A man-made landscape feature used for screening in which earth is piled up in irregular, round, oblong shapes. Berms do not have consistent crest elevations but are irregular creating a more natural landscape feature.} **ORD. #89-10-06**

{**Best Management Practices (BMP)** – The utilization of the natural environment, artificial structures, scheduling, and/or prohibition to ensure the long-term operation and maintenance of features that control erosion and/or the discharge of polluting elements.} **ORD. #95-11-06, #64-11-08**

**Beverage Bottling** – An establishment engaged in manufacturing, processing, and bottling or packaging of beverages for wholesaling and distribution.

**{Bioretention Facilities (rain gardens) –** A stormwater management system that uses soil and plants to absorb stormwater runoff and to capture pollutants. These are small landscaped basins intended to provide water quality management by filtering stormwater runoff before release into a storm drain system.

**{Bioswale –** A bioswale is a shallow depression created in the earth to accept and convey stormwater runoff. A bioswale uses natural means, including vegetation and soil, to treat stormwater by filtering out contaminants being conveyed in the water.} **ORD. #64-1-08**

**Block—**A tract of land bounded by streets, or a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.

**{Board of Zoning Appeals (BZA) —**The City of Noblesville’s Advisory Board of Zoning Appeals or any division thereof and its designees.} **ORD. #95-11-06**

**Board of Works—**The Noblesville Board of Public Works and Safety is in charge of approving City contracts and accepting public improvement projects.

**Boarding House—**A building, not available to transients, in which only meals and lodging are regularly provided for compensation for at least three (3) but not more than twelve (12) persons.

**Bond—**Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Board of Works or County Commissioners. All bonds shall be approved by the Board of Works or County Commissioners whenever a bond is required by these regulations.

**{Borrow Pit –** An area of land from which earth is removed for use on another site and a permanent or temporary irregular terrain is created.} **ORD. #23-6-10**

**{Branch –** An outgrowing shoot, stem, or twig that grows from the main stem or trunk.} **ORD. # 32-10-11**

**{Brewpub –** A commercial use which brews ales, beers, meads, and/or similar beverages on-site and serves those beverages on-site.} **ORD. #32-10-11**

**{Brick –** A solid or hollow masonry unit of clay mixture with sand, and molded into a rectangular-shape while in a plastic state, then baked in a kiln.} **ORD. #23-4-07**

**{Buffer Landscaping –** Any trees, shrubs, walls, fences, berms/mounds, space or related landscaping features required under the UDO for buffering lots, parcels, etc., from adjacent properties or public rights of way for the purpose of increasing visual shielding or other aspects of privacy or aesthetics.

**{Buffer Yard (Peripheral) –** *See Landscaping Buffer Yard*} **ORD. #64-11-08**

**{Buffering—**Any means of protecting an area of land from the adverse visual and suitable effects of another area, which may include trees, shrubs, walls, fences, berms/mounds, space or related landscaping features required under this ordinance for buffering lots, parcels, etc., from adjacent properties or public rights-of-way or the purpose of increasing visual shielding or other aspects of privacy or aesthetics.} **ORD. #64-11-08**

**{Build-to-line –** A line appearing on the development plan stated as the setback dimension from the right-of-way, which a building façade must be placed.} **ORD. #23-6-10**

**Building—**Any structure designed, built, and used for the shelter, protection, or enclosure of persons, animals, or property, and which is permanently affixed to the land. A building is also a structure.

**Building, Accessory—***See Accessory Building.*

**Building, Addition –** Construction that increases the square footage of an existing structure or building.

**Building, Height of**—*See Height, Building.*

**Building, Principal**—A building in which is conducted the main or principal use of the lot in which said building is situated.

{**Building, Detached** - A building that has no structural connection with the primary building or any other building or structure.} **ORD. #56-11-07**

**Building, Remodel** – The alteration of an existing structure or building.

{**Building, Single-Tenant** – A building in which all space is occupied by one (1) tenant and is not a part of a larger unified development.} **ORD. #17-5-09**

{**Building Area** – The horizontal area of a building on a lot measured from the outside exterior walls, excluding open areas or terraces, unenclosed porches or decks, and architectural features that project less than two (2) feet.} **ORD. #56-11-07**

{**Building Code - The** Indiana Building Code that establishes and controls the standards for constructing all forms of permanent structures and related matters. Also referred to as the Noblesville Building Code.

**Building Envelope** – The setback lines that establishes an area on a lot in which a building and related activities can occur.} **ORD. #95-11-06**

{**Building Frontage** – The length of an outside building wall on a dedicated public or private street.} **ORD. #56-11-07**

**Building Permit**—A permit signed by the Director of Planning & Development stating that a proposed improvement complies with the provisions of this Ordinance and such other parts of the City Code as may be applicable.

{**Building Setback Line (Front)** – The line nearest the front of and across the lot establishing the minimum open space to be provided between the front line of a building or structure and the Front Lot Line. Said building setback line shall be parallel to the street.} **ORD. #96-11-05**

{**Building Separation** – The least distance between the walls of two (2) structures regardless of whether they are located on the same lot or parcel.} {**ORD. #56-11-07**}

**Business, General**—Commercial uses, which generally require locations on or near major arterials and/or their intersections which tend to, serve day-to-day needs of the neighborhood and supply the more durable and permanent needs of the whole community.

**Business, Local**—Commercial establishments, which cater to and can be located in close proximity to residential districts without creating excessive congestion, noise, or other objectionable influences. Uses in this classification tend to serve the day-to-day needs of the neighborhood.

**Bus**—A motor vehicle, other than a commuter van, designed for carrying more than ten (10) persons.

**Bus Passenger Terminal**—Any land, structure, or building which serves as a point of arrival or departure for passengers of commercial busses, including any ticket sales areas, reception areas, bus parking and/or refueling areas, and retail sales accessory thereto. Bus Passenger Terminals shall not include the storage, cleaning, or repair of busses.

# C

**{Caliper}** – The American Association of Nurserymen Standard for trunk measurement of nursery stock. Caliper of the trunk shall be taken six inches above the ground for up to and including four-inch caliper sizes, and twelve inches above the ground for larger trees.

**Camouflaged** – Any telecommunications facility that is designed to blend into the surrounding environment. Examples of camouflaged facilities may include architecturally screened roof mounted antennas, building mounted antennas painted to match the existing structure, antennas integrated into architectural elements, towers made to look like trees and antenna structures designed to resemble light poles or flag poles.} **ORD. #64-11-08**

**Campground**—An area of land on which two or more recreational vehicles, including campers, tents, RV's, or other similar temporary recreational structures, are regularly accommodated with or without charge, including any building, structure, or fixture or equipment that is used or intended to be used in connection with providing such accommodations.

**{Cane}** – A primary stem which starts at a point not higher than one-fourth (1/4) the height of the plant.}

**ORD. #32-10-11**

**{Canopy Cover}** – The percent of a fixed area covered by the crown of an individual plant species or delimited by the vertical projection of its outermost perimeter. Small openings in the crown are included.} **ORD. #32-10-11**

**Capital Improvements Program**—A schedule of all proposed public improvement projects in order of construction priority together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual municipal operating expenses, for the purchase, construction, or replacement of the physical assets for the community are included.

**Car Wash**—A building or portion thereof containing facilities for washing one(1) or more automobiles simultaneously, using production line methods such as a chain conveyor, blower, steam cleaning device, or other mechanical devices, or providing space, water, equipment, or soap for the complete or partial cleaning of such automobiles, whether by operator or by customer.

**{Cart Corral}** – A structure within a parking lot that is designed and designated for patrons to deliver shopping carts.} **ORD. #95-11-06**

**Cellar**—A portion of the building partly underground, but having half or more of its clear height below the average grade of the adjoining ground.

**Cemetery**—Land used or intended to be used for the burial of human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery for which perpetual care and maintenance is provided.

**{Certificate of Compliance}** – A certificate issued by the Director of Planning and Development or his designee stating that the plans submitted for an Improvement Location Permit including grading and pad elevations, {Sign Permits, and Miscellaneous Permits that comply with the approved plans, provisions of the Unified Development Ordinance, and commitments as required by the Plan Commission, Board of Zoning Appeals, Common Council, Board of Public Works, or the Director of Planning and Development. A Certificate of Compliance is not a substitute for a Certificate of Occupancy.} **ORD. #89-10-06, ORD. #32-10-11**

**Certificate of Occupancy**—A certificate signed by the Director of Planning and Development stating that the occupancy and use of land or building or structure referred to therein complies with the provisions of this Code.



**{Certificate of Occupancy (Conditional)** – A certificate with a specific expiration date issued by the Director of Planning and Development or his designee, that at the time of issuance, the occupancy and use of the building or structure does not fully comply with the provisions of all applicable codes including but not limited to the Unified Development Ordinance, Building Codes, Electrical Codes, Fire Codes, Mechanical Codes, and all other State and Federal Codes and Ordinances, but may be occupied for the specified period subject to the conditions stipulated on the certificate.} **ORD. #89-10-06**

**{Changeable Copy** – Letters, numerals, or other copy that may be manually or mechanically affixed to and/or removed from a sign. Changeable copy is only permitted when incorporated into a permanent sign structure as permitted by this Ordinance.} **ORD. #17-5-09**

**Channel**—A natural or artificial water course of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.

**Channel Letters** – Three-dimensional individually cut letters or figures, illuminated or not illuminated, and affixed to a structure. {Open-face channel letters are prohibited.} **ORD. #17-5-09, ORD. #31-9-10**

**{Channel Letters, Open-Face** – Three-dimensional, individually cut letters or figures, illuminated having a clear plastic face allowing for raw neon or like materials to be seen and affixed to a structure. This type of channel letter is prohibited.} **ORD. #31-9-10**

**Chemical Processing** – An establishment engaged in producing basic chemicals or in manufacturing products by predominantly chemical processes.

**Child Care Center**—A place where at least seventeen (17) children receive child care from a provider while unattended by a guardian, for regular compensation and, and for a period of at least four (4), but no more than twenty-four (24), consecutive hours in each of ten (10) consecutive days per year, excluding intervening weekends and holidays.

**{Child Care Home**—A dwelling unit where at least six (6) children not including the children for whom the provider is a parent, stepparent, legal guardian, custodian or other relative that receives child care from a provider while unattended by a parent, stepparent, legal guardian, or custodian for regular compensation and for a period of at least four (4) hours and less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening weekends and holidays. Any child that is at least 14 years of age that does not require child care and any child who is at least seven (7) years of age for whom a provider of care in the child care home is a parent, stepparent, legal guardian or custodian does not count toward determining the limit set forth regarding the number of children. The term “Child Care Home” shall refer to “Class I Child Care Home” and “Class II Child Care Home.”

*Child Care Home, Class I* - A Child Care Home that serves any combination of full-time and part-time children, not to exceed twelve (12) children at any one time.

*Child Care Home, Class II* - A Child Care Home that serves more than twelve (12) children but not more than any combination of sixteen (16) full-time and part-time children at any one time.} **ORD. #23-6-10**

**Church**—See *Place of Worship*.

**Cinema or Theater**—Any building designed for the enactment of dramatic performances and/or showing of motion pictures. For the purposes of this chapter, a drive-in theater shall be deemed a separate and distinct use.

**City**—The city having jurisdiction over the parcel of land under consideration. The City of Noblesville, Indiana.

**City Engineer**—The City Engineer of the City of Noblesville.

**{Coffee House** – A restaurant primarily offering coffee, tea, and other beverages that are typically sold at a counter or drive-up window for motor vehicles. } **ORD. #56-11-07**

**Clinic**—See *Office, Medical*.

**Club or Lodge, Private**—A building or portion thereof of premises owned or operated by a person for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests, but not including any organization, group or association, the principal activity of which is to render a service usually and ordinarily carried on as a business.

**Clubhouse**—A building or portion thereof, accessory to a residential subdivision or multi-family development, and used primarily by the residents and their guests for recreational and entertainment purposes. Such uses shall not include retail or food sales or services except on a temporary and occasional basis.

**Collector**—See *Street*.

**College or University**—A public or private institution providing full-time or part-time education beyond the high school level and including any lodging rooms or housing for students or faculty. A *Business or Trade School* is not considered a *College or University*.

**Commission**—The Noblesville City Plan Commission.

**Commitment**—A recordable written agreement or pledge that may include a site plan, setting forth any binding limitations of use or development.

{**Community Event** – An activity that is open to the general public and sponsored by a public, private not-for-profit, or religious organization that is educational, cultural, or recreational in function. Charitable events sponsored by for-profit organizations are also considered community activities.} **ORD. #17-5-09**

{**Community Gateway** – a corridor, expressway, or arterial in which citizens or visitors of Noblesville highly travel which represents the character of the community. These gateways include the State Road 37 corridor, the 146<sup>th</sup> Street corridor, the State Road 32 corridor, the State Road 38 corridor, and the Corporate Campus.} **ORD. #57-9-04**

{**Community Rating System (CRS)** – A program developed by the Federal Insurance Administration to provide incentives for those communities participating in the regular program of the National Flood Insurance Program (NFIP) that have included provisions beyond the minimum floodplain management regulations to develop extra measures providing additional protection(s) from flooding.

**Compatible** – A structure, planned development, and/or use that is capable of existing together in harmony with its surrounding structures, planned developments, and/or uses forming a homogeneous mixture that neither separates from nor alters its surroundings causing attention to be drawn to the proposed structure, planned development, and/or use.} **ORD. #89-10-06**

{**Composition** - The manner in which parts are combined or related to form a united whole. It includes scale, site relationship, space, volume, texture, proportion, reflection, rhythm, repetition, pattern, ornamentation, mass, form, harmony, depth, color, contrast, and balance} **ORD. #23-4-07**

**Comprehensive Plan**—A plan adopted by the Plan Commission and Common Council, pursuant to State law, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof. The document shall include:

- (1) A statement of objectives for the future development of the jurisdiction.
- (2) A statement of policy for the land use development of the jurisdiction.
- (3) A statement of policy for the development of public ways, public places, public lands, public structures, and public utilities.

{**Concept Plan** - A plan for the development of land brought by the applicant/petitioner to a PRE-Submittal meeting that shows in general terms the proposed land use, circulation, natural characteristics and typical development of the area to be developed including the affected adjacent properties and traffic.} **ORD. #56-11-07**

{**Conditional Approval** – Stipulations or provisions attached to an approval issued by any governmental entity that is a prerequisite for a Final Certificate of Occupancy.} **ORD. #89-10-06**

**Conditional Use**—A use permitted within a district other than a use permitted “by right”, and requiring approval of the Board of Zoning Appeals because of its unusual nature. Conditional uses that may be allowed in each district are listed in the Official Schedule of District Regulations.

{**Condominium**—The individual ownership of a dwelling unit within a multiple family dwelling, together with an interest in the common land and building areas and the underlying land as per IC 32-25.} **ORD. #89-10-06**

{**Confined Feeding Operation** – the raising of animals for food, fur or recreation in an area where they are confined, fed, and maintained for at least 45 days during any year, and where there is no ground cover or vegetation present over at least half of the confinement area. This shall be any animal feeding operation that houses at least 300 cattle, or 600 swine or sheep, or 30,000 or more fowl.} **ORD. #64-11-08**

{**Conifer** – Cone-bearing tree.} **ORD. #32-10-11**

{**Conservation** – Protection, improvement, and wise use of natural resources according to principles that will assure utilization of the resource to obtain the highest economic and social benefits.} **ORD. #32-10-11**

{**Construction Plans**—The maps, drawings, and textual description showing the specific location and design of improvements to be installed or constructed.} **ORD. #89-10-06**

**Contractor’s Offices**—Any land, building, or structure used as the permanent place of business for a general contractor or tradesman, including the incidental storage of construction equipment and materials and company vehicles.

**Convalescent, Nursing or Rest Home**—An establishment for the care or assisted living of the aged or infirm, or a place of rest for those suffering bodily disorders. Such home does not contain equipment for surgical care or for the treatment of disease or injury.

{**Conversion** – A change of a building’s use to another use.} **ORD. #29-9-11**

{**Copy** – The wording, logo, shapes, or object content of a sign in either permanent or removable letter media.} **ORD. #17-5-09**

{**Core Central Business District** – The area beginning at the intersection of Clinton Street and 10<sup>th</sup> Street, running thence South along 10<sup>th</sup> Street to its intersection with Maple Avenue, running thence West along Maple Avenue to a point where Maple Avenue would intersect with White River, if Maple Avenue were continued upon its westerly course, running thence North along the meandering thread of White River to the intersection of a line which would represent the extension of Clinton Street to the West to its intersection with White River thence East to Clinton Street and along Clinton Street to the point of beginning.} **ORD. #31-9-10**

{**Corner Break** – The position at which two architectural planes meet and form relief creating a third dimension.} **ORD. #23-4-07**

{**Cornice** – A molded ornamental projection that crowns or finishes the top of the building or wall to which it is affixed.} **ORD. #89-10-06**

**Council**—The Common Council of the City of Noblesville.

{**County** – Hamilton County, Indiana } **ORD. #56-11-07**

**Covenant (Deed Restriction)**—A private legal restriction on the use of land contained in the deed to the property. Normally applied to all lots in any subdivision. {In the case of public health, safety, and welfare, covenants maybe applied by the Plan Commission that are recorded with the plat and deed. } **ORD. #56-11-07**

{**Critical Root Zone** – The area of undisturbed natural soil around a tree defined by a horizontal circle drawn at grade with the center being the center of the trunk of the tree and a radius equal to the distance from the trunk to the outermost portion of the drip line.} **ORD. #32-10-11**

{**Crown** – The portion of the tree comprising the branches.} **ORD. #32-10-11**

{**Crown Form (Shape)** – The configuration crown of a standing tree or shrub (circle, triangle, parabola, rectangle, or horizontal ellipse).} **ORD. #32-10-11**

{**Crown Width (Diameter)** – The span of the crown of a tree or shrub.} **ORD. #32-10-11**

{**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 (Driveway Cut)** – A permit issued by the Department of Engineering providing for vehicular ingress/egress between property and the abutting 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.} **ORD. #95-11-06**

**Cul-de-sac**—See *Street, Cul-de-sac*.

**Culvert**—A drainpipe that channels water under a bridge, street, or driveway.

**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.

{**Cut and Fill**—The modification of a lot or parcel by excavating in one location and subsequently moving the excavated material to another location on the same site. See also single words *Cut* and *Fill*. **ORD. #95-11-06**

## D

**Damage, Substantial** - Damage of any origin sustained by a structure where by the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.} **ORD. #95-11-06**

**Dead End**—See *Street, Dead End*.

{**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.} **ORD. #56-11-07**

{**Deciduous** – Plants that shed their leaves annually.} **ORD. #32-10-11**

**Dedication**—The setting apart of land or interests in land for use by the public {or municipality} by ordinance, resolution, or entry in the official minutes as by the recording of a plat. **ORD. #56-11-07**

{**Demolition** – The act of doing away with a structure by destroying it to the ground.} **ORD. #76-9-05**

**Density**—A unit of measurement; the number of dwelling units per acre of land.

**Density, Gross**—the number of dwelling units per acre of the total land to be developed, including public rights-of-way.

**Density, Net**—The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses, excluding public right-of-way, {floodplains, wetlands}, and other public lands. **ORD. #82-10-05**

**{Detention Area** – An area that is designed to capture specific quantities of Stormwater and to gradually release the Stormwater at a sufficiently slow rate to avert flooding. This area normally is eventually dry.} **ORD. 89-10-06**

**{Developed Area** – Land that has been substantially improved by making it more useful to humans including the erection of buildings or increasing its value by cultivation.} **ORD. #29-9-11**

**Developer**—The owner or his legal representative of land proposed to be subdivided, {or residentially, commercially, or industrially utilized.} Consent shall be required from the legal owner of the premises. **ORD. #56-11-07**

**Development** - any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, utility installation, construction of flood control structures, storage of materials, drilling operations, or any other activity that might change the direction, height, or velocity of flood or surface waters located within the area of special flood hazard. This does not include activities such as the maintenance of existing buildings and facilities such as painting, re-roofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent buildings

**Development Plan**—A scale drawing, including a legal or site description, of the real estate involved which shows the location and size of the following, both existing and proposed: all buildings, structures, and yards; topographic map; location and dimension of building lines and easements; widths and lengths of all entrances and exits to and from said real estate; location of all adjacent or adjoining streets, service facilities; and other improvements such as planting areas.

**{Development Plan, Detailed** – The detailed development plan {and construction drawings incorporating} all amendments and plans adopted at the Preliminary Development Plan hearing and sets the stage for approval of the Secondary Plats as evidenced in a development plan.} **ORD. #56-11-07**

**{Development Plan, Preliminary** – The initial development plans (graphic representation) as proposed for a Planned Unit Development following approval by the Plan Commission and adoption by the Common Council of said drawings and {PD} Ordinance including any variations from the underlying zoning {district regulations.} **ORD. #89-10-06 {ORD. #56-11-07}**

**{Director of Planning and Development**—The official in charge of the Department of Planning and Development and authorized to administer and enforce the Unified Development Code including his designees.} **ORD. #95-11-06**

**{Display publicly** – The act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a street, highway, or public sidewalk, or from the property of others, or from any portion of the premises where items and materials other than *adult media* are on display to the public.} **ORD. #57-9-04**

**{Distribution Facilities** – An area and any subsequent buildings where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation.} **ORD. #26-4-03**

**District (Zoning)**—A part of the City wherein restrictions of this ordinance are uniform.

**{DNR** – The Indiana Department of Natural Resources

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

**{Drainage Concentration** – The diversion of the natural flow of water, directed to a point or an area that creates a greater than natural flow at that point or area.} **ORD. #23-6-10**

**{Drainage System** – All facilities, channels and areas which serve to convey, filter, store and/or receive Stormwater, either on a temporary or permanent basis.} **ORD. #89-10-06**

**Drinking Place**—An establishment whose primary use is the sale of beverages such as coffee or juice. A drinking place shall not include a bar unless the sale of alcoholic beverages is also permitted in the district in which the drinking place is located. See also *Bar, Tavern, or Cocktail Lounge*.

**{Drip Line** – The vertical line encompassing the outermost portions of the tree canopy extending to the ground.} **ORD. #95-11-06**

**Drive-In Theater**—A cinema which is also a drive-in establishment. See also *Cinema or Theater and Drive-in or Drive-through Establishment*.

**{Drive-in or Drive-up Facility** – A small scale establishments developed so that its retail or service character is dependant on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons, while remaining in their motor vehicles, rather than within a building or structure.

**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, of products that are used or consumed off-site.} **ORD. #95-11-06**

**Driveway**—A private, vehicular access connecting a house, carport, garage, off-street parking area, etc. with the street.

**{Driveway, Leading Edge** – The edge of the driveway located behind the street right-of-way.} **ORD. #17-5-09**

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**Dwelling**—A building {or structure or portion thereof used exclusively for residential occupancy, including single-family, two-family, and multi-family; however, excluding hotels, motels, and boarding houses.} {ORD. #56-11-07}



**Dwelling, Multi-Family**—A building consisting of three (3) or more dwelling units, including condominiums, with varying arrangements of entrances and party walls.

**Dwelling, Single-Family Detached**—A building consisting of a single dwelling unit only and separated from other dwelling units by open space. Single-family dwellings shall include modular homes and may include mobile homes. (See definitions.)

{**Dwelling, Single-Family Attached** – A building consisting of two (2) or more dwelling units, each that occupies a separate platted lot.} {ORD. #56-11-07}

**Dwelling, Two-Family**—A building consisting of two dwelling units which may be attached either side-by-side or one above the other, and each unit having a separate or combined entrance or entrances. Includes condominiums.

**Dwelling Unit**—A room or group or rooms designed and equipped exclusively for use as living quarters for only one family and including provisions for living, sleeping, cooking, and sanitary facilities. The term shall include manufactured and mobile homes but shall not include recreational vehicles.

## E

**Easement**—An authorization or grant by a property owner to specific person(s) or to the public to use land for specific purposes.

***Permanent Utility Easements*** – These easements shall be provided where necessary to accommodate utilities that serve the parcel, subdivision, or planned development allowing for utility service in and through the proposed subdivision or planned development.

***Temporary Utility Easements*** – These easements shall be provided where necessary to accommodate the installation of utilities that serve the parcel, subdivision, or planned development and typically expire after the initial installation of the required utilities.

***Drainage Easements*** – These easements are for water courses, drainage swales, or streams, or buried storm water pipes or other structures that traverse the parcel, subdivision, or planned development. These easements shall be exclusive to that use and separate from the dedication of other utility easements. }  
ORD. #29-9-11

{**Easement, No Access** – A public easement along right-of-way across which the access to the property is not permitted.} ORD. #56-11-07

{**EIFS** – External Insulation Finish System.} ORD. #89-10-06

{**Elevation (building)** - A scaled-drawing of any side of a building or structure.} ORD. #23-4-07

{**Elevation Certificate** – A certified statement that verifies the existing grade, pad, footings, and/or structure elevation.} ORD. #95-11-06

{**Entertainment Related Facilities and Uses** – Any use which is typically or commonly associated with permitted entertainment uses which include but are not limited to:

***Amphitheater Facilities*** – These accessory uses and structures can include but are not limited to stage houses, pavilion seating, lawn seating, sound amplification systems, lighting towers, hospitality rooms, guest rooms and suites, dressing rooms, firework displays;

***Concession and Merchandise Stands*** – This includes stands for the sale of food, alcohol, and beverages; stands for the sale of event related merchandise; stands for the rental of customer convenience items such as lawn chairs or strollers; and other vendor kiosks or stations;

***Entrance / Ticket Facilities*** – These include entry plazas, bridge and ticket gates, and box office;

***Merchandise Buildings*** – These include office, storage, warehouse, and sales administration related to merchandise tracking, preparation, and on-site sales;

***Plaza Areas*** – These areas include plaza stage, party plaza shelters, and VIP Club and plaza;

***Property Management Facilities*** – These include property management / grounds office buildings, maintenance buildings, storage buildings, workshops, and parking operations house;

***Restrooms and related accommodations including port-o-lets;***

***Specialty lights for individual productions, concerts, and shows.*** } ORD. #26-4-03

{**Evergreen** – A plant having green leaves or needles throughout the entire year.} ORD. #32-10-11

{**EPA** – The Environmental Protection Agency of the United States.} ORD. #95-11-06

**Erosion**—The removal of surface materials by the action of natural elements.

**Escrow**—The arrangement for the handling of instruments or money not to be delivered until specified conditions are met.



**Essential Services**—The erection, construction, alteration, or maintenance of gas, electrical, communication facilities, steam, fuel, or water transmission or distribution systems, collection, supply, or disposal systems. Such systems may include: poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants, and similar accessories, but shall not include buildings which are necessary for the furnishing of such services.

{**Establishment** – Any business regulated by this Ordinance.} **ORD. #57-9-04**

{**Evergreen** - A plant having green leaves throughout the entire year.} **ORD. #64-11-08**

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

**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.

**Expansion to 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).

{**Explicit sexual material** – Any *hard-core material*.} **ORD. #57-9-04**

{**Expositions, Indoor** – A public exhibition or show located entirely within an enclosed building which may include conventions, trades shows, auctions, flea markets, swap meets, or other types of exhibition. Expositions are typically a temporary use lasting no more than a weekend, a holiday weekend, or a maximum of a one (1) week period time.

**Expositions, Outdoor** – A public exhibition or show not located entirely within an enclosed building, which may include conventions, trades shows, or other types of exhibition. Expositions are typically a temporary use lasting no more than a weekend, a holiday weekend, or a maximum of a one (1) week period time.} **ORD. #26-4-03**

## **F**

{**Façade** - The main exterior of a building usually characterized by elaboration of stylistic details and containing an entrance.} **ORD. #23-4-07**

{**Façade Variation** – Shifts in the plane of walls, setbacks, stepbacks, reveals, overhangs, and details in order to create fluctuation in the building's façade} **ORD. #29-9-11**

**Fair Market Value**—The value of land, structures, or both as determined by one or more professional real estate appraisers under the provisions of this Ordinance.

**Fairgrounds**—The Hamilton County (Indiana) Fairgrounds.

**Family**—An individual or two (2) or more persons related by blood, marriage, guardianship, or legal adoption living together as a single housekeeping unit within a dwelling unit, plus no more than two domestic servants. A family may also consist of not more than three (3) unrelated persons.

{**Farm**—See *Agricultural Uses*.} **ORD. #64-11-08**

**FBFM** - Flood Boundary and Floodway Map.

**FEMA** - Federal Emergency Management Agency.

**Fence**—A structure, including entrance and exit gates, or openings, designed and constructed for enclosure or screening.

**THE FOLLOWING DEFINITIONS ARE SUBSETS OF THE DEFINITION OF FENCE:**

**Open Fence** – A fence that is a minimum of sixty (60) percent transparent as viewed from the outside of the fence. This type of fence includes but is not limited to chain-link or vinyl-link without slats, split-rail or post and rail, picket, and wrought-iron.

**Solid/Vision Block Fence** – A fence that is a minimum of fifty (50) percent opaque as viewed from the outside of the fence. This type of fence includes but is not limited to wooden or vinyl shadowbox, stockade, concave, dog-ear cut, convex, panel and/or masonry materials such as brick or stone. **ORD. #21-06-12**

**{Festivals** – A program of cultural performances, exhibitions, or competitions, which include fairs, carnivals, haunted houses, as well as other seasonal celebrating activities such as holiday light shows. Festivals may include amusement rides and games. Festivals are typically a temporary use lasting no more than one (1) week at a time or in some instances seasonal festivals may last the duration of the season.} **ORD. #26-4-03**

**FHBM** - Flood Hazard Boundary Map.

**Final Plat**—See *Plat, Secondary*.

**Finished Goods, Assembly and Packaging** – An establishment engaged in the assembly and/or packaging of finished goods for the purpose of wholesaling or distribution.

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

**{Financial Institution** – Any business that the primary occupation is concerned with Federal or State regulated businesses such as banking, savings and loans, loan companies, and investment companies.} **ORD. #23-6-10**

**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, Regulatory**—That flood having a peak discharge which can be expected to be equaled or exceeded on the average of once in a one-hundred year period, as shown on the FIRM map(s).

**Flood Hazard Area**—Any area subject to inundation by the regulatory flood including the floodplain, floodway, and floodway fringe districts. These areas are generally identified as such on the FIRM map(s).

**Flood Insurance Rate Map (FIRM)**—A map or maps prepared under the National Flood Insurance Program by the Federal Emergency Management Agency (FEMA), for the City of Noblesville and Hamilton County.

**Flood Insurance Study**—The official report on file with the City that includes the FIRM map(s).

**Flood-proofed Building**—A building designed to exclude floodwaters from the interior of that building or otherwise preclude the possibility of flood damage. All such flood proofing shall be adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the regulatory flood, as certified by a registered professional engineer or an architect licensed to practice in the state.

**{Flood-proofing Certificate** – A form used to certify compliance for non-residential structures as an alternative to elevating structure to or above the flood protection grade. The form must be completed by a Registered Engineer or Architect.} **ORD. #95-11-06**

**Flood Protection Grade (FPG)** - the elevation of the regulatory flood plus two feet at any given location in the SFHA.

**{Flood Waters** – The water of any lake, stream, creek, drainage ditch or watercourse that is above its banks and/or outside of the channel and banks of said lake, stream, creek, drainage ditch or watercourse.} **ORD. #95-11-06**

**Floodplain**—The channel proper and the areas adjoining any wetland, lake or watercourse that have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the floodway fringe districts. The floodplain is shown on the FIRM map(s).

**{Floodplain Management** – The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing the natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.} **ORD. #56-11-07**

**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 regulatory flood of any river or stream.

**Floodway Fringe**—Those portions of the Flood Hazard Areas lying outside the Floodway as shown on the FIRM map(s).

**Floor Area, Gross**—The sum, in square feet, of the floor areas of all roofed portions of a building, as measured from the interior walls. It includes the total of all space on all floors of a building, except for porches, garages, or space in a basement or cellar when said basement or cellar space is used for storage or other such incidental uses. The gross floor area is generally applied in residential use.

**Floor Area (for the Purpose of Parking Calculation)**—Gross floor area, for the purpose of parking calculation, shall mean the total horizontal areas of the one or several floors of the building or portion thereof devoted to the use, from the exterior face of exterior walls, but excluding any space where the floor to ceiling height is less than (6) feet.

**Floor Area, Net**—The gross floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, display windows, fitting rooms, etc. The net floor area is generally applied in non-residential use.

**Floor Area Ratio**—The net floor area of the building divided by the area of the lot(s) on which such building is located.

**Food Production** – An establishment engaged in manufacturing, processing, and/or packaging of food products for wholesaling or distribution.

**{Foundation** – The supporting member of a wall or structure. **ORD. #56-11-07**

**Foundation, Permanent** – A structural support system for transporting loads from a structure to the earth at a depth below the frost line without exceeding the safe bearing capacity of the supporting soil.} **ORD. #56-11-07**

**Frontage**—Property connected directly with a street or highway. For the purpose of determining frontage, an alley is not considered to be a street or highway.

**Funeral Homes**—See *Mortuary or Funeral Home*.

# G

**{Garage, Community}**—A detached accessory building, or collection of detached accessory buildings, used for the storing or parking of passenger vehicles and/or recreational vehicles and/or boats of the occupants of the premises. Such uses shall be permitted only inside multi-family developments.} **ORD #67-12-98**

**{Garage, Private}**—A detached accessory building, or a portion of the principal building, used for storing or parking of passenger vehicles and/or recreational vehicles and/or boats of the occupants of the premises} **ORD #67-12-98**

**Garage, Public or Commercial**—A principal or accessory building other than a private or storage garage, used for parking or temporary storage of passenger vehicles.

**{Garage Sale (Rummage, Neighborhood, Estate and other similar activities)}** – The sale or offering for sale to the general public of personal property on any portion of a lot in any zoning district, either within or outside of a structure on a temporary basis. It includes a single-individual, a group of individuals, and/or a sale conducted by a religious, school, or not-for-profit organization.} **ORD. #17-5-09**

**{Glass}** – A hard, brittle transparent or translucent substance, produced by melting a mixture of salica oxides; while molten it may be blown, drawn, rolled, pressed, or cast into a variety of shapes.

**Glass Block:** Two sheets of plate glass with an air space between them, formed into a sealed modular hollow block.} **ORD. #23-4-07**

**Golf Courses**—Any land, building, or structure used for the play or practice of golf and the incidental preparation therefore. This definition may include a driving range accessory to the golf course, but a driving range as a primary use shall not constitute a golf course.

**Government Offices**—An office use owned or operated by a unit of government, except for Fire & Police Stations, Post Offices, Libraries, or other government-owned or operated uses elsewhere specified in the Schedule of Uses. This definition also shall not include offices that are accessory to the primary use of a lot or structure, such as Parks or Utility Plants.

**Grade**—The level of the ground. Elevation.

**Grade, Average**—The mean elevation of the land measured at the front setback line between the side lot lines.

**Grade, Finished**—The elevation of the finished surface of the ground adjoining the building or structure after final grading and normal settlement.

**{Grandfather, grandfathering, grandfathered}** – see *nonconforming lot, use, structure.*} **ORD. #26-4-03**

**{Grace Period}** – An extension of time granted for correction, termination, or cessation of a violation of this Unified Development Ordinance or related codes.

**Grading Plan** – A drawing(s) indicating the existing vertical elevation of the ground prior to any excavation, filling, or other construction activity and the resulting vertical elevation of the ground surface after man-made alterations have been completed.}

**{Green Space}** – Areas designated for public gatherings or recreation.} **ORD. #56-11-07**

**Greenbelt**—A landscaped area required in the MO District which measures 25 feet in depth and the width of the building plus twenty feet in length, and is installed on all sides of the building.

**{Gross Public Floor Area}** – The total area of the building accessible or visible to the public, including showrooms, motion picture theaters, motion picture arcades, service areas, behind-counter areas, storage areas visible from such

other areas, restrooms (whether or not labeled “public”), areas used for cabaret or similar shows (including stage areas), plus aisles, hallways, and entryways serving such areas.) **ORD. #57-9-04**

**Ground Floor Level**—That level of a structure which is not more than three (3) feet above or three (3) below grade as defined in this Ordinance. It is generally the first floor of living area.

{**Groundcover** – A species of low-growing plant used for the purpose of growing over an area of ground.

{**Growth Habit** – The mode or rate of growth, general shape, mature size, and branching structure of a plant including the changes that take place seasonally during its life cycle.} **ORD. #32-10-11**

**Guyed Tower** – A telecommunications tower that is supported, in whole or in part, by guy wires and ground anchors.} **ORD. #64-11-08**

## **H**

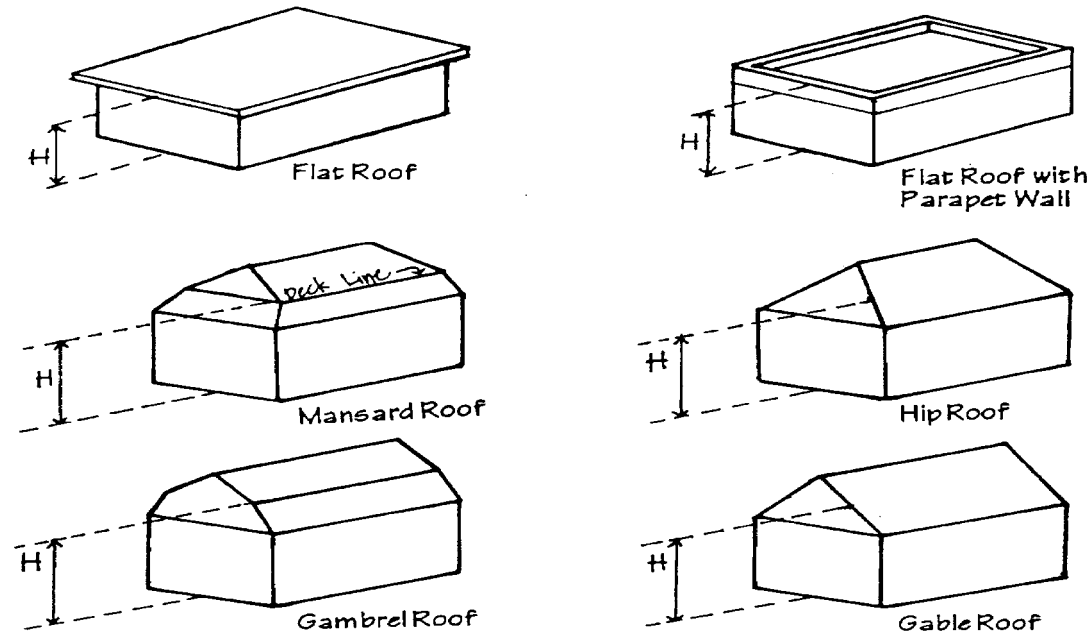
{**Hard-core material** – Media characterized by sexual activity that includes one or more of the following: erect male organ; contact of the mouth of one person with the genitals of another; penetration with a finger or male organ into any orifice in another person; open female labia; penetration of a sex toy into an orifice; male ejaculation; or the aftermath of male ejaculation.} **ORD. #57-9-04**

{**Health Fitness Facility** – A place that provides activity components including strength training, muscular development, and endurance training and nutritional guidance conducted by a personal trainer or as group sessions.} **ORD. #23-6-10**

**Health Officer**—Any Officer of authority within the Hamilton County Health Department and Indiana State Health Department.

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**Height, Building**—The vertical distance measured from the average finished grade to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridges for gable, hip, and gambrel roofs. (See also *Height, Structure*)



**{Height, Sign** – The vertical distance measured from the highest point of the sign to the finished grade of the ground immediately beneath the sign. For those instances when the sign is constructed on an artificially constructed earthen berm, the sign height shall be measured from the highest point of the sign to the base of the earthen berm. } **ORD. #17-5-09**

**Height, Structure**—The vertical distance measured from the average finished elevation to the highest point of the structure.

**{Helipad** – A location which is occasionally set aside for helicopters to land and take off which is intended to be an accessory use that is temporary in nature. } **ORD. #26-4-03**

**{Heliport** – A place for helicopters to land and take off usually constructed of an asphalt or concrete pad that is appropriately marked and lighted. } **ORD. #26-4-03**

**{Herbaceous Plant** – A plant with a non-woody stem, typically the above-ground growth dies back in the winter. } **ORD. #95-11-06**

**Highway**—See *Street*.

**Home Occupation**—A business use conducted completely within a dwelling unit, carried on by any member of the immediate family residing on the premises, clearly incidental and secondary to the use of the dwelling for residential purposes.

**{Homogeneity** - The uniformity of the overall structure, resulting from the compatibility of components. } **ORD. #23-4-07**

**Hospital**—An institution licensed by the State Department of Health and providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices which are an integral part of the facility, provided such institution is operated by, or treatment is given under direct supervision of a licensed physician. Types of hospitals include general, mental, chronic disease and allied special hospitals such as cardiac, contagious disease, maternity, orthopedic, cancer and the like.

**Hotel**—A building in which lodging is offered with or without meals principally to transient guests and that provides a common entrance, lobby, halls, and stairways. See also *Motel, Bed and Breakfast Establishment, and Boarding House*.

## I

{**Illumination** – An artificial light source incorporated internally or externally for the purposes of illuminating the sign.} ORD. #17-5-09

**Illumination, Bare-Bulb**—A light source which consists of light bulbs with a 20 watt maximum wattage for each bulb.

**Illumination, Flood**—A light source which shines directly upon the object which it is intended to illuminate.

{**Illumination, Halo-Lit** – Individually mounted opaque, internally backlit letters that illuminate the wall or surface to which they are attached.} ORD. #17-5-09 (*See Reverse Channel Letters*)

**Illumination, Indirect**—A light source which does not directly shine upon the object which it is illuminating.

**Illumination, Internal**—A light source that is concealed or contained within the object which it is intended to illuminate and becomes visible in darkness through a translucent surface.

{**Impact** – The effect of one land use upon another as measured by traffic or noise generation; site activity, hours of operation, site lighting, vibration, smoke or odor emissions or similar factors.} ORD. #29-9-11

**Impervious Surface.** A surface that does not allow water to be absorbed or percolate into the ground. Such surface include areas covered by buildings, porches, decks, patios, terraces, swimming pools, stoops, tennis courts and also includes surfaces constructed of asphalt, concrete, gravel composite, brick, stone, tile, or any other paving material used for parking, driveways, and walkways.

**Improvement**—Any alteration to the land or other physical constructions associated with subdivision and building site development.

**Improvement, Public**—Any drainage ditch, roadway, sidewalk, tree, lawn, off-street parking area, main, or other facility for which the local or state government may ultimately assume the responsibility for maintenance and/or operation, or which may affect an improvement for which local or state government responsibility is established. All such improvements shall be properly bonded. See also *Infrastructure*.

{**Improvement, Substantial** – Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the “Start of Construction” of the improvement. This term includes structures that have incurred “substantial damage” regardless of the actual repair work performed. The term does not include those improvements of structures to correct existing violations of State or Local health, safety, sanitary code requirements or an alteration of a “historic structure”, provided said alteration shall not preclude the structures continued designation as a “historic structure.”} ORD. #95-11-06

**Improvement, Temporary**—Improvements built and maintained by a subdivider during construction of the subdivision and which may become permanent prior to release of the Performance Bond.

**{Improvement Location Permit**—A permit issued by the Director of Planning and Development permitting a person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure as a part of a building permit and/or the alteration of the condition of land, change of use or occupancy, or any change that is subject to the provisions of this ordinance not governed by other requirements. A separate Improvement Location Permit shall be issued for grading, earthwork, pad elevations, and similar activities and is required prior to the issuance of a building permit and/or in conjunction with the approval of the Technical Advisory Committee members. A performance bond is required in the amount of 110% of the improvements and/or disturbance of the land including grading, topsoil removal, excavation etc. and shall be posted with the Department of Planning and Development prior to the issuance of an improvement location permit for any land disturbance activities associated with multi-family, commercial, industrial, and/or institutional uses.} **ORD. #23-4-07**

**{INDOT – The Indiana Department of Transportation.} ORD. #95-11-06**

**Individual Sewage Disposal System**—A septic tank, seepage tile, sewage disposal system, or any other approved sewage treatment device designed for use in a limited area.

**{Individual Letters – May include channel letters/figures, sandblasted letters/figures, wood-carved letters/figures or other types as determined by the Director of Planning and Development or his/her designee.} ORD. #31-9-10**

**Industrial, Extractive**—Any mining, quarrying, excavating, processing, storing, separating, or cleaning, of any mineral natural resource.

**Industrial, Heavy**—Manufacturing, processing, assembly, storing, testing, and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution.

**{Industrial, Light**—Clean, low intensity (non-polluting and no nuisance), industrial uses including light manufacturing, assembly and processing, warehousing and distribution, research and development, and testing laboratories} **ORD #67-12-98**

**Infrastructure**—The fixed public works and facilities necessary in a community, such as sewers, water systems, and streets.

**Institutional**—Public and quasi-public land uses which enhance the community's quality of life, such as schools, churches, libraries, or hospitals, but not including such uses as utility plants or garages.

**{Integrated Development – A development containing three or more stores, service establishments, offices or other permitted uses planned, organized, and managed to function as a unified whole and featuring all or some of the following features in common: (1) driveways, (2) parking, (3) signage plan, (4) landscaping plan, and /or platted as a subdivision that may include outlots for lease or for sale.} ORD. #17-5-09**

**{Invasive Plant Species – An alien species that is not native to the ecosystem under consideration and whose introduction does or is likely to cause economic or environmental harm or harm to human, animal, or plant health.} ORD. #32-10-11**

**Item of Information**—A word, an initial, a logo, an abbreviation, a number, a symbol, or a geometric shape.



## J

**{Junk Yard/Salvage Yard** - Any place at which personal property is or may be salvaged for reuse, resale, reduction or similar disposition and is owned, possessed, collected, accumulated, dismantled or sorted, including but not limited to used or salvaged base metal or metals and their compounds or combinations; used or salvaged rope, bags, paper, rags, glass, rubber, lumber, millwork, brick, and other similar properties, except animal matter and used motor vehicles or the equipment which is used, owned or possessed for the purpose of wrecking or salvaging parts there from.} **ORD. #23-6-10**

**Jurisdiction**—Jurisdiction of local government means all land within its boundaries and any land outside its boundaries over which it is authorized to exercise powers under State planning legislation.

## K

**{Kennel, Commercial** – A place primarily for the keeping of three (3) or more dogs, cats, or other small animals of at least four (4) months of age that are housed, groomed, bred, boarded, trained, and/or sold.

**Kennel, Private** – A place for keeping three or less dogs, cats, or other small animals for personal use and enjoyment which are primarily kept indoors at a residence as domestic pets and is subordinate to the primary use.} **ORD. #23-6-10**

## L

**Laboratory** – A place equipped for experimental study in a science or for testing and analysis, including chemical labs, dental-medical labs, and labs performing mechanical, physical, or environmental tests.

**Land**—The earth, water, and air above, below, or on the surface, including any improvements or structures customarily regarded as land.

**{Landscaping** – The improvements of an area with trees, shrubs, grasses and other vegetation and/or ornamental objects. Landscaping may include flowerbeds, berms, fountains, and other similar and man-made objects designed and arranged to create an aesthetically pleasing effect.} **ORD. #64-11-08**

**Landscape Area** – Areas on or adjacent to a lot or right-of-way or the perimeter of a development that are identified for application of landscaping regulations. Landscape areas include street tree plantings, parking lots including islands and perimeter, foundation planting areas, building base landscaping areas, peripheral buffer yard areas, and retention/detention pond areas.

**{Landscape Buffer Yard** – An area adjacent to the front, side, and rear property lines of a development, measured perpendicularly from and parallel to adjacent property lines and/or right-of-way lines, intended to provide attractive spaces to reduce the impacts of proposed uses on adjacent properties and rights-of-way, or to maintain natural features, or as required by this Ordinance. Buffers help to maintain existing trees and natural vegetation; to block or reduce noise, glare, or other emissions; and to maintain privacy. Landscape Buffer Yards are in addition to and separate from front, side, and rear yard setbacks and are not contained within any lots. This area is common area to be maintained by the property owners, homeowners association, developer(s) and/or another entity approved by the Director of Planning and Development.

**Landscape Island** – A landscape area defined by a curb and surrounded on all sides by pavement.} **ORD. #64-11-08**

**Landscape Materials** – Trees, shrubs, grasses, plants, decorative fences, walls, berms, irrigation systems, flower beds, ground cover, and edging. Artificial trees, shrubs, grasses, plants, flowers, ground cover are not considered landscape material.

{**Landscape Plan** – A scaled drawing, prepared by a licensed landscape architect or a landscape contractor, showing all plant materials including locations, sizes, species (botanical and common names) at the time of planting, and {and the mature tree canopy size} signed by one of the above including a license number for the landscape architect.}

**Landscape, Structure (Hardscape)** – Decorative fences, walls, retaining walls, decorative rocks, pavers, fountains, or like materials.} **ORD. #89-10-06**

{**Lattice Tower** – A guyed or self-supporting three or four sided, open, steel frame structure used to support telecommunications equipment.} **ORD. #64-11-08**

**Laundries/Dry Cleaners with on-site plant** – A commercial laundering or dry cleaning establishment that contains the cleaning facilities on-site.

{**Letter of Credit** – An irrevocable letter of credit, issued by a bank on behalf of a developer, subdivider, owner, or their designated representative, providing a cash surety to a governmental body, guaranteeing the completion of physical improvements according to the approved plans and specifications, within a prescribed time.}

**Letter of Map Amendment (LOMA)** - An amendment to the currently effective FEMA map that establishes that a property 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.

{**Level of Service** - A qualitative measure describing operational conditions within a traffic stream and the perception thereof by road users. Level of Service standards may be evaluated in terms such as speed and travel, time, freedom to maneuver, traffic interruptions, comfort, convenience, geographic accessibility, and safety. The highway capacity manual defines six levels of service for each type of facility for which analysis procedures are available. They are given letter designations from ‘A’ to ‘F’, with level of service ‘A’ representing the best operating conditions and level of service ‘F’ the worst operating conditions, as calculated by a methodology endorsed by the Institute of Transportation Engineers (ITE).} **ORD. #29-9-11**

**Library**—A permanent building or portion of a building whose primary use is the temporary loan of books and other reading material to the public. Such uses may also include the loan of audio or video tapes, the use of computer hardware and software, and meeting rooms.

**Light Source** – Source from which light emanates either directly from a bulb or indirectly from a reflective enclosure, lens, or diffuser. Light level meters are used to measure such intensities and are calibrated in foot candles or Lux. **ORD. #56-11-07**

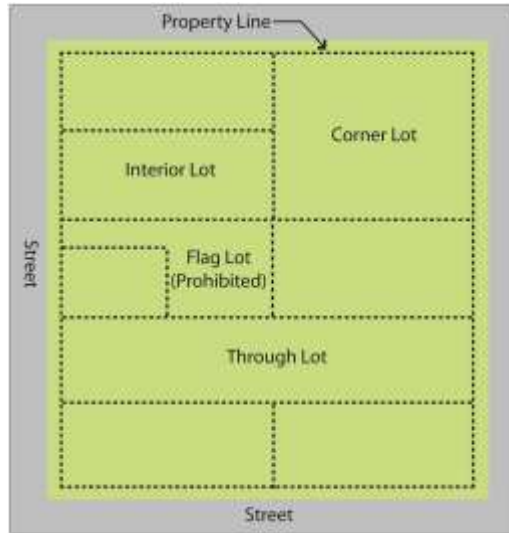
{**Lingerie modeling studio** – An establishment or business that provides the services of live models modeling lingerie to individuals, couples, or small groups in a room smaller than 600 square feet either as a temporary or primary use.} **ORD. #57-9-04**

**Loading Space, Off-Street**—Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

{**Logo** – The official emblem or insignia of an organization, corporation, or institution.} **ORD. #23-6-10**

{**Long Term Care Facilities** – See *Convalescent, Nursing, or Rest Home.*} **ORD. #56-11-07**

**Lot**—A parcel of land located within a single block and may be either a Lot of Record or a Zoning Lot.



**Lot, Corner**—A lot located at the intersection of two or more streets, the interior angle of such intersection not exceeding 135 degrees. A lot abutting a curved street or streets shall be considered a corner lot if tangent projections of the front lot lines drawn perpendicular at the side lot lines meet at an interior angle of less than 135 degrees in front of the lot.

{**Lot, Flag** – A lot that has minimum frontage on a street that continues the narrow width for some distance and becomes wider and takes shape as a rectangle or similar shape of which said lot resembles a hanging flag from a flag pole.} **ORD. #64-11-08**

{**Lot, Infill** – A lot or parcel bordered on at least two (2) sides by another established development.} **ORD. #56-11-07**

**Lot, Interior**—A lot with only one frontage on a street.

**Lot, Reversed Frontage**—A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

**Lot, Through**—A lot other than a corner lot with frontage on more than one street. Through lots, abutting two streets may be referred to as double frontage lots.

**Lot, Zoning**—A single tract of land located within a single block which (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under a single ownership or control. A Zoning Lot may not coincide with a Lot of Record.

**Lot Area**—The area of any lot exclusive of street, highway, alley, road, or other rights-of-way, the area of the horizontal plane of the lot bounded by the vertical plans of the front, side, and rear lot lines. Easements are considered to be part of the Lot Area.

**Lot Coverage**—The ratio of the enclosed ground floor area of all buildings on a lot to the total area of the lot.

{**Lot Coverage, Maximum** – The entire lot or parcel which can be developed including principal and accessory buildings, storage areas, parking lots, {driveways and other similar impervious surfaces} and other accessory uses/structures.} **ORD. #23-6-10, ORD. #12-2-11**

**Lot Depth**—The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

**Lot Frontage**—The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under “Yards” in this section.

{**Lot-of-Record**- A lot which is part of a subdivision, the plat of which has been recorded in the Office of the County Recorder; or a lot or a parcel described by metes and bounds, legally defined and duly recorded in the Office of the County Recorder prior to January 1974.} **ORD. #23-6-10**

**Lot Width**—The horizontal distance between the side lot lines, measured at the building setback line.

**Lot Line, Front**—On an interior lot, the line separating the lot from the street. On a corner or through lot, the line separating the lot from either street.

**Lot Line, Rear**—The lot line opposite the front lot line. On a lot pointed at the rear, the rear lot line shall be an imaginary line between the side lot lines parallel to the front lot line, not less than ten feet long, lying farthest from the front lot line. On a corner lot, it {has two front yards (those fronting on a street) and two side yards.} **ORD. #56-11-07**

**Lot Line, Side**—Any lot line other than a front lot line or rear lot line.

**Lot of Record**—A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Recorder; or a lot or a parcel described by metes and bounds, legally defined and duly recorded in the office of the County Recorder.

**Lowest Floor** – means 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 the 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 for any resistance to the flow of flood waters unless:
  - (a) the wall are designed to automatically equalize the hydrostatic flood forces on the walls by the 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 foot for every two (2) square feet of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one (1) foot above grade.
  - (b) Such enclosed space shall be usable for the parking of vehicles and building access.

{**Lumen** – Unit of luminous flux in the International System of Units (SI) equal to one (1) candela per steradian. It is used to measure the amount of light emitted by lamps.

**Lux** – Unit of luminance in the International System of Units (SI) equal to one (1) lumen per square meter.} **ORD. #56-11-07**

## **M**

**Machinery and Equipment Repair** – An establishment providing repair for heavy machinery or equipment, such as farm or construction equipment.

**Manufactured home** – A dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.) and which is constructed after January 1, 1981, and which exceeds nine hundred fifty (950) square feet of occupied space. Shall also include a Manufactured House. The term “manufactured home” does not include a “recreational vehicle.”

**Major Change (as applies to Planned Unit Developments)**—Any change which alters the concept or intent of the Planned Unit Development, including but not limited to: increases in the density; increases in height of the building; reductions of proposed open space; more than a ten percent (10%) modification in the proportion of housing types; changes in standards or alignment of roads, utilities, water, electricity, and drainage; or changes in the final governing agreements, provisions, or covenants.

**Manufactured home** – A dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.) and which is constructed after January 1, 1981, and which exceeds nine hundred fifty (950) square feet of occupied space. Shall also include a Manufactured House. The term "manufactured home" does not include a "recreational vehicle."

**Manufactured House**—A dwelling which is fabricated in one or more modules at a location other than the home site, by assembly-line production techniques or by other construction methods unique to an off-site manufacturing process.

**Manufactured Housing Construction And Safety Standards Code**—Title IV of the 1974 Housing and Community Development Act (42 U.S.C. 5401 et. seq.), as amended (previously known as the Federal Mobile Home Construction and Safety Act), rules and regulations adopted thereunder, which include HUD-approved information supplied by the home manufacturer, and regulations and interpretations of the code by the Indiana Administrative Building Council.

**Manufacturing, general** – An establishment engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors.

**Manufacturing, light** – Clean, low intensity (non-polluting and no nuisance), manufacturing uses.

**Marina**—Any land, building, structure, or premises used for the launching, docking, and storage of marine craft.

**Marine craft sales, repair, and service**—Any land, building, structure, or premises used for the sale, repair, and/or service of new or used marine craft.

{**Market Value** – The building value, excluding the land, as agreed upon by a willing buyer and seller, as established by what the local real estate market will bear. Market value can be established by an independent certified appraisal, replacement cost depreciated by age of the building (actual cash value), or adjusted assessed values.} **ORD. #95-11-06**

{**Marker (survey)** – A stake, pipe, rod, nail or any other object that serves to identify something and that is not intended to be a permanent point for record purposes such as on a lot or within a subdivision.} **ORD. #89-10-06**

{**Massage studio** – Any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body, which

occurs as a part of or in connection with *specified sexual activities*, or where any person providing such treatment, manipulation, or service related thereto, exposes his or her *specified anatomical areas*. The definition of sexually oriented businesses shall not include the practice of massage in or by any licensed hospital; nor by a licensed physician, surgeon, chiropractor or osteopath; nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath; nor by trainers for any amateur, semiprofessional or professional athlete or athletic team or school athletic program; nor by any person or entity licensed pursuant to the Noblesville City Code of Ordinances Title XI, Chapter 113.} **ORD. #57-9-04**

{**Masonry** - Includes all brick products, all stone products, and all concrete block units including decorative and customized blocks.} **ORD. #23-4-07**

**Master Plan**—See Comprehensive Plan.

{**Media** – Anything printed or written, or any picture, drawing, photograph, motion picture, film, videotape or videotape production, or pictorial representation, or any electrical or electronic reproduction of anything that is or may be used as a means of communication. Media includes but shall not necessarily be limited to books, newspapers, magazines, movies, videos, sound recordings, CD-ROMS, other magnetic media, and undeveloped pictures.

**Media shop** – A general term, identifying a category of business that may include sexually oriented material but that is not subject to the special provisions applicable to *adult media shops*. In that context, media shop means a retail outlet offering media for sale or rent, for consumption off the premises provided that any outlet meeting the definition of *adult media shop* shall be treated as an adult media outlet. See special conditions in Article 9, {Part I, and Section 4}for media shops in which adult media constitute more than 10 percent but less than 40 percent of the stock in trade or occupy more than 10 percent but less than 40 percent of the floor area.} **ORD. #57-9-04, ORD. #25-7-09**

**Medical Offices**—See *Office, Medical*.

{**Meeting or Party Hall** – A building, structure, or space designed for public assembly providing an area for open discussion or a particular service and containing at least one room having an area equivalent to four hundred (400) square feet.} **ORD. 23-6-10**

{**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.} **ORD. #89-10-06**

**Minor Change (as applies to Planned Unit Developments)**—Any change to a Planned Unit Development which is not defined as a major change.

{**Mitigation** – Sustained action taken to reduce or eliminate long-term risk to people and property from hazards and their effects.} **ORD. #89-10-06**

**Mobile Home**—Any factory fabricated portable structure, residential or non-residential, designed to be towed or transported on its own chassis for placement on a temporary or permanent foundation, or on its own structure or elements thereof, without the aid of house moving equipment or other specialized but separate supporting apparatus, and which is not a Manufactured Home as defined by this chapter. Mobile Home shall include double-wide mobile homes of two such units designed to be used in combination at a building site. This definition is not intended to apply to other modular housing or prefabricated housing panels, trusses, or other sub-elements, nor any other Dwelling Unit which is defined as a Manufactured Home by this chapter.

**Mobile Home Park**—A tract of land under single, joint or common ownership designed in such a manner as to provide sites for mobile homes in a residential environment.

**Mobile Home Subdivision**—A tract of land divided into individual lots for the purpose of setting mobile homes on lots generally owned by the occupant of the mobile home and arranged in such a manner as to provide a residential community environment.

**Mobile Home Tie-downs**—Sufficient anchorage to resist floatation, collapse or lateral movement of any mobile home. At a minimum, such anchorage shall consist of one over-the-top tie provided at each of the four (4) corners of the mobile home with two (2) additional ties per side at intermediate locations, except mobile homes less than fifty (50) feet long require only one (1) additional tie per side; and two (2) frame ties provided at each corner of the home with five (5) additional ties per side at intermediate points, except mobile homes less than fifty (50) feet long require only four (4) additional ties per side. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds. Any additions to the mobile home shall be similarly anchored.

**Model Home**—A dwelling unit used initially for display purposes which typifies the type of units that will be constructed in the subdivision or development.

{**Monopole** – A telecommunication tower consisting of a single-pole constructed without guy wires and ground anchors.} **ORD. #64-11-08**

**Monument**—Any permanent marker either of stone, concrete, galvanized iron pipe, or iron or steel rods, used to identify the boundary lines of any tract, parcel, lot, or street lines.

**Mortuary or Funeral Home**—An establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body and for funerals. See also *Cemetery*.

**Motel**—A building in which lodging is offered with or without meals principally to transient guests and that provides each unit with individual entrances from the outdoors. See also *Hotel, Bed and Breakfast Establishment, and Boarding House*.

{**Motor Vehicle, Commercial** – Any motor vehicle used or designed for: (a) use in pulling, towing, hauling, transporting or (b) as a temporary or permanent base, platform, or support for equipment, machinery, materials, or other goods (including but not limited to stake body trucks, dump trucks, trucks or trailers having dual rear wheels or more than two axles, semi-trailer tractors, semi-trailers and trailers having dual rear wheels or more than one (1) axle or having an overall length of more than twelve (12) feet; or (c) passenger vehicles marked by signage, logos or commercial messages. This definition does not apply to motor vehicles which serve as a source of transportation for an individual residing at the premises where the vehicle is stored or parked on a regular basis and is not used in any commercial activity or vehicles and trailers used for the transport of livestock or goods associated with and located upon the premises of a property used for farming or grazing.} **ORD. #12-2-11**

{**Mound** – See Berm} **ORD. #89-10-06**

{**Multi-Tenant Building, Externally Accessed** – A single building occupied by two or more tenants in whom individual business entrances are accessed externally on the ground floor.

**Multi-Tenant Building, Internally Accessed** – A single building occupied by two or more tenants in whom individual business entrances are accessed internally through a single exterior access point or limited exterior access points.} **ORD. #17-5-09**

## N

{**National Flood Insurance Program (NFIP)** – The Federal program that makes flood insurance available to owners of property within participating communities nationwide through the cooperative efforts of the Federal Government and the private insurance industry.} **ORD. #95-11-06**

{**Native Prairie Grasses** – A mixture of perennial grasses that historically populated the prairie ecosystem of the United States that contain no trees. Prairie grasses may vary by region.} **ORD. #64-11-08**

{**Natural Areas** – Any critical area such as floodplains, wetlands, high tree concentrations, critical habitats that contain rare, threatened or endangered species, wooded slopes, wooded or partially wooded streams, woodlands, and riparian areas.} **ORD. #96-11-05**

{**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.} **ORD. #89-10-06**

{**National Geodetic Vertical Datum (NGVD)** – As corrected in 1929 it is the vertical control used as a reference for establishing varying elevations within a floodplain.

**NAVD** – North American Vertical Datum.} **ORD. #56-11-07**

{**Neighborhood** – An area with characteristics that distinguish it from others including distinct economic bases, housing types, schools, development styles or patterns, or boundaries defined by distinct physical barriers such as railroads, arterial streets, rivers or major water bodies and/or similar characteristics and boundaries.} **ORD. #29-9-11**

**New Construction**—Structures for which the “start of construction” commences on or after the effective date of this ordinance.

**Newspaper and Job Printing** – An establishment providing printing, blueprinting, photocopying, engraving, binding, or other related services.

{**Noise Sensitive Purpose** – The use of a building or structure as a residence, school, church, child care facility, medical facility, retirement home, or nursing home.} **ORD. #89-10-06**

**Non-Conforming Lot, Use or Structure**—Any lot, use, or structure legally existing as of the effective date of this ordinance, that is not in compliance with this ordinance or any subsequent amendments.

{**Nude Model Studio** – Any place where a person, who regularly appears in a state of nudity or displays *specified anatomical areas* for money or any form of consideration and is to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons.} **ORD. #57-9-04**

**Nursing Home**—See *Convalescent, Nursing, or Rest Home*.

**Nursery, Plant Materials, Primary**—Land, buildings, structures, or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening and landscaping.

**Nursery, Plant Materials, Accessory** – Land, buildings, or structures for the use of offering live trees, shrubs, or plants for retail sale on the same lot with, and of a nature customarily incidental and subordinate to, the principal use, building, and/or structure.

## **O**

**Occupancy**—To occupy a structure; to reside in a structure as an owner or tenant.

**Office**—A use that provides professional, administrative, or business related services. This definition also includes welfare and charitable services. Production, distribution, or the retail or wholesale of goods are not included.



**Office, Medical**—An establishment for the care, diagnosis, and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but which building does not provide board, room or regular hospital care and services. This definition shall include clinics as well as the offices of medical doctors, physicians, dentists, or other health care practitioners.

**Off-Site or Off-Premises (Regarding Subdivision Approval)**—Any premises or structure not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant.

**Off-Site or Off-Premises (Regarding Signs)**—Any sign not located on the same lot or parcel as the use it is serving.

**Off-street parking area**—See *Parking, Off Street*.

**One And Two Family Dwelling Code, Indiana**—The mandatory statewide building code adopted by the Indiana Administrative Building Council for one and two family residential dwellings.

**Open Space**—A public or private outdoor area expressly set aside for the use and benefit of the public. The area may include, along with the natural environmental features, water areas, swimming pools, tennis courts, and other outdoor recreational facilities that the Plan Commission deems permitted. Streets, parking areas, structures for habitation, and the like shall not be included in open space area calculations.

**Ordinance**—Any legislative action, however denominated, of a local government which has the force of law, including the amendment or repeal of any ordinance.

{OSHA – The United States Occupational Safety & Health Administration. } **ORD. #56-11-07**

**Outdoor Amusements**—See *Amusements, Outdoor*.

{**Outdoor Sale and/or Display**—The placement and availability for purchase of products outside of a building or structure, including but not limited to garden supplies, clothing, toys, play equipment, agricultural products, building materials, landscape materials, and bagged salt.

**Outdoor Storage**—The keeping of materials, merchandise, stock, supplies, machines, equipment, or manufacturing materials of any nature that are not kept in a structure, regardless of how long such materials are kept on the premises.} **ORD. #33-6-04**

[**Overhang** – The horizontal distance that the roof projects beyond the story immediately below.] **ORD. #23-4-07**

{**Overlay District** – An area that is superimposed upon another district which supersedes, modifies, or supplements the underlying district regulations.} **ORD. #29-9-11**

**Owner**—Any person, firms, association, syndicate, partnership, corporation, or any other legal entity having legal title to or sufficient proprietary interest in the land under these regulations.

## **P**

**Package Sewerage System**—A sewerage system including collection and treatment facilities established by the developer to serve a new subdivision or development in an outlying or generally rural area.

{**Parapet** – A low solid protective wall along the edge of a roof or balcony.} **ORD. #89-10-06**

**Park, Public** - A public space designed and set aside exclusively for diversion, recreation, or amusement; characterized by large amounts of open space. While the majority of park activities take place out of doors,

accessory buildings and structures such as swimming pools, tennis courts, picnic shelters, or playground equipment may also be permitted. See also *Sports and Recreation Park and Amusement, Outdoor*.

**Park, Private** - An area, restricted as to use by a particular group, that is set aside for passive and/or active recreational opportunities and is of a non-commercial character.

**Parking Lot, Public**—An un-enclosed area for off-street parking which is owned and/or operated by the City, County, or other unit of government; or which is operated for the general public and not for patrons of a particular use.

**Parking, Off-Street**—An area appropriate in size to accommodate the required parking for the applicable land use(s), together with driveways and maneuvering room; located totally out of public right-of-way; and set back from such right-of-way as required within this Unified Development Ordinance.

**Parking, Required**—The number of parking spaces required for a particular use or uses as required within this Unified Development Ordinance.

**Parking Space**—An enclosed or un-enclosed surfaced area permanently reserved for the temporary storage of one (1) passenger motor vehicle and appropriately part of a street or connected with a street or alley by a surfaced driveway affording adequate ingress and egress.

**Partial Street**—See *Street, Partial*.

{**Particulate Matter** – Finely divided liquid or solid materials which are discharged and carried along in the air. This shall not include water droplets commonly called steam.} **ORD. #56-11-07**

**Party Wall**—A wall starting from the foundation and extending continuously through all stories to or above the roof, which separates one building unit from another and is in joint use by each building unit.

{**Pediment** – A crowning material used over doors and windows.

{**Penal or Correctional Facility** – The use of land for the confinement or safe custody of persons as a result of a legal process and may include attendance centers established for persons sentenced to serve periods of community service.} **ORD. #23-6-10**

{**Perennials** - A plant that has a life-cycle lasting more than two years and survives during the winter by an underground root system.} **ORD. #64-11-08**

**Performance Bond or Surety Bond** - An amount of money or other negotiable security paid by the subdivider, developer, property owner or his/her surety to the City of Noblesville that guarantees that the individual will perform all actions as required by the City of Noblesville regarding approved plans or in other situations as stated in the Unified Development Ordinance or by the Director of Planning and Development within a specified time; which provides that if the subdivider, developer, property owner or his/her surety defaults and fails to comply with the provisions of his/her approvals, the subdivider, developer, property owner, or his/her surety shall pay damages up to the limit of the bond or the surety will itself complete the requirements of approval.

**Permanent Foundation**- A structural system for transporting 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.} **ORD. #89-10-06**

{**Permeable Pavers** – Any kind of pavement constructed of material that allows water to penetrate and drain into underlying soils.} **ORD. #64-11-08**

{**Permitted or Licensed Premises** – Any premises that requires a license and/or permit and that is classified as a sexually oriented business.} **ORD. #57-9-04**

**{Personal Care Services** - Any enterprise conducted for gain which primarily is engaged in the provision of frequent or recurrent needed services of a personal nature. Typical uses include shoe repair, barber and beauty shops, tailor shops, nail shops, individual personal trainer, and similar activities.} **ORD. #23-6-10**

**Personal Services**—Any enterprise conducted for gain which primarily offers services to the general public as shoe repair, watch repair, barber shops, beauty parlors, and similar activities.

**{Petitioner** – The property owner or a person legally empowered, in writing by the property owner, to act on the property owner’s behalf and who thereby has the property owner’s authority to make representations and decisions before the City of Noblesville officials, regarding the use and/or development of the subject real estate.

**Petitioner’s Representative** – A person legally empowered, in writing by the property owner, to act on the petitioner’s behalf and who thereby has the petitioner’s authority to make representations and decisions before the City of Noblesville officials, regarding the use and/or development of the subject real estate.} **ORD. #56-11-07**

**Petrochemical Facilities** – An establishment engaged in the processing of chemicals derived from petroleum or natural gas.

**Places of Public Assembly**—Buildings or indoor facilities including, but not necessarily limited to, banquet halls, auditoria, and conference centers, and including any kitchens for the preparation of food to be consumed at the premises.

**Places of Worship**—Structures and other indoor or outdoor facilities used for public worship and related educational, cultural, and social activities.

**{Plan Commission (PC)**– The Advisory City of Noblesville Plan Commission or any division thereof and its designees.} **ORD. #95-11-06**

**{Planned Unit Development (PUD)**— A large-scaled unified development consisting of a parcel or parcels of land, controlled by a single owner to be developed as a single entity. The area of land in which a variety of residential, commercial, and/or industrial uses are planned and developed as a whole according to the adopted preliminary development plans and approved detailed plans, with more flexible standards, such as lot sizes, uses and setbacks, than those restrictions that would normally apply {to a specific zoning district.} **ORD. #89-10-06**

**{Planning Jurisdiction** - City of Noblesville and the two mile jurisdictional area(s), and any and all townships participating in a Joinder Agreement.} **ORD. #95-11-06**

**Planning and Development, Director of** —An official appointed to administer this ordinance. Director of Planning and Development for Noblesville.

**{Plant Materials** – Trees, shrubs, native grasses, ground cover, perennials and the like.

**Planting Season** – The spring and fall time periods during which new plant materials that are installed are most likely to survive the planting process. Generally, these periods are from April 15 to June 15 (spring) and October 15 to November 15 (fall). This does not prohibit the installation of plant materials during other times of the year.} **ORD. #89-10-06**

**{Plastics** – Any of the various complex organic compounds produced by polymerization.} **ORD. #23-4-07**

**Plat**—The drawing, map, or plan of a subdivision or other tract of land or a replat of such including certifications, descriptions, and approvals. The final map or drawing, described in these regulations, on which the subdivider’s plan of subdivision is presented to the Plan Commission for approval and which, if approved, may be submitted to the County Recorder for filing.

**Plat, Primary**—The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Plan Commission for approval.

**Plat, Secondary**—The final and formal presentation of the map, plan, or record of a subdivision and any accompanying material, as described in the regulations {of the Unified Development Ordinance.} **ORD. #56-11-07**

**Plat, Sketch**—An informal sketch preparatory to the preparation of the preliminary plat to enable the subdivider to save time and expense in reaching general agreement with the Director of Planning and Development {or his/her representative} as to the form of the plat and the objectives of these regulations. **ORD. #56-11-07**

**{Portable Storage Pods** – A portable streamlined enclosure or detachable container that is delivered on-site for the packing of temporary storage needs and is removed to a secure Storage Center (indoor warehouse) for storage of the enclosure/container. The actual pods shall remain on-site for a maximum of thirty (30) days per calendar year.} **ORD. # 12-2-11**

**{Portico** – A major porch usually supported by a pedimented roof and supported by columns.} **ORD. #89-10-06**

**{Potential Emissions** – Any emissions of any one pollutant which would be emitted from a facility, if that facility were operated without the use of pollutant control equipment unless such control equipment (aside from air pollution control equipment) is necessary for the facility to produce its normal product or is integral to the normal operation of the facility. Potential emissions shall be rated on the maximum rated capacity.} **ORD. #09-03-12**

**Premises**—One or more lots which are in the same ownership and are contiguous, or separated only by a right-of-way or water body, including all buildings, structures, and improvements.

**{Primary live entertainment** – On-site entertainment by live entertainers that characterizes the establishment, as determined (if necessary) from a pattern of advertising as well as actual performances.} **ORD. #57-9-04**

**Principal Building**—The building in which the primary use of the lot is conducted.

**Principal Use**—The primary use to which the premises are devoted, and the main purpose for which the premises exist.

**Private Streets**—See *Street, Private*.

**Private Water System**—A water system formed by a developer to serve a new community development in an outlying or generally rural area. It includes water treatment and distribution facilities.

**{Process (Air Quality)** – Any action, operation or treatment and the equipment used in connection therewith and all methods or forms of manufacturing or processing that emits or is capable of emitting an air contaminant.} **ORD. #09-03-12**

**Processing of Raw Goods** – An establishment engaged in a specific industrial or manufacturing operation, such as the chemical transformation of raw goods into new products that may include the blending and combining of gases and liquids.

**{Professional Office** - The office of a recognized profession maintained for the conduct of that profession. A profession is a vocation, calling, occupation, or employment requiring training in the liberal arts or sciences, or combination thereof, requiring advanced study in a specialized field, and any occupation requiring licensing by the State and maintenance of professional standards applicable to that field. Professions include attorney, architect, engineer, financial planner, Realtor, insurance agent, broker and other similar professions.} **ORD. #23-6-10**

**Prohibited Use**—A use indicated as prohibited for a certain district in the Schedule of Uses.

**{Project Site** – The area of the entire site for a development that might include smaller, individual platted lots or parcels.} **ORD. #89-10-06**

**Provisional Plat**—See *Plat, Primary*.

**Public Law 360, Acts Of 1971**—Enabling legislation requiring the Indiana Administrative Building Council to adopt rules and regulations for the construction, repair, or maintenance of factory-constructed one or two family residential dwellings.

{**Public Service Facility** – Buildings, power plants, substations, water treatment plants, pumping stations, sewage disposal or pumping plants; lift stations, transmission or distribution systems; collection or disposal systems; and other similar structures used by a public utility or railroad, whether publicly or privately owned, or by a municipal or other governmental agency to furnish electrical, gas, rail transport, transportation, communications, water, and sewer services. Such facilities may include the specific facilities listed above as well as poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarms, police call boxes, traffic signals, hydrants, and similar accessories needed to provide such services for consumption by the general public.} **ORD. #23-6-10**

**Public Street**—See *Street, Public*.

**Public Uses**—Public parks, schools, fire and police stations, libraries, museums, zoological gardens and parks, city and town halls, county courthouses, utility complexes, fairgrounds, and administrative and cultural buildings and structures, but not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

**Public Utility**—Any person, firm, or corporation duly authorized to furnish electricity, gas, steam, telephone, telegraph, water, or sewerage systems to the public under public regulation.

## Q

**Quarries and Other Excavation Activities** – A place where rock, ore, stone, sand, and similar materials are excavated for sale or for off-tract use.

**Quarters for Relatives**—A second dwelling unit, located within and subordinate to an accessory building, for use as a complete, independent living facility with provision within said dwelling unit for cooking, eating, sanitation, and sleeping. Such a dwelling is an accessory use to the main dwelling on the lot.

**Quasi-Public Use**—Places of worship, private and parochial schools, colleges, hospitals, cemeteries, and other facilities of an educational, religious, charitable, philanthropic, or no-profit nature. Private airports, clubs and lodges, athletic complexes, nursing homes, clinics, country clubs, homes for elderly and children, and other seemingly public uses which are in private ownership shall be considered quasi-public.

{**Quoins** – Units of stone or brick used to accentuate the corners of a building.} **ORD. #89-10-06**

## R

{**Raceway** – A long rectangular metal enclosure used to mount individual channel lettering and to conceal related electrical components onto a wall face. Raceways may be internal or external to a building.} **ORD. #17-5-09**

**Rail Passenger Terminals**—Any land, structure, or building which serves as a point of arrival or departure for passengers of any train or other fixed-route transportation mode, including any ticket sales areas, reception areas, bus parking and/or refueling areas, and retail sales accessory thereto. Rail Passenger Terminals shall not include the storage, cleaning, or repair of trains.

{**Rain Barrels**– A container that collects rainwater, managing rooftop runoff for residential structures.

**Rain Garden** - (See Bioretention Facility)} **ORD. #64-11-08**

**Recreation, Indoor**—Any indoor athletic activity such as but not limited to indoor swimming pools, track & field events, soccer fields, gymnasiums, or skating rinks (ice or roller). See also Park, Outdoor Amusements, and {Sports and Recreation Parks (indoor).} **ORD. #26-4-03**

{**Recreation and Entertainment Uses** – These uses include but are not limited to an *amphitheater, expositions (indoor and outdoor), festivals, recreation, sports and recreation parks (indoor and outdoor), and places of public assembly.*} **ORD. #26-4-03**

**Recreational Equipment, Major**—Equipment which must be hauled on a trailer with two(2) or more wheels or which has two (2) or more wheels attached, or which is self-propelled with wheels, including boats, travel trailers, and recreational vehicles.

**Recreational Vehicle (RV)**—A vehicle primarily designed as temporary living quarters for recreation, camping, or travel with its own motor power or mounted on or towed by another powered vehicle.

**Recycling Center**—A facility that accepts source-sorted recyclable materials, processes those materials, and makes the materials available for use in their original form. Recycling Centers are subject to all applicable requirements of the City and State.

{**Redevelopment** – Any new construction on a site that has pre-existing uses on it.} **ORD. #12-2-11**

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

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

**Registered Landscape Architect** – An architect, specializing in landscaping, properly licensed and registered in the State of Indiana or through reciprocity permitted to practice in the State of Indiana.

**Registered Professional or Civil Engineer** – An engineer properly licensed and registered in the State of Indiana or through reciprocity permitted to practice in the State of Indiana.} **ORD. #89-10-06**

**Regulatory Flood** - means the flood having a one percent 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 elevation at any location is as defined in Section 5 of this ordinance. The "Regulatory Flood" is also known by the term "Base Flood."

{**Religious Institution** -- Any church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities. See also *places of worship.*} **ORD. #57-9-04**

**Replacement Costs**—The sum of money which would be required to reconstruct a structure identical to the one in question.

**Research Activities** – Removed definition and replaced with *Research and Development* definition. **ORD. #29-9-11**

{**Research and Development** – Indoor facilities for scientific research; and the design, development, and testing of electrical, electronic, magnetic, optical and mechanical components in advance of product manufacturing, that are not associated with a manufacturing facility on the same site. Includes pharmaceutical, chemical, medical/dental, electrical, and biotechnology research and development.} **ORD. #29-9-11**

{**Residential Area** – Any portion of the City in which residential uses are permitted or a legal non-conforming residential use is established.} **ORD. #31-9-10**

**Residential Care Home**—A dwelling unit shared by four (4) or more unrelated disabled individuals, exclusive of staff, who require assistance and/or supervision and who reside together in a family-type environment as a single

housekeeping unit. A Residential Care Home shall not include a home for persons currently addicted to alcohol or narcotic drugs or whom are criminal offenders serving on work release or probationary programs.

**{Responsible Party –** Any person, firm or corporation that uses property in violation of the Unified Development Ordinance or knowingly permits another person, firm or corporation to do so.} **ORD. #56-11-07**

**Restaurant, Sit-down**—A business establishment within which the primary use is prepared food offered for sale and consumption within the structure or in a designated and permitted outdoor area. May also include carry-out service. See *Drive-in or Drive-Through Establishment*.

**Restaurant, Carry-out**—A business establishment within which the primary use is prepared food offered for sale in disposable containers and packaged for carryout. See *Drive-in or Drive-Through Establishment*.

**Resubdivision (Replat)**—A change in a map for an approved or recorded subdivision plat if such change effects any street layout on such map or area reserved thereon for public use, or any lot line; or if it affects any map or plat legally recorded prior to the adoption of any regulations controlling subdivision.

**Retail Sales** – A business establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

**{Retention Area –** An area that is designed to capture specific quantities of Stormwater and to gradually release the Stormwater at a sufficiently slow rate to avert flooding. It is an area that normally contains water at a specific level prior to a storm event.

**Retirement Community** – An age restricted development that may include detached and attached dwelling units, apartments, and may include assisted living units and a nursing home.

**{Reverse Channel Letters (sign) –** See *Illumination, Halo-lit.*} **ORD. #17-5-09**

**{Ridge:** The line of intersection at the top between the opposite slopes or sides of a roof.

**Ridgetop:** The crest of the ridge.

**Ridgeline:** A line marking or following the ridgetop.} **ORD. #23-4-07**

**Right-Of-Way**—A strip of land occupied or intended to be occupied by transportation facilities, public utilities, or other special public uses. Rights-of-way intended for any use involving maintenance by a public agency shall be dedicated to the public use by the maker of the plat on which such right-of-way is established.

**Right-Of-Way Width**—The distance between properties adjacent to the right-of-way as measured at right angles to the center line of the right-of-way.

**{Riparian Area –** Wooded or vegetative areas along creeks, streams, rivers or designated regulated drains. The area on each bank designated as a riparian area shall be no wider than the average width of the creek, stream, or river at normal flow elevation, but be no less than 10 feet in width from the top of the banks.} **ORD. #89-10-06**

**Road**—See *Street*.

**Roadside Stand**—A temporary structure designed or used for the display or sale of agricultural and related products, or novelties and other items of interest, to the motoring public.

**Roof Graphic**—A street graphic that is displayed above the eaves and under the peak.

**{Root Protection Zone** – Eighteen (18) to twenty-four (24) inches deep and a distance from the trunk of the tree equal to one-half (1/2) its height or drip line, whichever is greater.} **ORD. #95-11-06**

**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**

**{Salvage Yard** – *See definition of Junk Yard.*} **ORD. #23-6-10**

**Same Ownership**—Ownership by the same person, corporation, firm, entity, partnership, or un-incorporated associations, in which a stockholder, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or un-incorporated association.

**School, Primary or Secondary**—An institution primarily engaged in academic instruction for all or part of grades K through 12, and recognized or approved by the State.

**School, Trade or Business**—A school with a curriculum which is focused upon certain skills required in Business, trades or the arts, including secretarial skills, instrumental music, dancing, barbering, hairdressing or other technical trades which require knowledge of special machinery.

**Screening**—A structure erected or vegetation planted which eventually is of sufficient height and density for concealing an area from view.

**Seat**—For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each 24 lineal inches of benches, pews, or space for loose chairs.

**Secondary Plat**—*See Plat, Secondary.*

**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.”

**Septic System**—*See Sewer, On-site.*

**Services** – An establishment providing recurrently needed services, as opposed to products, to the general public for personal or household use, including finance, real estate and insurance, barber and beauty shops, personal service, health, and social services.

**Setback, Required**—The minimum and/or maximum required distance between a property line and a setback line, as established by this Unified Development Ordinance.

**Setback Line**—A line established by the unified development ordinance, generally parallel with and measured from the {lot} line, defining the limits of a yard in which no building, other than a permitted accessory building or structure, may be located above ground, except as may be provided in said development ordinance. See also *Yard and Building Setback Line (Front)*. **ORD. #56-11-07**

**Sewers, On-Site (Private)**—A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.



**{Sex shop** – An establishment offering goods for sale or rent and that meets any of the following tests.

1. The establishment offers for sale items from any two of the following categories: (a) *adult media*, (b) lingerie, or (c) leather goods marketed or presented in a context to suggest their use for sadomasochistic practices; and the combination of such items constitutes more than 10 percent of its stock in trade or occupies more than 10 percent of its floor area.
2. More than 5 percent of its stock in trade consists of *sexually oriented toys or novelties*.
3. More than 5 percent of its gross public floor area is devoted to the display of *sexually oriented toys or novelties*.

**Sexually oriented business** – An inclusive term used to describe collectively: *adult cabaret; adult media shop, adult motion picture theater; video-viewing booth or arcade; massage studio; and/or sex shop.*

**Sexually oriented toys or novelties** – Instruments, devices, or paraphernalia designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.} **ORD. #57-9-04**

**{Shooting Gallery** – An indoor range equipped with targets for practice with firearms.} **ORD. #23-6-10**

**{Shrub** – A woody plant of relatively low height having several stems arising from the base and lacking a single trunk.} **ORD. #95-11-06**

**Sidewalk**—That portion of the road right-of-way which is improved for the use of pedestrian traffic.

**Sign**—Any identification, description, display, or illustration which is affixed to, or painted, or represented directly or indirectly upon a building or other outdoor structure or parcel of land, and which directs attention to an object, product, place, activity, business, person, service, or interest.

***THE FOLLOWING DEFINITIONS ARE SUBSETS OF THE DEFINITION OF SIGN:***

***Awning*** – A roof-like covering of cloth, plastic or other non-structural material that either is permanently extending from a building or can be raised or retracted to a position against a building when not in use.

***Banner*** – A sign composed of a logo, text, and/or design on a lightweight material and secured or mounted to allow movement caused by the atmosphere or by artificial means of producing the movement of air. These include and are not limited to wing banners, feather banners, flying banners, towers, cylindrical banners, wind-up banners, and tear-drop banners.

***Blade*** – {A smaller version of a projecting sign oriented to be read from the sidewalk by a pedestrian. These signs shall be located on the ground floor of the buildings and shall be suspended from or supported by a building, awning, canopy, or marquee.} **ORD. 12-2-11**

***Cabinet/Box*** – A sign with text and symbols printed on a single-piece of plastic, acrylic, wood, or metal made up of a single-face and back or two faces that are mounted in a cabinet or box that houses the lighting sources and equipment.

***Canopy*** – A roof-like structure extending from a building in order to provide protection from the elements, which is carried by a frame that is supported by the ground.

***Community Pride*** – A sign sponsored by a civic organization indicating that a business has been granted an award for outstanding achievement. These signs are exempt from the sign ordinance requirements and the obtaining of an encroachment permit.

***Designation*** - A type of ground sign that identifies an integrated development and may identify one or more establishments within the development. *See graphic representation in Article 11 – Signs.*

***Directional*** – A sign intending to direct the safe flow of both pedestrian and vehicular traffic and includes “enter”, “exit”, and “arrow” signs and other similar information.

- Directory** – A sign that provides a listing of uses or tenants within a particular building or complex of buildings, intended to facilitate circulation within the development and provide information to patrons by providing either directions to or locations of tenants.
- Electronic** – A sign capable of displaying words, symbols, figures, or images in a format such as LED (Light Emitting Diode) that can be electronically or mechanically changed by remote or automatic means.
- Ground** - {A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structure features other than support poles, posts uprights, or braces with no clearance between the bottom of the sign, the sign face and the ground below, and designed to include a continuous or nearly continuous central base.} **ORD. #12-2-11** See graphic representation in Article 11 – Signs.
- Lighter-than-air** – A nonporous bag of light material that can be inflated with heated air or gas so as to make it float in the atmosphere and give it shape and is properly anchored to the ground.
- Lot Identification** – A sign that includes the lot number, structure address number, and building permit all laminated and established on a 2-FT by 4-FT posts, a minimum of 5-FT to a maximum of 6.5-FT in height above the ground level.
- {Marquee** – A permanent structure other than a roof, attached to, supported by, and projecting from a building providing protection from the environment.} **ORD. #17-5-09**
- Menu Board** – A cabinet sign listing the assortment of food items available and the price of such items offered.
- Model Home/Show Home** – A sign indicating that it is a “Model Home” or “Show Home” and may include the name of the builder/developer, telephone number of the builder/developer, hours open, cost, model/style, and other information relating to that particular home and located on the lot of the “Model” or “Show” home.
- Mural** – A sign painted onto the side of a building, wall, ground, or structure. Murals without a commercial message are not regulated by this ordinance.
- Non-Conforming** - A sign legally existing as of the effective date of this ordinance that is not in compliance with this ordinance or any subsequent amendments.
- Off-Premise or Off-Site** – A sign directing attention to a business, product, service, entertainment and/or any other activity offered, sold or conducted elsewhere than upon the lot where the sign is displayed.
- Open House Directional**– A sandwich board sign indicating the words “open house” with an arrow including the day and time, placed at the entrance to a subdivision and used for the purposes of identifying a building that is open for a tour within that same particular subdivision.
- {Opinion Sign (Non-Commercial)** –A sign which does not advertise products, goods, businesses, or services and which expresses an opinion or point of view, such as a political, religious, or other ideological sentiment or support or opposition to a candidate or proposition for a public election.} **ORD. #42-5-05**
- Parking Lot Identification** – A sign providing information for the convenience of the public to identify the location of a parking space that only contains the venue name or symbol and the necessary information to identify the parking lot and row.
- {Pole** -A freestanding street graphic that is permanently supported in a fixed location by a structure of poles, posts, uprights, or braces from the ground and not supported by a building or base structure. This definition does not include Real Estate Availability Sign, Community Event Sign, Garage Sale Sign, Construction Sign, Model Home/Sales Office Sign, Directory Sign, and/or Directional Sign.} **ORD. 12-2-11** See graphic representation in Article 11 – Signs.

**Portable** – Any sign that is 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 wheels; balloons used as signs, umbrellas used for advertising and signs attached to or painted on vehicles which are parked or positioned for the primary purpose of displaying said sign. **ORD. #23-7-09**

**{Portable, Human** – Any sign or banner made of any material which is carried, held, or displayed by any person or persons.} **ORD. #31-9-10**

**Projecting** – Any double-sided sign suspended from or supported by a building, and extending outward perpendicular to the building face upon which it is attached.

**Roof** – Any sign erected on or above the roof-line of a building.

**Sandblasted** – A sign created by placing a rubber stencil over letters and images and etching the background with a high-pressure mixture of sand and air on wood or glass materials.

**Sandwich Board** – A sign constructed in such a manner as to form an “A” or a tent-like shape not permanently attached or secured to the ground or surface upon which it is located specifically for advertising that business.

**Special Event** – A sign displaying information about a noteworthy occasion or activity that is not a part of a regular service or occasion, conducted by religious, civic, educational, community, governmental or similar organizations.

**{Temporary** – A sign or advertising display intended to be displayed for a designated period of time. The following signs are included but are not limited to Contractor sign, Garage Sale sign, Community Garage Sale sign, Special Event sign, Real Estate Availability sign, Lighter-than-air display, Lot Identification sign, Model Home/Show Home sign, Open House Directional sign, Sandwich Boards, Banners, Community Pride Sign, and other signs as determined by the Director of Planning and Development or his/her designee.} **ORD. 25-7-10**

**Wall** – A sign attached to or affixed directly to the wall of a building or structure, parallel to the plane of the building or structure and extending less than twelve (12) inches from the building or structure.

**Weekend Directional** – A sign that advertises residential development locations, auctions, or other similar activities that are placed during the weekends.

**Window** – A sign painted, etched, or attached either directly onto the inside or outside of a window.} **ORD. #17-5-09**

**Sign, Height of** – The vertical distance measured from the highest point of the sign to the finished grade of the ground immediately beneath the sign. For those instances when the sign is constructed on an artificially constructed earthen berm, the sign height shall be measured from the highest point of the sign to the base of the earthen berm.

**{Sign, Illuminated**—Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.

- a. Indirectly illuminated – A sign with a light source directed primarily toward said sign and so shielded so that no direct rays from the light source are visible.
- b. Internally illuminated – A sign that has its light source enclosed and viewed through a translucent material.} **ORD. #89-10-06**

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

**Sign Area, Ground and Projecting Sign (for calculating area)**—The total area of the face which is used to display a street sign, not including its supporting poles or structures. If a sign has two faces that are parallel and supported by the same poles or structures, the area of the sign is one-half the area of the two faces. If a sign has two or more faces that are supported by the same poles or structures but are not parallel, the area of the sign is the largest area of all faces visible at one time.

**Sign Area, Wall Signs (for calculating area)**—The percentage of the signable area of a building or structure which may be used for wall signs.

**Signable Area**—An area which is free of architectural details on the facade of a building or part of a building in which an activity is located.

{**Site** – A parcel or adjoining parcels under single ownership or single control, considered as a unit for the purposes of development or other use.} **ORD. #29-9-11**

{**Site Composition** - The position of a building in reference to the surrounding locality.} **ORD. #23-4-07**

{**Site Plan** – A drawing of the site, drawn accurately to an engineering scale, showing existing and proposed features of the site including but not limited to buildings and other structures both existing and proposed; setbacks from all buildings/structures to the property lines; location and dimensions of all building lines and easements; widths and lengths of all entrances and exits to and from said property (driveways); location of all adjacent and adjoining streets, service facilities, manholes, ponds, drainage swales, grading and all other improvements sufficient for the review as required by the Unified Development Ordinance. The lot number and subdivision and/or legal description, address of site, property owner's name and contact information, and contractor's name and contact information shall be included.

All Planned Developments and/or ARB Subdivisions require the addition of a landscaping plan that is relevant to said site, indicating plants (common and botanical names) if possible, or an approved list of plants from the developer/owner/builder; tree calipers, minimum height of shrubs and/or grasses at the time of installation; planting bed (s) width and length including materials used in the planting beds and any and all other information as required for sufficient review by the Planning Staff.} **ORD. #03-02-12**

**Sketch Plat**—See Plat, Sketch.

**Slope**—Any ground, sidewalk, or off-street parking area whose surface makes an angle with the plane of the horizon.

{**Soil Map** – A National Cooperative Soil Survey prepared by the USDA Soil Conservation Service in cooperation with Purdue Experiment Station and the Hamilton County Soil and Water Conservation District.} **ORD. #56-11-07**

{**Special Exception** – A use that may be permitted in a district only if it meets special conditions, and upon application is specifically authorized by the Board of Zoning Appeals.} **ORD. #95-11-06**

{**Special Flood Hazard Area (SFHA)** - those lands within the jurisdiction of the City that are subject to inundation by the regulatory flood. The SFHAs of the City are generally identified as such on the Flood Insurance Rate Map of the {Hamilton County} prepared by the Federal Emergency Management Agency and dated {February 19, 2003}} **ORD. # 04-01-03.**

{**Specified anatomical areas** – (1) Less than completely and opaquely covered: human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**Specified sexual activities** -- Human genitals in a state of sexual stimulation or arousal or acts of human masturbation, sexual intercourse, sodomy, or fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.} **ORD. #57-9-04**

**{Sports and Recreation Parks, Indoor}** – The use of land for commercial indoor athletic activities located entirely within an enclosed building such as but not limited to those activities of *outdoor sports and recreation parks* and other recreational uses such as paintball facility, truck pulls, demolition derby, equestrian events, and rodeos.} **ORD. #26-4-03**

**Sports and Recreation Parks, {Outdoor}** --The use of land for commercial athletic activities {not located entirely within an enclosed building} such as but not limited to baseball/softball diamonds, {golf driving range, miniature golf, sled or toboggan runs}, soccer fields, {football fields}, tennis courts, swimming pools, water parks, ice skating rinks, {rugby, polo}, or track and field events. Such uses shall not include shooting ranges. **ORD. #26-4-03**

**{Spread}** – A term used to indicate the horizontal width of a shrub or the crown of a tree.} **ORD. #32-10-11**

**{Stadium (Coliseum, Arena)}** – A large usually roofless building with tiers of seats for spectators at public entertainments.} **ORD. 23-6-10**

**{Stained Glass}** – Is glass that is given a desired color while in the molten state or by firing a stain into the surface of the glass after forming. This glass is used as decorative windows set in lead canes.} **ORD. #23-4-07**

**Start of Construction**—The first placement or permanent construction of a structure other than a mobile home on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure other than a mobile home without a basement or poured footings, the “start of construction” includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, “start of construction” means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, “start of construction” is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities is completed.

**State**—State of Indiana.

**Stone Processing Activities** – An establishment engaged in the processing of stone and its products for the purpose of wholesaling or distribution.

**Story**—That part of a building between the surface of a floor and the ceiling immediately above; or if there is a floor above, the portion of a building between the surface of any floor and the surface of the floor next above. A basement shall be counted as a story, and a cellar shall not be counted as a story.

**Street**—A general term denoting a public way for purposes of vehicular travel, including the entire area within the right-of-way. The term “street” also includes the terms highway, parkway, road, thoroughfare, avenue, boulevard, lane, court, place, and other such terms.

**Street, Arterial**—A system of streets and roads which form an integrated network of continuous routes primarily for through traffic. The “Arterial” system is stratified into “major” and “minor” categories.

**Street, Arterial, Major**—Serves corridor traffic movements having trip length and travel density characteristics indicative of substantial statewide or interstate travel, or connects major population centers in rural areas or serves major centers of activity and highest traffic volume corridors with the longest trip desires in urban areas.

**Street, Arterial, Minor**—Links other cities, town, and traffic generators, and provides a substantial amount of interstate and inter-county service in rural areas; or interconnects and augments with the principal arterials to provide service to trips of moderate length for intra-community continuity in urban areas.

**Street, Collector**—A system of streets and roads which generally serve travel of primarily intra-area and intra-county importance with approximately equal emphasis to traffic circulation and land access service. The “collector” system is generally further stratified into “major” and “minor” categories. The system collects and distributes traffic between arterial and local systems.

{**Street, Cul-de-loop** – A local street that runs into and reconnects with its main axis with the center or island used for parking or open space purposes.

**Street, Cul-de-sac**—A short local street having one end open to traffic and being permanently terminated by a vehicle-turnaround at the other end.} **ORD. #23-6-10**

**Street, Dead-end**—A local street open at one end only and without a special provision for a vehicle turn-around.

**Street, Frontage**—A local street or road auxiliary and parallel to an arterial for service to abutting property and adjacent areas, and for control of access. Sometimes also called a “marginal access street.”

**Street, Highway**—A term applied to streets and roads that are usually under the jurisdiction of the Indiana State Highway Commission.

**Street, Local**—A system of streets and roads, which primarily provides local access service and access to high order systems.

**Street, Partial**—A dedicated right-of-way providing only a portion of the required street width, usually along the edge of a subdivision or tract of land. Sometimes referred to as a “half-street.”

**Street, Private**—A local street that is not dedicated or accepted for public use or maintenance which provides vehicular and pedestrian access {to more than one property, business, or dwelling unit.

**Street, Public**—A street owned and maintained by a {unit of government within an officially dedicated and accepted right-of-way} to provide vehicular and pedestrian access.} **ORD. #89-10-06**

**Street, Stub**—A temporary dead-end street intended to be extended at a later date.

**Street Trees**—Trees growing on public rights-of-way except for alleys and for medians contained within subdivisions.

{**Structure**—Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground or requires location under the ground. Among other things, structures include buildings, walls, fences, signs, gas or liquid storage tank, mobile homes, {and accessory structures under 200 square feet that do not require a permanent foundation}. A structure is not a building except as further defined by that term.} **ORD. #89-10-06, ORD. #32-10-11**

{**Structure, Historic** – Any structure listed on the National Register of Historic Places, The Indiana State Survey of Historic, Architectural, Archaeological and Cultural Sites, Structures, Districts and Objects, or a local designation of a structure, site or object.} **ORD. #95-11-06**

**Structure, Semi-enclosed**—A structure which has either a roof or walls but not both, or which has only partial roof and/or walls, such that the structure is open to the outdoors.

{**Stucco** – A mixture of lime or gypsum, sand, Portland cement and water to produce a paste-like materials which sets to form a hard surface.} **ORD. #23-4-07**

{**Subdivider**—An individual, firm, corporation, partnership, association, syndicate, trust, or other legal entity, which is engaged in developing or improving a tract of land that complies with the definition of subdivision and executes the application and initiates proceedings for the subdivision of land in accordance with the provisions of this ordinance.} **ORD. #89-10-06**

**{Subdivision}**—Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots or the combination of two or more lots into one lot, or interests for the purpose of offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions, including resubdivision. Subdivision includes the division or development of residential and nonresidential zoned land, whether by deed, metes and bounds description, or other recorded instrument. However, this regulation shall not apply to the following:

- a. An adjustment of lot lines as shown on a recorded plat which does not reduce the area, frontage, width, depth, or building setback lines of each building site below the minimum zoning requirements, and does not change the original number of lots in any block(s) of the recorded plat.
- b. An allocation of land in the settlement of an estate of a decedent or a court decree for the distribution of property.
- c. The unwilling sale of land as a result of legal condemnations as defined and allowed in the Indiana State Law.
- d. Widening of existing streets to conform to the Comprehensive Plan.
- e. The acquisition of street rights-of-way by a public agency in conformance with the Comprehensive Plan.
- f. The exchange of land for the purpose of straightening property boundary lines which does not result in the change of the present land usage.
- g. The division, sale, and recordation of land and structures within condominium developments which comply with the appropriate statutes of the State of Indiana and the Zoning Ordinance of the City of Noblesville Regarding Condominium Development.} **ORD. #89-10-06**

**{Subdivision, Minor}** - Is any land which is proposed to be further divided or the combining of existing lots currently existing in an approved and recorded plat, meeting the following criteria:

- a. Contains a maximum of three (3) lots;
- b. Has all lots fronting an existing street;
- c. Does not involve the construction of a new street, realignment, or the extension of an existing street;
- d. Does not involve the dedication of additional right-of-way;
- e. Does not necessitate the extension of any municipal infrastructure or the creation of any public improvements;
- f. Does not create non-conformity of lot and/or structures; and
- f. Does not adversely affect the remainder of the parcel or adjoining properties.

The land shall be subdivided to developable lot(s) as required by the applicable regulations in the Unified Development Ordinance.} **ORD. #29-9-11**

**Substantially Similar** – The same or significantly the same as a prior plan or application as determined by the associated land area, the intensity of development proposed, the range of proposed uses, the type, variety, and scale of signage, and other relevant factors.} **ORD. #29-9-11**

**{Support Structure}** – A free standing structure designed and constructed to support an antenna array that may consist of a monopole, a self supporting lattice tower, a guyed tower, or other similar structure.} **ORD. #64-11-08**

**{Surety}** – An amount of money or other negotiable instrument provided by a developer, subdivider, or owner to the City, which guarantees that the developer, subdivider, owner or their assigns will perform all actions required by the City of Noblesville regarding an approved development plan, site plan, subdivision plat, landscaping plan or other improvements. Surety provides that, if the developer, subdivider, or owner fails to comply with the requirements of the approval, funds will be provided for the City to complete those requirements.} **ORD. #22-4-07**

**Substantial Improvement** – any alteration, repair, enlargement, or extension of a structure, the cost of which equals or exceeds 40 percent of the market value of the structure before the "start of construction" of the

improvement. This term includes structures that have incurred "substantial damage" regardless of the actual repair work performed. Such substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural element of the building commences. The term does not, however, include either (1) any project for improvement of a structure to comply with existing health, sanitary, or safety code requirements or (2) any alteration of a structure listed on the National Register of Historic Places or the Indiana State Survey of Historic, Architectural, Archeological and Cultural Sites, Structures, Districts, and Objects.

**Supply Yard**—A commercial establishment storing and offering for sale building supplies, steel, coal, heavy equipment, feed and grain, and similar goods.

**Surveyor, Land**—Any person who is licensed in the State of Indiana to practice professional land surveying.

**Swale**—A low lying stretch of land which gathers or carries surface water runoff.

**Swimming Pool** – {A self-contained body of water at least eighteen (18) inches deep and twelve (12) feet in diameter or width and used for recreational purposes. It may be above ground or below ground level and shall be considered an accessory use/structure.} **ORD. #25-7-09**

**Swimming Pool, Community**—A swimming pool for the benefit of the general public, usually operated with a charge for admission; a principal use.

**Swimming Pool, Private**—A swimming pool used exclusively without paying an additional charge for admission by the residents and guests of a single household, a multi-family development, a community, the members and guests of a club, or the patrons of a motel or hotel; an accessory use.

## **T**

**Technical Advisory Committee**—A committee established to assist in the evaluation of development applications, and to make advisory recommendations to the applicable reviewing authority. The membership of the Committee shall include, but not be limited to, persons that are engaged in either private or public work with specific knowledge in road design and construction; sewer and water facility design and construction; solid waste; health requirements for water and sewer facilities; recreation and open space; environmental planning criteria related to geology, vegetation, noise, and water systems; and urban design.

{**Telecommunication Tower** – Any mast, pole, monopole, guyed tower, lattice tower, freestanding tower, or other similar structure designed and primarily used to support antenna arrays.} **ORD. 64-11-08**

{**Temporary Shelters** – An establishment providing cover, protection, and/or food to individuals or families on a short term basis. Such accommodations shall be utilized for no more than three consecutive months per individual or family. This shall include shelters operated by organizations such as the Red Cross and churches to provide housing for families and individuals displaced by a natural or man-made disaster.} **ORD. #23-6-10**

**Terrain Classification**—For purposes of these regulations and to guide the application of geometric design criteria, terrain has been classified as follows:

- a. **Level**—that condition where street sight distances, as governed by both horizontal and vertical restrictions, are generally long or would be made to be so without construction difficulty or major expense.
- b. **Rolling**—that condition where the natural slopes consistently rise above and fall below the street grade line and where occasional steep slopes offer some restriction to normal horizontal and vertical street alignment.
- c. **Hilly**—that condition where longitudinal and transverse changes in the elevation of the ground, with respect to a street, are abrupt and where the roadbed is obtained by fragment benching or side hill excavation.

**Theater**—See *Cinemas and Theaters*.



**Thoroughfare Plan**—The portion of the Comprehensive Plan adopted by the City Plan Commission indicating the general location recommended for arterial, collector and local streets and roads within the appropriate jurisdiction.

{**Topography** – The configuration of the earth’s surface, including the relative relief, elevations, and position of land features.} **ORD. #22-4-07**

**Topsoil**—Surface soils and subsurface soils which presumably are fertile soils and soil material, ordinarily rich in organic matter or humus debris. Topsoil is usually found in the uppermost soil layer called the “A Horizon.”

{**Townhouse** – One or more single-family dwellings with a minimal front and rear yards and no side yards, arranged side-by-side, separated by common walls between living areas; each having more than one story.} **ORD. #23-6-10**

{**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.} **ORD. #22-4-07**

**Traffic Control Devices**—All signs, signals, markings, and devices placed or erected by authority of the Common Council or official having jurisdiction for the purpose of regulating, warning, or guiding traffic.

{**Trailer, Utility** – A road vehicle, usually two-wheeled, towed by a motor vehicle and features an open-top rear cargo area (bed), and used for the transportation of a user’s personal property including but not limited to boat, ATV, motorcycle, snowmobiles, other water recreational vehicles or horse trailers, not used in commerce, which has a gross weight equal or less than three thousand (3,000) pounds, or a manufacturer’s gross vehicle rating (GVWR) of 3,000 pounds. Notwithstanding the above, a “utility trailer” includes a trailer or semi-trailer designed and used for the transportation of livestock, not in commerce, which does not exceed GVWR of 10,000 pounds or manufacturer’s GVWR of 10,000 pounds.} **ORD. #12-2-11**

{**Training Facility** – A site used for education and preparation of individuals in a specific field or skill. May include indoor or outdoor spaces and may be manipulated to create different drills or activities for hands-on demonstrations.} **ORD. #23-6-10**

{**Trash Receptacle Enclosure** – An enclosure for trash containers, recycling containers, garbage containers, building material containers or other large metal containers. Three (3) sides of the enclosure shall be constructed of building materials matching the façade of the on-site principal building with the fourth side being screened by a metal gate or other similar materials. The enclosure shall completely screen the containers from view and measure a minimum of six (6) feet in height or two above the size of the container whichever is greater.} **ORD. #64-11-08**

**Travel Trailer**—A vehicle or other portable structure less than 35 feet in length designed to move on the highway, not under its own power, and designed or used as a recreational dwelling.

{**Tree** - A perennial woody plant with one main trunk and a rather distinct and elevated head; ordinarily growing to definite heights and usually developing branches at some distance from the ground.} **ORD. #95-11-06**

*{Large Shade – any tree the height of which is thirty-five (35) feet or greater at maturity and having a limb spread of thirty (30) feet or more at maturity and has a spreading canopy that screens the sun.*

*Medium Shade – any tree of which has a mature height of twenty-five (25) to forty (40) feet and has a spreading canopy that screens the sun.*

*Small Shade – any tree of which has a mature height of less than twenty-five (25) feet and has a spread that screens the sun.*

*Ornamental – any tree grown for decorative purposes, typically small with multi-seasonal interest.} **ORD. #32-10-11***

**Trees, Street**—See *Street Trees*.

{**Trunk** – The portion of a stem or stems of a tree before branching occurs.} **ORD. #32-10-11**

{**Truss** – An assemblage of members (as beams) forming a rigid framework

**Truss Design Drawing** – The graphic depiction of an individual truss, which describes the design and physical characteristics of the truss.

{**Turf** – Lawn-type grasses that are intended to be manicured and maintained at a maximum height of six (6) inches.} **ORD. #56-11-07**

## U

**Unified Development Ordinance** – A document comprised of the zoning ordinance and subdivision control ordinance for the City of Noblesville and its jurisdictional area(s).} **ORD. #22-4-06**

**Use**—The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

{**Use, Permitted** – Any use by right authorized in a particular zoning district or districts and is subject to the restrictions applicable to that zoning district(s).} **ORD. #12-2-11**

{**Use, Primary** – The main use of land or buildings as distinguished from an accessory use. It may be a permitted use, conditional use, or a special exception.} **ORD. #56-11-07**

{**Use, Temporary** – Short term or seasonal uses which may be associated with construction projects or which intend to sell or promote specific merchandise or products and shall include but not be limited to residential model homes, sales offices operated from a temporary structure, non-commercial batching plants, temporary building or yard for construction materials, parking lot for a special event; bazaars, carnivals and similar temporary uses; outdoor seasonal sales, parking of recreational vehicles that exceeds the 14 days, garage sales, and any uses deemed appropriate by the Director of Planning and Develop and/or the Board of Zoning Appeals.} **ORD. #31-9-10**

**Utility, Public** – Any person, firm, or corporation dully authorized to furnish under public regulations to the public electricity, gas, steam, telephone, fiber optics, transportation, water, or sewage systems.} **ORD. #56-11-07**

## V

**Variance**—A modification of the strict terms of the relevant regulations of this ordinance where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this ordinance would result in unnecessary and undue hardship, serious practical difficulties.

{**Variance, Development Standards** – A specific approval granted by the Board of Zoning Appeals deviating from the development standards (such as height, setbacks, lot area, etc) that are prescribed within the Unified Development Ordinance.

**Variance, Use** – An approval of use granted by the Board of Zoning Appeals permitting a use other than that prescribed in the Unified Development Ordinance.} **ORD. #95-11-06**

{**Vegetative Screen** – A visual barrier of vegetation with dense foliage used to block aesthetically intrusive land uses from view.} **ORD. #32-10-11**

{**Vehicle Length** – For purposes of indicating stacking at drive-thru windows, the minimum vehicle length is 25-FT}

**Vehicle, Inoperative** – A vehicle:

- (1) from which the engine, transmission, or differential has been removed, or
- (2) that is partially dismantled or inoperable, or
- (3) that is at least three model years old, is mechanically inoperable, does not have current license plates, and is left on private property continuously for more than twenty days }

**Vested Rights** – A right that has become fixed and cannot be revoked by subsequent changes of applicable regulations.} **ORD. #22-4-07**

**Veterinary Animal Hospital**—A place used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured small animals, and those who are in need of medical or surgical attention. Generally, operated by a licensed veterinarian. See also *Kennel*.

**Vicinity Map**—A small inset map located on the plan showing the location of a proposed subdivision or use to nearby developments, landmarks, community facilities, and services within the general area.

{**Video-Viewing booth or arcade booth** – Any booth, cubicle, stall, or compartment that is designed, constructed, or used to hold or seat patrons and is used for presenting motion pictures or viewing publications by any photographic, electronic, magnetic, digital, or other means or *media* (including, but not limited to, film, video or magnetic tape, laser disc, CD-ROM, books, magazines, or periodicals) for observation by patrons therein. A video-viewing booth shall not mean a theater, movie house, playhouse, or a room or enclosure or portion thereof that contains more than 600 square feet.} **ORD. #57-9-04**

**Village Center**—A location within the City containing an orderly mix of land uses that meets the daily needs of area residents. This mix is intended to contain convenience retail, food services, personnel and business service uses; community facilities including parks, schools, libraries and places of worship; and residential uses of a density and location that would accommodate direct pedestrian linkages to the non-residential facilities. These uses should be arranged in a manner which is focused around a central open space.

{**Violation** – The erection, alteration, enlargement, maintenance or use of any land, building, or structure in violation of the Unified Development Ordinance, Building Codes and related codes, weed ordinance or other codes and ordinances of the City of Noblesville applicable to said land, building, or structure in the zoning district in which it is located.

**Violation, Repeated** – A recurring violation of the same violation or a similar violation at a different location by the same responsible party.

**Violation, Notice of** – A letter or stop work order identifying the violation and issued by the Department of Planning and Development.} **ORD. #22-4-07**

{**Visibly Obstructed** – The view of an object which is blocked by a building or other manmade structure so as to be incapable of being seen from that line-of-sight.} **ORD. #12-2-11**

{**Vision Corner Clearance** - The distance from an intersection of a public or private street to the nearest access connection, measured from the closest edge of the access connection pavement (tangent point) to the closest edge of the street pavement (tangent point) or the back of curb whichever is greater. The triangular space is determined by a diagonal line connecting two points measured fifteen (15) feet equidistant from the edge of pavement of two local streets or a local street with an access connection or twenty-five (25) feet from the edge of pavement of a local street or an access connection with a collector, arterial, and expressway or any combinations thereof. For areas zoned “DT” Downtown, this particular requirement may be modified and shall be approved by the Planning Director on a case-by-case basis.} **ORD. #25-7-09**

## W

**{Waiver** – A specific modification or lessening of the regulations of the Unified Development Ordinance granted by the Plan Commission and Common Council for a specific development such as a Planned Unit Development in response to unique site characteristics or development patterns that justify relief from the otherwise applicable regulations.} **ORD. #95-11-06**

**Watercourse**—A permanent stream; intermittent stream; river; brook; creek; channel or ditch for water whether natural or man-made.

**Warehousing, indoor**—The safekeeping of property, either for later use or for resale, within enclosed buildings.

**Warehousing, outdoor** – The safekeeping of property, either for later use or for resale that is not within an enclosed building.

**Wholesale Trade, indoor**—Establishments or places of business engaged primarily in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. Such operations shall be totally enclosed within the principal structure of the property. **ORD. #67-12-98**

**{Wholesale Trade, outdoor**— Establishments or places of business engaged primarily in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.} **ORD. #67-12-98**

**{Whip Antenna** – An antenna that transmits signals in 360-degrees. These are typically cylindrical in shape and are less than three inches in diameter and measure up to six feet in length, including mounting. It may be called omnidirectional, stick or pipe antennas.

**{Wildlife Habitat (significant)** – A place or environment where a plant, insect, or animal naturally or normally lives and grows including shelter, food, nesting sites, and protection.} **ORD. #32-10-11**

**Wireless Telecommunications Service Facility** – An unmanned facility that transmits and/or receives electromagnetic waves, commonly consisting of an antenna array, connection cables, a support structure or tower to achieve the necessary elevation, and an equipment facility to house accessory equipment which may include cabinets, pedestals, shelters, and similar protective structures. It may include antenna array on buildings or structures of sufficient height.} **ORD. #64-11-08**

**{Wood Products** – Uncut trees suitable for construction are converted to lumber or lumber products by sawing, planing, or rotary cutting to produce standardized sizes of rough or dressed lumber.} **ORD. #23-4-07**

**{Woodland** –Land covered with a dense growth of trees usually greater in extent than a grove and smaller than a forest.} **ORD. #96-11-05**

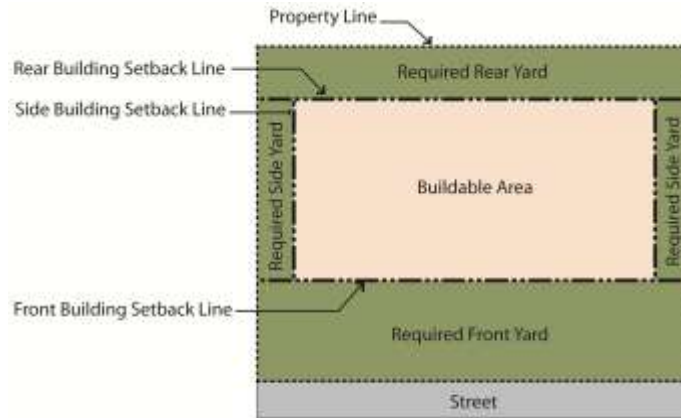
**{Woody Plants** – A plant that has a hard stem and has buds that survive above ground in the winter.

## X

**Xeriscaping** – An approach to landscaping that minimizes outdoor water use while maintaining soil integrity through the use of native, drought-tolerant plants.} **ORD. #32-10-11**

## Y

**Yard**—An open space on a lot, other than a court, unoccupied and unobstructed from the ground upward, except as otherwise provided in this ordinance. See also *Setback, Required*.



**Yard, Front**—A yard across the full width of the lot extending from the front property line to the front setback line. On corner lots, {there shall be two (2) front yards which shall be determined by the road frontages.} **ORD. #86-11-03**

**Yard, Rear**—A yard extending the full width of the lot between the rear setback line and the rear property line.

**Yard, Side**—A yard between the side setback line and side property line and extending from the front setback line to the rear setback line.

{**Yard Card** – A durable, double-sided, detailed design advertising a Community Garage Sale event. The card/sign board may be constructed of PVC or pressure treated wood with a protective coating or other similar materials.} **ORD. #41-9-09**

## Z

**Zero Lot Line**—A development approach in which a building is sited on one or more lot lines with no yard. The intent is to allow more flexibility in site design and to increase the amount of usable open space on the lot.

**Zoning**—A police power measure, enacted by the governing body of local governments, in which the community is divided into districts or zones within which permitted and special uses are established as are regulations governing lot size, building bulk, placement, and other development standards. Requirements vary from district to district, but they must be uniform within districts.

{**Zoning District(s)** – Areas within the City of Noblesville for which uniform zoning regulations governing use, height, area, size, intensity of use of both buildings and land, and open spaces are established by this Unified Development Ordinance.

**Zoning District, Base** – In the case of an overlay district, the standard zoning district that the parcel or tract of land is located and the standards of which apply when the overlay district regulations are silent on any given point.

**Zoning Map** – The Official City of Noblesville Zoning Map.} **ORD. #95-11-06**

**{Zoning Verification Letter** - A request initiated by an individual or organization to provide information concerning a particular parcel or project. Information requested may include previous or existing zoning and building code violations, building and site plans, all ordinances that apply to the project or parcel, zoning restrictions, certificates of occupancy and certificates of compliance, and other similar items. This request does not include those individuals or organizations requesting only written confirmation of the current zoning classification of a particular parcel or project.} **ORD. #22-4-07**