

2.1 GENERAL

The definitions contained in this section shall be observed and applied in the interpretation of all sections of this Ordinance, except where the context clearly indicates otherwise. Furthermore, words used in the present tense, singular number, and masculine gender, shall also mean the future, plural, and feminine.

2.2 SPECIFIC

The following words and terms appearing in this Ordinance shall have the following meanings:

Abandonment

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

Accessory Building, Structure, or Use

A building, structure, or use which:

- A. is subordinate to and serves a principal building, structure, or use in area, extent, or purpose; and
- B. contributes to the comfort, convenience, or necessity of occupants of the principal buildings, structures, or principal uses served; and
- C. does not alter or change the character of the premises; and
- D. is located on the same zoning lot as the principal building, structure, or use; and
- E. conforms to the setback, height, bulk, lot coverage, and other requirements of this Ordinance unless otherwise provided for by this Ordinance; and
- F. may not be constructed prior to the time of construction of the principal building or structure; and
- G. is not designed for human occupancy as a dwelling or commercial use; and
- H. does not generate income (with the exception of carports or garages).

Administrator

The officer appointed and/or delegated the responsibility for the administration of this Ordinance's regulations by the Town Council.

Adult Bookstore

An establishment having at least a majority of its stock in trade or its dollar volume in trade, books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records, or other forms of visual or audio representations which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual activities or sexual anatomical areas.

Adult Entertainment Business

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

Advisory Plan Commission

A planning commission serving a single local government jurisdiction established as defined under the Indiana Code, 36-7-1-2 (1983) as amended. The Ashley Plan Commission is an Advisory Plan Commission.

Aesthetics

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

Agriculture

The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, agriculture, horticulture, floriculture, viticulture, animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any accessory uses shall be secondary to that of the normal agricultural activities.

"Agriculture" shall not include feed lots, stock yards, or the commercial feeding of garbage or offal to swine or other animals.

Airport Hazard

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

Aisle - See "Maneuvering Space."

Alley

A public right-of-way, other than a street, road, crosswalk, or easement, that provides secondary access to abutting properties.

Amortization

The process of discontinuing non-conforming land uses.

Animal Hospital/Clinic - See "Veterinary Animal Hospital/Clinic."

Animal Shelter - See "Kennel."

Annexation

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

Antenna

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

Antenna - Building Mounted

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

Antenna - Directional (also known as a panel antenna)

Any antenna that transmits and/or receives radio frequency signals in a directional pattern of less than 360 degrees.

Antenna - Ground Mounted

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

Antenna - Omni-directional

Any antenna that transmits and/or receives radio frequency signals in a 360 degree radial pattern. For the purpose of this Chapter, an omni-directional antenna is up to fifteen feet (15') in height and up to four inches (4") in diameter.

Antenna - Parabolic (also known as satellite dish antenna)

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

Antenna - Portable

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

Antenna - Vertical

A vertical type antenna without horizontal cross-sections greater than one half-inch in diameter.

Apartment

One (1) or more rooms in an apartment building or combination apartment and commercial building, arranged, intended, designed, or occupied on a rental basis as a dwelling unit of a single family, an individual, or a group of individuals.

Apartment Building

A multi-family housing structure designed and constructed to accommodate three (3) or more apartments, in contrast to a single or two-family dwellings converted for multi-family use.

Applicant

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

Arterial Street - See Street, ArterialAttached Building

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

Auto Repair, Major

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

Auto Repair, Minor

Incidental repairs, replacement of parts, and motor service to automobiles but excluding any operation specified under "Automobile Repair, Major."

Automobile Service Station

Any building or premises used for the dispensing, sale, or offering for sale at retail to the public, automobile fuels stored only in underground tanks and located wholly within the lot lines; lubricating oil or grease for the operation of automobiles; and the sale and installation of tires, batteries, other minor accessories, and minor auto repair, but not including a bulk plant, conducting of major auto repairs, automobile wrecking, automobile sales, or automobile laundries; provided, however, that the washing of individual automobiles where no chain conveyor is employed may be included.

Awning

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

Barrier Curb - See "Curb, Barrier."Bed and Breakfast Facility

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

Berm

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

Bicycle-Compatible Roadway

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

Bicycle Lane

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

Bicycle Path

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

Billboard - See "Sign, Outdoor Advertising."Block

Property abutting on one side of a street and lying between the two (2) nearest intersecting or intercepting streets, intersecting railroad, intersecting waterway, or the end of a dead end street.

Blow-Off

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

Board

The Town of Ashley Advisory Board of Zoning Appeals or any division thereof, as the case may be.

Boarding House

A building, not available to transients, in which meals are regularly provided for compensation for at least three (3) but not more than thirty (30) 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 Plan Commission. All bonds shall be approved by the Commission wherever a bond is required by these regulations.

Buffer Landscaping

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

Bufferyards

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

Building

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

Building Area

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

Building Code

The Town ordinance establishing and controlling the standards for constructing mechanical equipment, and all forms of permanent structures and related matters within the Town. Also referred to herein as the Ashley Building Code.

Building, Detached

A building having no structural connection with another building.

Building Footprint

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

Building Line

The line that establishes the minimum permitted distance on a lot between the building and property lines or right-of-way (See Figure 2.1).

Building, Principal

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

Burn Barrel

Any container used for the outdoor incineration of waste material, yard debris, etc.

Business

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

Business District

Refers to B-1, B-2, and PD-B Districts.

BZA

The Board of Zoning Appeals of the Town of Ashley, Indiana.

Campground

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

Capital Improvement Plan - See "Plan, Capital Improvement."

Capped System

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

Cartway

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

Car Wash

Any permanent structure or facility used for the principal purpose of washing, cleaning, or polishing the exterior and/or interior of motor vehicles for a fee.

Cemetery

Includes any crematory, mausoleum, or mortuary operated in conjunction with and on the same tract as the cemetery.

Central Sewerage System

The community sewer system including collection and treatment facilities owned and maintained by the Town of Ashley.

Central Water System

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

Certificate of Occupancy

A certificate stating that the occupancy and use of a building or structure complies with the provisions of this Ordinance and the Ashley Building Code.

Channel

The bed and banks of a natural stream which convey the constant or intermittent flow of the stream.

Channelization

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

Clinic

An establishment in which human patients are admitted for medical or dental study or treatment and in which the services of at least two (2) physicians or dentists are provided.

Club

A building or portion thereof or premises owned or operated by a person for a social, literacy, 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.

Cluster Development - See "Planned Unit Development."

Collector Street - See "Street, Collector."

Co-location - see telecommunication facility - co-located.

Commercial Use

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

Commission

The Town of Ashley Advisory Plan Commission.

Common Open Space - See "Open Space, Common."

Component Home - See "Manufactured Home."

Composting

A controlled process of degrading organic material by microorganisms.

Composting Facility

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

Comprehensive Plan - See "Plan, Comprehensive."

Conceptual Plan - See "Plan, Conceptual."

Conditional Use

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

Condominium

Real estate lawfully subject to I.C. 32-1-6 (1-31), (the Horizontal Property Law), by the recordation of condominium instruments, in which undivided interests in the common areas and facilities are vested in the condominium unit owners.

Conforming Manufactured Home

Pursuant to Public Law 312, Acts of 1981 (I.C. 36-7-4-1106), a residence constructed after January 1, 1981, that exceeds nine hundred fifty (950) square feet of occupied space and which is installed as a permanent dwelling unit which may be placed or constructed providing it complies with setback, side and rear yard, parking space, and minimum square footage requirements for the district in which it is located, and the underfloor space requirements of the Ashley Unified Zoning and Subdivision Control Ordinance.

Construction Plan - See "Plan, Conceptual."

Contingent Use

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

Convenience Store

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

Conventional Development

Development other than planned unit development.

Council

The Town Council of the Town of Ashley, Indiana.

County

DeKalb County or Steuben County, Indiana, as may be appropriate.

Covenants

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

Cul-De-Sac

A short street having one (1) end open to traffic and being permanently terminated by a vehicular turn-around.

Culvert

A structure designed to convey a watercourse not incorporated in a closed drainage system under a road or pedestrian walk.

Curb

A vertical or sloping edge of a roadway.

Curb, Barrier

A steep-faced curb intended to prevent encroachments.

Curb, Mountable

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

Day Care Center

Any institution operated for the care of children, licensed pursuant to I.C. 12-3-2-3.1, et seq., and as defined by Indiana Code Section 12-3-2-3.

Dedication

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

Density

The number of buildings, offices, or housing units on a particular area of land.

Density, High

Residential development having a density in excess of ten (10) dwelling units per gross acre. Also refers to an R-3 zoning district.

Density, Low

Residential development having a density equal to or less than six (6) dwelling units per gross acre. Also refers to an R-1 zoning district.

Density, Medium

Residential development having a density of seven (7) to ten (10) dwelling units per gross acre. Also refers to an R-2 zoning district.

Design Flood - See "Regulatory Flood."

Design Standards

Standards that may set forth specific improvement requirements.

Design Standards Variance - See "Variance, Design Standards/Development Regulations."

Detached Building

A building that has no structural connection with the principal building.

Detention Basin

A man-made or natural water collector facility designed to collect surface and subsurface water in order to impede its flow and to release the same, gradually, at a rate not greater than that prior to the development of the property, into natural or man-made outlets.

Developer

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

Development Plan - See "Plan, Development."

Development Regulation

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

Development Regulation Standards - See "Design Standards."

Development Regulation Variance - See "Variance, Design Standards/Development Regulations."

Digital Dish System

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

Direct Broadcast Satellite Service

is a system in which signals are transmitted directly from a satellite to a small (not exceeding 18") home receiving dish. DBS competes with cable television.

District

A section of the Town of Ashley for which uniform zoning regulations exist governing use, height, area, size, intensity of use of buildings and land, and open spaces about buildings, as established by this Ordinance.

Divided Street - See "Street, Divided."

Drainage

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

Drainage Facility

Any component of the drainage system.

Drainage System

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

Drive-In

An establishment selling foods, desserts, or beverages to consumers, the establishment being designed, intended or used for the consumption of such items on the premises outside of the building in which they were prepared.

Drives, Private - See "Street, Private."

Duplex

Any structure which contains only two (2) dwelling units; a two-family dwelling.

Dwelling

A building or structure or portion thereof, conforming to all requirements applicable to the residential use districts and Ashley Building Code, used exclusively for residential occupancy, including single-family dwelling units, two-family dwelling units, and multi-family dwelling units, but excluding hotels, boarding houses, and lodging houses.

Dwelling, Multi-Family

A residential building designed for or occupied by two (2) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, Single-Family

A detached residential dwelling unit designed for and occupied by one (1) family.

Dwelling, Two-Family

A detached residential building containing two (2) dwelling units designed for occupancy by not more than two (2) families. (See also "Duplex".)

Dwelling Unit

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

Easement

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

Environmental Constraints

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

Equipment building, shelter or cabinet

means a cabinet or building used to house equipment used by telecommunication providers to house equipment at a facility.

Erosion

The detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice or gravity.

Escrow

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

Essential Services

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

Expressway/Freeway

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

Family

An individual, or two (2) or more persons related by blood, marriage, or adoption, or a group of not more than three (3) persons, not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit.

Farm

An area used for agricultural operations, forestry, the operating of a tree or plant nursery, or the production of livestock and poultry.

Fence

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

Fee Schedule – See "Official Fee Schedule."

Filling Station

Any establishment supplying and selling motor fuel or oil direct to motor vehicles.

Final Approval

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

Final Plat

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

Flood Control

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

Flood Plain

The relatively flat area or low land adjoining the channel of a river or stream which has been or may be covered by flood water. The flood plain includes the channel, floodway, and floodway fringe. Flood plain boundaries are to be determined by using the Floodway- Flood Boundary Maps of the Federal Insurance Administration.

Flood Protection Grade

The elevation of the lowest point around the perimeter of a building at which flood waters may enter the interior of the building.

Floodway - See "Regulatory Floodway."

Floor Area

The horizontal area of all floors of buildings or structures.

Footprint - See "Building Footprint."

Foundation

The supporting member of a wall or structure.

Freeway - See Expressway

Front Line

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

Front Lot Line

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

Front Yard

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

Frontage

All property of a lot fronting on a street right-of-way, as measured between side lot lines.

Garage, Private

A detached accessory building or an addition attached to a primary structure with capacity for not more than three (3) motor vehicles per family, not more than one (1) of which may be a commercial vehicle of not more than three (3) tons GVW. A garage designed to house two (2) motor vehicles for each family housed in a multi-family dwelling shall be classed as a private garage.

Garage, Public

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

Garage Sale - See "Sale, Garage/Yard."

General Development Plan - See "Plan, General Development."

General Industrial Use

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

Governing Body - See "Council."

Grade

The slope of a street, or other public way, specified in percentage (%) terms, with the vertical distance being the numerator, and the horizontal distance being the denominator.

Greenhouse, Commercial

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

Greenhouse, Residential

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

Ground Cover

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

Ground Floor Area

See "Building Area."

Group Home

- A. Developmentally Disabled: A residential facility for the developmentally disabled, as defined and regulated under I.C. 16-13-21-12.
- B. Mentally Disabled: A residential facility for the mentally disabled as defined and regulated under I.C. 16-13-21-11.5.

Gutter

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

Hardship

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

Height of Building

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

High Density - See "Density, High."

Historic District

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

Historic Preservation Commission

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

Historic Preservation Overlay District

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

Historic Site

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

Home Occupation

- A. An occupation carried on in a dwelling by the resident thereof, not involving:
1. retail sales as a primary function;
 2. the employment of any additional persons in the performance of such services except members of the immediate family residing on the premises;
 3. the use of any mechanical equipment, other than is usual for purely domestic or hobby purposes; or
 4. exterior storage of equipment or materials used in connection with the home occupation.
 5. the use of more than twenty-five percent (25%) of the total floor area of one-story.
 6. the substantial alteration of the "residential" appearance of the residence.
 7. the paving and/or allowing of additional parking on the front, side or rear yard of a residential property.
 8. substantial increases in vehicular traffic to and from the Home Occupation location.
- B. Permitted home occupations shall be of a personal service nature limited to domestic crafts and professional services.
- C. Permitted uses are deemed so until the Council, Commission or BZA rule the use to be a nuisance, or until all adjacent neighbors petition to the Town that the use is a nuisance.
- D. A permit must be acquired to begin the conversion of a home and the start of operations as a Home Occupation.
- E. A business telephone in itself does not define a home occupation or a permitted home occupation.
- F. A home occupation permit is not transferable upon the transfer of property.

Hotel

A building in which lodging or board and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public. Compensation is usually assessed on a day-to-day basis.

Hospital

An institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care for three (3) or more non-related individuals suffering from illness, disease, injury, deformity, or other abnormal physical conditions. The term "hospital" as used in this Ordinance does not apply to institutions operating primarily for treatment of insane persons, drug addicts, alcoholics, and other types of cases necessitating restraint of patients, and the term "hospital" shall not include convalescent, nursing, shelter, or boarding homes.

Impervious Surface

A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water, such as concrete, cement, asphalt, brick, paving block, rooftops, etc.

Impoundment

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

Improvement

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

Improvement Location Permit

A permit signed by the Zoning Administrator or designated agent stating that a proposed improvement complies with the provisions of this Ordinance and such other ordinances as may be applicable.

Incinerator

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

Industrial District

Refers to the I-1 and PD-I Districts.

Industrial Park

An industrial development not less than twenty (20) acres in area developed within the I or PD-I zoning districts, in which buildings and land may be used for research, office, experimental or testing laboratories, light industrial, manufacturing, storage and distribution facilities, and other customary uses.

Inhabited Area

Any residence, any other structure regularly occupied by people, or any outdoor area used by people on a regular basis.

Integrated Center

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

Interior Lot - See "Lot, Interior."

Interstate - See "Expressway."

Island

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

Junk

An automobile, truck, other motor vehicle, large appliances, furniture or like material which has been damaged to such an extent that it cannot be operated under its own power or used and/or will require major repairs before being made usable. This could include such a vehicle which does not comply with State or Town vehicle laws or ordinances.

Junk Yard

A place, usually outdoors, where waste or discarded used property other than organic matter, including but not limited to, automobiles, farm implements and trucks, is accumulated and may be salvaged for reuse or resale; this shall not include any industrial scrap metal yard.

Jurisdiction

The territory under the regulatory control of the Ashley Plan Commission, including all lands inside the corporate limits of the Town of Ashley, or as may otherwise be constituted by agreement.

Kennel

Any lot on which four (4) or more dogs, or small animals at least four (4) months of age, are kept.

Landscaping

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

Lattice Tower

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

Limited Access Highway

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

Loading and Unloading Berths

The off-street area required for the receipt or distribution by vehicles of material or merchandise, which in this Ordinance is held to be, at minimum, a twelve (12) foot by thirty (30) foot loading space with a fourteen (14) foot height clearance, paved with a hard surface.

Local Street - See "Street, Local."Lodging House

A building, not available to transients, in which lodgings are regularly provided for compensation for at least three (3) but not more than thirty (30) persons.

Lot

A parcel of land occupied or to be occupied by one (1) or more buildings and uses including the open spaces required under this Ordinance. A lot may be land so recorded on official records or it may include parts or a combination of such lots when adjacent to one another, provided such ground is used for only one (1) principle use, or may be a parcel of land described by metes and bounds.

Lot, Corner

A lot situated at the intersection of two (2) streets or which fronts a street on two (2) or more sides. (See Figure 2.1)

Lot Coverage

The area of a lot occupied by the principal building and any accessory buildings.

Lot Depth

The horizontal distance between the front and rear lot lines.

Lot, Interior

A lot other than a corner lot or through lot. (See Figure 2.1)

Lot Line, Front

For an interior lot, a line separating the lot from the street; and for a corner lot, a line separating the lot from the street on which the property's address is established. (See Figure 2.1)

Lot Line, Rear

A lot line which is opposite and most distant from the front lot line, and in case of an irregular or triangular-shaped lot, a line ten (10) feet in length within the lot, parallel to and at a maximum distance from the front lot line. (See Figure 2.1)

Lot Line, Side

Any lot boundary line not a front lot line or a rear lot line. (See Figure 2.1)

Lot, Through

A lot fronting on two (2) parallel or approximately parallel streets and includes lots fronting on both a street and a watercourse or lake.

Lot Width

The distance between the side lot lines as measured on the building line.

Low Density - See "Density, Low."Main

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

Maintenance Guarantee

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

Maneuvering Space

An open space in a parking area which:

- A. is immediately adjacent to a parking space;
- B. is used for and/or is necessary for turning, backing or driving forward a motor vehicle into such parking space, but
- C. is not used for the parking or storage of motor vehicles.

Manufactured Home (see also "Conforming Manufactured Home")

A single-family dwelling unit designed and built in a factory, installed as a permanent residence, which bears a seal certifying that it was built in compliance with the Federal Manufactured Housing Construction and Safety Standards Law (1974 U.S.C. 5401 et seq.), and which also complies with the following specifications:

- A. shall have been constructed after January 1, 1981, and must exceed nine hundred fifty (950) square feet of occupied space per I.C. 36-7-4(d);