

- B. is attached to a permanent foundation of masonry construction and has a permanent perimeter enclosure constructed in accordance with the One and Two-Family Dwelling Code;
- C. has wheels, axles, and towing chassis removed;
- D. has a pitched roof with a minimum rise of 2/12; and
- E. consists of two (2) or more sections which, when joined, have a minimum dimension of twenty (20) feet in both length and width.
- F. Is permanently attached to utilities

Marker (Survey)

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

Master Plan - See "Plan; Comprehensive."

Median

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

Medium Density – See "Density, Medium."

Mobile Home

Any housing unit defined or titled by the State of Indiana as a "Mobile Home" and/or any portable structure eight (8) feet or more wide, thirty (30) feet or more long, designed primarily for year-round residency, was originally designed and transported with its own running gear, and by the nature of its design does not require a permanent foundation.

Mobile Home Parks

Any site, lot, field, or tract of land under single ownership, or ownership of two or more persons upon which two or more mobile homes to be used for human habitation are parked, either free of charge or for revenue purposes, and shall include any street used or intended for use as part of the facilities of such mobile home park. A mobile home park does not include a mobile home sales area on which unoccupied mobile homes are parked for inspection or sale.

Mobile Home Park Street

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

Mobile Home Subdivision

Any site, lot, field, or tract of land under single ownership, or ownership of two or more persons, which is to be divided into smaller sites, lots, fields, or tracts of land, which smaller sites, lots, fields, or tracts of land are to be sold for use by the purchaser to park such purchaser's mobile homes.

Modular Home

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

Monopole

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

Monument (Survey)

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

Motel

An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot, and designed for use by transient automobile tourists. A motel furnishes customary hotel services such as maid service and laundering of linen, telephone, secretarial, or desk service, and the use and upkeep of furniture.

Motor Vehicle

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

Mountable Curb - See "Curb, Mountable."

Moving Lane

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

Mulch

A layer of wood chips, dry leaves, straw, hay, plastic, or other materials placed on the surface of the soil around plants to retain moisture, prevent weeds from growing, hold the soil in place, aid in plant growth, or improve the general aesthetic quality.

NIER

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

Non-Conforming Building

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

Non-Conforming Use

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

Nuisance

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

Nursing Home - See "Rest Home."

Official Fee Schedule

Schedule of fees established by Town Council and maintained in the Clerk-Treasurer's Office which specifies all current permit fees, rates, etc.

Off-Site

Located outside the lot lines of the lot in question but within the property (of which the lot is a part) that is the subject of a development application, or in a contiguous portion of a street or right-of-way.

Off-Site Improvements

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

Off-Street Parking Space - See "Parking Space, Off-Street."

Off-Tract

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

On-Site

Located on the lot in question.

On-Street Parking Space - See "Parking Space, On-Street."

On-Tract

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

Open Space

An area of land not covered by buildings, parking structures, or accessory uses except for recreational structures. Open space may include nature areas; streams and flood plains; meadows or open fields containing baseball, football, and soccer fields; golf courses, swimming pools, bicycle paths, etc. Open Space does not include street rights-of-way, platted lot area, private yard, patio areas, or land scheduled for future development.

Open Space, Common

Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development. It may include complementary structures and improvements.

Open Space District

Refers to an "O" District.

Open Space, Public

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

Outdoor Advertising - See "Sign, Outdoor Advertising."

Outdoor Cafe

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

Outdoor Sales - See "Sales ..."

Outdoor Storage - See "Storage, Outdoor."

Owner

Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations, or their legal representative.

Parcel

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

Parking, Off-Street

A parking space provided in a parking lot, parking structure, or private driveway.

Parking, On-Street

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

Parking Area, Public

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

Parking Lane

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

Parking Space, Automobile

Space within a public or private parking area for the storage of one (1) passenger automobile or commercial vehicle under a one and one-half (1 1/2) ton capacity.

Pavement - An asphalt or concrete surface.

Performance Bond

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

Permanent Foundation

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

Permanent Perimeter Enclosure

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

Person

A corporation, firm, partnership, association, organization, unit of government, or any other group that acts as a unit, as well as a natural person.

Pervious Surface

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

Plan

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

Plan, Capital Improvement

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

Plan Commission

The Advisory Plan Commission of the Town of Ashley.

Plan, Comprehensive

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

Plan, Conceptual

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

Plan, Construction - See "Plan, Conceptual."

Plan, Development

A drawing in accordance with IC 7-1-6, including a legal or site description of the real estate involved, which shows the location and size of all existing and proposed easements; widths and lengths of all entrances and exits to and from said real estate; location of all adjacent or adjoining streets; all of which presents a unified and organized arrangement of buildings and service facilities and other improvements such as planting areas, which shall have a functional relationship to the real estate comprising the planned development and to the uses of properties immediately adjacent to the proposed development.

Plan, General Development

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

Plan, Thoroughfare - See "Thoroughfare Plan."

Planned Unit Development (PUD) (also planned development)

A large-scale unified development meeting the requirements for zoning approval under the provisions of Section 6 of this Ordinance.

Generally, a planned unit development consists of a parcel or parcels of land to be developed as a single entity which does not correspond in size of lots, bulk or type of buildings, density, lot coverage, and required open space to the regulations established in any district specified in this Ordinance.

This may result in more attractive and affordable development than conventional developments would allow. Clustered housing (dwellings built in innovative lot arrangements around common open space) and zero lot line housing (dwellings built immediately adjacent to lot lines) are possible as part of planned developments. A planned unit development requires approval through a zoning map amendment and development plan approval process as specified in Section 6 herein.

Plat

A map or chart that shows a division of land and is intended to be filed for record.

Plat, Primary

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

Plat, Secondary

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

Porch

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

Practical Difficulty

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

Prefabricated Home

Either a "Mobile Home", "Manufactured Home", or "Modular Home" as defined herein.

Primary Plat – See "Plat, Primary."

Principal Building/Structure

The building or structure in which the principal use of the lot or premises is located or conducted, with respect to residential uses, the principal building or structure shall be the main dwelling.

Principal Use

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

Private School

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

Private Street – See "Street, Private."

Professional Office

An office used by members of a recognized profession such as architects, artists, dentists, engineers, lawyers, musicians, physicians, surgeons or pharmacists, and realtors or insurance agents and brokers.

Public Improvements

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

Public Open Space - See "Open Space, Public."

Public Parking Area - See "Parking Area, Public."

Public/Private Parking Area

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

Public service use or facility

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

Public Street – See "Street, Public."

Public Structure - See "Structure, Public."

Public Utility

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

Public way

All public streets, alleys, and utility easements, now and hereafter owned by the Town, but only to the extent of the Town's right, title, interest or authority to grant a license to occupy and use such streets, alleys, and easements for telecommunications facilities.

PUD - See "Planned Unit Development."

Quasi-Public Use

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

Readily Visible

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

Rear Lot Line - See "Lot Line, Rear."

Rear Yard - See "Yard, Rear."

Recreational Vehicle

A portable vehicular structure designed as a temporary dwelling for travel and vacation uses which:

- A. is identified on the unit by the manufacturer as a travel trailer or recreational vehicle
- B. is not more than eight feet in body width
- C. is of any weight provided its body length does not exceed twenty-nine feet
- D. may be mounted on an automobile or truck chassis or towable
- E. is designed to be used for sleeping and human habitation

Recreational Vehicle Park

Any site, lot, field, or tract of land under single ownership, or ownership of two or more people, designed with facilities for short-term occupancy by recreational vehicles only.

Recycling

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

Recycling Center

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

Recycling Drop-Off

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

Recycling, Mobile Unit

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

Registered Land Surveyor

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

Registered Professional Engineer

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

Regulatory Flood

A flood having a peak discharge which can be equaled or exceeded on the average of once in a one hundred (100) year period, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission; this flood is equivalent to a flood having a probability of occurrence of one percent (1%) in any given year.

Regulatory Flood Profile

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

Regulatory Floodway

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

Related equipment

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

Residential District

Refers to an R-1, R-2, R-3, or PD-R District.

Rest Home/Nursing Home

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

Resubdivision

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

Retaining Wall

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

Retention Basin

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

Right-of-Way

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

Sale, Garage/Yard

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

Sale, Roadside

Sale of goods by one or more vendor over the age of eighteen (18), having transported such goods or services by car, truck, bicycle, trailer, or cart to a temporary roadside location (additional conditions specified in Section 4.5 of the Ashley Unified Zoning and Subdivision Control Ordinance).

Sale, Sidewalk

Sale of goods or services by one or more vendor on a sidewalk or public open space immediately outside of the commercial establishment in which such goods or services are typically sold (additional conditions specified in Section 4.5 of the Ashley Unified Zoning and Subdivision Control Ordinance).

Sanitary Landfill

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

Satellite Dish

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

Satellite Earth Station

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

School

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

Scrap Metal Yard

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

The storage, dealing in or the permitting of the accumulation of significant quantities of combustible, organic or nonmetal scrap materials such as wood, paper, rags, garbage, bones and shattered glass on the premises of such an establishment will disqualify it from being classified as a scrap metal yard, and the same will be classified as a junk yard.

Seasonal Business

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

Secondary Plat - See "Plat, Secondary."

Service Station - See "Automobile Service Station."

Setback

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

Shared Housing

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

Shoulder

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

Side Lot Line

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

Sidewalk

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

Side Yard

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

Sight Triangle

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

Sign

A name, identification, description, display, or illustration which is affixed to, painted, or represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization, or business.

Sign, Outdoor Advertising

A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located or to which it is affixed. Also called billboard or off-premises sign.

Sign, Temporary

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

Silhouette

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

Special Exception

The authorization of a use that is designated as such by this ordinance as being permitted in the district concerned if it meets special conditions, and upon application, is specifically authorized by the Plan Commission per Section 11.3 of this Ordinance.

Storage, Outdoor

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

Story

That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it; also, any portion of a building used for human occupancy between the topmost floor and the roof. A basement shall not be counted as a story unless the height of the surface of the first floor above the average elevation of the finished lot grade at the front of the building exceeds four (4) feet. The minimum height of an interior wall of one story is to be seven feet six inches (7'-6") from the surface of the floor to the surface of the ceiling for it to be considered a full story. Any portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof.

Story, Half

A story under a gable, hip, or gambrel roof. In order to be considered a half story, the story shall measure between thirty-six inches (36") and sixty inches (60") on the exterior wall and at least seven feet six inches (7'-6") on the interior wall from the surface of the floor to the surface of the ceiling.

Street

Any street, avenue, boulevard, road, parkway, viaduct, drive, or other roadway.

Street, Arterial

A street designed for high volume traffic.

Street, Collector

A street designed to facilitate the collection of traffic from local streets and to provide circulation within neighborhood areas and convenient ways to reach arterial streets.

Street, Divided

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

Street Furniture

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

Street Hardware

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

Street, Local

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

Street, Private

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

Street, Public

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

Strip Development

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

Structure

Any building or thing, constructed or erected, which requires location on the ground or attachment to something having a location on the ground.

Structural Alterations

Any change in the supporting members of a building or structure such as bearing walls, partitions, columns, beams or girders, or any substantial change in the footprint or increasing size of living space.

Structure Ridgeline

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

Subdivision

The division of a parent tract or other piece of land into at least two (2) smaller lots or the combination of two or smaller lots into one lot so that either now or in the future the subdivider can do any of the following with one or more of the subdivided lots:

- A. transfer ownership
- B. construct buildings
- C. create new building sites for leasehold.

The actual location, shape and size of a parent tract to be divided is determined by the official record of the last transfer of its ownership transacted before the Ashley Unified Zoning and Subdivision Control Ordinance enacted or by its last conditional transfer of ownership by recorded contract transacted before the Ashley Unified Zoning and Subdivision Control Ordinance was enacted. The following kinds of divisions are not subdivisions and are exempt from the rules of the Ashley Unified Zoning and Subdivision Control Ordinance:

- A. A division of land into two (2) or more tracts, all of which are at least ten (10) acres in size;
- B. A division of land for the transfer of a tract or tracts to correct errors in an existing legal description, provided that no additional principal use building sites are created by the division;
- C. A division of land for federal, state or local government to acquire street right-of-way;

- D. A division of land for the transfer of a tract or tracts between adjoining lots provided that no additional principal use building sites are created by the division. The lots so created hereunder shall have only one principal use building site each.
- E. Property legally divided prior to adoption of this Ordinance.

Survey Marker - See "Marker."

Survey Monument - See "Monument."

Swimming Pool

A self-contained body of water at least eighteen (18) inches deep and eight (8) feet in diameter or width and used for recreational purposes. It may be above or below ground level, and shall be considered an accessory structure and use.

Tattoo Parlor

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

Telecommunication Facility

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

Telecommunications Facility - Exempt

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

- A. A single ground or building mounted receive-only radio or television antenna including any mast, for the sole use of the tenant occupying a residential parcel on which the radio or television antenna is located; with an antenna height not exceeding twenty-five feet (25');
- B. A ground or building mounted citizens band radio antenna including any mast, if the height (post and antenna) does not exceed thirty-five feet (35');
- C. A ground, building, or tower mounted antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service, if the height (post and antenna) does not exceed thirty-five feet (35').
- D. A ground or building mounted received only radio or television satellite dish antenna, which does not exceed thirty-six inches (36") in diameter, for the sole use of the resident occupying a residential parcel on which the satellite dish is located; provided the height of said dish does not exceed the height of the ridgeline of the primary structure on said parcel.
- E. All citizens band radio antenna or antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service which existed at the time of the adoption of this Ordinance.
- F. Mobile services providing public information coverage of news events of a temporary nature.
- G. Hand held devices such as cell phones, business-band mobile radios, walkie-talkies, cordless telephones, garage door openers and similar devices as determined by the Zoning Administrator or designated agent.

- H. Town government owned and operated receive and/or transmit telemetry station antennas for supervisory control and data acquisition (SCADA) systems for water, flood alert, traffic control devices and signals, storm water, pump stations and/or irrigation systems, with heights not exceeding thirty-five feet (35').

Telecommunications Facility - Major

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

Telecommunication Facility - Mini

An attached wireless communication facility consisting, but not limited to, the following unless located on a structure recognized as a Historic landmark:

- A. A single ground or building mounted receive-only radio or television antenna including any mast, for the sole use of the tenant occupying the parcel on which the radio or television antenna is located; with an antenna height not exceeding fifty feet (50');
- B. A ground or building mounted citizens band radio antenna including any mast, if the height (tower, support structure, post and antenna) does not exceed seventy feet (70');
- C. A ground, building, or tower mounted antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service, if the height (post and antenna) does not exceed seventy feet (70').
- D. A ground or building mounted received only radio or television satellite dish antenna, with diameter exceeding thirty-six inches (36") but less than 8' in diameter, for the sole use of the resident occupying a residential parcel on which the satellite dish is located; provided the height of said dish does not exceed the height of the ridgeline of the primary structure on said parcel.
- E. Exempt telecommunication facility located with a recognized Historic District.
- F. Town owned and operated antennae used for emergency response services, public utilities, operations and maintenance if the height does not exceed seventy feet (70'). If a facility does not meet these criteria then it is considered either an "exempt," "minor," or "major" telecommunication facility.

Telecommunication Facility - Minor

Any of the following:

- A. Antenna which meet the definition of "mini;" with the exception of the height limit.
- B. Telecommunication facilities less than thirty-five feet (35') in height and that adhere to Section 13.10 of this Ordinance.
- C. A single ground or building mounted whip (omni) antenna without a reflector, less than four inches (4") in diameter whose total height does not exceed thirty-five feet (35'); including any mast to which it is attached, located on commercial and/or industrial zoned property.
- D. A ground or building mounted panel antenna whose height is equal to or less than four feet (4') and whose area is not more than 480 square inches in the aggregate (e.g.: one foot (1') diameter parabola or 2' x 1.5' panel) as viewed from any one point, located on commercial or industrial zoned property. The equipment cabinets shall be designed, placed and screened to be unobtrusive and effectively unnoticeable.

- E. More than three (3) antennas, satellite dishes (greater than 3' in diameter), panel antennas, or combination thereof, are proposed to be placed on the commercial or industrial parcel, including existing facilities.
- F. Building mounted antennas which, in the opinion of the Zoning Administrator or designated agent, are unobtrusive or undetectable by way of design and/or placement on the building, regardless of number; when located on commercial or industrial zoned property.
- G. Telecommunication facilities less than fifty feet (50') in height, in compliance with the applicable Sections of this Chapter, located on a parcel owned by the Town of Ashley and utilized for public and/or quasi-public uses where it is found by the Zoning Administrator or designated agent to be compatible with the existing Town uses of the property.
- H. Telecommunication facilities, including multiple antennas, in compliance with the applicable Sections of this Chapter, located on an industrial parcel and utilized for the sole use and purpose of a research and development tenant of said parcel, where it is found by the Zoning Administrator or designated agent to be aesthetically compatible with the existing and surrounding structures.
- I. Telecommunication facilities located on a structure recognized as a Historic Landmark. If a facility does not meet these criteria then it is considered a "major" telecommunication facility.

Telecommunication Facility - Co-Located

A telecommunication facility comprised of a single telecommunication tower or building supporting one or more antennas, dishes, or similar devices owned or used by more than one public or private entity.

Telecommunication Facility - Commercial

A telecommunication facility that is operated primarily for a business purpose or purposes.

Telecommunication Facility - Multiple User

A telecommunication facility comprised of multiple telecommunication towers or buildings supporting one or more antennas owned or used by more than one public or private entity, excluding research and development industries with antennas to serve internal uses only.

Telecommunications Facility - Non Commercial

A telecommunication facility that is operated solely for a non business purpose.

Telecommunications Tower

A mast, pole, monopole, guyed tower, lattice tower, free-standing tower, or other structure designed and primarily used to support antennas. A ground or building mounted mast greater than ten feet (10') tall and six inches (6") in diameter supporting one or more antenna, dishes, arrays, etc. shall be considered a telecommunications tower.

Television Antenna

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

Temporary Business

Any business operating at or within a moveable location or structure, or any business operating at a location which lacks permanent infrastructure including full utilities, parking, permanent signage, etc.

Temporary Sign - See "Sign, Temporary."

Territorial Jurisdiction - See "Jurisdiction."

Thoroughfare Plan

The portion of the Comprehensive Plan, now and hereafter adopted, which includes the identification and discussion of existing transportation systems, as well as the future needs of the community with respect to roads and streets.

Town

The Town of Ashley, Indiana.

Trade or Business School

A secretarial or business school or college that is not publicly owned, is not owned, conducted, or sponsored by a religious, charitable, or non-profit organization, and is not a school conducted as a commercial enterprise for teaching instrumental music, dancing, barbering, hairdressing, or the industrial or technical arts and like skills.

Tree

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

Use

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

Utility - See "Public Utility."

Variance, Use

The approval of a use other than that prescribed by this Ordinance; an act granted by I.C. 36-7-4-918.3. (See Section 11.4)

Variance, Development Regulations/Design Standards

A specific approval granted by a Board of Zoning Appeals in the manner prescribed in Section 11.4 of this Ordinance, to deviate from the development standards (such as height, bulk, area) that the Ordinance otherwise prescribes.

Veterinary Animal Hospital or Animal Clinic

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

Vision Clearance on Corner Lots - See "Sight Triangle."

Yard

A space on the same lot with a principal building that is open and unobstructed except as otherwise authorized by this Ordinance.

Yard, Front

The horizontal space between the nearest foundation of a building to the Front Lot Line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the Front Lot Line. 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)

Yard, Rear

The horizontal space between the nearest foundation of a building to the rear lot line and that rear lot line, extending to the side lines of the lot, and measured as the shortest distance from the nearest

foundation to the rear lot line. The rear yard of a corner lot shall be that yard at the opposite end of the lot from the front yard. (See Figure 2.1)

Yard, Side

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

Zone - See "District."

Zoning Administrator - See "Administrator."

Zoning District - See "District."

Zoning Map

The official zoning map of the Town of Ashley, Indiana, denoting zoning districts.

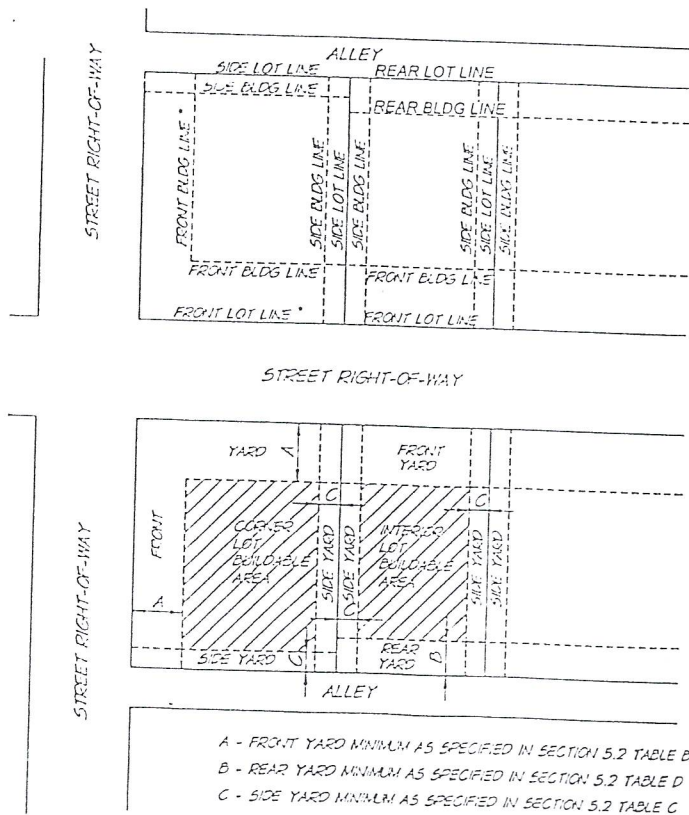
Zoning Ordinance

A set of development guidelines, specifications, and regulations enacted by the Council to create districts which permit certain land uses and character specifications and prohibit others; in reference to documentation, the Ashley Unified Zoning and Subdivision Control Ordinance, and any other supporting or accompanying ordinances, plans, resolutions, rules, or regulations and including their provisions, except where the context clearly indicates otherwise.

Zoo

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

FIGURE 2.1



* In the case of a corner lot, the front of the lot is determined by the street address.