

CHAPTER II:

DEFINITIONS



SECTION CONTENTS

II.I DEFINITIONS 33

A. USAGE 33

B. WORDS AND TERMS 34

 A..... 34

 B..... 40

 C..... 42

 D 46

 E..... 50

 F..... 51

 G 55

 H..... 56

 I..... 57

 J..... 58

 K..... 58

 L 59

 M 61

 N 63

 O 64

 P..... 67

 R..... 68

 S..... 71

 T..... 82

 U 83

 V..... 84

 W 85

 Y..... 85

 Z..... 86



II.I DEFINITIONS

A. USAGE

The language of this Ordinance shall be interpreted in accordance with the following regulations:

1. The word "person" includes a firm, association, organization, partnership, trust, limited liability company, corporation, or other legal entity, as well as an individual;
2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular, in each case, if the context so requires;
3. The word "shall" is mandatory, the word "may" is permissive;
4. The words "used" or "occupied" include the words "intended", "designed", "constructed", "altered", or "arranged" to be used or occupied;
5. The word "lot" includes the words "plot", "tract", "piece" or "parcel";
6. The word "building" includes all other structures of every kind regardless of similarity to buildings;
7. The phrase "used for" shall include the phrases "arranged for", "designed for", "maintained for", "intended for", and "occupied for".
8. Where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and", "or", or "either ... or", the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
 - c. "Either ... or" indicates that all the connected items, conditions, provisions or events shall apply singly but not in combination.



B. WORDS AND TERMS

As used in this Ordinance, the following terms shall have the meanings ascribed to them:

A

Abandoned Well:

A well whose use has been permanently discontinued or which is in a state of disrepair such that it cannot be used for its intended purpose or for observation purposes.

Above Ground Storage Tank:

Any one or combination of tanks (including underground pipes connected thereto) which are used to contain an accumulation of potential ground water contaminants and the volume of which (including the volume of underground pipes connected thereto) is less than ten percent (10%) beneath the surface of the ground. Flow-through process tanks are excluded from the definition of above ground storage tanks.

Add-A-Room-Unit:

A unit of a manufactured dwelling, not designed as part of the original structure, which may have less occupied space than a manufactured dwelling section.

Adult Arcade:

An establishment where, for any form of consideration, one (1) or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, for viewing by five (5) or fewer persons per machine at any one time, in which a substantial portion, thirty percent (30%) or more of the total presentation time of the images so displayed is devoted to the showing of material which meets the definition of “harmful to minors” as specified in IC 35-49-2-2 (and as it may from time to time be amended) and/or represents or displays “sexual conduct” as defined in IC 35-42-4-4 (and as it may from time to time be amended).

Adult Cabaret:

A nightclub, bar, restaurant, or similar establishment which features live performances which meet the definition of “harmful to minors” as set forth in IC 35-49-2-2 (and as it may from time to time be amended) and/or represents or displays “sexual conduct” as defined in IC 35-42-4-4 to a clientele who pays any form of consideration for such live entertainment.

Adult “Juice” Bar:

An adult cabaret which does not serve alcoholic beverages.



Adult Motion Picture Theater:

An indoor or outdoor facility with a capacity of six (6) or more persons, where for any form of consideration films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown, and in which a substantial portion, thirty percent (30 %) or more of the total revenues derived from or substantial time, thirty percent (30%) or more is devoted to the showing of such material which meets the definition of “harmful to minors” as defined in IC 35-49-2-2 (and as it may from time to time be amended), and/or displays “sexual conduct” as set forth in IC 35-42-4-4 (and as it may from time to time be amended) for observation by patrons.

Adult Theater:

A theater, concert hall, auditorium, similar establishment, either indoor or outdoor, which for any form of consideration regularly features live performances, a substantial portion, thirty percent (30%) or more of the total presentation time is distinguished or characterized by an emphasis on activities which meet the definition of “harmful to minors” as set forth in IC 35-49-2-2 and/or “sexual conduct” as set forth in IC 35-42-4-4.

Agriculture or Agricultural Operations:

An operation which consists of the following uses, individually or in combination: the production of grain or livestock; stables; forest or tree production; pasture; setting aside land in a government set-aside reserve program; a farmstead; dwellings for caregivers, care receivers or caretakers; uses accessory to agricultural operations on the site; or, uses accessory to agricultural operations in the area.

Airport:

A place where aircraft can land and take off, usually equipped with hangers, facilities for refueling and repair, and various accommodations for passengers.

Airport Authority:

The Hulman Regional Airport Authority.

Airport Conical Surface Area:

The land area-designated as "Airport Conical Surface Area", on the Airspace Overlay District Zoning Map, beginning at the periphery of the Horizontal Surface Area and thence extending outwardly a distance of four thousand feet (4,000') said Conical Surface Area not including, however, the Precision Instrument and Non-Precision Instrument and Visual Approach Surface Areas and Transitional Surface Area.

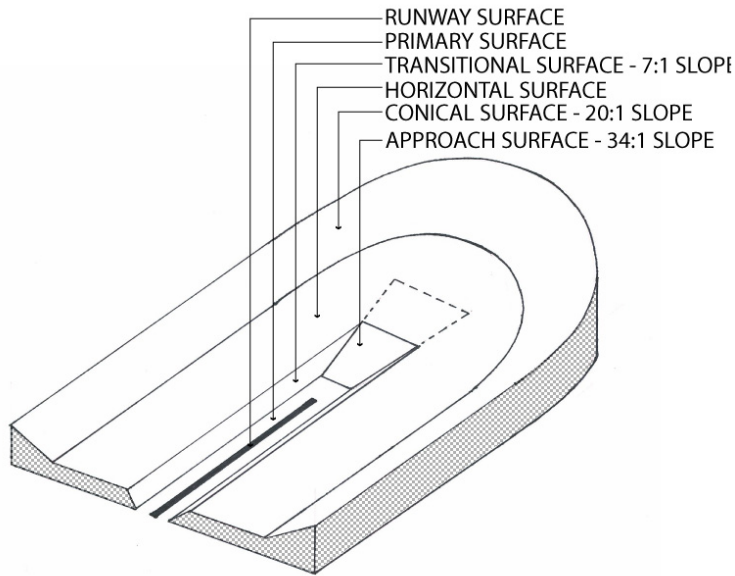
Airport Horizontal Surface Area:

The land area designated as "Airport Horizontal Surface Area, on the Airspace Overlay District Zoning Map, the perimeter of which is determined by projecting arcs from the center of the inner line of each Precision Instrument, Non-Precision Instrument, and Visual Approach Surface Area, the dimension of said arcs for Precision Instrument Approach and Non-Precision Instrument Approach Surface Areas being ten thousand feet (10,000') and the dimension of said arcs for Visual Approach Surface Areas being five thousand feet (5,000') and connecting adjacent areas by lines tangent thereto -- not including, however,



as a part of the Horizontal Surface Area, the Precision Instrument, Non-Precision Instrument and Visual Approach Surface Areas and Transitional Surface Area when a five thousand foot (5,000') arc shall be disregarded on the construction of the perimeter of the horizontal surface.

Figure II-1: Airport Surfaces



Source: HNTB Corporation

Airport Landing Area:

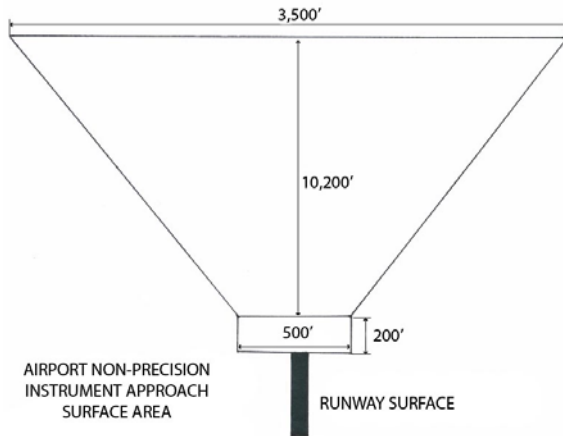
The area of the Airport used for the landing, take-off or taxiing of aircraft.

Airport Non-Precision Instrument Approach Surface Area:

The land area designated as "Airport Non-Precision Instrument Approach Surface Area" on the Airspace Overlay District Zoning Map, located at the end of any runway served by a non-precision instrument approach for landings and take-offs, said Surface Area having a width of five hundred (500) feet at a horizontal distance of two hundred feet (200') beyond the end of the runway and widening thereafter uniformly to a width of three thousand five hundred feet (3,500') at a horizontal distance of ten thousand two hundred feet (10,200') beyond the end of the runway, its centerline being the continuation of the runway centerline.



Figure II-2: Airport Non-Precision Instrument Approach Surface Area

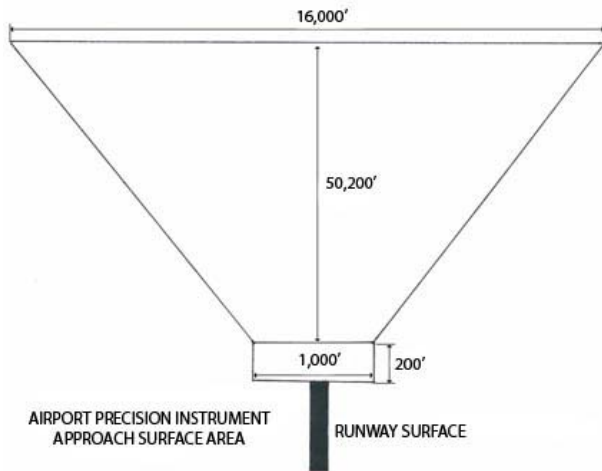


Source: HNTB Corporation

Airport Precision Instrument Approach Surface Areas:

The land area designated as "Airport Instrument Approach Surface Area" on the Airspace Overlay District Zoning map, located at the end of any runway served by a precision instrument approach for landings and takeoffs -- said Surface area having a width of one thousand feet (1,000') at a horizontal distance of two hundred feet (200') beyond the end of the runway and widening thereafter uniformly to a width of sixteen thousand feet (16,000') at a horizontal distance of fifty thousand two hundred feet (50,200') beyond the end of the runway, its centerline being the continuation of the runway centerline.

Figure II-3: Airport Precision Instrument Approach Surface Area



Source: HNTB Corporation



Airport, Public:

An airport owned by a public entity available for use by the public, designated as a "Publicly Owned, Public Use Airport" on the Airspace Overlay Zoning Map, for which an Airspace Overlay District is established by this Ordinance.

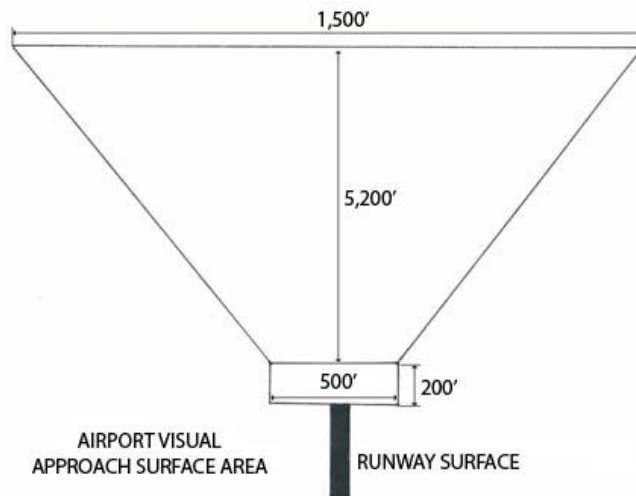
Airport Transitional Surface Area:

The land area designated as "Airport Transitional Surface Area" on the Airspace Overlay Zoning Map, located adjacent to each precision instrument, non-precision instrument, and visual runway, symmetrically on each side of such runway -- said Surface Area extending outward as indicated on the Airspace Overlay Zoning Map from a line five hundred feet (500') on either side of the centerline of a precision instrument runway plus two hundred feet (200') at each end thereof, to the inner line of the Horizontal Surface Area and from a line two hundred fifty feet (250') on either side of the centerline of a non-precision instrument or visual runway, for the length of such runway plus two hundred feet (200') at each end thereof, to the inner line of the Horizontal Surface Area; further symmetrically located adjacent to each Precision Instrument, Non-Precision Instrument, and Visual Runway Approach Surface Area, on each side thereof, having variable widths, as indicated on the Airspace Overlay Zoning Map, and extending the entire length of said Approach Surface Areas to their intersection with the outer line of the Conical Surface Area; and further located beyond said points of intersection, beginning at the outer lines of all Precision Instrument Approach Surface Areas and extend a horizontal distance of five thousand (5,000) feet therefrom, measured at right angles to the continuation of the runway centerline, as indicated on the Airspace Overlay Zoning Map. The width prescribed in this definition shall be that width prescribed for the most precise approach existing or planned either end of that runway. (See Figure II-1)

Airport Visual Approach Surface Area:

The land area designated as "Airport Visual Approach Surface Area" on the Airspace Overlay District Zoning Map, located at the end of any runway without an instrument approach for landings and take-offs said Surface Area having a width of five hundred feet (500') at a horizontal distance of two hundred feet (200') beyond the end of the runway and widening thereafter uniformly to a width of one thousand five hundred feet (1,500') at a horizontal distance of five thousand two hundred feet (5,200') beyond the end of the runway, its centerline being the continuation of the runway centerline.

Figure II-4: Airport Visual Approach Surface Area



Source: HNTB Corporation

Airspace Hazard:

Any structure, tree, object or use of land which obstructs the airspace or is otherwise hazardous to the flight of aircraft in landing or taking-off at a publicly owned, public use airport as determined to constitute an "airspace" or "airport" hazard either by the Federal Aviation Administration, the Indiana Department of Transportation, Aeronautics Section, or Hulman Regional Airport Authority.

Alley:

A public right-of-way, other than a street, road, or easement, designed to provide a secondary means of access for the special accommodation of abutting property.

Alteration (of Building or Structure):

Any change in the structural members of a building such as walls, columns, beams or girders, arrangement of doors and windows, and means of ingress or egress.

Anchoring System:

An approved system of straps, cables, turnbuckles, chains, ties or other approved materials used to secure a manufactured or mobile home

Applicant:

The owner of land or his duly authorized representative.

Approved:

Acceptable to the appropriate authority having jurisdiction by reason of investigation, accepted principles, or tests by nationally recognized organizations.



Aquifer:

An underground geological formation that has the ability to receive, store, and transmit water in amounts sufficient for the satisfaction of any beneficial use.

Assisted Living Facility:

A residential facility designed to assist persons who are able to care for themselves yet need help preparing meals, bathing, dressing, and/or performing household chores.

Automobile:

Every vehicle, except motorcycles, designed for carrying ten (10) passengers or less and used for the transportation of persons.

Automobile Wrecking:

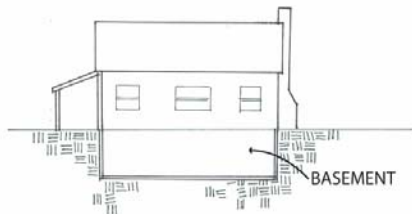
The dismantling or disassembling of used motor vehicles or trailers; or the storage, sale, or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles, or their parts.

B

Basement:

A story whose floor is more than twelve inches (12”), but not more than one-half (1/2) of its story height below the average level of the adjoining ground.

Figure II-5: Basement



Source: HNTB Corporation

Billboard:

See Sign, Advertising.

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:

The Boards of Zoning Appeals (BZA) for the appropriate jurisdiction. See Section I.II.B



Boarding House or Lodging House:

Any dwelling other than a hotel or motel where lodging for compensation is provided by prearrangement for a definite period of time.

Buffer Strip:

Open space, landscaped area, fence, wall, berm or any combination thereof used to physically separate or screen one user or property from another so as to visually shield or block noise, lights, or other nuisances.

Building:

Any improvement designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property of any kind, having a permanent roof supported by columns or walls.

Building, Accessory:

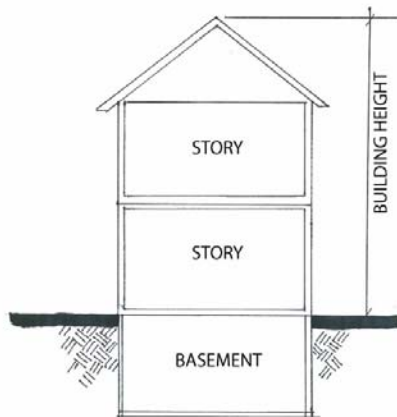
Any building, structure or improvement which is conducted and operated in conjunction with a principal building and which:

1. Constitutes only a clearly incidental or clearly insubstantial part of the total activity that takes place on a lot; or
2. Is commonly associated and integrally related with the principal building.

Building Height:

The vertical distance, measured from the sidewalk level or its equivalent established grade opposite the middle of the front of the building to the highest point of the roof. Whenever a building is located upon a terrace or slope, height may be measured from the average height grade level of the building wall.

Figure II-6: Building Height

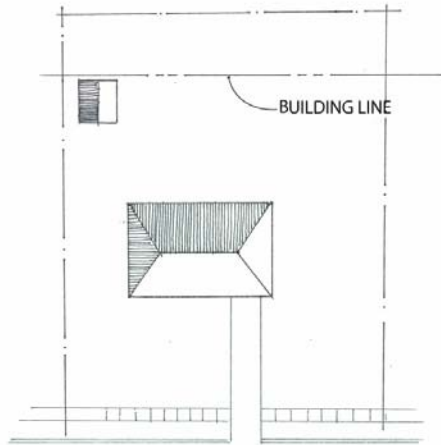


Source: HNTB Corporation

Building Line:

A line beyond which the principal building and its accessory buildings may not project, except as otherwise stated in this Ordinance.

Figure II-7: Building Line



Source: HNTB Corporation

Bulk:

The term used to indicate the size and setbacks of buildings and the location with respect to one another, and includes the following:

1. Size and height of buildings;
2. Location of exterior walls at all levels in relation to lot lines, streets, or to other buildings;
3. Gross floor area of buildings in relation to net lot area (floor area ratio);
4. All open spaces allocated to buildings;
5. Amount of net lot area provided per dwelling unit.

C

Campground, Public or Private:

Any area or tract of land used or designated to accommodate two (2) or more automobiles, campers, house trailers, or two (2) or more camping parties, including cabins, tents or other camping outfits.



Cellar:

A story having more than one-half (1/2) of its height below grade and not used for dwelling purposes.

Certificate of Use and Occupancy:

A certificate issued prior to and authorizing the use and/or occupancy of all building or land uses, and states that the building or land use meets all requirements of this Ordinance and the building code, subject to any special provisions that may prevail. The certificate of use and occupancy shall be issued by the appropriate enforcement authority and the Director and Zoning Administrator shall keep copies of all the certificates of use and occupancy.

Channel:

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

Child Care:

A service that provides for the care, health, safety, and supervision of a child's social, emotional, and educational growth. (For reference see IC 12-7-2.)

Child Care Center:

A non-residential building where at least one (1) child receives childcare from a provider:

1. While unattended by a parent, legal guardian, or custodian;
2. For regular compensation; and,
3. For more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.

Child Care Home:

A residential structure in which at least six (6) children (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative) at any time receive child care from a provider:

1. While unattended by a parent, legal guardian, or custodian;
2. For regular compensation; and,
3. For more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays; Sundays, and holidays.

This term includes a Class I childcare home (that serves any combination of full-time and part-time children, not to exceed twelve (12) at any one (1) time) and a Class II child care home (that serves more than twelve (12) children but no more than any combination of



sixteen (16) full-time and part-time children at any one (1) time. (For reference see IC 12-7-2.)

City, County or Town:

The unit of government (city/county/town) having jurisdiction of the parcel of land under consideration.

Clinic:

An establishment where patients are not lodged overnight, but are admitted for examination and treatment by a group of physicians or dentists practicing medicine together.

Close Relative:

Close relative means a spouse, grandmother or grandfather, or mother or father, son or daughter, or brother or sister of the owner or owners, or any of them.

Club or Lodge:

Buildings and facilities owned or operated by a corporation, association, person or persons for a fraternal, veteran, social, educational or recreational purpose, but not primarily for profit which inures to any individual, and not primarily to render a service which is customarily carried on as a business.

Commercial Use:

Engaging in the purchase, sale, barter, or exchange of goods, wares, merchandise, or services, or a maintenance or operation of offices or recreational or amusement enterprises, but does not include material yards, junk yards, or railroad yards.

Commission:

The Area Plan Commission for Vigo County.

Commitment:

An official agreement concerning and running with the land as recorded in the office of the Vigo County Recorder.

Comprehensive Plan:

A plan for the public development of the community prepared and adopted by the participating entities, 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 show the general location and extent of present and proposed physical development, including but not limited to housing, industrial and commercial uses, streets, parks, schools, and other community facilities.

Condominium:

The division of buildings and related land into horizontal property interest that meets the requirements of and controlled by Indiana statutes for condominiums. (For reference see IC 32-1-6.)

**Connected Piping:**

All underground piping including valves, elbows, joints, flanges, and flexible connectors attached to a tank system.

Containment Area:

An above ground area with floors and sidewalk that has been constructed of a material that will prevent migration of fluids into the ground water.

Convenience Market:

A retail establishment selling a limited number of food items, such as sandwiches, snacks, staple groceries, household items, lottery tickets and food items prepared on the premises, including reheating, which can be immediately consumed. Such establishments may also provide a facility where gasoline and other motor fuels are stored and subsequently dispensed by use of fixed approved dispensing equipment by customers of the establishment on a self-service basis.

Council:

The Common Council for the City of Terre Haute, Indiana.

County:

The County of Vigo, Indiana.

Construction Plan:

The maps, drawings and textual descriptions accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements enumerated in this Ordinance as a condition of the approval of the plat.

Covenant:

A private legal restriction on the use of land contained in the deed to the property and otherwise formally recorded.

Cul-De-Sac:

The vehicular turn-around at the end of the stem. See also Cul-De-Sac Stem.

Cul-De-Sac Stem:

A short minor street, having one end open to motor traffic. See also Cul-De-Sac.

Culvert:

A drain pipe that channels water under a bridge, street, or driveway.

D

Day-Night Sound Level (DNL):

A cumulative aircraft noise index that estimates the exposure to aircraft noise and relates the estimated exposure to an expected community response.

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, Gross:

The number of dwelling units per acre of the total land to be developed, including public right-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 all rights-of-way and public sites including but not limited to roadways, alleys, parking areas, sidewalks, and drainage areas.

Department:

The Vigo County, Indiana Area Planning Department.

Developer:

The owner of land or his duly authorized representative. Consent shall be required from the legal owner of the premises.

Development:

Any man-made change to improved or unimproved real estate including but not limited to:

1. Construction, reconstruction, or placement of a building or any addition to a building;
2. Installing a manufactured home on a site, preparing a site for a manufactured home or installing a recreational vehicle on a site for more than one hundred and eighty (180) days;
3. Installing utilities, erection of walls and fences, construction of roads, or similar projects;
4. Construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;
5. Mining, dredging, filling, grading, excavation, or drilling operations;



6. Construction and/or reconstruction of bridges or culverts;
7. Storage of materials; or
8. Any other activity that might change the direction, height, or velocity of flood or surface waters.

Development 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:

As enabled by 1400 SERIES-DEVELOPMENT PLANS IC 36-7-4-1400 through IC 36-7-4-1499.

Director:

The Executive Director of the Area Planning Department.

District:

A section or sections of the appropriate jurisdiction for which the requirements governing the use of buildings and premises, the bulk of buildings, the size of yards, the requirements of off-street parking and loading, and the intensity of use are uniform.

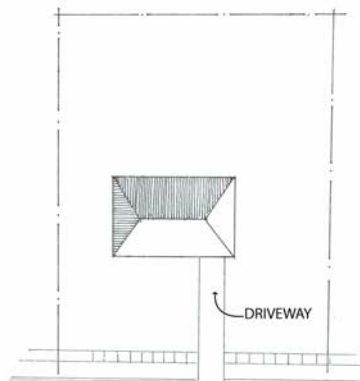
DNL Contour:

A line linking together a series of points of equal cumulative noise exposure based on the DNL metric. Such contours are developed based on aircraft flight patterns, number of daily aircraft operations by type of aircraft and time of day, noise characteristics of each aircraft, and typical runway usage patterns. See also Day-Night Sound Level.

Driveway:

Access for vehicular movement to egress/ingress through a minimum front yard or minimum front buffer yard, extending to the right-of-way line of a private or public street. See also Yard; Yard, Buffer; and, Right-of-Way.

Figure II-8: Driveway



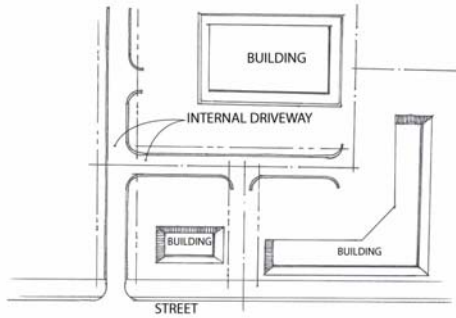
Source: HNTB Corporation



Driveway, Internal:

Access for vehicular movement to egress/ingress through a minimum side yard or minimum rear yard to connect two (2) or more projects or parcels.

Figure II-9: Driveway, Internal



Source: HNTB Corporation

Duplex:

See Dwelling, Two-family.

Dwelling:

Any building, or portion of a building, which is designed or used primarily for residential purposes, including a single family, two-family and multifamily but not including hotels, boarding houses, lodging houses, and tourist dwellings.

Dwelling, Caregiver:

A second dwelling unit located on a lot in a zoning district which permits only one (1) single family dwelling as a matter of right and which is:

1. Occupied by a family who provides weekly assistance to the family residing in the permitted single family dwelling; and,
2. Approved by the Board of the appropriate jurisdiction through the grant of a Conditional Use Permit.

Dwelling, Care Receiver:

A second dwelling unit located on a lot in a zoning district which permits only one (1) single family dwelling as a matter of right and which is:

1. Occupied by a family who receives weekly assistance from the family residing in the permitted single family dwelling; and,
2. Is approved by the Board of the appropriate jurisdiction through the grant of a Conditional Use Permit.

Dwelling, Caretaker:

A dwelling unit occupied by a family who provides weekly grounds maintenance on a lot occupied by an agricultural or business enterprise.

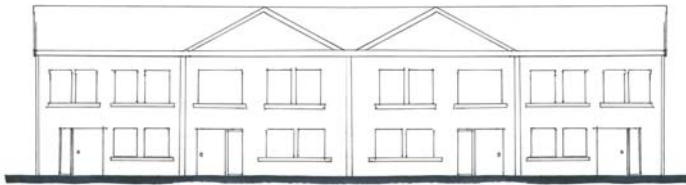
Dwelling, Emergency:

A temporary dwelling unit, located on the same lot as a permanent dwelling, which provides shelter while a permanent dwelling which has been damaged or destroyed by fire or other disaster is being repaired or rebuilt.

Dwelling, Multi-family:

A building consisting of three (3) or more dwelling units, including condominiums, with varying arrangements of entrances and party walls. Individual kitchen, dining, and restroom/bathing facilities shall be provided in each separate dwelling unit.

Figure II-10: Dwelling, Multi-family



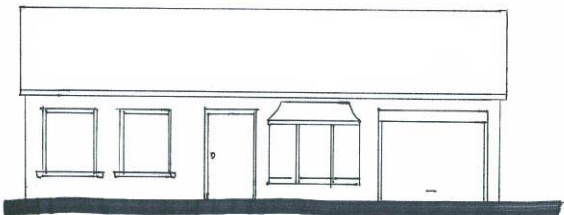
Source: HNTB Corporation

Dwelling, Single Family:

A dwelling unit which maintains a minimum width of twenty-three feet (23') over sixty percent (60%) of the length of the structure and is either:

1. Built in compliance with the CABO One and Two-Family Code and the Vigo County Building Code;
2. A modular dwelling; or,
3. A manufactured dwelling.

Figure II-11: Dwelling, Single Family

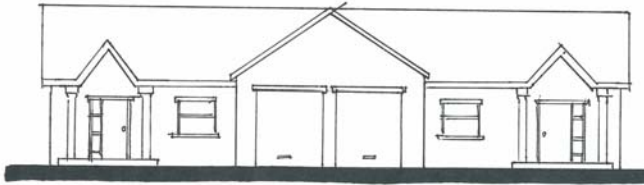


Source: HNTB Corporation

Dwelling, Two-Family:

A building consisting of two (2) dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance.

Figure II-12: Dwelling, Two-Family



Source: HNTB Corporation

Dwelling Unit:

A room or group of rooms designed and equipped exclusively for use as living quarters for only one (1) family and its household employees, including provisions for living, sleeping, cooking, and eating. The term shall include mobile dwellings, modular dwellings and manufactured dwellings 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.

Erect:

Activity of constructing, building, raising, assembling, placing, affixing, attaching, hanging, suspending, creating, or any other way of bringing into being or establishing. In the case of a wall sign, the term erect shall also include the activity of painting.

Escrow:

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

Excavation:

The breaking of ground, except common household gardening, ground care, and agriculture activity.

Executive Committee:

The Executive Committee for the Vigo County Area Planning Department.

Expando Unit:

An expandable manufactured housing dwelling.

Extractive Industries:

The removal of earth or rocks for the purpose of obtaining stone or minerals. Includes activities such as quarrying and coal mining.

Extremely Hazardous Substance:

A substance identified pursuant to 42 USC 11002 and 11004 (40 DFR 355 Appendix A).

F

Family:

An individual living alone or a group of individuals related by blood, marriage, adoption or guardianship, or a group of not more than five unrelated persons living together in a dwelling unit as a single house-keeping unit.

Farmers Market:

The use of land, buildings or structures or part thereof for the purpose of selling fruit and vegetables to the general public.

Farmstead:

A single-family dwelling unit located in association with an agricultural operation and used for residency by the family, which owns and operates the agricultural operation, the family's household employees or the family's farm employees.

FBFM:

Flood Boundary and Floodway Map.

FEMA:

Federal Emergency Management Agency.

FHBM:

Flood Hazard Boundary Map.

Filling or Service Station:

Any land, building, or premises used for the sale or retail of motor vehicle fuels, oils, or accessories or for the servicing or lubricating of motor vehicles or installing or repairing parts and accessories, but not including the repairing or replacing of motors, bodies or fenders of motor vehicles, painting motor vehicles, and excluding public garages.

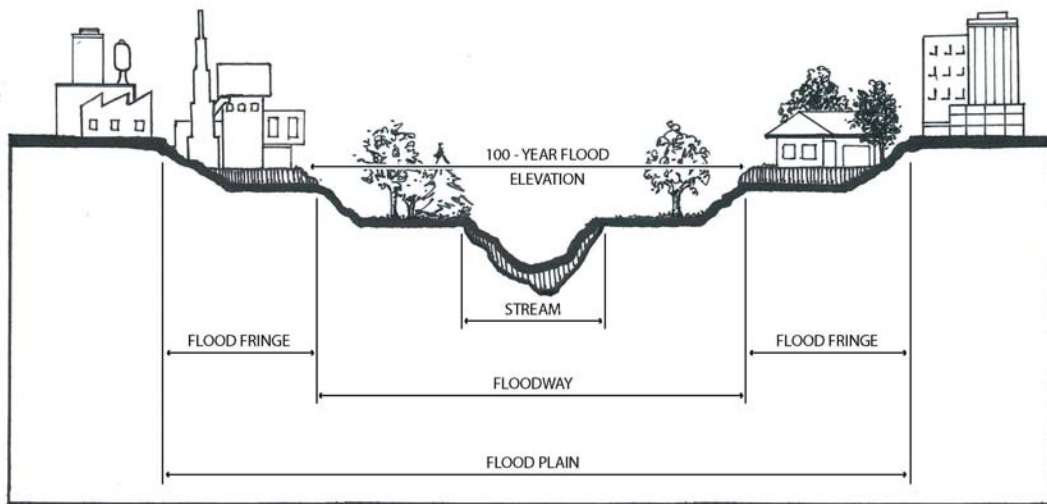
FIRM:

Flood Insurance Rate Map.

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.

Figure II-13: Flood Illustrations



Source: HNTB Corporation

Flood Hazard:

Any flood plain district, floodway district, floodway fringe district, AO zone or any combination thereof as identified by the Federal Emergency Management Agency in an approved study.

Flood, Regulatory:

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

Floodplain:

The channel proper and the areas adjoining any wetland, lake or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the floodway fringe districts.

Flood Plain (FP) District:

An area adjoining a river or stream which may be covered by floodwaters and has been identified as approximately one hundred (100) year flood boundaries by the Federal Emergency Management Agency in an approved study.



Flood Protection Grade (FPG):

The elevation of the regulatory flood plus two feet (2') at any given location in the SFHA. See also Special Flood Hazard Area (SFHA).

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 (FW) District:

The channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one tenth foot (1/10') and has been identified as approximate one hundred (100) year flood boundaries by the Federal Emergency Management Agency in an approved study.

Floodway Fringe:

The areas covered by floodwaters which are adjacent to the floodway but are not of sufficient motion or volume to be considered part of the floodway and have been identified as approximate 100 year flood boundaries by the Federal Emergency Management Agency in an approved study.

Floor, Lowest:

The lowest of the following:

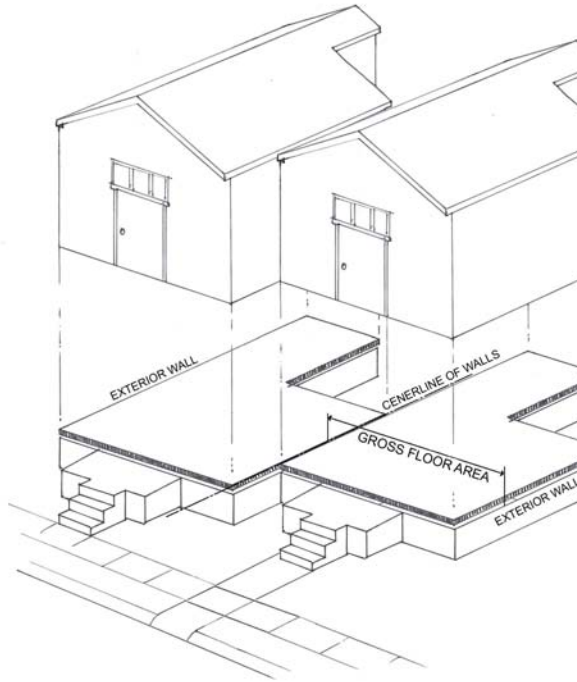
1. The top of the basement floor;
2. The top of the garage floor, if the garage is the lowest level of the building;
3. The top of the first floor or of the building elevated on pilings or constructed on a crawl space with permanent opening; or
4. The top of the floor level of any enclosure below an elevated building where the walls of the enclosure provide any resistance to the flow of the flood waters unless;
 - a. The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, by providing a minimum of two (2) 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 foot (1') above grade.
 - b. Such enclosed space shall be usable for the parking of vehicles and building access.



Floor Area, Gross:

The number of the square feet of horizontal floor area of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two abutting buildings.

Figure II-14: Floor Area, Gross

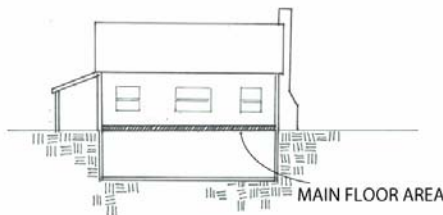


Source: HNTB Corporation

Floor Area, Main:

The area of a horizontal plane of the floor surface at or above grade level which is fully enclosed by the exterior walls, or the center line(s) of party walls separating such buildings or portions thereof, of the primary building or structure exclusive of decks, garages, exterior open balconies, open porches, and all areas with a vertical height clearance of less than seventy-eight inches (78”).

Figure II-15: Main Floor Area



Source: HNTB Corporation



Foundation Siding/Skirting:

A type of wainscoting constructed of fire and weather resistant material, such as aluminum, asbestos board, treated pressed wood or other approved materials, enclosing the entire undercarriage of the manufactured or mobile home.

Frontage:

The minimum straight line distance between the intersection of the side lot lines and the front lot line.

Fuel Dispensing Facility:

Any facility where gasoline or diesel fuel is dispensed into motor vehicle fuel tanks from an underground storage tank.

G

Garage, Parking and Storage:

A building or portion thereof designed or used exclusively for storage of motor-driven vehicles, and at which cars may be washed and motor fuels and oils may be sold without exterior advertising, and where motor-driven vehicles are not equipped, repaired, hired, or sold.

Garage, Public or Private:

A building or structure used or designed to be used for the parking and storage of vehicles.

Garage Sale:

See Yard Sale.

Governmental Engineer:

1. The County Highway Engineer or his designated representative for the unincorporated area of Vigo County;
2. The City Civil Engineer or his designated representative for the City of Terre Haute; and
3. A registered professional engineer or his designated representative for the appropriate incorporated town within Vigo County.

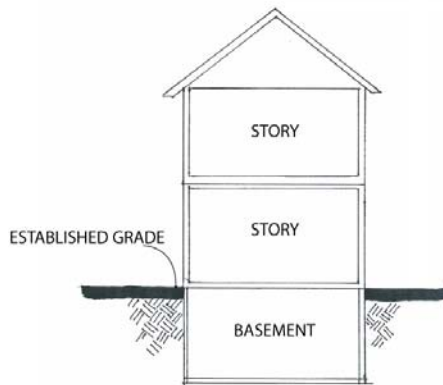
Grade:

The slope of a road, street, or other public way, specified in terms of percentage (%). Example: One foot (1') of rise in one hundred foot (100') would be a one percent (1%) grade.

Grade, Established:

The average level of the finished surface of the ground for buildings more than five feet (5') from a street line. For buildings closer than five feet (5') to a street line, the grade is the sidewalk elevation at the center of the building. If there is more than one (1) street, the average sidewalk grade is to be used. If there is no sidewalk, the City Engineer shall establish the sidewalk grade.

Figure II-16: Grade, Established



Source: HNTB Corporation

Ground Water:

Any water occurring within the zone of saturation in a geologic formation beneath the surface of the earth.

Group Home:

A dwelling licensed by the State for not more than eight (8) persons who require assistance and/or supervision and who reside together as a single housekeeping unit. A Group Home is not subject to the definition of “Family”. Also see “Residential Facility for the Developmentally Disabled” and “Residential Facility for the Mentally Ill”.

H

Hazardous Substance:

A substance as defined by 42 USC 9601 (14).

Home Business:

A business carried on in a dwelling unit by the resident thereof and their employees, the number of which shall be determined by the Board, provided that the use is limited in extent and incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character thereof.



Home Occupation:

An occupation carried on in a dwelling unit only by the resident thereof; provided that the use is limited in extent and incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character thereof.

Hotel:

A facility offering transient lodging accommodations to the general public and providing additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.



Improvement Location Permit:

A permit stating that the proposed erection, construction, enlargement, or moving of a building and land use referred to therein complies with the provisions of this Ordinance.

Improvements:

Street grading and surfacing, with or without curbs and gutters, sidewalks, crosswalks, water mains, sanitary and storm sewers, culverts, bridges, and street trees.

Inoperable Motor Vehicle:

Any automobile, truck, semi-trailer, school bus or recreational vehicle, that lacks a motor, drive train, wheels, axles or transmissions; also a vehicle which does not carry a current year state registration or license tag.

Institution:

A building or premises occupied by a non-profit corporation or a non-profit establishment for public use and/or benefit.

Integrated Center:

An area of development (commercial, industrial, or any combination of commercial, industrial and residential uses) of one or more lots comprised of:

1. Two or more individual, non-related and separately operated uses in one building sharing common site facilities;
2. One or more buildings containing non-related and separately operated uses occupying a common site, which utilizes one or a combination of common site facilities, such as driveway entrances, parking areas, driving lanes, maintenance, and similar common services; or,
3. One or more buildings containing non-related and separately operated uses occupying individual sites, which are interrelated by the utilization of one or a



combination of common facilities, such as driveway entrances, internal public or private street network developed in accordance with an approved plat, parking areas, maintenance, or other services.

Interested Parties:

Property owners adjacent to the subject property within a specified distance.

Interstitial Monitoring:

A system designed, constructed and installed to detect a leak from any portion of a storage tank or connected piping that routinely contains potential ground water contaminants by monitoring the space between the primary (inner) tank or connected piping and the secondary (outer) tank or connected piping.

J

Junkyard:

Any place at which personal property is or may be salvaged for reuse, resale, or reduction or similar disposition and is owned, possessed, collected, accumulated, dismantled, or assorted, including but not limited to, used or salvaged base metal or metals, their compounds or combinations, used or salvaged rope, bags, paper, rags, glass, rubber, lumber, millwork, brick and similar property except animal matter; and used motor vehicles, machinery or equipment which does not carry a current, valid license, and is used, owned or possessed for the purpose of wrecking or salvaging parts therefrom.

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 IC 36-7-4.

K

Kennel:

The use of land or buildings for the purpose of selling, breeding, boarding or training animals other than farm animals, or the keeping of four (4) or more dogs over four (4) months of age, or the keeping of six (6) or more cats over four (4) months of age, or the keeping of more than five (5) dogs and cats.

L

Land Surveyor:

Any person who is licensed in the State of Indiana to practice professional land surveying.

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. See also 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. See also FEMA.

Liquid Transfer Area:

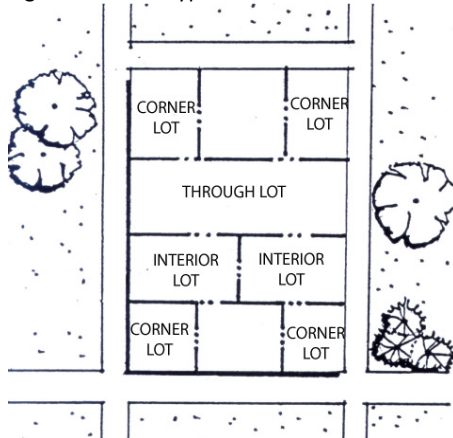
An off-street area maintained and intended for temporary parking of a commercial vehicle while transferring potential ground water contaminant to and from a facility.

Lot:

A piece, parcel, plot or tract of land designated by its owner or developer to be used, developed or built upon as a unit under single ownership or control and may consist of:

1. A single lot of record;
2. A portion of a lot of record; or
3. A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record. A lot may or may not coincide with a lot of record.

Figure II-17: Lot Types



Source: HNTB Corporation



Lot, Corner:

A lot abutting upon the intersection of two (2) or more streets which form an interior angle of less than one hundred thirty-five degrees (135°). The point of intersection of the street lot lines is the corner.

Lot, Interior:

A lot with frontage on one (1) side only.

Lot of Record:

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

Lot, Legally Established:

A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of this Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of this Ordinance.

Lot Line, Alley:

The boundary of a lot line along an alley.

Lot Line, Front:

The boundary of a lot along a right-of-way.

Lot Line, Interior:

The boundary of a lot which is in common with two (2) other interior lots fronting on the same right-of-way. For corner lots, that lot line that is in common with said corner lot and another corner lot or an interior lot fronting the same right-of-way

Lot Line, Rear:

The boundary of a lot, which is neither, a front lot line, an interior lot line, nor an alley lot line.

Lot Line, Side:

See Lot Line, Interior.

Lot, Mobile Home:

A piece of land, the location, shape and size of which has been established in an approved mobile home park plan, to be rented or sold for occupancy as a mobile dwelling.

Lot, Through:

A lot having a pair of opposite lot lines along two more or less parallel public thoroughfares which is not a corner lot. On a through lot both street lines shall be deemed frontage lines in figuring building line setbacks.

Lot Width:

The full width of a lot measured along the required front setback line.

M

Manufactured Home:

A dwelling unit which is fabricated in one or more modules at a location other than the home site, by assembly-line type production techniques or by other construction methods unique to an off-site manufacturing process; provided, that each module must bear a label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards; and provided further, that each unit must have been built after January 1, 1981, and must have at least nine hundred (900) square feet of main floor area (exclusive of garages, carports, and open porches).

Manufactured Home Park or Subdivision, Existing:

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.

Manufactured Home Park or Subdivision, Expansion to an Existing:

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 street, and either final site grading or the pouring of concrete pads).

Manufactured Housing Construction and Safety Standards Code. Title VI 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 (including information supplied by the home manufacturer, which has been stamped and approved by a Design Approval Primary Inspection Agency, an agent of the U.S. Department of Housing and Urban Development pursuant to HUD rules), and regulations and interpretations of said code by the Indiana Administrative Building Council; all of which became effective for mobile/manufactured home construction on June 15, 1976.

Manufacturing:

Establishments 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.

Marker:

A long lived object set in the ground to perpetuate a lot or other secondary subdivision property corner.

Mining:

The extraction of minerals, including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gas.

Minor:

Any individual under the age of eighteen (18) years defined by IC 35-49-1-4.

Mobile Home:

A movable or portable dwelling unit that:

1. Is fabricated in one or more modules at a location other than the home site, by assembly-line type production techniques or by other construction methods unique to an off-site manufacturing process; (b) is designed for occupancy by one family;
2. Is erected or located as specified by the Building Code; and,
3. Was either:
 - a. Constructed prior to June 15, 1976 and bears a seal attached under Indiana Public Law 135, 1971, certifying that it was built in compliance with the standards established by the Indiana Administrative Building Council; or,
 - b. Constructed subsequent to or on June 15, 1976 and bears a seal, certifying that it was built in compliance with the Federal Mobile Home Construction and Safety Standards law.

Figure II-18: Mobile Home



Source: HNTB Corporation

Mobile Home Park:

A site containing spaces with required improvements and utilities that are leased for the long-term placement of mobile dwellings, and that may include services and facilities for the residents. Mobile Home Parks are licensed by the State Department of Health.

Mobile Home Subdivision:

A division of land into lots for the purpose of occupant ownership and placement of mobile homes thereon.

Monument:

Any permanent marker either of stone, concrete, cast iron, heavy galvanized iron pipe (recognizable or readily identifiable), or steel rods, used to identify the boundary lines of any tract, parcel, lot, or street lines.

Motel:

An establishment consisting of a group of attached living or sleeping unit accommodations, with bathroom and closet space for each unit, located on a single lot, and designed for use by transient automobile tourists.

N

Navigable Airspace:

The airspace above the minimum altitudes of flight prescribed by regulations issued under the Federal Aviation Act of 1958, Section 101(24) 49 United States Code 1301, including the airspace needed to ensure safety in the take-off and landing of aircraft.

Negative Secondary Effects:

Those unintended consequences injurious to the surrounding areas and/or harmful to minors which communities have found to result from an adult oriented business being in the area such as increased crime in the vicinity, deterioration of the quality of surrounding businesses, decreased property values in surrounding area, increases parking problems, increased litter, increased general urban blight in the vicinity, etc.

Non-Conforming Structure:

A structure or building, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to this Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of this Ordinance.

Non-Conforming Use:

A use or activity that was lawful prior to the adoption, revision or amendment of this Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of this Ordinance.

Non-Dedicated (Roads):

Any street or road that is private and not the responsibility of the City, Town or County to perform maintenance on said street or road, and which meet the minimum geometric standards as set forth in this Ordinance.



Non-Precision Instrument Runway:

A runway equipped, or to be equipped with, electronic or visual air navigation aids adequate to permit the landing of aircraft under restricted visibility conditions providing horizontal distance guidance to the aircraft.

Non-Residential Subdivision:

A subdivision with an intended use other than residential uses; such as commercial or industrial uses. Such subdivision shall comply with the applicable provisions of this Ordinance.

Nude Model Studio:

A place where a person who appears in a state of nudity is observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons who pay money or any other form of consideration for such a display is characterized by an emphasis on activities which meet the definition of “harmful to minors” as set forth in IC 35-49-2-2 (and as it may from time to time be amended) and/or “sexual conduct” as set forth in IC 35-42-4-4 (and as it may from time to time be amended). This definition shall not apply to state recognized colleges, universities, or art schools.

Nudity:

The showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; the showing of the female breast with less than a fully opaque covering of any part of the nipple; or the showing of covered male genitals in a discernibly turgid state.

Nursing Home:

A home for the aged, convalescent, chronically ill or incurable persons, except mental or alcoholic patients, in which three (3) or more persons are received, kept or provided with food, shelter and nursing, medical or similar care for compensation, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis, treatment, and care of the sick or injured other than convalescents.



Objectionable Substances:

Substances that are:

1. Of a quantity and a type; and
2. Present for a duration and in a location so as to damage waters of the jurisdiction. This definition excludes hazardous substances, extremely hazardous substances, petroleum, and mixtures thereof.

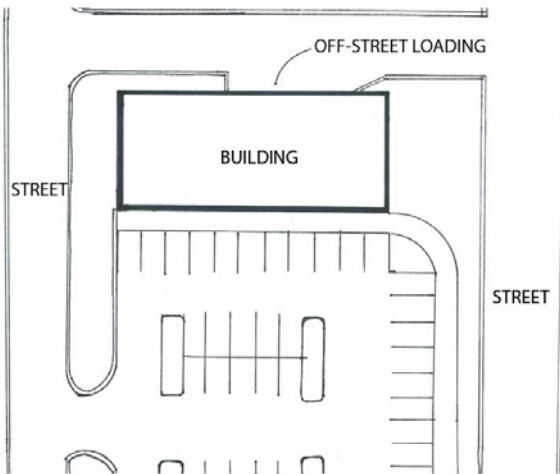
Occupied Space:

The term occupied space means the total area of earth horizontally covered by the structure, excluding accessory structures such as, but not limited to, garages, patios and porches.

Off-Street Loading:

Designated areas located adjacent to buildings where trucks may load and unload cargo.

Figure II-19: Off-Street Loading

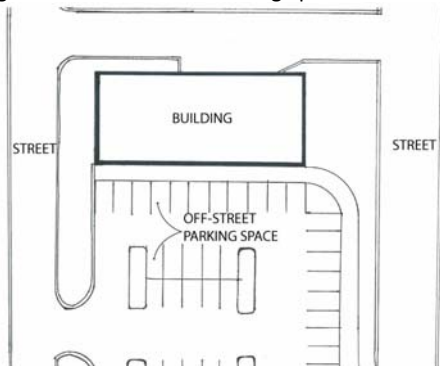


Source: HNTB Corporation

Off-Street Parking Space:

A temporary storage area for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedicated street right-of-way.

Figure II-20: Off-Street Parking Space



Source: HNTB Corporation



Offices:

Buildings used primarily for conducting the affairs of a business, profession, service, industry, government, or like activity, and may include accessory uses for office workers, such as a restaurant, coffee shop, newspaper or candy stand, and child-care facilities.

Open Space:

A public or private outdoor area expressly set aside for the use and benefit of the public.

One and Two Family Dwelling Code, Indiana:

The nationally recognized model building code prepared by the Council of American Building Officials, adopted by the Indiana Administrative Building Council (ABC) as mandated through Public Law 360, Acts of 1971, and which includes those supplements and amendments promulgated by the ABC.

Overlay District:

A district that provides for requirements in addition to basic zoning district requirements without disturbing the requirements of the basic district.

Owner:

Any person, firm, association, syndicate, partnership, corporation, or any other legal entity having legal title to the land as recorded with the Vigo County Recorder.

Owner-Occupant:

An owner-occupant means a natural person who at the time of the effective date of this Ordinance:

1. Owns an independent mobile home; and in addition
2. Owns the tract of land or lot on which such mobile home is located; and in addition
3. Occupies such mobile home as a single family residence.

No person shall be considered to be an owner-occupant unless he meets the provisions of Subsection 1, 2, and 3 mentioned above as of January 6, 1966, provided however, that the ownership of an independent mobile home by a close relative shall be considered the same as the ownership thereof by the owner of the tract of land or lot on which such mobile home is located and shall meet the requirement of Subsection 1 of this Section. The occupancy of such mobile home as a single family residence by a close relative shall be considered the same as the occupancy thereof by the owner of the tract of land or lot on which such mobile home is located and shall occupy such mobile home as a single family residence.



P

Parking Area:

An area of paving, not including driveways or internal driveways, intended for the temporary storage of automotive vehicles including parking spaces and the area of access for the egress/ingress of the automotive vehicles to and from the actual parking space. See also Driveway.

Peep Show Facility:

An enterprise utilizing a device operated, manually, mechanically, magnetically, electrically or electronically which exhibits, displays, projects, or illuminates photographed, videotaped, or magnetically reproduced images, or exposes live entertainment to the viewer, in a booth or stall, which entertainment is distinguished or characterized by an emphasis on matters depicting “sexual conduct” as defined by IC 35-42-4-4 (and as it may from time to time be amended) or nudity for observation by patrons thereof.

Performance Bond:

An amount of money or other negotiable security paid by the developer or his surety to the County Commissioners or City Controller which guarantees that the developer will perform all actions required by the Plan Commission regarding an approved plat, and provides that the developer 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:

Any 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 structure system completely enclosing the space between the floor joists of the home and the ground.

Person:

Any person, firm, partnership, association, corporation, company or organization of any kind.

Planned Unit Development (PUD):

An area of a minimum contiguous size, as specified by the ordinance adopting the PUD, to be planned, developed, operated, and maintained as a single entity and containing one or more residential clusters and/or one or more public, quasi-public, commercial, or industrial areas in such ranges or ratios of nonresidential uses to residential uses as specified in the adopting ordinance.

Plat, Final:

The final and formal presentation of the map, plan for record of a subdivision and any accompanying material as described in this ordinance.

Plat, Preliminary:

The preliminary drawing or drawings, described in these regulations, indicating the proposed layout of the subdivision which is submitted to the Commission for approval.

Potential Ground Water Contaminant:

Any material, which because of its toxicity and mobility in ground water poses significant hazard to the quality of ground water resources used for public water supply.

Precision Instrument Runway:

A runway equipped, or to be equipped with, electronic or visual air navigation aids adequate to permit the landing of aircraft under restricted visibility conditions providing vertical distance and horizontal distance guidance to the aircraft.

Premises:

A platted lot or part thereof or un-platted lot or parcel of land, either occupied or unoccupied by any structure, and includes any such building, accessory structure, adjoining alley, casement or drainage way.

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 built one (1) or two (2) family residential dwellings.

Public Utilities:

All persons, firms, corporations, co-partnerships, or municipal authorities providing gas, electricity, water, steam, telephone, sewer, or other services of a similar nature.

R

Recreation, Commercial:

Recreation facilities operated as a business, and open to the public for a fee.

Recreation, Outdoor:

Any activity normally conducted outdoors, including swimming, tennis, baseball and football, whether conducted outdoors or within an enclosed building or structure.

Recreation, Private Non-commercial:

Clubs or recreation facilities operated by a non-profit organization open only to its members.

**Recreation, Public:**

Recreation facilities operated by a governmental entity or as a non-profit enterprise by a nonprofit organization, and open to the general public.

Recreational Vehicle:

A vehicle which is:

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projections;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational camping, travel, or seasonal use.

Recreational Vehicle Park:

Any lot or parcel of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes. See also Recreational Vehicle.

Release:

Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (surface water, ground water, drinking water supply, land surface, or subsurface strata).

Religious Use:

A land use and all buildings and structures associated therewith devoted primarily to the purpose of divine worship together with reasonably related accessory uses, which are subordinate to and commonly associated with the primary use, which may include but are not limited to educational, instructional, social, residential or child care ministry uses.

Residential Development:

A tract of land that has a house or houses built thereon since July 16, 1973. For the purpose of this Ordinance the placement of a mobile home constitutes residential development.

Residential Facility for the Developmentally Disabled:

A facility, as defined by IC 12-7-2-166, that provides residential services for individuals with a developmental disability in a program described in IC 12-11-1.1(e)(1) or IC 12-11-1.1(e)(2).



Residential Facility for the Mentally Ill:

A facility, as defined by IC 12-7-2-167, that provides residential services for individuals with a mental illness in a program described in IC 12-22-2-3.

Resubdivision (Replat):

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

Retention Pond:

A pond, pool or basin used for permanent storage of water runoff.

Rezoning:

An amendment to the map of a zoning ordinance to effect a change in the nature, density, or intensity of uses allowed on a specific parcel or land area. See Zone Map Amendment.

Right-of-Way:

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

Right-of-Way, Railroad:

A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train or motor car sheds, warehouses, car or locomotive shops, or car yards.

Right-of-Way Width, Street:

The distance between property lines measured at right angles to the center line of the street.

Roadway:

Way of ingress and egress which serves two (2) or more parties which is greater than one hundred feet (100') in length. An ingress/egress which is less than one hundred feet (100') in length may, at the discretion of the Commission, be considered a roadway.

Runway:

The surface of the airport used for landing and taking-off of aircraft.

S

Sale or Lease:

Any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, interstate succession, or transfer, of an interest in a subdivision or part thereof, whether by deed, contract, or other written approval.

Screening:

Any means of protecting an area of land from the visual and audible effects of another area.

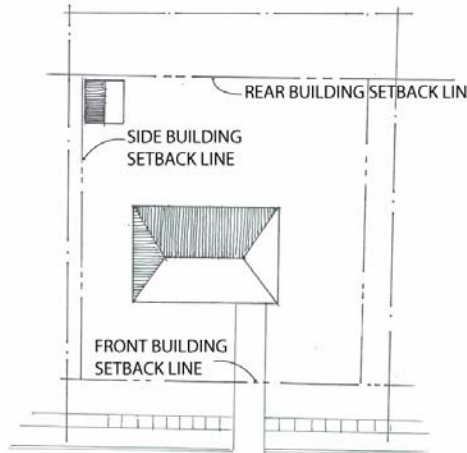
Sectionalizing:

A process whereby an applicant seeks secondary plat approval on only a portion of a plat which has previously been granted primary approval.

Setback:

The distance between a building and the abutting street or alley right-of-way line or property line regardless of whether it is the front, side or rear of the building. It is an imaginary line that requires all buildings to be set back a certain distance from property lines.

Figure II-21: Setback



Source: HNTB Corporation

Sexual Encounter Center:

An enterprise that as one of its business purposes offers for any form of consideration:

- a. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or



- b. Activities between male and female persons or persons of the same sex where one or more persons appear in a state of nudity or where the activities of one (1) or two (2) herein are characterized by an emphasis on activities which meet the definition of “harmful to minors” as set forth in IC 35-49-2-2 (and as it may from time to time be amended) and/or “sexual conduct” as set forth in IC 35-42-4-4 (and as it may from time to time be amended).

Special Flood Hazard Area (SFHA):

Those lands within the geographical territory of Terre Haute that are subject to inundation by the regulatory flood. The SFHAs of the City of Terre Haute are generally identified as such on the Flood Insurance Rate Map of the City of Terre Haute prepared by the Federal Emergency Management Agency and dated December 1, 1981.

Shop Area:

A production or repair area equipped with tools and machinery.

Shoulder:

That portion of a roadway between the outer edge of the through traffic pavement and the curb or the point of intersection of the slope lines at the outer edge of the roadway and the fill, ditch, or median slope, for the accommodation of stopped vehicles, for emergency use, and for lateral support.

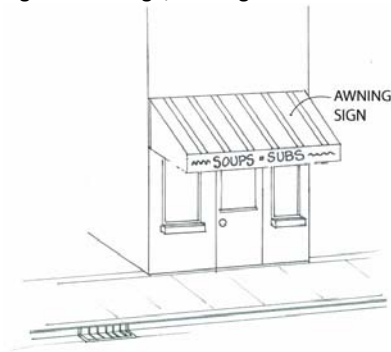
Sign:

Any structure, fixture, placard, announcement, declaration, device, demonstration or insignia used for direction, information, identification or to advertise or promote any business, product, goods, activity, services or interests.

Sign, Awning:

A building identification sign or graphic printed on or in some fashion attached directly to the material of an awning.

Figure II-22: Sign, Awning

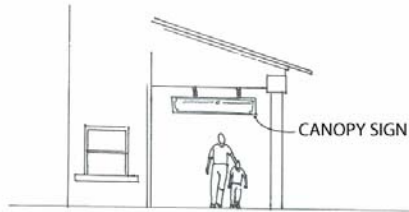


Source: HNTB Corporation

Sign, Canopy:

Any sign that is part of or attached to a canopy over a door, entrance, or window.

Figure II-23: Sign, Canopy

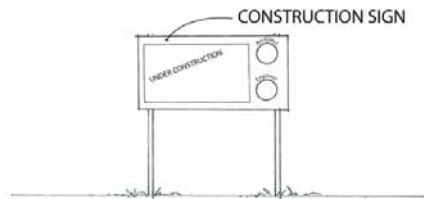


Source: HNTB Corporation

Sign, Construction:

A temporary sign, which identifies the construction activity on a property and announces the project, owner or developer, contractor, subcontractor, architect, engineer, funding sources or related information.

Figure II-24: Sign, Construction



Source: HNTB Corporation

Sign, Development:

A sign advertising the development or sale of the premises upon which it is erected.

Sign, Directional:

Any incidental sign, which serves solely to designate the location or direction of any place or area located on the same lot.

Sign Display Surface:

The surface of the sign upon, against, or through which the message of the sign is exhibited.

Sign, Flashing:

A sign on which the artificial light is not maintained stationary, or constant in intensity and color at all times when such sign is in use.



Sign, Freestanding:

A sign that is attached to, erected on or supported by some structure (such as a pole, mast or frame) that is not itself an integral part of or attached to a building or structure whose principal function is something other than the support of a sign.

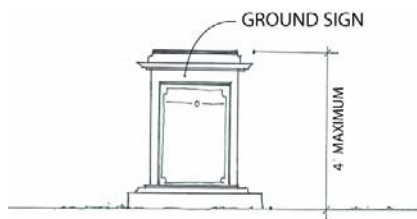
Sign, Gross Surface Area:

The entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of same. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.

Sign, Ground:

Any freestanding sign constructed in or on the ground surface with a maximum height not exceeding four feet (4') above grade.

Figure II-25: Sign, Ground



Source: HNTB Corporation

Sign, Identification:

Any sign which is limited to the name, address and number of a building, institution or person and to the activity carried on in the building or institution, or the occupancy of the person.

Figure II-26: Sign, Identification



Source: HNTB Corporation

Sign, Incidental:

A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as “no parking,” “entrance,” “loading only,” “telephone,” and similar directives.

Sign, Institutional:

Signs for schools, colleges, sanitariums, hospitals, churches, or other institutions of a similar public or semi-public nature.

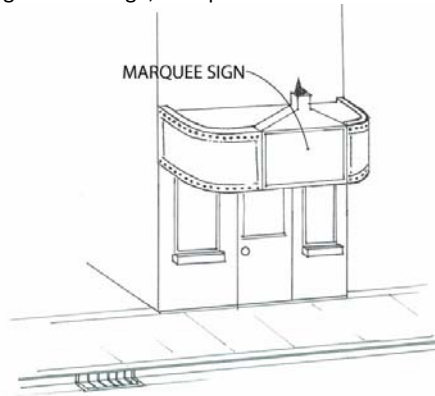
Sign, Legal Non-Conforming:

Any sign which does not conform to the specifications of this Chapter but was erected before the effective date of this Ordinance.

Sign, Marquee:

Any building identification sign painted, mounted, constructed or attached in any manner on a marquee.

Figure II-27: Sign, Marquee



Source: HNTB Corporation

Sign, Non-conforming:

A sign, which qualifies as a non-conforming structure.

Sign, Off-Premise:

A sign which directs attention to any business, profession, product, activity, commodity, or service, that is offered, sold, or manufactured on property or premises other than that upon which the sign is located. Also known as an outdoor advertising sign.

Sign, On-Premise:

A sign which directs attention to a building, business, product, activity, or service offered on the property on which the sign is located. Also known as a business sign.



Sign, Parking and Loading:

Any incidental sign which serves to designate the location of any parking or loading area on a lot and may include the name of the owner or the establishment for which such parking or loading area it is provided.

Figure II-28: Sign, Parking and Loading



Source: HNTB Corporation

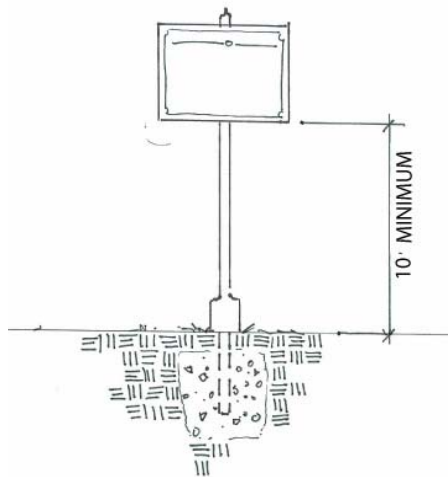
Sign, Point-of-Sale:

Any sign which carries the name of a firm, major enterprise, or products offered for sale on the premises or combination of those things.

Sign, Pole:

Any freestanding sign which has its supportive structures anchored in the ground and which has the lowest portion of its sign display surface elevated a minimum of ten feet (10') above the grade.

Figure II-29: Sign, Pole



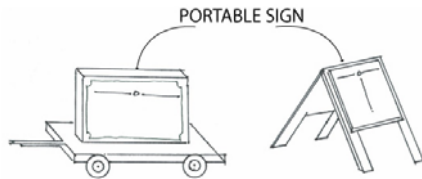
Source: HNTB Corporation

Sign, Portable:

Any sign or sign structure not securely attached to the ground or other permanent structure, or a sign designed to be transported from place to place, including but not

limited to signs transported by means of wheels; a sign attached to A- or T-frames; menu and sandwich board sign; balloon used as a sign; umbrella used for advertising; and, sign attached to or painted on a vehicle parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operation of the business.

Figure II-30 Sign, Portable

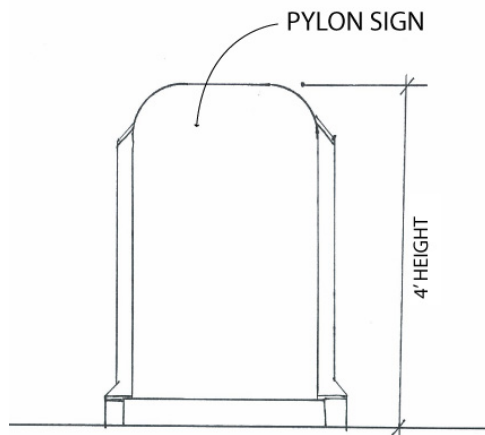


Source: HNTB Corporation

Sign, Pylon:

Any freestanding sign anchored in the ground with its sign display surface extending upward from the ground surface and which has a height exceeding four feet (4') above grade.

Figure II-31: Sign, Pylon



Source: HNTB Corporation

Sign, Rent or Sale:

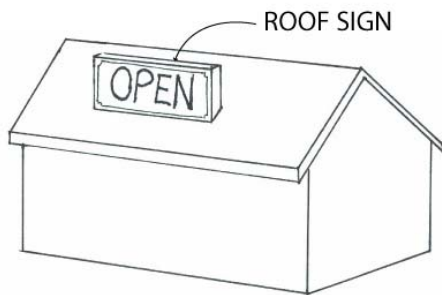
A sign advertising the rental or sale of the premises upon which it is erected; and signs bearing the words SOLD or RENTED with the name of the firm or parties affecting the sale or rental.

Sign, Roof:

Any sign erected on or wholly constructed upon a roof of any building and supported solely on the roof structure.



Figure II-32: Sign, Roof



Source: HNTB Corporation

Sign Structure:

Any structure including supports, uprights, bracing and framework that supports or is capable of supporting any sign.

Sign, Tall:

Any sign with an overall height in excess of the maximum height of freestanding identification signs in the zoning district in which the sign is located.

Sign, Temporary:

Any sign or sign structure which is not permanently affixed or installed, and is intended to be displayed for limited periods only. Examples of such signs include, but are not limited to the following: real estate, construction, special event, political, garage sale, home improvement/remodeling, model home and seasonal/holiday signs.

Figure II-33: Sign, Temporary

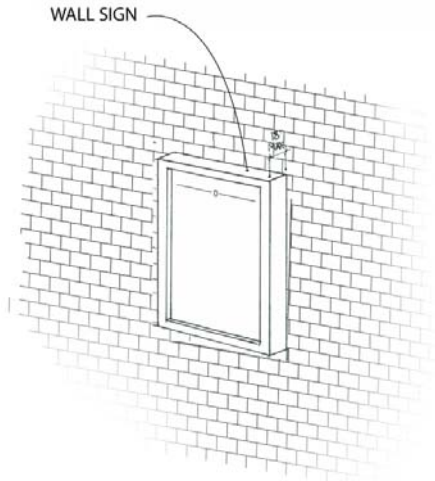


Source: HNTB Corporation

Sign, Wall:

Any sign attached to or erected on a wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall, within eighteen inches (18") of said wall, and containing only one sign display surface.

Figure II-34: Sign, Wall



Source: HNTB Corporation

Site Plan:

The design plan for one or more lots on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, flood plains, wetlands, and waterways; landscaping and open spaces; walkways; means of ingress and egress; circulation; utility services; structures and buildings; signs and lighting; berm, buffers, and screening devices; surrounding development; and, any other information that reasonably may be required in order that an informed decision can be made by the approving authority.

Solid Waste:

Any garbage, refuse, sludge from a wastewater treatment plant, sludge from a water supply treatment plant, sludge from an air pollution control facility, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, or agricultural operations or from community activities. However, the term "solid waste" does not include:

1. Solid or dissolved material in a domestic sewage or solid or dissolved materials in irrigation return flows or industrial discharges, which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act Amendments (33 U.S.C. 1342);
2. Source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.);



3. Manures or crop residues returned to the soil at the point of generation as fertilizers or soil conditioners as part of a total farm operation; or,
4. Vegetative matter at composting facilities registered under IC 13-7-35. (For reference see IC 13-7-1.)

Special Flood Hazard Area (SFHA):

Those lands that are subject to inundation by the regulatory flood.

Storage:

The long-term deposit (more than twenty-four (24) hours) of any goods, materials, merchandise, vehicles or junk.

Street (Road):

Any public or private right-of-way, with the exception of alleys, essentially open to the sky and open and dedicated to the general public for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, lane, road, drive, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a right-of-way for said purposes. A street may be comprised of pavement, shoulders, gutters, curbs, sidewalks, parking spaces, and similar features.

Street, Private:

A privately-held right-of-way, with the exception of alleys, essentially open to the sky and open to the general public for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, easement, road, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a right-of-way for said purposes. A private street may be comprised of pavement, shoulders, curbs, sidewalks, parking spaces, and similar features.

Street, Public:

A publicly dedicated, accepted and maintained right-of-way, with the exception of alleys, essentially open to the sky and open to the general public for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, lane, road, drive, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a public right-of-way for said purposes. A public street may be comprised of pavement, shoulders, gutters, curbs, sidewalks, parking spaces, and similar features.

Structural Alteration:

Any change, including addition thereto, other than incidental repairs, which would prolong the life of the supporting members of a building, such as a bearing wall, column, beam, girder, cribbing, joist, or rafter.



Subdivider:

Any person, individual, firm, partnership, association, corporation, estates, trust, or any other group or combination acting as a unit, dividing, or proposing to divide land so as to constitute a subdivision as herein defined, and includes any agent of the subdivider.

Subdivision:

All divisions of a quarter section, tract, or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale or building development.

Subdivision, Major:

All subdivisions not classified as minor subdivisions, including but not limited to subdivisions larger than a minor subdivision, or any size subdivision requiring any new streets or extension of the local governmental facilities, or the creation of any public improvements.

Subdivision, Minor:

Any small subdivision fronting on an existing street, not including any new street or road, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel for adjoining property, and not in conflict with any provision or portion of the Comprehensive Plan, Thoroughfare Plan, or this Ordinance.

Substantial Improvement:

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage” regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration will not preclude the structures continued designation as a “historic structure.”

Support System:

A pad or a combination of footings, piers, caps, plates, and shims, which, when properly installed, support a manufactured dwelling or mobile dwelling.

Surface Impoundment:

A natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials) that is not an injection well.

Swimming Pool:

A structure, whether above or below grade level, designed to hold water more than twenty four inches (24”) deep to be used for recreational purposes.



T

Tank:

A tank is a stationary device designed to contain an accumulation of liquids and which is constructed of non-earthen materials, for example, concrete, steel, or plastic that provides structural support.

Technical Advisory Committee

The Technical Advisory Committee for the Vigo County Area Planning Department.

Temporary Use, Building or Structure:

A use, building or structure which is:

1. Established for a fixed-period of time; or,
2. Seasonal in nature; or,
3. Providing emergency dwelling needs,

and which is consistent and compatible with the purpose, intent and land uses authorized within the zoning district in which such temporary use is located.

Thoroughfare Plan:

A plan and maps established by the governing body showing the location of streets and roads, functionally classified public facilities, utilities and desirable future infrastructure. The plan is approved, adopted and established by law and any amendments or additions, including those resulting from the filing and approval of subdivision plats, are adopted by the governing body as a continuous updating of the Plan.

Tourist Home:

An establishment used for dwelling purposes in which meals, lodging or both are provided or offered to transient automotive guests for compensation; which is located less than one hundred feet (100') from a highway.

Tract:

An area of land having a separate legal description which said legal description existed prior to the original effective date of this Ordinance.

Transfer Station:

A facility where solid waste is transferred from a vehicle or container to another vehicle or container for transportation. The term does not include the following:

1. A facility where the solid waste that is transferred has been generated by the facility; or,
2. A recycling facility. (For reference see IC 13-7-1.)



Transportation Terminal:

The use of land, buildings or structures for the purpose of storing, servicing, repairing, or loading trucks, transport trailers and/or buses, but does not include automobile service stations or transportation sales or rental outlets.

Travel Trailers or Campers:

A single-family, independent or dependent, vehicular portable structure built on a chassis, either self-propelled or non-self-propelled, factory designed, constructed, or reconstructed, including appurtenances thereto, to be movable and portable without permanent foundation or skirting. It is less than two hundred forty (240) square feet measured at the floor line, thirty (30) feet or less in length, and eight (8) feet or less in width. A camper is designed for attachment to a truck or utility trailer.

U

Underground Storage Tank:

One (1) tank or a combination of tanks, including underground pipes connected to the tank or combination of tanks, the volume of which, including the volume of the underground connected pipes, is at least ten percent (10%) beneath the surface of the ground, regulated under 329 IAC 9. Notwithstanding the exceptions in 329 IAC 9-1-1(b) and IC 13-11-2-241, for the purpose of this Chapter an underground storage tank also includes:

1. A tank which contains hazardous waste as regulated under subtitle C of the Federal Solid Waste Disposal Act.
2. A tank that is used to store heating oil for consumptive use on the premises where it is stored.

Use:

The purpose or activity for which the land, or building thereon, is designed, arranged, or intended, or for which it is occupied or maintained, and shall include any manner of performance of such activity with respect to the performance standards of this Ordinance.

Use, Accessory:

Any use which is conducted and operated in conjunction with a principal use and which:

1. Constitutes only a clearly incidental or clearly insubstantial part of the total activity that takes place on a lot; or
2. Is commonly associated and integrally related with the principal use.



Use, Conditional:

A use or occupancy of a structure, or a use of land, permitted only upon issuance of a conditional use permit and subject to the limitations and conditions specified.

Use, Permitted:

Any use allowed in a district and subject to the restrictions applicable to that district.

Use, Principal:

The primary or predominant use of any lot or parcel.

Use, Prohibited:

A use that is not expressly permitted in a district.

Utilities:

Installations for transmission of water, sewage, gas, electricity, telecommunications, and storm water, and similar facilities providing service to and used by the public.

V

Variance:

A grant of relief from the requirements of this Ordinance which permits construction in a manner that would otherwise be prohibited by this Ordinance.

Vehicle:

Every device in, upon, or by which any person or property is or may be transported upon a highway, except devices moved exclusively by human power or used exclusively upon stationary rails or tracks.

Vehicle and Equipment Repair Area:

An area designated, designed and intended for the purpose of repairing automotive vehicles or equipment.

Visual Runway:

A runway other than a precision instrument or non-precision instrument runway.

W

Well:

A bored, drilled or driven shaft, or a dug hole, whose depth is greater than the largest surface dimension.

Wellhead Protection Area:

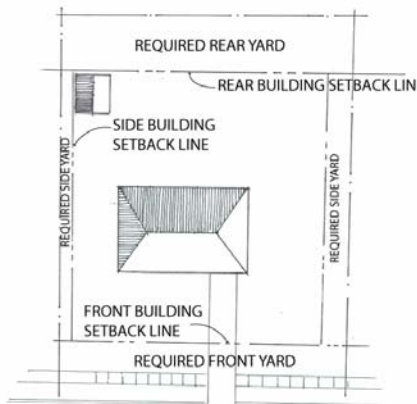
The critical portion of a three-dimensional zone surrounding a public well or well field, through which water will move toward and reach such well or well field.

Y

Yard:

An open area of land on the same lot with a main building or structure, unoccupied and unobstructed except as otherwise provided or required by this Ordinance and located between the main wall of the main building and one of the lot lines of the said lot.

Figure II-35: Yard



Source: HNTB Corporation

Yard, Buffer:

That portion of any yard abutting a Residential District having a minimum depth as required by the particular zoning district in which it is located and acting as a buffer between two or more land uses of different intensity.

Yard, Minimum:

That portion of any front, side or rear yard abutting a lot line having a minimum depth as required by the particular zoning district in which it is located.

Yard Sale:

A public or private sale conducted by the owner or occupier of a premise, and conducted within a residence, garage, other accessory buildings or outside thereof, which sale is of six (6) or more items of personal property owned or in the possession of the owner or occupier of the premises, which personal property was not acquired by the owner or occupier for the purpose of resale.

Z

Zoning Map, Official:

A map showing the jurisdictional limits and area of the Commission and dividing the land into various districts.

Zone Map Amendment:

An amendment to the map of a zoning ordinance to effect a change in the nature, density, or intensity of uses allowed on a specific parcel or land area. See Rezoning.