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CH14 2.1 - Definitions

Preface

The purpose of this section is to explain the meaning of the more important terms used in the text of the Lapel Zoning Ordinance. By making these meanings explicit, the risk of arbitrary administrative decisions through lack of understanding is reduced and fair administration of the ordinance enhanced; also those preparing applications will have their tasks made easier if the purposes, processes, and requirements of the ordinance are more clearly comprehended. Common understanding of the ordinance will facilitate adherence to it and the accomplishment of the stated public purposes for all parties affected by the ordinance in regard to adherence to its provisions and to the means of amending its text and maps.

It is extremely important that the definitions in the zoning ordinance be in agreement with the definitions in the Lapel Subdivision Ordinance and other development-related regulations in order to avoid conflicts between them. The lists of definitions need not be the same but those appearing in several ordinances should be in agreement although not necessarily equally comprehensive because of the differences of purpose of the various development-related ordinances. The definitions given here, for example, are in agreement with those in the recently published revised version of Highway Extension and Research Project for Indiana Counties and Cities Subdivision Regulations.

The definitions given here are designed to give maximum protection to the Town of Lapel in their regulation of land uses and should not be modified or abridged without sufficient reasons and careful consideration in the light of local conditions. Some additional terms may need to be defined if they are used frequently locally. It is also essential that the definitions finally used in the adopted ordinance reflect and not conflict with the actual terminology used in the text of all sections. This, of course, may vary somewhat in accordance with conditions unique to the Town of Lapel adopting an ordinance based on this Lapel Zoning Ordinance.

Only terms having a specific or narrow meaning will be defined. The dictionary definition will be used for terms not specifically defined in this Lapel Zoning Ordinance.

Definitions

Accessory Building. A subordinate structure, the use of which is incidental to that of the dominant use of the primary building or land.

Accessory Use. A subordinate use which is incidental to that of the primary use and is a use other than human occupancy.

Actual Construction. (See 4.3 (c)).

Administrator. The officer appointed by and/or delegated the responsibility for the administration of these regulations by the planning commission. The Town of Lapel, Indiana is hereby designated as the Administrator for the purposes of implementing this ordinance and is the Town of Lapel, Indiana officer referred to herein wherever the term Administrator appears.

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

Alley. A public or private way primarily designed to serve as a secondary access to the side or rear of those properties whose principal frontage is on some other street.

Applicant. The fee simple owner of land who makes application to the Lapel Plan Commission for action by said commission thereby affecting that land.

Arterial Street. Either a primary arterial or secondary arterial as defined in this section.

Bed and Breakfasts: Homestay. A small establishment, having one to three bedrooms for rent to transients as an activity which is subordinate and incidental to the main residential use of the building. These are generally treated as tourist homes.

Bed and Breakfast Inns. Establishments ranging from four to twenty guest rooms and may include restaurants that cater to the general public as well as to overnight guests. These are treated as commercial enterprises.

Billboard. See Sign, Outdoor advertising.

Block Face. One side of a street between intersections.

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

Board. The Advisory Board of Zoning Appeals of Lapel.

Boarding House. A building, not available to transients, in which meals are regularly provided for compensation for at least three inhabitants in addition to the owner occupant.

Boarding Kennel. A place primarily for keeping four or more dogs, or other small animals that are ordinarily kept as pets, and are at least four months old (which shall not include dangerous animals).

Buffer Landscaping. Any trees, shrubs, walls, fences, berms, or related landscaping features required under this ordinance or the Subdivision Regulations to be placed on private property and privately maintained or in public rights-of-way for the purpose of buffering lots from adjacent properties, for aesthetic purposes, and/or for creating sound barriers and/or visual privacy.

Building. Any roofed structure built for the support, shelter, enclosure, or protection of persons, animals, chattels or moveable property of any kind (each part of such a structure that is separated from the rest by unbroken party walls is considered to be a separate building for the purposes of this ordinance).

Building Area. The horizontal projected area of the buildings on a lot, excluding open areas or terraces, unenclosed porches not more than one story high, and architectural features that project no more than two feet.

Building Line. The line that establishes the minimum permitted distance on a lot between the front line of a building and the street right-of-way line.

Building Permit. See Location Improvement Permit.

Business. The purchase, sale, or exchange of goods or services, or the maintenance for profit of offices or recreational or amusement enterprises.

Business District. Refers to the HS, LB, GB, CB & OD districts.

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

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

Clinic. An establishment in which patients are admitted for medical or dental study or treatment and in which the services of at least two physicians or dentist are provided.

Dwelling Unit. A dwelling or part of a dwelling used by one family as a place of abode.

Easement. An authorization grant made by a property owner for use by another of any designated part of his property for a clearly specified purpose and officially recorded.

Family. One or more persons sharing meals and living as a single housekeeping unit.

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

Flood Hazard Areas. Those flood plains which have not been adequately protected from flooding caused by the regulatory flood, and are shown on the zoning map and/or on the Flood Hazard or Floodway-Flood Boundary Maps of the Federal Insurance Administration or maps provided to the Commission from the Indiana Natural Resources Commission.

Flood Plain. The area joining the river or stream which has been or may hereafter be covered by flood water from the Regulatory Flood.

Flood Protection Grade. The elevation of the lowest floor of a building, including the basement, which shall be two feet above the elevation of the regulatory flood.

Floodway. See Regulatory Floodway.

Floodway Fringe. That portion of the flood plain lying outside the floodway, which is inundated by the regulatory flood.

Foundation. The supporting member of a wall or structure.

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

Front Lot Line.

1. For an interior or through lot, means the line marking the boundary between the lot and abutting street or a lake or watercourse; and
2. For a corner lot, means the line marking the boundary between the lot and the shorter of the two abutting street segments.

except as deed restrictions specify otherwise.

Front Yard. The horizontal space between the nearest foundation of a building to the right-of-way line and that right-of-way line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the right-of-way line. The front yard of a corner lot shall be that yard abutting the street upon which the lot has its least frontage, except as deed restrictions specify otherwise.

Garage or Yard Sale. (See 4.4).

General Industrial Use. Manufacturing, processing, extraction, heavy repairing, dismantling, storage, or disposal of equipment, raw materials, manufactured products or wastes, in which some operations, other than transportation, are performed in open area.

Group Home. A single self-contained children's home established and operated by the county department of welfare, licensed private child placement agency or licensed incorporated group established for the purpose of receiving and caring for up to eight children who are attended by house "parents."

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

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

Height. With respect to a building, means the vertical distance from the lot ground level to the highest point, for a flat roof; to the deck line, for a mansard roof; and to the mean height between eaves and ridges, for a gable, hip, or gambrel roof.

Historical. A contiguous district is a geographically defined area wherein the properties are unified by past events, by physical development, or by plan. A contiguous district often includes properties that are not considered worthy of National Register status: such buildings are identified as "non-contributing". However, buildings may be considered as contributing to the district if they are not by themselves outstanding but add to the district's sense of time and place and historical development.

Home Service. The use of a home for a business or professional service which does not involve treating or attending a person or animal, except consultation or treatment by members of the medical and dental professions, beauticians, seamstresses and day care homes, which is established entirely within a dwelling unit and is conducted only by members of the family residing in the same dwelling unit.

Improvement Location Permit. A document issued under Section Nine of this Ordinance permitting a person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure within its jurisdiction, or cause the same to be done or to change the use or condition of the land.

Interior Lot. A lot other than a corner lot or a through lot.

Interested Parties. Those parties who are owners of properties adjoining or adjacent to the property for which a zoning change is being sought.

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

Light Industrial Use. Manufacturing, processing, extraction, heavy repairing, dismantling, storage, or disposal of equipment, raw materials, manufactured products or wastes, in which all operations, other than transportation, are performed entirely within enclosed buildings and for which all loading and unloading facilities are enclosed.

Local Street. A street intended to provide access to other streets from individual properties and to provide right-of-way beneath it for sewer, water, and storm drainage pipes.

Lodging House. A building, not available to transients, in which lodgings are regularly provided for compensation for at least three persons in addition to the owner occupant.

Lot. A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or of building development.

Lot, Corner. A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees. A lot with streets abutting more than two (2) sides shall also be a corner lot.

Lot Coverage. The percentage of the lot area that is represented by the building area.

Lot Ground Level.

1. For a building having walls abutting (that is, generally parallel to and not more than five feet from) one street only, means the elevation of the sidewalk at the center of the wall abutting the street;
2. For a building having walls abutting more than one street, means the average of the elevations of the sidewalk at the centers of all walls that face streets; and
3. For a building having no wall abutting a street, means the average level of the ground adjacent to the exterior walls of the building.

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

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

Maneuvering Space. An open space in a parking area which: 1) is immediately adjacent to a parking space; 2) is used for and/or is necessary for turning, backing or driving forward a motor vehicle into such parking space, but 3) is not used for the parking or storage of motor vehicles.

Manufactured Home. A single-family dwelling unit designed and built in a factory, installed as a permanent residence, which bears a seal certifying that it was built in compliance with the federal Manufactured Housing

Construction and Safety Standards Law (1974 U.S.C. 5401 et seq.), and which also complies with the following specifications:

1. shall have been constructed after January 1, 1981 and must exceed nine hundred fifty (950) square feet of occupied space per Indiana Code [36-7-4\(d\)](#);
2. is attached to a permanent foundation of masonry construction and has a permanent perimeter enclosure constructed in accordance with the One and Two Family Dwelling Code;
3. has wheels, axles, and towing chassis removed;
4. has a pitched roof with a minimum rise of 2/12; and,
5. consists of two (2) or more sections which, when joined, have a minimum dimension of 20' x 47.5' in length or width enclosing occupied space.

Mineral Extraction. (1) mining or quarrying; and (2) removal of earth materials.

Mobile Home. Any vehicle without motive power designated by the manufacturer or maker with hitch and undercarriage to permit attachment of axles and wheels, and so designed to permit its being used as a conveyance upon public streets and highways and so designed, constructed or reconstructed as will permit the vehicle to be used as a single-family dwelling and not qualifying under the definition of manufactured home.

Nonconforming Use. A building, structure or use of land existing at the time of enactment of this ordinance, which does not conform to the regulations of the district in which it is situated.

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

One and Two Family Dwelling Code, Indiana. The nationally recognized model building code adopted by the Indiana Department of Fire Prevention and Building Safety as mandated by Public Law 360, Act of 1971, and, which includes those supplements and amendments promulgated by this agency.

Open Use. The use of a lot without a building, or a use for which a building with a floor area no larger than five percent of the lot area is only incidental.

Parking Area. A group of parking spaces, exclusive of any part of a street or alley, designed or used for the temporary parking of motor vehicles.

Parking Garage. A garage, where parking but not repairs are available to the public.

Parking Space. An open space exclusive of maneuvering aisle and driveway for the parking of a motor vehicle.

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

Permanent Perimeter Enclosure. A permanent perimeter structural system completely enclosing the space between the floor joists of the home and the ground, except for necessary openings, constructed in accordance

with the One and Two Family Dwelling Code.

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

Plat. A map indicating the subdivision or resubdivision of land filed or intended to be filed for record with the County Recorder.

Planned Development. A unified development meeting the requirements for zoning approval under the provisions of Section Six of this ordinance.

Primary Arterial. A street intended to move through-traffic to and from such major attractions as central business districts, regional shopping centers, colleges and/or universities, military installations, major industrial areas, and similar traffic generators within the Town or County; and/or as a route for traffic between communities; a major intra or intercity thoroughfare as designated by and shown on the Thoroughfare Plan.

Principal Building. A building in which the principal use of the lot or parcel on which it is located is conducted. Standards recognized by the Indiana Department of Fire Prevention and Building Safety shall be used to determine whether a given structure constitutes one or more buildings in cases where ambiguities exist.

Private Garage. A garage whose principal use is to house motor vehicles for the accommodation of related dwelling units or related business establishments.

Private School. A school other than a public school.

Private Camp. An area of land used or designed to be used to accommodate groups or organized camping parties, including cabins, tents, food service, and recreational facilities.

Professional Office. An office used by members of a recognized profession including but not limited to architects, artists, dentists, engineers, lawyers, musicians, physicians, surgeons or pharmacists, and realtors or insurance agents and brokers.

Public Improvement. Any drainage ditch, street, highway, parkway, sidewalk, pedestrian-way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established. (All such improvements shall be properly bonded.)

Rear Lot Line. For an interior or corner lot, this means the lot line that is opposite the front lot line and farthest from it, except that for a triangular or other irregularly-shaped lot it means the line ten feet long, parallel to the front lot line, and wholly within the lot, that is farthest from the lot line.

Rear Yard. A yard as defined herein, encompassing the horizontal space between the nearest foundation of a building rear lot line and that rear lot line, extending to the side lines of the lot, and measured as the shortest

distance from the foundation to the rear lot line. The rear yard of a corner lot shall be that yard at the opposite end of the lot from the front yard.

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

1. is identified on the unit by the manufacturer as a travel trailer or a motor home; and
2. of a size that is street legal;

or:

1. is a structure mounted on an automobile or truck; and
2. is designed to be used for sleeping and human habitation.

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

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

Residential District. Those districts, R-1, R-2, and R-3 as described under Section 3, Districts.

Scrap Metal Yard. A general industrial use established independent or ancillary to and connected with another general industrial use, which is concerned exclusively in new and salvaged metal pipes, wire, beams, angles, rods, machinery, parts, filings, clippings, and all other metal items of every type, and which acquires such items incidental to its connection with the other general industrial use or by purchase, consignment or bailment which stores, grades, processes, melts, cuts, dismantles, compresses, cleans, or in any way prepares said items for reuse by the connected other general industrial use or for sale and shipment and use in other industries or businesses including open hearth, electric furnaces and foundry operations; such an establishment shall not include junk yards, dumps, or automobile graveyards. The storage, dealing in or the permitting of the accumulation of significant quantities of combustible, organic or nonmetal scrap materials such as wood, paper, rags, garbage, bones and shattered glass on the premises of such an establishment will disqualify it from being classified as a scrap metal yard, and the same will be classified as either a junk yard, a sanitary fill or refuse dump depending on the content of the accumulated matter.

Secondary Arterial. A street intended to collect and distribute traffic in a manner similar to primary arterials, except that these streets service minor traffic generating areas such as community-commercial areas, primary and secondary educational plants, hospitals, major recreational areas, churches, and offices, and/or designed to carry traffic from collector streets to the system of primary arterials as designated by and shown on the Thoroughfare Plan.

Section. A unit of a manufactured home at least ten (10) feet in width and thirty (30) feet in length.

Setback. A line parallel to and equidistant from the relevant lot line (front, back, side) between which no buildings may be erected as prescribed in this ordinance.

Side Lot Line. Any lines separating two lots other than front or rear lot lines.

Side Yard. The horizontal space between the nearest foundation of a building to the side lot line and that side lot line, unoccupied other than by architectural appurtenances projecting nor more than twenty-four (24) inches into that space; steps or terraces not higher than the level of the first floor of the building; and open lattice enclosed fire escape, fireproof outside stairways and balconies projecting not over twenty-four (24) inches into that space.

Sign. A visual device or structure used for advertising, display or publicity purposes.

Sign, Outdoor Advertising. A structural poster panel or painted sign, either freestanding or attached to a building, for the purpose of conveying information, knowledge, or ideas to the public about a subject unrelated to the activities on the premises upon which it is located.

Sign, Portable. A free-standing, on-premise advertising device which is designed to be moved from one location to another and is not permanently affixed to the ground or to a structure, or is only affixed by means of tiedown straps or stakes;

Special Use. The authorization of a use that is designated as such by this ordinance as being permitted in the district concerned if it meets special conditions, and upon application, is specifically authorized by the Advisory Board of Zoning Appeals.

Street. A right-of-way that is purchased by a governmental unit or is established by a recorded plat and publicly maintained to provide the principal means of access to abutting property.

Structural Change. A substantial change in a supporting member of a building, such as a bearing wall or partition, column, beam, or girder, or in an exterior wall or the roof.

Structure. Anything constructed or erected that requires location on or in the ground or attachments to something having a location on or in the ground.

Subdivision. The division of a parcel of land into two (2) or more lots, parcels, sites, units, plats, or interests for the purpose of offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms, and conditions, including resubdivision.

Through Lot. A lot fronting on two parallel or approximately parallel streets and includes lots fronting on both a street and a watercourse or lake.

Tourist Home. See Bed and Breakfast: Homestay

Trade or Business School. A secondary or higher education facility teaching usable skills that prepare students for jobs in a trade, business or vocation

Use. The employment or occupation of a building, structure or land for a person's service, benefit or enjoyment.

Use Variance. The approval of a use other than that prescribed by this zoning ordinance. Changes of allowed uses are not permitted by this ordinance except by zoning map amendment.

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

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