Chapter 12 – Definitions

The following rules of construction apply to the text of this Ordinance:

1. The specific provisions of this Ordinance supersede any general requirements established by this Ordinance.
2. The word "must" is a mandatory obligation and not discretionary. The phrase "must not" is a mandatory prohibition and not discretionary. The word "may" is a discretionary action. The word "should" is a recommendation. The word 'shall' imposes a duty on a Person or Persons.
3. Unless the context plainly indicates the contrary, the following rules apply. Words used in the present tense include the future. Words used in the singular number include the plural, and the plural includes the singular. Words of the masculine gender include the feminine, and the neutral gender will refer to any gender as required.
4. The phrase "used for" includes "arranged for, designed for, intended for, maintained for, or occupied for."
5. Unless it is plainly evident from the context that a different meaning is intended, a regulation which involves 2 or more items, conditions, provisions, or events connected by the conjunction "and, or," or "either . . . or," the use of the conjunction is defined as follows:
   - "And" means all the connected items, conditions, provisions, and events apply together and not separately.
   - "Or" means the connected items, conditions, provisions, or events apply separately or in any combination.
   - "Either . . . or" means the connected items, conditions, provisions, or events apply separately but not in combination.
6. The word "includes" does not limit a term to the specified examples but is intended to extend the term's meaning to all other instances or circumstances of like kind or character.

For this ordinance, terms or words used are interpreted or defined as follows.

Aa

ABANDONED VEHICLE has the meaning set forth in IC-9-13-2-1.

ACCESS STREET, MARGINAL. See **STREET, MARGINAL ACCESS**.

ACCESSORY STRUCTURE. A subordinate building or structure detached from a principal building but located on the same lot. It does not change the character of the premises. Agricultural buildings, public utility communications, electric, gas, water, and sewer lines, their supports and incidental equipment, and public telephone booths are considered accessory structures even though no principal building exists on the premises.

ACCESSORY USE. A use that:

- is clearly incidental and usually found connected with a principal building or use;
- is secondary and supportive to the primary use;
- is secondary in area, extent, or purpose to the primary use;
- contributes to the comfort, convenience, or necessity of occupants, business, or industry of the primary use;
- is located on the same lot as the primary use.

ADMINISTRATOR. The Director of Development Services or a person to whom the Director delegates authority under this Ordinance.

ADULT BUSINESS. An adult bookstore, adult cabaret, adult drive-in theater, adult live entertainment arcade, adult mini-motion picture theater, adult motion picture arcade, adult motion picture theater, or adult service establishment.

ADVISORY PLANNING LAW has the meaning set forth in *IC 36-7-4-101*.

AGRICULTURE. Areas where the use of land is devoted to 1 or more of the following: soil tillage in crop production; production or maintenance of hay and pasture crops; husbandry of livestock or poultry, and horses, and their products, excluding small animals commonly kept as household pets; and/or growing of trees for timber or timber products, erosion control and other purposes commonly found in agricultural areas.

AIRPORT. Any location either on land or water which is used for the landing and taking off of aircraft.

ALLEY. A right-of-way other than a street, road, crosswalk providing a secondary means of access to the property it reaches.

AMATEUR RADIO ANTENNA has the meaning set forth in Title 47 of the Code of Federal Regulations, Part 97.

AMPHITHEATER / OUTDOOR VENUE: An event venue that is open to the outdoor elements and is designed and constructed for artistic performances, speaking events, and other similar activities. An amphitheater / outdoor venue typically includes a stage, a seating area, and related dressing rooms, storage, lighting, etc.

ANIMAL has the meaning set forth in *IC 15-17-2-3*.

ANIMAL, DOMESTIC has the meaning set forth in *IC 15-17-2-26*.

ANTENNA. Any communications equipment that transmits or receives electromagnetic radio signals used in the provision of wireless communications service.

APPLICANT. A person who submits to the Town a complete application for a permit or any related approval, including a proposal under *IC 36-7-4-608* to change the zone maps incorporated by reference into this Ordinance, a request for a waiver under the *IC 36-7-4-700* series or the *IC 36-7-4-1400* series, an appeal or a variance application under the *IC 36-7-4-900* series, or a request for a commitment modification or termination under *IC 36-7-4-1015*. The term does not include a person who files a petition for judicial review of a zoning decision under the *IC 36-7-4-1600* series.

APPLICATION, COMPLETE. Form(s) completed by an applicant, as required by this Ordinance or by the rules of the WPC or WBZA, to apply either for a permit or for any related approvals required from the Town with respect to the same general subject matter.

ART CENTER. A facility dedicated to the creation, display, and teaching of art, including studios, galleries, and classrooms. Can also be used as a therapeutic tool to promote mental health and well-being.

ART GALLERY. An establishment engaged in the sale, loan, or display of art books, paintings, sculptures or other works of art. This does not include libraries, museums, or non-commercial art galleries.

ARTISAN. One skilled in an applied art; a craftsman.

ARTISAN'S WORKSHOP. An establishment for the preparation, display, and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles and related items.

AUTOMOBILE SERVICES, LIGHT: Establishments providing routine maintenance and minor repair servicing of automobiles, which may include washing, cleaning, waxing, greasing, tire repair, wheel alignment, brake repair, muffler replacement, engine tune-up, flushing of radiators, servicing of air conditioners, and other activities of minor repair and servicing.

AUTOMOBILE SERVICES, HEAVY: Establishments providing major repairs to the servicing of automobiles, including engine over-haul or replacement, body work, upholstery work, glass replacement, transmission over-haul, brake repair with drum and disc grinding, replacement of electrical accessories such as starters and alternators, frame alignment, and rebuilding of wrecked auto-mobiles, excluding commercial wrecking, dismantling, junk yard, truck and tractor re-pair.

Bb

BASE STATION. A station located at a specific site that is authorized to communicate with mobile stations. The term includes all radio transceivers, antennas, coaxial cables, power supplies, and other electronics associated with a station.

BED AND BREAKFAST. All or part of a residential building - other than a motel, apartment hotel or hotel - containing lodging rooms for 5 or more persons who are not members of the keeper's family. Lodging, meals, or both are provided by prearrangement, for definite periods, and for compensation.

BLOCK. An area that abuts a street and lies between 2 intersecting streets or barriers such as railroad rights-of-way or watercourses.

BOARD OF ZONING APPEALS (BZA). The Board of Zoning Appeals established by the Town under the Advisory Planning Law. For purposes of this Ordinance, "WBZA" refers to the Whitestown Board of Zoning Appeals.

BUFFERYARD. A unit of yard including the landscaping required to separate land uses.

BUILDING. Any enclosed structure.

BUILDING CODE. The Indiana Building Code as adopted by the Indiana Fire Prevention and Building Safety Commission.

BUILDING INSPECTOR. The employee or officer of the Town empowered to inspect and approve Improvement Location Permits and to act as the agent of the Administrator concerning the enforcement of building code ordinances.

BUILDING, DETACHED. A building without structural connection to another building.

BUILDING HEIGHT. The vertical distance measured from the lot ground level to the highest point of the roof for a flat roof; to the deck line of a mansard roof; and to the mean height between eaves and ridges for gable, hip and gambrel roofs. *See Figures 12-1, 12-2, and 12-3*.

BUILDING PERMIT. See **IMPROVEMENT LOCATION PERMIT**.

BUILDING AREA. The horizontal projected area of the buildings on a lot, excluding open areas or terraces, unenclosed porches not more than 1 story high, and architectural features that project no more than 2 feet (*See Figure 12-4)*.

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

BZA. See **BOARD OF ZONING APPEALS**.

Cc

CEMETERY. Any land or structure in Indiana that is dedicated to, and used for, or intended to be used for, the interment, entombment, or inurnment of human remains.

CERTIFICATE OF OCCUPANCY. A certificate stating that the occupancy and use of land, building, or structure complies with the provisions of this Ordinance.

CHILD CARE. A service that provides for the care, health, safety, and supervision of a child's social, emotional, and educational growth.

CHILD CARE CENTER. A ~~nonresidential~~non-residential building where at least one child receives child care from a provider:

1. while unattended by a parent, legal guardian, or custodian;
2. for regular compensation; and
3. for more than 4 hours but less than 24 hours in each of 10 consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.

CHILD CARE HOME. A residential structure in which at least 6 children (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative or any child who is at least 14 years of age and does not require child care) 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 4 hours but less than 24 hours in each of 10 consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.

CHILD CARE MINISTRY. Child care operated by a church or religious ministry that is a religious organization exempt from federal income taxation under Section 501 of the Internal Revenue Code.

CHILD CARING INSTITUTION. An institution that:

1. operates under a license issued under *IC 31-27*;
2. provides for delivery of mental health services that are appropriate to the needs of the individual; and
3. complies with rules adopted by the Indiana Department of Child Services.

COLLOCATION. The placement or installation of wireless facilities on existing structures that include a wireless facility or wireless support structure, including water towers, and other buildings or structures. The term includes the placement, replacement, or

modification of wireless facilities within an approved equipment compound.

COMMERCIAL MESSAGE. Any visual representation that, directly or indirectly, names, advertises, or calls attention to a business or other commercial activity.

COMMITMENT. A covenant concerning the use or development of a parcel of real property made in writing by the owner of that parcel, either voluntarily or by an order or request of the Plan Commission, the WBZA, or the Town Council, pursuant to *IC 36-7-4-1015*.

COMMON AREA. An area held in common by an owners' association, not located in rights-of-way, and not located on individually owned private property. The area is designed and intended for the common use or enjoyment of the individual owners of the development. May include complementary structures and improvements.

COMMUNITY CENTER. An establishment used as a place of meeting, art, recreation, or social activity. May provide religious, fraternal, social, veterans or recreational programs; and is generally open to the public.

COMPREHENSIVE PLAN. A composite of all materials prepared by the WPC and approved by the Council under the *IC 36-7-4-500* series or under prior law. It includes a master plan adopted under any prior law. The Comprehensive Plan of the Town is separate from this Ordinance.

CONCEPT PLAN. An informal review of a proposed subdivision by the Plan Commission at a public hearing to alert applicants to problems and requirements before the official submission.

CONFINED FEEDING. The confined feeding of animals for food, fur, or pleasure purposes in lots, pens, ponds, sheds, or buildings where:

1. animals are confined, fed, and maintained for at least 45 days during any 12-month period; and
2. ground cover or vegetation is not sustained over at least 50% of the animal confinement area.

However, the term does not include the following:

- A livestock market: (a) where animals are assembled from at least two sources to be publicly auctioned or privately sold on a commission basis; and (b) that is under state or federal supervision.
- A livestock sale barn or auction market where animals are kept for not more than 10 days.

CONFINED FEEDING OPERATION. As defined in *IC 13-11-2-40*,

1. Any confined feeding of 300 or more cattle, 600 or more swine or sheep, 30,000 or more fowl, or 500 or more horses;
2. Any animal feeding operation where the operator elects to be subject to *IC 13-18-10*;
3. Any animal feeding operation that is causing a violation of the State's water pollution control laws or rules; or
4. Any animal feeding operation that is causing a violation of *IC 13-18-10*.

CONSERVATION AREA. Designated open space.

COUNCIL. The Town Council of the Town of Whitestown, Indiana.

COUNTY. The County of Boone, Indiana.

COURT. Any court having jurisdiction.

Dd

DATA CENTER. An establishment engaging in the storage, management, processing, and/or transmission of digital data, and housing computer and/or network equipment, systems, servers, appliances, and other associated components related to digital data operations.

DEPARTMENT. The Department of Planning and Community Development of the Town of Whitestown, Indiana.

DEVELOPER. A person engaged in developing lots or structures for use or occupancy.

DEVELOPMENT PLAN. A specific plan for the development of real property that:

1. Requires approval by the Plan Commission under the 1400 Series of *IC 36-7-4*:
2. Includes a site plan.
3. Satisfies the development requirements specified in the ordinance regulating the development; and

4. Contains the plan documentation and supporting information required by the ordinance regulating development.

DEVELOPMENT REQUIREMENT. Development standards and additional requirements which must be satisfied in connection with the approval of a development plan.

As relates to *Section 9.4*, a requirement:

- for development of real property in a Zoning District for which a development plan is required; and
- that conforms to *IC 36-7-4-1403*.

As relates to planned unit development a requirement:

- for development of real property in a planned unit development district that must be met; and
- that conforms to *IC 36-7-4-1508*.

DIAMETER AT BREAST HEIGHT (DBH). The measurement of the caliper of a tree at a point 4.5 feet above finished grade on the uphill side of a tree.

DIRECTOR. The Director of Development Services.

DISTRICT. A specific district within the jurisdiction which has uniform regulations governing the use, height, area, size, and intensity of use of buildings and land, and open spaces.

DWELLING. All or part of a building used primarily as a place of residence, not including a hotel, motel, lodging house, boarding house, bed and breakfast, or manufactured home park.

DWELLING, MULTI-FAMILY. A building, or portion thereof, or group of dwellings on one parcel containing separate living units for 3 or more families having separate or joint entrances living independently of each other.

DWELLING, SINGLE FAMILY DETACHED. A detached residential dwelling unit designed 1 family.

DWELLING, SINGLE FAMILY ATTACHED. A single structure consisting of two dwelling units on individual lots and joined along a single lot line, each of which is separated by a common wall extending from ground to roof.

DWELLING, TOWNHOME. A single structure consisting of not less than three dwelling units where each unit is on its own separate lot. The unit is attached to one or more other townhouse dwelling units by at least one common wall with no other dwelling or portion of other dwelling directly above or below.

DWELLING, TWO FAMILY. A detached residential building containing 2 dwelling units designed for occupancy by no more than 2 families.

DWELLING UNIT. A room or group of rooms including provisions for living, eating, sleeping and cooking designed for use by only 1 family and its household employees. The term includes mobile and manufactured homes but does not include recreational vehicles.

Ee

EASEMENT. An authorization by a property owner for providing services or access to the property.

EDUCATIONAL FACILITIES, COLLEGE/UNIVERSITY: An institution other than a trade school that provides ~~full time~~full-time or part time education beyond high school. *See also definitions: Trade or Business School.*

EDUCATIONAL FACILITIES, PRIMARY & SECONDARY: A public or private institution for the teaching of children including pre-kindergarten, kindergarten, elementary school, junior high schools and senior high schools, but excluding colleges/ universities, trade, business or commercial schools. *See also definitions: Trade or Business School.*

ELECTRIC VEHICLE CHARGING, LEVEL ONE: 1 kw to 2kw: Uses a common residential 120 Volt alternating current (AC) outlet and connects to the charging cord that is supplied by the vehicle manufacturer. Level 1 delivers about 5 miles of range per hour of charging and is used in homes and occasionally in workplaces. Level 1 charging provides between 1kw to 2kw and can add approximately 40 miles of range in 6 to 12 hours.

ELECTRIC VEHICLE CHARGING, LEVEL TWO: 7 kW to 19 kW: Provides charging through a 240 V (for residential) or 208 V (for commercial) plug or hardwiring and usually requires installation of additional charging equipment. Residential Level 2 charging generally delivers about 7 kW of power (about the same as an electric stove with all the burners and the oven on). Commercial Level 2 chargers deliver about 19 kW, or about what is recommended for a home electric generator. Level 2 chargers deliver 10 to 50 miles of

range per hour of charging. Used in homes, workplaces, and for most public charging, 40 miles of distance can be added to a vehicle in 40 minutes to 2 hours.

ELECTRIC VEHICLE CHARGING, LEVEL THREE/DIRECT CURRENT FAST CHARGERS (DCFC): Sometimes referred to as "Level 3 chargers," DCFCs use specialized, high-powered equipment that typically requires 480 V three-phase AC power. The upper range of DCFCs has been increasing, with some chargers providing 50-350 kW or more. Depending on the charger's power, the EV's power acceptance limit, and other factors, DCFCs can deliver from 60 to over 200 miles of range in 20 minutes. DCFCs enable rapid charging for long-distance trips and for charging large trucks. DCFCs cost more than Level 1 and Level 2 charging do, so many drivers limit their use of them to times when the speed of charging is important (e.g., for long-distance travel, high-value driving such as for transportation network companies [TNCs] like Uber or Lyft, or other delivery services). Most new EVs can use DCFCs; however, not all can use the highest-power DCFCs. Larger or more powerful DCFC installations may require additional electrical equipment to be installed outside the parking area, remote from the charger itself.

ENFORCEMENT OFFICIAL. An individual who has enforcement authority under Section 11.16 of this Ordinance.

EQUIPMENT COMPOUND. The area that:

- Surrounds or is near the base of a wireless support structure; and
- Encloses wireless facilities.

ELECTRICAL TRANSMISSION TOWER. A structure that physically supports high voltage overhead power lines. The term does not include a utility pole.

ESTABLISHED FRONT SETBACK. See **SETBACK, ESTABLISHED FRONT**.

ESTABLISHMENT OF AN ADULT BUSINESS. This phrase means and includes any of the following:

- The opening or beginning of any such business as a new business;
- The conversion of an existing business, whether or not an adult business, to any adult business;
- The addition of any adult businesses to any other existing adult business; or
- The relocation of any such business.

EXISTING STRUCTURE does not include a utility pole or an electrical transmission tower.

Ff

FAMILY. One or more people living as single housekeeping unit. Does not include a group occupying a hotel, motel, club, nursing home, dormitory, fraternity or sorority house.

FENCE. A tangible barrier constructed of any allowable material erected for the purpose of providing a boundary or as a means of protection, or to prevent uncontrolled access, or for decorative purposes (such as an ornamental gate), or to screen from viewers in or on adjoining properties and streets, materials stored and operations conducted behind it.

FINANCIAL INSTITUTION. Any bank, trust company, corporate fiduciary, savings association, credit union, savings bank, bank of discount and deposit, or industrial loan and investment company organized or reorganized under Indiana law, and includes licensees under *IC 24-4.4*, *IC 24-4.5*, and *750 IAC 9*.

FIXTURE, LIGHT. The assembly that houses a lamp(s) and may include some or ~~all of~~all the following parts: an assembly housing, mounting bracket or pole socket, lamp holder, ballast, reflector or mirror, and a refractor or lens.

FLOODPLAIN. The actual channel and the areas adjoining any wetland, lake, or watercourse which have been or in the future may be covered by the regulatory flood. The floodplain includes both the floodway and the fringe districts (*See Figure 12-5)*.

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

FLOOR AREA, NET. The sum in square feet, at grade, computed from the outside dimensions of the structure. It does not include garage area, crawl space, attic area, porches, patios, elevator shafts, display windows, etc.

FLOOR AREA, GROSS. The sum of the gross horizontal areas of the several floors of a building or structure from the exterior face of exterior walls, or from the centerline of a wall separating 2 buildings but excluding any space where the floor-to-ceiling height is less than 6 feet.

FLOOR AREA, GROUND. Same as **FLOOR AREA, NET** except computed for ground floor only.

FOOD PROCESSING. The preparation, storage, or processing of food products.

FRATERNITY, SORORITY OR STUDENT HOUSING. A building used as group living quarters for a student body or religious order as an accessory use for a college, university, boarding school, convent, monastery, or other similar institutional use.

FREEWAYS or **EXPRESSWAYS**. Similar to interstates, but without the interstate designation. They have regional or statewide significance.

FRONTAGE. The property's distance along a dedicated street or road.

FRONTAGE ROAD. A street that is parallel to and adjacent to a thoroughfare or other main road. It is designated to provide access to abutting properties and reduce the effects of the through traffic on the thoroughfare.

Gg

GARAGE, PRIVATE RESIDENTIAL. An accessory structure to a residential building used for the parking and storage of vehicles owned and operated by the residents.

GARAGE, PARKING. Any garage, other than private garage, for the parking of vehicles.

GLARE: Light emitted by a luminaire at an intensity that causes a reduction in visibility, eye fatigue, or in extreme cases momentary blindness.

Governmental Agency Training Facility. An establishment for training state and local law enforcement, fire safety, public works or transit personnel and accessory facilities including but not limited to: (1) dining and overnight accommodations; (2) classrooms; (3) indoor or outdoor shooting ranges; (4) auto test tracks; and (5) fire suppression simulations.

GRADE. The slope of a road, street, or other public way specified in percentage.

GROUND-MOUNTED SOLAR ENERGY SYSTEM. A device, array or devices, or structural design feature, the purpose of which is to provide for generation or storage of electricity from sunlight, or the collection, storage, and distribution of solar energy for space heating or cooling, daylight for interior lighting or water heating. The system is mounted on a rack or pole that rests or is attached to the ground.

GROUP RESIDENTIAL FACILITY. A facility licensed by the State of Indiana to provide a homelike setting to the developmentally disabled and/or the mentally ill. This provides the benefits of a group living situation as an alternative to hospitalization or institutionalization.

Hh

HEAVY VEHICLE/ EQUIPMEMT SALES, RENTALS, and SERVICE. An establishment primarily engaged in the sale, rental, or servicing of semi-trucks, construction equipment, and similar industrial equipment.

HEAVY VEHICLE PARKING LOT. A site primarily used for the parking of heavy vehicles including, but not limited to, semi-trucks, trailers, and other multi-axle vehicles.

HOME OCCUPATION. A livelihood carried on by an occupant at his or her place of residence under the requirements of this ordinance.

HOMEOWNERS ASSOCIATION has the meaning set forth in *IC 32-25.5-2-4*.

HOSPITAL. A hospital that is licensed under *IC 16-21-2*.

HOTEL. Building(s) where lodging is provided to the public for compensation. A **HOTEL** is open to transient guests, unlike a boarding house or lodging house.

HOUSE OF WORSHIP. Any church, synagogue, mosque, temple, or building that is used primarily for religious worship and related religious activities.

Ii

IMPROVEMENT LOCATION PERMIT. Written permission issued by the administrator for the construction or

alteration to a structure that complies with the development standards of this Ordinance and building codes.

INDUSTRIAL PARK. A land that is planned and developed as a unit featuring landscaped open spaces and well-designed structures to be used for research, offices, experimental, and testing laboratories, light industrial, storage and distribution facilities, and for necessary uses to the convenience of employees. It is managed by a company guaranteeing the continued maintenance of all common areas and installations.

INDUSTRY, LIGHT. Manufacturing, processing, extraction, heavy repairing, dismantling, storage, or disposal of equipment, raw materials, manufactured products or wastes, where operations, other than transportation, are performed entirely within enclosed buildings. Loading and unloading facilities are enclosed.

INSTITUTION. Any facility maintained or conducted by a public or private organization engaged in receiving and caring for dependent, neglected, handicapped, or permanently disabled persons, children in danger of becoming delinquent, or children who are unattended by parents or guardians.

INTERNAL ILLUMINATION. Sign illumination where the characters, letters, fixtures, designs or outlines are illuminated from the inside or behind the sign.

INTERSTATE. The highest classification of roadway. They prioritize mobility and have extremely limited access. Interstates are high speed, high volume and have statewide or national significance. They are planned and maintained by state authorities with federal oversight.

Jj

JUNK YARD. Any lot, parcel, or tract of real estate, platted or un-platted, where personal property is or may be salvaged for reuse, resale, reduction etc. The personal property 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 matter; and property used for the dismantling, wrecking, storage, sale, or dumping of 2 or more inoperative motor vehicles or their parts. This does not include farm machinery that is owned by a farm operator and is used for parts replacement for machinery currently being used in the farming operation.

JURISDICTION. The area inside the corporate boundaries of the Town.

Kk

KENNEL. Any lot or premises on which there are located run cages, pens and/or animal housing units for dogs or other small animals that are commonly kept as household pets, at least 3 months old and where the primary use of the facility is to breed and/or board the animals, whether on a temporary or long-term basis. All animals must be licensed in accordance with County regulations.

- A small kennel contains 4 to 25 run cages, pens and/or animal housing units.
- A medium kennel contains 26 to 50 run cages, pens and/or animal housing units.
- A large kennel contains more than 50 run cages, pens and/or animal housing units.

Ll

LANDSCAPE CONTRACTOR. An establishment primarily engaged in the decorative and functional alteration, planting, and maintenance of grounds.

LAMP. A component of a luminaire that produces light. A lamp includes a bulb and its housing.

LAW includes the Constitution of the State of Indiana, statutes, and ordinances.

LEGISLATIVE BODY. The town council for the Town of Whitestown.

LIGHT POLLUTION. General sky glow which is caused by the scattering of artificial light in the atmosphere, caused by luminaries.

LIGHT TRESPASS. Light emitted by a luminaire that shines beyond the Lot Lines of the Lot on which the luminaire is located.

LIGHTING PLAN. A plan which depicts compliance with and meets the requirements of *Article 6.8 Lighting Plans*.

LIGHT VEHICLE/ EQUIPMEMT SALES, RENTALS, and SERVICE. An establishment primarily engaged in the sale, rental, or servicing of new or used motor vehicles and other equipment. This includes but is not limited to passenger cars, light-duty trucks, light-duty trailers, lawn mowers, and other similar vehicles and equipment.

LIFE CARE FACILITY. A facility for the housing and care of elderly residents that may or may not contain on-site health care facilities.

LIQUOR STORE. Establishments engaged in the sale of alcoholic beverages for off-premises consumption.

LIVESTOCK has the meaning set forth in *IC 15-17-2-47*.

LIVE/WORK DWELLING. A unit containing an integrated living and working space with shared access that is intended to function predominately as business workspace with incidental residential use that has bathing facilities. The unit typically has the workspace, public display area, or showroom on the ground floor of the unit and most of the residence located with on an upper floor or at the back of the unit.

LOADING BERTHS. The off-street area required for vehicles receiving or distributing material or merchandise.

LOCAL ROADS. The largest percentage of roadways in the town. Their primary function is to provide access to parcels. trips are short, speeds are lower and cut-through traffic may be discouraged. All remaining roads that are not arterials or collectors are considered local roads. In most cases, local roads are not part of the system of roads eligible for federal funding.

LOT. A platted parcel or tract of land which meets minimum zoning requirements and provide such yards and other open spaces as required. For subdivision purposes, a lot is a contiguous parcel of land in identical ownership throughout, bounded by other lots or streets, and used or set aside and available for use as the site of one or more buildings or other definite purpose.

LOT AREA. The area of horizontal plane bounded by the vertical planes through front, side, street side, and rear lot lines.

LOT COVERAGE. The total ground area within the **LOT** or project covered by the primary structure, accessory structures, and impervious surfaces (e.g., driveways, sidewalks, parking lots, patios, swimming pools, garages, carports, and storage sheds).

LOT, CORNER. A lot at the junction of or abutting 2 or more intersecting streets (*See Figure 12-6)*.

LOT DEPTH. The average horizontal distance between the front and rear lot lines.

LOT, FLAG. A lot with access provided by a narrow corridor.

LOT, INTERIOR. A lot other than a **LOT, CORNER** or **LOT, THROUGH**. (*See Figure 12-7).*

LOT, MEW. A lot served by an alley or street fronting an open space or common area. The front yard setback for a mew lot is measured from the narrowest property line abutting the open space or common area (*See Figure 12-8)*.

LOT, PERIMETER. A subdivision lot that either:

1. Has a lot line that abuts the right-of-way of a street or frontage road located on the perimeter of the subdivision; or
2. Is separated by a common area from the right-of-way of a street located on the perimeter of the subdivision.

LOT, REVERSE FRONTAGE. A through lot fronting upon an existing perimeter street and served by a street or alley. For determining building setbacks, the front yard of a reverse frontage lot is the narrowest property line adjacent to the existing perimeter street, and the yard opposite the front yard is the rear yard.

LOT, THROUGH. A lot having frontage on 2 parallel or approximately parallel streets (*See Figure 12-9)*.

LOT LINE. A line dividing 1 lot from another lot or from a street or alley.

LOT LINE, FRONT. Any property line separating the lot from a street, or on a flag lot, the interior lot line most parallel to and nearest the street of access. In the case of a corner lot, a line separating the narrowest street frontage of the lot from the street, unless otherwise determined by the Administrator.

LOT LINE, REAR. Any property line which is not intersecting, most distant from, and most parallel to the front lot line. A lot bounded by only 3 lot lines will not have a rear lot line.

LOT LINE, SIDE. Any lot boundary-line that is not a front lot line or rear lot line.

LOT LINE, STREET SIDE. A lot line other than a front lot line or a rear lot line that abuts a street. Street side lot lines does not include lot lines that abut an alley.

LOT OF RECORD. A lot whose existence, location, and dimensions have been legally recorded in a deed or on a plat recorded in the office of the Boone County Recorder, provided that the lot meets the development standards and requirements for lots in its district where it was located when recorded.

LOT WIDTH. The horizontal distance between side lot lines measured at the required front setback line or building line, whichever is less.

LUMEN. A unit of measurement of luminous flux. One foot-candle is equal to one lumen per square foot.

LUMINAIRE. A complete lighting system and includes the lamp or lamps and a Lighting Fixture.

LUMINANCE. A level of light measured at a point on a surface.

Mm

MAJOR ARTERIALS. Carry high volumes of regional traffic. They serve major cities from multiple directions and provide connectivity between cities in rural areas. Arterials provide direct access to adjacent land but may limit the number of intersections and driveways to give higher priority to ~~through traffic~~ thorough traffic. Principal arterials are spaced at two to three miles in suburban areas and farther apart in rural areas.

MAJOR COLLECTORS. Gather traffic from the local roads and connect them to the arterial network. They provide a balance between access to land and corridor mobility. Major collectors provide connectivity to traffic generators not already on the arterial system, such as schools, parks and major employers.

MAJOR THOROUGHFARE. All primary traffic corridors entering or leaving the Town including, but not limited to, C.R. 650 E, C.R. 400 S, C.R. 300 S, C.R. 500 S, 575 E, SR267, and Indianapolis Road.

MAJOR THOROUGHFARE, ADJACENT TO A. Any lot(s) located near a major thoroughfare not separated from the major thoroughfare by another buildable lot.

MAJOR UTILITY EASEMENT. Easements for high-voltage electric transmission lines used for trans-county or trans-state ~~distribution;~~distribution, or easements for high-volume conveyance of natural gas or petroleum in underground pipelines for trans-county or trans-state distribution.

MANUFACTURING, HEAVY. An establishment engaged in manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from extracted or raw materials or the bulk storage and handling of such products and materials, or an industrial establishment having potential to produce noise, dust, glare, odors or vibration beyond its property line. This term includes but is not limited to: (a) processing and packaging of food and beverages; (b) chemical manufacturing; (c) ~~stone work~~ stonework or concrete product manufacturing; (d) fabrication of metal ~~products;~~products; (e) manufacturing of agricultural, construction, or mining machinery; (f) motor vehicle manufacturing; (g) lumber milling; (h) ship or boat construction (i) permanent concrete/batch plant.

MANUFACTURING, LIGHT. An establishment engaged in the manufacturing, assembly, fabrication, packaging or other industrial processing of finished parts or products, primarily from previously prepared materials, or the indoor provision of industrial services, where there are few external effects across property lines. This term includes but is not limited to a business engaged in the processing, fabrication, assembly, treatment or packaging of food, textile, leather, wood, paper, chemical, plastic or metal products, but does not include basic industrial processing from raw materials.

MANUFACTURED HOME. A dwelling unit designed and built in a factory, which bears a seal certifying it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law of 1974. **MASONRY MATERIAL**. Brick, limestone, natural stone, manufactured stone, or a combination of these materials, bounded together with a mortar to form a wall, buttress, or similar mass. For the purpose of this Ordinance, thin stone veneer, EIFS,

stucco, thing brick veneer, and fiber cement siding are not masonry materials.

MASSAGE. Any method of treating the superficial soft parts of the body including rubbing, stroking, kneading, or tapping with the hands or instruments. Massage as used in this Ordinance does not apply to the activity of a Massage Therapist licensed by the State of Indiana.

MASSAGE ESTABLISHMENT. An establishment having a fixed place of business and a source of compensation derived from the practice of massage.

MAXIMUM DENSITY. The maximum number of units per acre of land on the total land to be developed, exclusive of rights-of-way of perimeter streets, floodway areas, and non-developable areas.

MINOR ARTERIALS. Similar to principal arterials but are spaced more frequently and serve trips of moderate length. Spacing of minor arterials is one to three miles in suburban areas and further apart in rural areas. Minor arterials connect most cities and larger towns and provide connectivity between principal arterials.

MINOR COLLECTORS Similar to major collectors but are used for shorter trips. They provide traffic circulation in ~~lower-density~~lower density developed areas and connect rural areas to higher-class roadways.

MANUFACTURED HOME PARK. A manufactured home community, as defined in *IC 16-41-27-5*, which includes 1 or more parcels of land that have all the following characteristics:

1. The parcels are subdivided and contain individual lots that are leased or otherwise contracted;
2. The parcels are owned, operated, or under the control of 1 or more persons; and
3. Where a total of at least 5 manufactured homes or manufactured homes are being occupied as principle residences.

Pursuant to *IC 16-41-27-5*, the term **MANUFACTURED HOME PARK** also includes all of the following: (i) All real and personal property used in the operation of the park; (ii) A single parcel; (iii) Contiguous but separately owned parcels if they are jointly operated; (iv) 2 or more parcels that are separated by other parcels, but are jointly operated and connected by a private road; (v) 1 more parcels, if at least 2 of the manufactured homes or manufactured homes located on the land are either (A) accessible from a private road or interconnected private roads; (B) served by a common water distribution system; or (C) served by a common sewer or septic system.

MOTEL. See **HOTEL**.

MOTOR VEHICLE. A vehicle that is self-propelled. The term does not include a farm tractor, an implement of agriculture designed to be operated primarily in a farm field or on farm premises, or an electric personal assistive mobility device.

MUNICIPAL CORPORATION. A city, town, county, township, school corporation, library district, housing authority, fire protection district, public transportation corporation, local building authority, local hospital authority or corporation, local airport authority, special service district, or other separate local governmental entity that may sue and be sued under Indiana Law. The term does not include a special taxing district.

MUSEUM. A building having public significance by reason of its architecture or former use or occupancy, or a building housing a specific collection of natural, scientific, or literary materials, objects of interest, or works of art, and designed to be used by the public with or without an admission charge. It may include as an accessory use the sale of goods to the public.

Nn

NIGHT CLUB. An establishment dispensing liquor and/or meals where music, dancing, or entertainment is conducted, excluding adult or sexually oriented activities.

NON-CONFORMING USE. Lots, structures, uses of land, and/or Zoning Districts which were lawful before this ordinance was amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendments.

NURSING HOME. A facility licensed by the State of Indiana that provides nursing and health care services on a continuing basis to persons of all ages who require medical treatment but not hospitalization.

Oo

OFFICE, ALL OTHERS. A room or group of rooms used for conducting the affairs of a business, profession, service industry, or government.

OFFICE, MEDICAL. A building, other than a hospital, used by one or more licensed physicians for the purpose of receiving and treating patients.

OPEN DUMP. The consolidation of solid waste from 1 or more resources or the disposal of solid waste at a single disposal site that does not fulfill the requirements of a sanitary landfill or other land disposal method as prescribed by law or regulations. It is established and maintained without cover and without regard to the possibilities of contamination of surface or subsurface water resources.

OPEN SPACE. Common area providing light and air designed for environmental, scenic, or recreational purposes. Cropland, forested areas, or pastureland qualifies as open space. Open space may include turf areas, decorative plantings, walkways, active and passive recreation areas, playgrounds, and wooded areas. Open space includes Primary Conservation Areas and Secondary Conservation Areas. Open space does not include areas devoted to public or private streets or rights-of-way.

ORDINANCE VIOLATIONS BUREAU. The ordinance violations bureau established for the Town under Chapter 2.50 of the Whitestown Municipal Code.

OVERLAY DISTRICT. A Zoning District that encompasses 1 or more underlying zones and that imposes additional requirements above that required by the underlying zone.

Pp

PARENT LOT, TRACT, OR PARCEL. The lot, tract or parcel of land for which approval is sought to subdivide it into at least 2 lots, tracts, parcels or other divisions of land for sale, development or lease.

PARK BOARD. The Whitestown Board of Parks and Recreation.

PARKING FACILITY includes the: (a) land; (b) structures and other improvements above, at, or below ground level; (c) entrances, exits, equipment, and fences; and (d) other accessories or appurtenances; necessary or desirable for safety and convenience in the off-street parking of vehicles, are owned or leased by the Town, and are used for the off-street parking of vehicles.

PARKING SPACE. A space not on a street or alley designed for the temporary parking of a motor vehicle.

PERIMETER FENCE OR WALL. Any fence or wall within 0° to 45° of being parallel to a perimeter road and within the rear yard setback for the applicable Zoning District.

PERIMETER LOT. See **LOT, PERIMETER**.

PERIMETER THOROUGHFARE. See **THOROUGHFARE, PERIMETER**.

PERMIT. Any of the following:

1. An improvement location permit.
2. A building permit.
3. A certificate of occupancy.
4. Approval of a site-specific development plan.
5. Approval of a primary or secondary plat.
6. Approval of a contingent use, conditional use, special exception, or special use.
7. Approval of a PUD ordinance.

PERSON. Any individual, firm, limited liability company, corporation, association, fiduciary, or government entity.

PLAN COMMISSION. The plan commission established by the Town under the Advisory Planning Law. For purposes of this Ordinance, "WPC" refers to the Whitestown Plan Commission.

PLANNED UNIT DEVELOPMENT (PUD). A development of real property:

1. In the manner set forth in Section 11.10 of this Ordinance; and
2. That meets the requirements in the Advisory Planning Law for a specific PUD Ordinance.

PLANNING DEPARTMENT. The Whitestown Department of Planning and Community Development.

PLANT NURSERY. Any structure or land used primarily for the storage, cultivation, or transplanting of live trees, shrubs, or plants offered for retail or wholesale sale.

PLAT. A map or chart indicating the subdivision or re-subdivision of land intended to be filed for record.

PLAT COMMITTEE. A committee appointed by the WPC under *IC 36-7-4-701* to hold hearings on and approve plats and replats on behalf of the WPC.

PRIMARY PLAT. A plat that qualifies for primary approval under the standards prescribed by Chapter 9 of this Ordinance. The term includes a preliminary plat that was approved under prior law.

PRIMARY STRUCTURE. A building in which the primary use of the lot or premises on which it is located is conducted, including a building that is attached to such a building in a substantial way, such as by a roof. With respect to residential uses, the primary building is the main dwelling.

PRIMARY USE. The predominant use of any lot or parcel or as determined by the primary structure.

PRINCIPAL USE. See **PRIMARY USE**.

PRIVACY FENCE. A fence with 60% or greater opacity.

PROJECTING SILL. A windowsill that projects out at least 0.75 inch from the plane of the façade to which it is incorporated.

PROTECTED USE: The following uses are protected uses for purposes of the Adult Business standards in this Ordinance.

1. A church, synagogue, mosque, or other place of worship.
2. A public or private nursery school or any other public or private school serving one or more of grades K through 12.
3. A child care center licensed by the Indiana Family and Social Services Administration.
4. A public or private park, playground, playing field, sports facility or fairground.
5. A public or private cemetery.
6. A public housing facility.
7. Gymnasiums, dance studios, theater companies, and other facilities used by children.
8. An Agricultural zoning district.
9. A Residential zoning district.

PUBLIC ART. Any visual work of art, accessible to public view, on public or private property. The work of art may include but is not limited to sculptures, monuments, and fountains.

PUBLIC PLACE. Any tract owned by the State of Indiana or a political subdivision.

PUBLIC RECORD has the meaning set forth in *IC 5-14-3-2*.

PUBLIC SAFETY SERVICES. Those services including, but not limited to Police, Fire, EMS, and Public Works departments.

PUBLIC SEWER UTILITY. A municipal or public sewage disposal service that has been issued a final order by the Indiana Utility Regulatory Commission (IURC) granting a Certificate of Territorial Authority (CTA) to the utility and maintains the CTA in good standing with the IURC.

PUBLIC UTILITY INSTALLATIONS. The construction, alteration, operation, or maintenance of buildings, power plants, substations, water and sewage treatment plants, pumping stations, and other similar public service structures by a public utility, railroad or by a municipal or other governmental agency. Also as defined in **IC 8-1-2-1**

PUBLIC WATER UTILITY. A municipally owned or ~~investor owned~~investor-owned water utility that has been issued a final order by the IURC granting a Certificate of Necessity and Convenience (CNC) to the utility and maintains the CNC in good standing with the IURC.

PUBLIC WAY includes highway, street, avenue, boulevard, road, lane, or alley.

PUD DISTRICT. A Zoning District for which a **PUD ORDINANCE** is adopted.

PUD ORDINANCE. An ordinance adopted by the Council under the *IC 36-7-4-1500* series to establish a specific Planned Unit Development district within the meaning of *IC 36-7-4-1502*.

Rr

RECREATION AREA. An area designated, designed, and equipped ~~for of~~for sports and leisure-time activities.

RECREATION FACILITY, INDOOR. An indoor place primarily designed and equipped for sports and leisure-time activities.

RECREATION FACILITY, OUTDOOR. An area primarily designed and equipped of outdoor sports and leisure-time activities. Such facility may be either public or private.

RECREATIONAL VEHICLE (RV). A vehicle designed as a temporary living quarters for recreation, camping or travel, either with their own motor power or mounted or towed by another powered vehicle.

RECREATIONAL VEHICLE PARK. Any lot or land upon which 2 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.

REGULATED DRAIN. An open drain, a tiled drain, or a combination of the two, that is regulated by the Boone County Drainage Board under *IC 36-9-27*.

RELIGIOUS INSTITUTION. A building, together with its accessory buildings and uses, where persons regularly assemble for religious purposes and related social events and which buildings, together with accessory buildings and uses, is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.

RESIDENTIAL FACILITY FOR INDIVIDUALS WITH A DEVELOPMENTAL DISABILITY has the meaning set forth in *IC 12-7-2-166*.

RESTAURANT. An establishment whose principal business is the sale of prepared food and/or beverages for consumption on or off the premises.

1. Class A restaurants principal operation ~~include~~includes 2 of the following:
   - Customers are provided with an individual menu and served their food or beverages in non-disposable containers by a wait staff at the same table where the food or beverages are consumed.
   - Cafeteria-type operations where food or beverages are generally consumed within the restaurant building.
   - Carryout service is not the predominant type of service available.
2. Class B restaurants do not fall within the classification of Class A. Class B ~~have~~has the characteristics of offering food service over a counter or through a drive-through facility, having a limited menu of items already prepared and held for service or prepared quickly.

RETAIL SALES, PERSONAL SERVICES, & REPAIR. An establishment primarily engaged in the selling of goods, wares, or merchandise; or providing recurrently needed services to the general public. Specific uses and services include but are not limited to antique shop, apparel shop, bicycle shop, bookstore, barber and beauty shops, nail salons, and diet counseling services.

RETAIL SALES, SERIVCE & REPAIR, SPECIAL HANDLING. An establishment primarily engaged in selling products that require special handling due to risks to public safety. Specific uses include gun sales and CBD stores.

RIGHT-OF-WAY. A strip of land occupied or intended to be occupied by transportation facilities, public utilities (including but not limited to water lines, sewer lines, power lines, and gas lines), or other special public uses. In no case shall a right-of-way be construed to mean an easement.

ROADSIDE PRODUCE STAND. A temporary structure designed or used for the display or sale of agricultural and related products.

ROOF-MOUNTED SOLAR ENERGY SYSTEM. A device, array or devices, or structural design feature, the purpose of which is to provide for generation or storage of electricity from sunlight, or the collection, storage, and distribution of solar energy for space heating or colling, daylight for interior lighting or water hearing. The system is mounted on a rack that is fastened to or ballasted on a structure roof.

Ss

SATELLITE RECEIVER ANTENNA. A type of antenna that is designed to receive satellite signals and that is not more than 2 feet in diameter. **SCREENED-IN PORCH**. A single-story structure architecturally incorporated into a primary structure, with a screened area in excess of 60% of the gross area of the structure's exterior walls.

SECONDARY PLAT. A plat that qualifies for secondary approval under the standards prescribed by Chapter 9 of this Ordinance. The term includes a final plat that was approved under prior law.

SERVICE STATION, LOCAL. Any structure or land use primarily for the dispensing or sale of fuels, including electric charging stations, to the local public to propel motor vehicles. Service stations include convenience stores on site.

SERVICE STATION, TRUCK STOP. Any structure or land use primarily for the dispensing or sale of fuels, including electric charging stations, or parking of tractor trucks or similar heavy commercial vehicles. Service stations include convenience stores on site and may also include overnight accommodations, showers, or restaurant facilities.

SETBACK, ESTABLISHED FRONT. The lease measured distance between the right-of-way line and the nearest point on the primary structure's foundation.

SETBACK LINE. A line established by this Ordinance defining the limits of a yard in which no building or structure may be located except as may be excluded in said ordinance (*See Figure 12-10)*.

SHARED DRIVEWAY. A single driveway that serves 2 to 4 adjacent lots pursuant to access easements.

SHIELD. Any attachment, which interrupts and blocks the path of light emitted from a Luminaire or Fixture.

SHIELDED, FULLY. A bulb not visible within a shielded Fixture and no light is emitted from the top or sides of the Fixture. All light emitted from a Fixture is projected downward below a horizontal plane running through the lowest point of a Fixture where light is emitted.

SHOOTING RANGE. An outdoor establishment primarily used for discharging firearms safely and engaged in providing qualifications, training, or practice services.

SHOPPING CENTER, REGIONAL. A large group of stores, which can include a mix of both freestanding and multi-tenant buildings, planned and designed for the site on which it is built, functioning as a unit, with off-street parking, landscaped areas, and pedestrian malls or plaza's provided on the property as an integral part of the unit. Commonly configured as malls and open-air strip centers.

SHOPPING CENTER, MULTI-TENANT. A single property that houses multiple independent businesses or organizations under one roof, each with their own leased space but with shared common areas. Commonly referred to as commercial strip centers.

SIGN. Any object, device, display, or structure, or part thereof situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

1. Animated sign - any sign that uses movement or change of lighting to depict action or create a special effect or scene.
2. Banner - any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at 1 or more edges. National flags, state, or municipal flags, or the official flag of any institution or business are not considered banners.
3. Building marker - any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.
4. Building sign - any sign attached to any part of a building, as contrasted to a freestanding sign.
5. Canopy sign - any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.
6. Flag - any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.
7. Flying Banner sign – a portable, stand-alone sign comprised of light fabric that moves with the wind and can turn 360˚ and is supported by a pole structure and a base.
8. Freestanding sign - any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.
9. Incidental sign - 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," and other similar directives. No sign with a commercial message

legible from a position off the lot on which this sign is located is considered incidental.

10. Marquee - any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

11. Monument – A freestanding sign where the base of the sign structure is on the ground.

12. Off-premises sign - directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

13. Portable sign - any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible front the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

14. Projecting sign - any sign affixed to a building or wall in such a manner that its leading edge extends more than 6 inches beyond the surface of such building or wall.

15. Residential sign - any sign located in a residential district that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of this Ordinance.

16. Roof sign - any sign erected and considered wholly on an over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

17. Roof sign, integral - any sign erected or constructed as an integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than 6 inches.

18. Suspended sign - a sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

19. Temporary sign - any sign that is used only temporarily and is not permanently mounted.

20. Wall sign - any sign attached parallel to, but within 6 inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only 1 sign surface.

21. Window sign - any sign, poster, symbol, or other type of identification or information about the use or premises directly attached to the window of a building or erected on the inside or outside of the window, which is legible from any part of a public right-of-way or adjacent property. For purposes of this definition, a "window" is defined as an opening in the wall or roof of a building or vehicle that is fitted with glass or other transparent material in a frame to admit light or air and allow people to see out.

SIGN, ABANDONED. A sign associated with an abandoned use, a sign that remains after the termination of the business, or a sign on its immediate premises not adequately maintained or repaired.

SITE PLAN. A plan prepared to scale showing accurately and with complete dimensions, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features, interior vehicular and pedestrian access proposed for a specific parcel of land.

SMALL CELL FACILITY. Either of the following:

1. A personal wireless service facility (as defined by the Federal Telecommunications Act of 1996 as in effect on July 1, 2015); or

2. A wireless service facility that satisfies the following requirements:

   a. Each antenna, including exposed elements, has a volume of 3 cubic feet or less.

   b. All antennas, including exposed elements, have a total volume of 6 cubic feet or less.

   c. The primary equipment enclosure located with the facility has a volume of 17

cubic feet or less. For purposes of this clause (c), the volume of the primary equipment enclosure does not include the following equipment that is located outside the primary equipment enclosure: electric meters; concealment equipment; telecommunications demarcation boxes; ground-based enclosures; backup power systems; grounding equipment; power transfer switches; cutoff switches.

SMALL CELL NETWORK. A collection of interrelated small cell facilities designed to deliver wireless service.

SOLAR COLLECTOR. A device, structure, or a part of such for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy. The collector does not include frames, supports, or mounting hardware.

SPECIAL EXCEPTION. The authorization of a use, designated as being permitted in the district concerned if it meets special conditions, and upon application, is specifically authorized by the WBZA.

SPECIFIED ANATOMICAL AREAS. This phrase means and includes any of the following:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola; or
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES. This phrase means and includes any of the following:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy;
3. Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts;
4. Flagellation or torture in the context of a sexual relationship;
5. Masochism, erotic or sexually oriented torture, beating or the infliction of pain;
6. Erotic touching, fondling or other such contact with an animal by a human being; or
7. Human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in items 1 through 6 above.

STABLE, PRIVATE. An accessory building in which horses are kept for private use and not for remuneration, hire, or sale.

STABLE, PUBLIC. An accessory building in which horses are kept for commercial use including boarding, hire, riding, show, or sale.

STADIUM. A commercial structure with tiers of seats rising around a field or court, intended to be used primarily for the viewing of athletic events. Sports arena may also be used for entertainment and other public gathering purposes, such as conventions, circuses, or concerts.

STATE. The State of Indiana.

STATUTE. A law enacted by the Indiana General Assembly.

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

STREET OR ROAD. A right-of-way established for or dedicated to the public use, which affords the principal means of access to abutting properties.

STRUCTURAL ALTERATION. Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the exterior walls or roof.

STRUCTURE. Anything constructed or erected which requires location on the ground or attachment to something having a location on the ground.

SUBDIVIDER. Any person having an interest in land that is the subject of an application for subdivision. Also, a person applying for subdivision.

SUBDIVISION. The division of a parcel of land into lots, parcels, tracts, or interests in the manner defined and prescribed by Chapter 9 of this Ordinance.

SUBDIVISION CONTROL ORDINANCE. The subdivision regulations of this Ordinance, which are contained in Chapter 9.

SUBDIVISION, MAJOR. The division of a lot, tract, or parcel of land into 5 or more lots, tracts, parcels or other divisions of land for sale, development or lease. The parent lot, tract or parcel of land counts as 1 of the subdivided lots, tracts, parcels or other subdivisions of land for the purpose of determining whether the application for approval is to be treated as a major or minor subdivision.

SUBDIVISION, MINOR. The division of a lot, tract, or parcel of land into 2 to 4 lots, tracts, parcels or other divisions of land for sale, development or lease. The parent lot, tract or parcel of land counts as 1 of the subdivided lots, tracts, parcels or other subdivisions of land for the purpose of determining whether the application for approval is to be treated as a major or minor subdivision.

SUBSTANTIAL MODIFICATION OF A WIRELESS SUPPORT STRUCTURE. The mounting of a wireless facility on a wireless support structure in a manner that either:

1. Increases the height of the wireless support structure by 10% of the original height of the wireless support structure, or 20 feet, whichever is greater;
2. Adds an appurtenance to the wireless support structure that protrudes horizontally from the wireless support structure more than 20 feet, or the width of the wireless support structure at the location of the appurtenance, whichever is greater; or
3. Increases the square footage of the equipment compound in which the wireless facility is located by more than 2,500 square feet.

However, notwithstanding subdivisions (1), (2), and (3), the term does not include any of the following:

4. Increasing the height of a wireless support structure to avoid interfering with an existing antenna.
5. Increasing the diameter or area of a wireless support structure to shelter an antenna from inclement weather, or to connect an antenna to the wireless support structure by cable.
6. Any modification of a wireless support structure or base station that involves only collocation, removal of transmission equipment, or replacement of transmission equipment.

Tt

THEATER. A facility for audio, visual & motion picture productions and performing arts.

THOROUGHFARE. A public way or public place that is included in the Thoroughfare Plan of the Town. The term includes the entire right-of-way for public use of the thoroughfare and all surface and subsurface improvements on it such as sidewalks, curbs, shoulders, and utility lines and mains.

THOROUGHFARE PLAN. A statement of policy for the development of public ways which is included in the Comprehensive Plan under *IC 36-7-4-506*. The term includes any short or long range plan for the location, general design, and assignment of priority for construction of thoroughfares in the jurisdiction for the purpose of providing a system of major public ways which allows effective vehicular movement, encourages effective use of land, and makes economic use of public funds.

TOWN. The Town of Whitestown, Indiana.

TRACT. An area of land that is:

1. Under common fee simple ownership;
2. Contained within a continuous border; and
3. A separately identified parcel for property tax purposes.

For subdivision purposes, a tract is a contiguous quantity of land, in the possession of or owned by or recorded as the property of the same claimant or person, which is set aside and allotted a finite number of allowed subdivisions therein as described on the Primary Plat and then ultimately subdivided by a Secondary Plat into lots of indeterminate size until development occurs.

TRADE OR BUSINESS SCHOOL. A secretarial or business school or college when not publicly owned or not owned or conducted by or under the sponsorship of a religious, charitable, or non-profit organization, or a school conducted as a commercial enterprise for teaching music, dancing, barbering, hair dressing, drafting, or industrial or technical arts.

Uu

USE. The specific purposes, for which land or a building is designated, arranged, intended or for which it is or may be occupied or maintained.

UTILITIES, MAJOR. Utilities and their operations, as defined in other parts of the ordinance, may have significant and far-reaching impact, a broad scope, and/or substantial demand and visibility. Examples could include: High-voltage electric transmission lines used for trans-county or trans-state distribution; high-volume conveyance of natural gas or petroleum in underground pipelines for trans-county or trans-state distribution, power distribution substations & regional transformers.

UTILITIES, MINOR. Utilities and their operations, as defined in other parts of this ordinance, which have a narrow scope, incidental impact, largely unnoticed, and demand minimal resources. Examples may include but are not limited to: Street level or underground power lines, water / sewer lines, substations, transformers, & lift stations.

UTILITIES, PRIVATE. Utilities that are not subject to town acceptance for operation or maintenance. For purposes of this ordinance, private utilities include natural gas lines, power lines, telephone lines, cable television lines, and other communication lines, their appurtenances ~~an~~and any component part(s) thereof, and the utility companies' operation, maintenance, repair and replacement of same.

UTILITIES, PUBLIC. Utilities that are subject to city acceptance for operation and maintenance. For purposes of this ordinance public utilities include water lines, sanitary sewer lines, storm sewer lines, and their appurtenances and any component parts thereof. Included is definition as set forth in **IC 8-1-2-1**.

UTILITY POLE. A structure (other than a wireless support structure or electrical transmission tower) that is:

1. Owned or owned or operated by a public utility, a communications service provider, a political subdivision, an electric membership corporation, or a rural electric cooperative; and
2. Designed and used to carry lines, cables, or wires for telephony, cable television, or electricity, or to provide lighting.

UTILITY REGULATORY COMMISSION. The Indiana Utility Regulatory Commission.

Vv

VARIANCE. A modification of the specific requirements of this ordinance for the purpose of assuring that no property, because of special circumstances applicable to it, be deprived of privileges commonly enjoyed by other properties in the same vicinity and district.

VEHICLE STORAGE, COMMERCIAL. An area where vehicles including but not limited to: RV, boats, standard vehicles, large trucks, company trucks, delivery trucks, semi-trucks, and trailers may be stored outdoors.

VESTED RIGHT. A right vested in an applicant or other person to whom or which a permit or other approval has been issued or granted within the meaning of *IC 36-7-4-1109*.

VETERINARY ANIMAL HOSPITAL OR CLINIC. A facility where the primary use is for a licensed veterinarian and his/her supervised staff to care for, diagnosis, and treat sick, ailing, infirm or injured animals, and those in need of medical or surgical attention. Temporary boarding on the premises as an accessory use is ~~allowed~~allowed.

Ww

WAIVER. A decision of the WPC, the Plat Committee, any other committee, or a hearing examiner to waive or modify either a standard fixed in Chapter 9 of this Ordinance or a development requirement.

WATERCOURSE. Lakes, rivers, streams, and any other body of water. The term does not include an underground aquifer or water in an underground aquifer.

WHOLESALE TRADE OR STORAGE/DISTRIBUTION CENTER. An establishment where goods are received, stored, transferred, loaded, and/or unloaded for delivery to the ultimate customer. The place of business may engage in selling and/or distributing merchandise to retailers, business owners, or other wholesalers. This is not considered a general commercial use.

WIRELESS COMMUNICATIONS SERVICE. Service provided in accordance with the Federal Telecommunications Act of 1996.

WIRELESS FACILITY. The set of equipment and network components necessary to provide wireless communications service. The term does not include a wireless support structure.

WIRELESS SUPPORT STRUCTURE. A freestanding structure designed to support wireless facilities. The term does not include a utility pole or an electrical transmission tower.

Yy

YARD. A space on the same lot with principal building, open, unoccupied and unobstructed by structures, except as otherwise provided in this ordinance.

YARD, FRONT. A yard extending across the full width of the lot, unoccupied other than by steps, walks, terraces, driveways, parking lots, landscaping, lampposts and similar structures, the depth of which is the perpendicular distance between the street right-of-way line and the front setback line.

YARD, REAR. A yard extending across the full width of the lot between the rear of the main building and the rear lot ~~line~~line, the depth of which is the perpendicular distance between the rear lot line and the rear setback line.

YARD, SIDE. A yard extending across the full length of the lot, unoccupied other than by steps, walks, terraces, driveways, parking lots, landscaping, lampposts, and similar structures, the depth of which is the perpendicular distance between the side lot line and the side setback line.

YARD, STREET SIDE. A yard extending across the full length of the lot, unoccupied other than by steps, walks, terraces, driveways, parking lots, landscaping, lampposts, and similar structures, the depth of which is the perpendicular distance between the side lot line abutting a street right-of-way and the side setback line.

YARD SALE. Garage sales, rummage sales, yard sales, and the like mean the sale of personal property from a residentially occupied site, provided that such sale does not extend beyond 3 consecutive days and further that they may be conducted to a maximum of 4 times in a calendar year.

Zz

ZONE MAP. The map or maps that are a part of this Ordinance and delineate the boundaries of zone districts and any amendments thereto of the jurisdiction of the Plan Commission.

ZONING ORDINANCE. All provisions of this Ordinance except for the subdivision regulations, which are contained in Chapter 9.

ZONING DISTRICT. See **DISTRICT**.

IMAGES

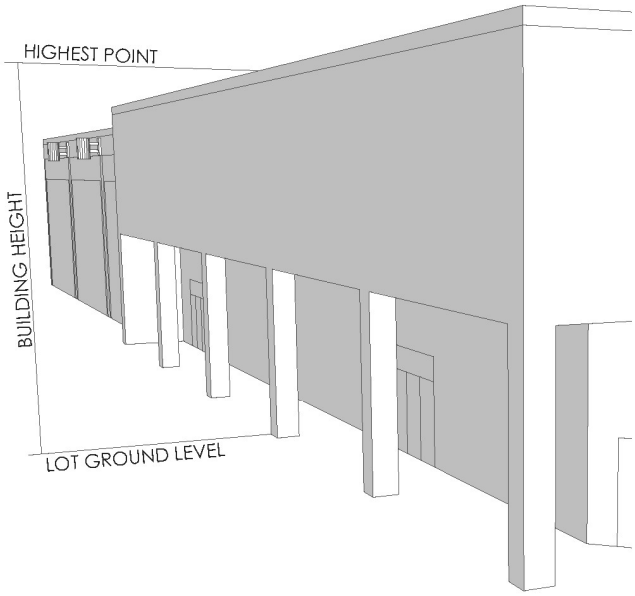

Figure 12-1: Building Height – Flat Roof

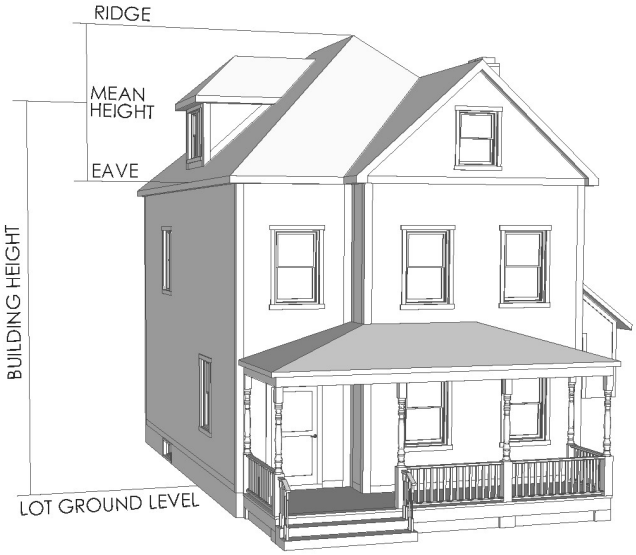

Figure 12-2: Building Height – Gable Roof

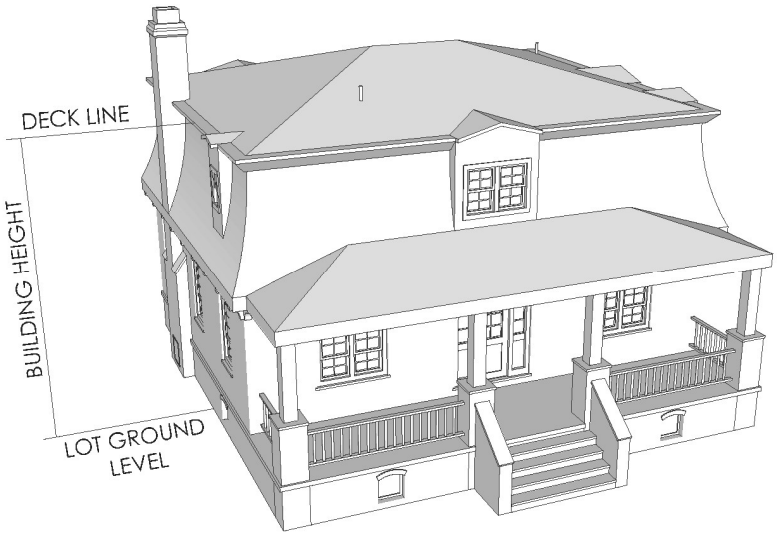

Figure 12-3: Building Height – Mansard Roof

Figure 12-4: Building Area

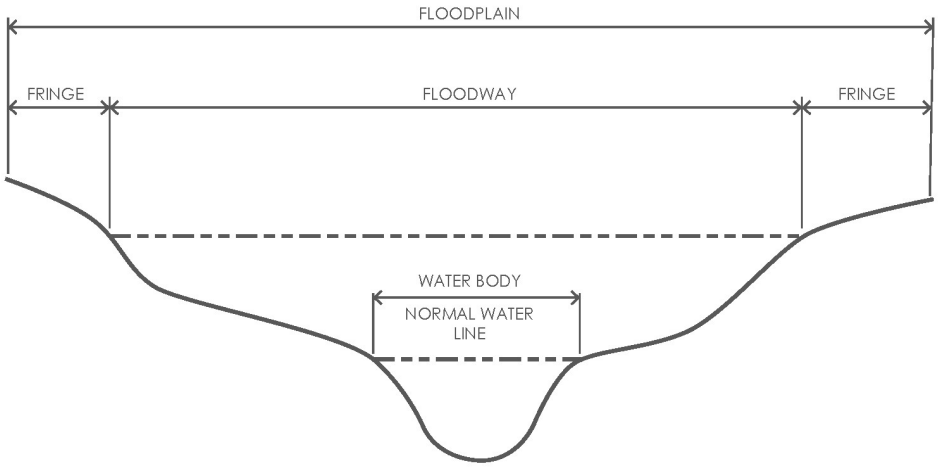

Figure 12-5: Elements of a Floodplain

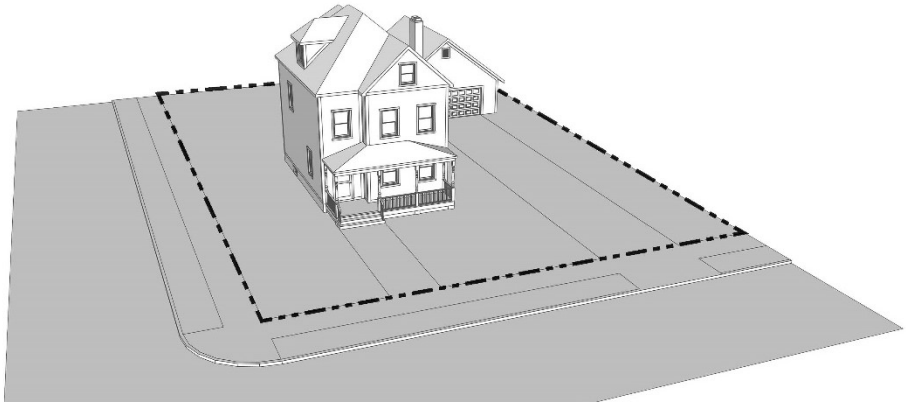

Figure 12-6: Corner Lot

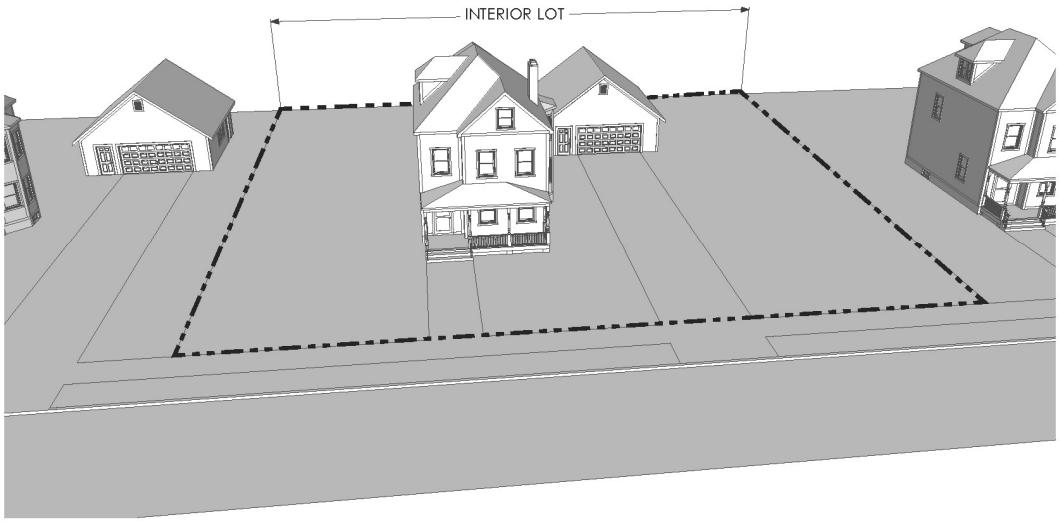

Figure 12-7: Interior Lot

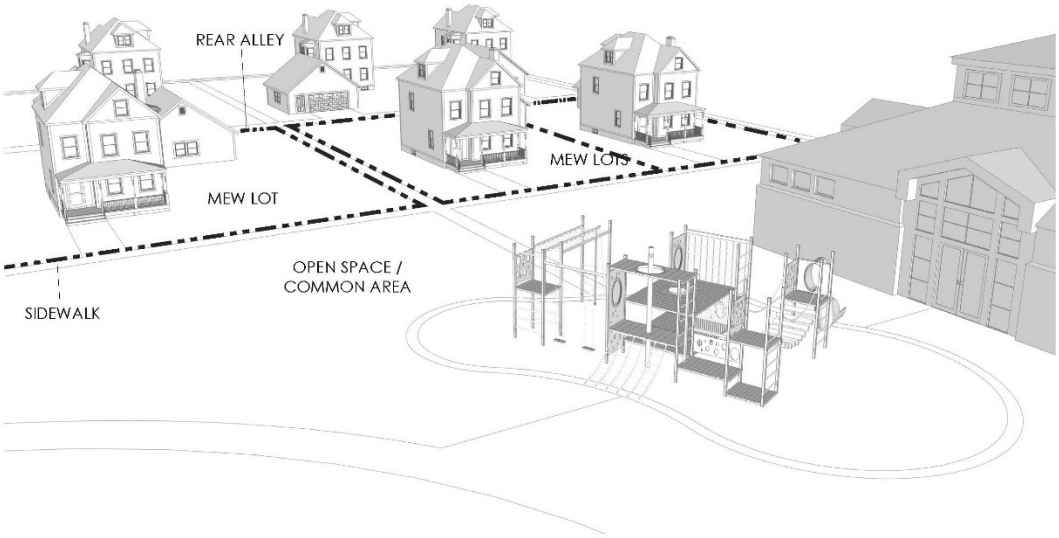

Figure 12-8: Mew Lot

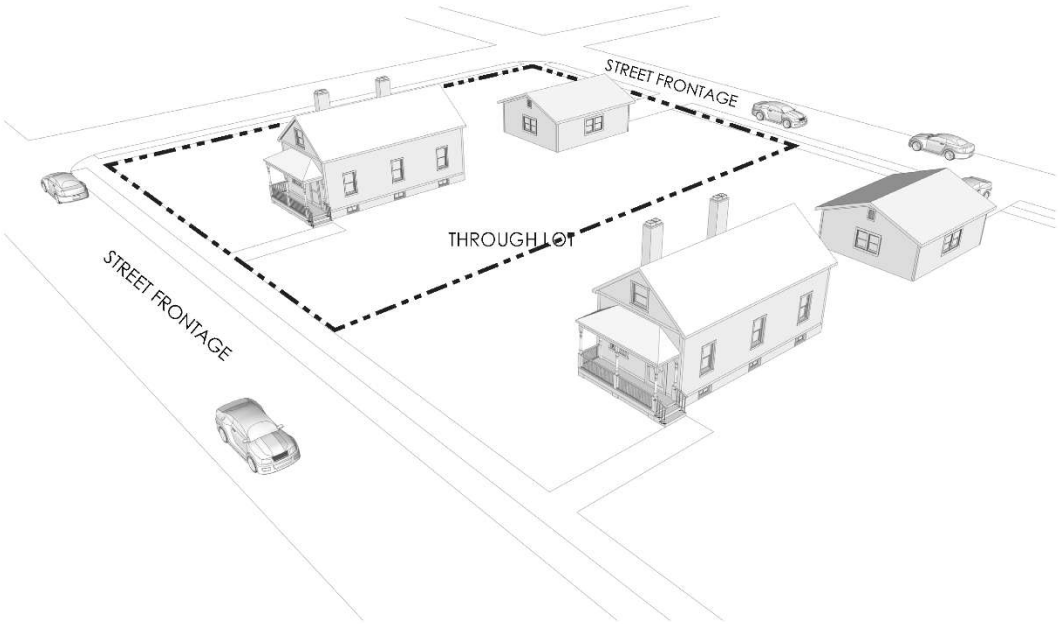

Figure 12-9: Through Lot

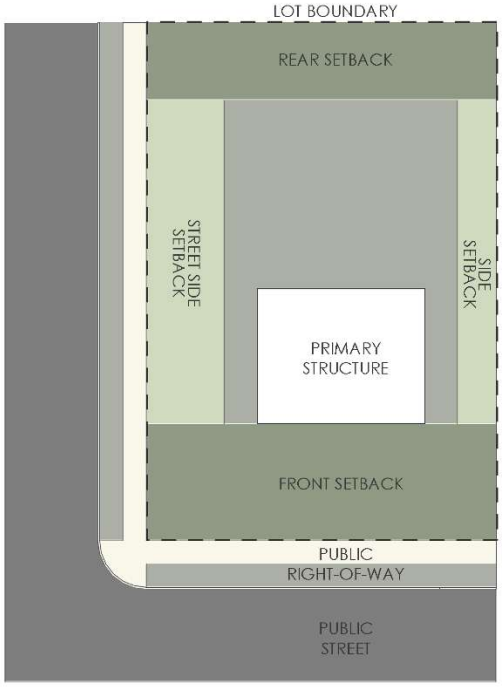

Figure 12-10: Setback Locations