

CHAPTER I

ZONING ORDINANCE OF CITY OF BOONVILLE STATE OF INDIANA

AN ORDINANCE CLASSIFYING, REGULATING AND RESTRICTING THE SIZE OF BUILDINGS; THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES; THE DENSITY OF POPULATION; THE LOCATION AND USE OF BUILDINGS AND LAND FOR AGRICULTURE, TRADE, INDUSTRY, RESIDENCE AND OTHER PURPOSES; CREATING DISTRICTS FOR SAID PURPOSES AND ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR CHANGES IN THE REGULATIONS, TERMS USED HEREIN; PROVIDING FOR ENFORCEMENT; IMPOSING PENALTIES FOR ITS VIOLATION, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; THEREFORE:

BE IT ORDAINED BY THE TOWN COUNCIL OF THE CITY OF BOONVILLE:

1.00 SHORT TITLE

This ordinance shall be known, cited, and referred to as "THE CITY OF BOONVILLE ZONING ORDINANCE".

1.10 PROVISIONS OF THE ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this ordinance shall be the minimum requirements, adopted for the promotion of the public health, safety, and the general welfare. Whenever the requirements of this Ordinance are at variance or in any other way conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive, or that imposing the highest standards, shall govern.

1.20 SEVERABILITY CLAUSE

Should any section, subsection, paragraph, subparagraph, clause, word or provision of the Ordinance to be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any other part thereof other than the part so declared as to be unconstitutional or invalid.

1.30 REPEAL OF CONFLICTING ORDINANCES

All previously enacted zoning and subdivision ordinances are hereby repealed.

1.40 GENERALLY

Words used in this Title are intended to have their common and ordinary meanings, unless more specifically defined.

1.40 EFFECTIVE DATE

This ordinance shall become effective on July 28, 1994.

Passed on the 28 day of July, 1994.

CITY COUNCIL
CITY OF BOONVILLE, INDIANA

A handwritten signature in dark ink, appearing to read "Hank Baker", is written over a horizontal line.

Mayor

CHAPTER II

RULES AND DEFINITIONS

2.00 RULES

In the construction of this ordinance, the rules and definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise:

- 2.001 Words used in the present tense shall include the future tense; and words used in the singular number shall include the plural number, and the plural the singular.
- 2.002 The word "shall" is mandatory, not discretionary.
- 2.003 The word "may" is permissive.
- 2.004 The word "lot" shall include the words "tract" and "parcel".
- 2.005 The word "building" includes all other structures of every kind regardless of similarity to buildings.
- 2.006 The phrase "used for" shall include the phrase "arranged for", "designed for", "intended for", "maintained for" and "occupied for".
- 2.007 The word "person" includes a corporation, firm, partnership, or similar group, as well as an individual.
- 2.008 All measured distances shall be to the nearest integral foot. If a fraction is one-half foot or less, the integral foot next below shall be taken.
- 2.009 Parenthetical words or statements are integral parts of the definitions in which they are located.
- 2.010 Any words not defined in *Section 2.10* shall be construed in their general accepted meaning as defined by Webster's Dictionary (latest edition).

2.10 DEFINITIONS

- 2.1001 **ACCESSORY BUILDING OR USE:** is a subordinate building located on the same lot with the main building, or a subordinate use of land, either of which is incidental to the main building or to the principal use of the land. An "accessory building or use" includes, but is not limited to:

1. A children's playhouse, garden house, and private greenhouse;
2. A garage, shed, yard barn or building for domestic storage;
3. Incinerators incidental to residential use;
4. Storage of merchandise normally carried in stock on the same lot with any retail service of business use, unless that storage is prohibited by district regulations;

5. Storage of goods used in, or produced by manufacturing activities, on the same lot or parcel of ground with those activities, unless that storage is prohibited by district regulations;
 6. A non-paying guest house or rooms for guests within an "accessory building", if those facilities are used for the occasional housing of guests of occupants of the principal building and not for permanent occupancy by others as housekeeping units;
 7. Servants' quarters if part of an accessory garage and used solely for occupancy by a servant or household employee of the occupants of the principal dwelling and the family of that servant or employee;
 8. Off-street motor vehicle parking area, and loading and unloading facilities;
 9. Signs, other than advertising signs as permitted and regulated in each district incorporated in this ordinance;
 10. Carports;
 11. Boat house, if not more than ten (10') feet high as measured from the normal water level;
 12. Swimming pools if private and being incidental to use by the owner and guests; and,
 13. Public utility communication, electric, gas water and sewer lines, their supports and incidental equipment.
- 2.1002 **ACCESSORY LIVING QUARTERS:** living quarters within an accessory building for the sole use of persons employed on the premises, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling.
- 2.1003 **ACREAGE:** Any tract or parcel of land which has not been subdivided and platted.
- 2.1004 **ADD-A-ROOM UNIT:** A unit of manufactured housing, not designed as a part of the original structure, which may have less occupied space than a manufactured housing section.
- 2.1004 **ADVERTISING DEVICE:** An advertising sign, billboard, or poster panel which directs attention to a business, commodity, service or entertainment not exclusively related to the premises where such sign is located or to which it is affixed. However, this does not include those advertising signs, billboards, or poster panels which direct attention to the business on the premises or to a brand name of a product or commodity with which the business is specifically identified and which is sold on the premises (*see also "Signs, Outdoor"*).
- 2.1005 **AGRICULTURE:** The use of land for agricultural purposes with the intent of selling any products produced by such activities. Agricultural uses include farming, dairying, pasturage, apiculture, horticulture, aquaculture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the products; provided however, that:
1. the operation of any such accessory uses shall be secondary to that of the normal agricultural activities;
 2. the above uses shall not include the feeding or sheltering of animals or poultry in penned enclosures within five hundred (500') feet of any residential district; and,
 3. the agricultural use does not include the operation or maintenance of a commercial stockyard or feedlot (*confined feeding operation*).

- 2.1006 **AGRICULTURAL BUILDING**: A structure utilized for the conduct of agricultural operations, but not including a dwelling or private garage.
- 2.1007 **ALLEY**: A public right-of-way, other than a street, road, crosswalk or easement, and usually less than thirty (30) feet wide, which normally affords a secondary means of access for the special accommodation of the abutting property.
- 2.1008 **ALTERATION**: Is any change, addition or modification in construction, or any change in the structural members of a building, such as loadbearing walls, columns, beams or girders.
- 2.1009 **ANCHORING SYSTEM**: An approved system of straps, cables, turnbuckles, chains, ties, or other approved materials used to secure a manufactured or mobile home.
- 2.1010 **ANIMAL HOSPITAL**: A building, lot structure or enclosure or portion thereof designed or used for the care, observation, or treatment of three (3) or more dogs, cats and other domestic animals. An animal hospital is operated by or the treatment therein is under the direct supervision of a veterinarian licensed to practice by the State of Indiana.
- 2.1010 **APARTMENT**: One (1) or more rooms including sleeping, living, lavatory and principal kitchen facilities designed as a unit for occupancy by only one (1) family.
- 2.1011 **APPLICANT**: The owner of land, or his or her representative.
- 2.1011 **APPROVED**: Acceptable to the appropriate authority having jurisdiction, by reason of investigation, accepted principles, or tests by nationally recognized organizations.
- 2.1014 **ATRIUM**: An indoor courtyard.
- 2.1012 **AUTOMOBILE LAUNDRY (or car wash)**: A commercial building of portion thereof, containing facilities for washing vehicles.
- 2.1013 **AUTOMOBILE REPAIR**:
- Major**: Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers; collision service, including body, frame or fender straightening or repair,; and overall painting of vehicles.
- Minor**: Incidental repairs, replacement of parts, and motor service to motor vehicles, but not including any operation included under "Automobile Repair, Major".
- 2.1014 **AUTOMOBILE SERVICE STATION**: A building or portion thereof or premises used for the dispensing, or offering for sale at retail, gasoline, kerosene, lubrication oil or grease, and where tires, batteries, and similar automobile accessories may be offered for sale on the premises at retail, including minor services and installations customarily incidental thereto.
- 2.1015 **AUTOMOBILE WRECKING YARD**: See "Junk Yard".
- 2.1016 **AWNING**: A roof-like structure which projects from the wall of a building.
- 2.1017 **BASEMENT (or cellar)**: A story partly, or wholly underground but having more than one-half of its clear height below finished grade (*See grade*). If more than one-half its clear height is above grade, it shall be considered a story for purposes of height measurement.

- 2.1018 **BED & BREAKFAST**: A residential building, or portion thereof - other than a motel, apartment hotel, or hotel - containing lodging rooms for accommodation of five (5) or more persons who are not members of the keeper's family and where lodging or meals or both are provided by pre-arrangement and for definite periods and for compensation.
- 2.1019 **BLOCK**: A tract of land bounded by streets, or by a street or streets and any combination of boundary lines or public or institutionally owned lands, railroads rights-of-way, rivers and lakes and other lines of demarcation.
- 2.1020 **BOARDING HOUSE**: A building, not available to transients, in which meals and lodging are regularly provided for compensation for at least three (3) but not more than thirty (30) persons.
- 2.1021 **BOND**: Any form of irrevocable security including a cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the Commission. All bonds shall be approved by the Commission whenever a bond is required by these regulations.
- 2.1022 **BUFFER**: A naturally vegetated area or vegetated area established or managed to protect wetlands from human disturbance.
- 2.1023 **BUILDING**: A structure built for the support, enclosure, shelter, or protection of persons, animals, chattels, or movable property of any kind, and which is permanently affixed to the land.
- 2.1024 **BUILDING, ACCESSORY**: See definition for "Building" and "Use".
- 2.1025 **BUILDING, DETACHED**: A building surrounded by open space on the same lot with no structural attachment to another structure.
- 2.1027 **BUILDING, HEIGHT**: The vertical distance from the curb level to the highest point of the undersides of the ceiling beams in the case of a flat roof; to the deck line of a mansard roof; and to the mean level of the underside of the rafters between the eaves and the ridge of a gable, hip, or gambrel roof. Chimneys, spires, towers, elevator penthouses, tanks, and similar projections other than signs shall not be included in calculating the height.
- 2.1028 **BUILDING LINE**: The line nearest the front and across a lot establishing the minimum open space, *or set back*, between the nearest part of a building or structure or edge of eaves and the front lot-line.
- 2.1029 **BUILDING INSPECTOR**: The officer appointed by the City Council to administer and enforce the provisions of the zoning ordinance.
- 2.1030 **BUILDING PERMIT**: An official document or certification issued by the Building Official authorizing performance of a specified activity that complies with all provisions of this ordinance and the City of Boonville Building Code.
- 2.1031 **BUILDING, PRINCIPAL**: A non-accessory building in which is conducted the principal use of the lot, on which it is located.
- 2.1032 **BUILDING, RESIDENTIAL**: A building which is arranged, designed, used, or intended to be used for residential occupancy by one or more families or lodgers and which includes, but is not limited to the following types:
1. single-family detached dwelling;
 2. two-family dwellings;

3. single-family or duplexes developed initially under single ownership or unified control; and,

4. multiple-family dwellings.

2.1033 **BULK**: The cubic content of a building in relation to the area of the building site.

2.1034 **BUS LOT**: Any lot or land area used for the storage or layover or passenger buses or motor coaches or the loading or unloading of passengers from the said vehicles.

2.1035 **BUSINESS**: An occupation, employment, or enterprise which occupies time, attention, labor, and materials; or wherein merchandise is exhibited or sold, or where services are offered.

2.1037 **CARPORT**: An open-sided roofed automobile shelter, formed by the extension of a roof from a side of a building.

2.1038 **CEMETERY**: Land used or intended to be used for the burial of human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums and mortuaries if operated in connection with and within the boundaries of such cemetery for which perpetual care and maintenance is provided.

2.1039 **CERTIFICATE OF OCCUPANCY**: A certificate stating that the occupancy and the use of land or a building or structure referred to therein complies with the provisions of this ordinance.

2.1040 **CHURCH**: A building used for public worship where regular organized services are held.

2.1041 **CLINIC, MEDICAL OR DENTAL**: A building or portion thereof, the principal use of which is for medical or dental study and/or treatment and in which the services of at least two (2) professionals in the medical or dental fields of practice are provided.

2.1042 **CLUB OR LODGE, PRIVATE**: A private association of persons, who are bonafide members paying annual dues, which owns, hires, or leases a building, or portion thereof; the use of such premises being restricted to members and their guests. (*The affairs and management of such "private club or lodge" are conducted by a board of directors, executive committee, or similar body chosen by the members*). It shall be permissible to serve food on such premises. The sale of alcoholic beverages to members and their guests shall be permitted provided it is secondary and incidental to the promotion of some other common objective of the organization.

COMMISSION: Is the Boonville Advisory Plan Commission.

2.1043 **COMMISSION'S SEAL**: Is the official seal of the Commission.

2.1044 **COMMITMENTS**: Restrictions and guidelines placed upon a properties use or development. Commitments shall be recorded in the office of the County Recorder and take effect upon adoption of an amendment to the zoning ordinance or upon granting approval for a special exception; contingent use; or variance; from the term of the zoning ordinance.

2.1045 **COMPACT HOME OR MODULAR HOME**: A manufactured structure, designed for permanent occupancy, twenty four (24') feet or more wide and forty (40') feet or more long, and meeting the minimum square footage requirement of the district in which it is placed, with the four outside walls supported by a permanent foundation and accompanied by a Certificate of Compliance furnished by the State of Indiana.

- 2.1046 **CONDOMINIUM**: Ownership in common with others of a parcel of land and certain parts of a building thereon which would normally be used by all the occupants, such as yards, foundations, basements, floors, walls, hallways, stairways, elevators and all other related common elements, together with individual ownership in fee simple of a particular unit or portion of such building.
- 2.1047 **CONFINED FEEDING OPERATION**: any agricultural feeding operation in a confined area.
- 2.1048 **CONFORMING BUILDING OR STRUCTURE**: Any building or structure which:
1. complies with all the regulations of this ordinance or of any amendment hereto governing the zoning district in which such building or structure is located; and,
 2. is designed or intended for a conforming use.
- 2.1049 **CONSTRUCTION PLAN**: The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in accordance with the requirements of the Commission as a condition of the approval of the plat.
- 2.1050 **CONTROLLED ACCESS HIGHWAY**: A trafficway, including freeways, expressways, and other arterial streets, in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at such points only and in such manner as may be determined by the public authority having jurisdiction over such trafficway.
- COUNCIL**: Is the Boonville City Council.
- 2.1053 **COURTYARD**: An open unoccupied space bounded on two (2) or more sides by the exterior walls of a building or exterior walls and lot lines.
- 2.1054 **CREATION**: A human activity bringing a wetland into existence at a site in which it did not formerly exist.
- 2.1055 **CUL-DE-SAC**: A short street having one end open to traffic and being permanently terminated by a vehicle turn-around.
- 2.1056 **CURB LEVEL**: The level of the established curb in front of such building measured at the center of such front. *(Where no curb level has been established, the pavement elevation at the street center line similarly measured, or the mean elevation of the finished lot grade immediately adjacent to a building shall be considered the "curb level")*.
- 2.1058 **DEVELOPER**: Any person engaged in developing or improving a lot or group of lots or structures thereon for use or occupancy.
- 2.1059 **DEVELOPMENT**: Any improvement or change to property brought about by human activity, including, but not limited to, buildings and other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
- 2.1060 **DISTRICT**: A geographical area within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this ordinance.
- 2.1061 **DRIVE-IN ESTABLISHMENT**: An establishment which offers merchandise, service or entertainment to persons in motor vehicles.
- 2.1062 **DRIVEWAY**: A private access road serving only one (1) residential dwelling or commercial building.

DUPLEX: A dwelling having one party wall in common with an adjacent dwelling.

2.1063 **DWELLING**: A permanent building, or portion thereof, designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings, and multiple-family dwellings, but not including hotels, motels, or lodging houses.

2.1065 **DWELLING, ONE-FAMILY**: A building containing one dwelling unit only.

2.1066 **DWELLING, TWO-FAMILY**: A building containing two dwelling units only.

2.1067 **DWELLING, MULTIPLE-FAMILY**: A building containing three or more dwelling units.

2.1068 **EASEMENT**: An authorization or grant by a property owner to specific person(s) or to the public to use land for specific purposes.

2.1069 **EDUCATIONAL INSTITUTION/SCHOOL**: A facility in which is conducted the process of teaching and developing the knowledge, skills, mind, character, etc, of individuals, especially by formal education. These include:

1. **Day/Nursery**: Provides day care services for children.
2. **Higher Education**: A college or university.
3. **Parochial**: Maintained and operated by a religious organization.
4. **Private**: Not intended for, open to, or controlled by the public.
5. **Public**: An elementary or secondary school that is part of the system of schools maintained by public taxes and supervised by municipal, county, and/or state authorities.
6. **Trade/Business**: Teaching and training directed toward specific vocations.

2.1070 **EFFICIENCY UNIT**: A dwelling unit consisting of one principal room exclusive of bathroom, hallway, closets, or kitchen and dining alcove directly off the principal room.

2.1071 **EXPANDO UNIT**: An expandable manufactured housing unit.

2.1071 **FAMILY**: One or more persons occupying a single dwelling unit, provided that unless all members are related to each other by blood, marriage, or adoption, no such family shall contain over five (5) persons. A family may include not more than two roomers, boarders, or permanent guests whether or not gratuitous.

2.1072 **FARM**: An area of three (3) or more acres used for agricultural operations.

2.1073 **FEASIBILITY STUDY**: Is a written report prepared by a registered engineer, certified planner or registered land surveyor pertaining to the suitability of the site for various types of water and sewer systems; for drainage retention/detention or disbursement; and the sub-soil conditions for various methods of street construction.

2.1074 **FEDERAL INSURANCE ADMINISTRATION**: Is, for the purpose of this ordinance, the administrative office of the National Flood Insurance Program.

- 2.1077 **FILL MATERIAL:** Any solid material when placed in a wetland or lake that displaces water or reduces water holding capacity.
- 2.1079 **FLOOD HAZARD AREA:** Any flood plain, floodway or flood fringe district or any combination thereof which is subject to inundation by the regulatory flood or any flood plain district as delineated by Zone A on a Flood Hazard Boundary Map.
- 2.1080 **FLOODPLAIN:** The relatively flat or low land adjoining the channel of a river or stream which has been or may be covered by flood water. The flood plain includes the channel, floodway, and flood fringe, and is so designated by the Federal Insurance Administration and/or the Indiana Department of Natural Resources.

Channel: The bed of a stream or waterway.

Flood Way: The channel of a river or stream and those portions of the flood plain adjoining the channel, which are reasonably required to carry and discharge the flood water or flood flow of any river or stream. The Indiana Department of Natural Resources exercises primary jurisdiction in Floodway Districts.

Flood Fringe: Is the area adjoining a river or stream which has been or which may hereafter be flooded, but outside an identified Floodway District, and is so designated by the Federal Insurance Administration and/or the Department of Natural Resources.

- 2.1073 **FLOOR AREA:** Means the area of a building in square feet, as measured in a horizontal plane at the ground floor level within the largest outside dimensions, exclusive of open porches, breeze-ways, terraces, garages and exterior stairways. .
- 2.1074 **FLOOR AREA RATIO (F.A.R.):** The "floor area ratio" of the buildings or buildings on any zoning lot is the floor area of the building or buildings on that zoning lot divided by the area of such zoning lot.
- 2.1075 **FOSTER CARE HOME:** as defined by the Indiana Department of Social Service, are homes which provide congregate living arrangements for non-family members. The categories of foster care homes are as follows:

<u>Prefix</u>	<u>Type</u>	<u>No. of Residents</u>
FA	Family Home	1-6
SG	Small Group Home	1-6
MG	Medium Group Home	7-12
LG	Large Group Home	13-20
CL	Congregate Facility	21+

- 2.1075 **FOUNDATION SIDING/SKIRTING:** A type of wainscoting constructed of fire and weather resistant material, such as aluminum, asbestos board, treated pressed wood or other approved materials, enclosing the entire undercarriage of the manufactured or mobile home.
- 2.1076 **FRONTAGE (of a block):** Means all of the property abutting a street or the space between a building and the street.
- 2.1077 **FRONTAGE (of a lot):** All the property of such lot fronting on a street, as measured between side lot lines.
- 2.1078 **FRONT LINE:** With respect to a building, means the foundation line that is nearest the front lot line.

2.1079 **FRONT LOT LINE:** With respect to the relationship between property and the street this means:

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

2.1080 **FRONT YARD:** Means a yard that is bounded by the front line of the principal buildings, by the adjacent street right-of-way, and by the segments of side lot lines that they intercept.

2.1081 **GARAGE, PRIVATE:** An accessory building or an accessory portion of the principal building, including a carport, which is intended for or used for storing the private passenger vehicles of the family or families resident upon the premises. No business, service, or industry connected directly or indirectly with the automotive vehicles is carried on. Garages for single-family dwellings shall be limited to four (4) spaces, shall not exceed one thousand two hundred (1,200) square feet in floor area, nor shall it exceed in floor area the floor area of the principal building.

2.1082 **GARAGE, PUBLIC:** Any building where automotive vehicles are painted, repaired, rebuilt, reconstructed, or stored for compensation.

2.1083 **GARAGE, STORAGE:** A building or premises used for housing only of motor vehicles, R.V.'s, boats or other vehicular equipment pursuant to previous arrangements and not being transients; and where no equipment or parts are sold, and vehicles are not rebuilt, serviced, repaired, hired, or sold, except that fuel, grease, or oil may be dispensed within the building to vehicles stored therein.

2.1084 **GRADE:** The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

2.1087 **HOME OCCUPATION:** Any occupation or profession which meets the following provisions:

1. No person, other than members of the family residing on the premises, shall be engaged in such occupation;
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and no more than twenty five (25%) percent of the combined floor area of the dwelling unit and accessory buildings shall be used in the conduct of the home occupation;
3. There shall be no change in the outside appearance of the building and premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding one (1) square foot in area and non-illuminated.
4. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and the need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Ordinance, and shall not be located in a required front yard; and,
5. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no

equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in the line voltage off the premises.

- 2.1088 **HOSPITAL**: A facility where the ill or injured may receive medical, surgical or psychiatric treatment, nursing, food, and lodging, etc., during illness.
- 2.1088 **HOTEL, MOTEL, APARTMENT HOTEL**: A building in which lodging or boarding and lodging are provided and offered to the public for compensation.
- 2.1089 **HYDRIC SOIL**: A soil that is saturated, flooded or otherwise covered with water long enough during the growing season to develop deficiencies in oxygen as a result of excessive water content.
- 2.1089 **HYDROPHYTIC VEGETATION**: Plant life growing in water or a substrate that is at least periodically deficient in oxygen as a result of excessive water content.
- 2.1089 **IMPROVEMENT LOCATION PERMIT**: A permit stating that the proposed erection, construction, enlargement, alteration, or moving of a building or structure referred to therein complies with the provisions of the Zoning and Subdivision Ordinance.
- 2.1089 **INDIVIDUAL SEWAGE DISPOSAL SYSTEM**: A septic tank, seepage tile sewage disposal system or any other approved sewage treatment device.
- 2.1090 **INDUSTRIAL WASTE FACILITY**: Means any facility used for the storage, transportation, reclamation or disposal of any waste classified as hazardous or toxic by the United States Environmental Protection Agency.
- 2.1091 **INDUSTRY, HEAVY**: Manufacturing, processing, assembling, storing, testing and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the district boundary. Waste is limited to wastes other than those classified as hazardous or toxic by the United States Environmental Protection Agency.
- 2.1092 **INDUSTRY, LIGHT**: Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisances. Waste disposal is limited to wastes other than those classified as hazardous or toxic by the United States Environmental Protection Agency.
- 2.1093 **INCOMPATIBLE USE**: A use or service which is incapable of direct association with certain other uses because it is contradictory or incongruous.
- 2.1094 **IN-KIND**: The restoration or creation of a wetland with vegetation and other characteristics closely approximating those of a specific wetland.
- 2.1094 **INTERIOR LOT**: Means a lot other than a corner lot or a through lot.
- 2.1095 **JUNK YARD**: An open area where waste or used materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled. Said waste and used materials include but are not limited to motor vehicles; vehicles, machinery or equipment drawn or operated by attaching to motor vehicles or mechanical units which are not in running or operable condition; scrap iron; and, other metals, paper, rags, rubber tires, and bottles. It does not include residential, commercial or municipal "garbage" which is defined as animal, vegetable or mineral refuse. A "junk yard" does not include uses estab-

lished entirely within enclosed buildings, nor does it include an establishment engaged only in the processing of scrap iron or other metals to be sold specifically for the manufacture of steel or metal alloys, which must have fencing to effectively screen the area.

- 2.1096 **JURISDICTION OF THE COMMISSION:** The incorporated territory of the City of Boonville, Indiana.
- 2.1096 **KENNEL:** Any premises or portion thereof on which more than four dogs, cats, or other household domestic animals over four (4) months of age are kept, or on which more than two (2) such animals are maintained, boarded, bred, or cared for, in return for remuneration, or are kept for the purpose of sale.
- 2.1098 **LABORATORY, COMMERCIAL:** A facility devoted to experimental study, testing or analysis. Manufacturing, assembly or packaging of products shall not be conducted within this facility.
- 2.1099 **LOADING AND UNLOADING SPACE, OFF-STREET:** An open hard-surfaced area of land other than a street or public way, which is principally used for the standing, loading and unloading of motor trucks, tractors and trailers to avoid undue interference with the public use of streets and alleys. That space shall be not less than ten (10) feet in width, forty-five (45) feet in length and fourteen (14) feet in height, exclusive of access aisles and maneuvering space.
- 2.1100 **LODGING HOUSE:** See 2.1012 "*Bed & Breakfast*".
- 2.1101 **LODGING ROOM:** A room rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. (In a suite of rooms without cooking facilities, each room which provides sleeping accommodations shall be counted as one (1) "lodging room" for the purpose of this ordinance).
- 2.1102 **LODGER/ROOMER:** Any person, not the principal tenant or a family member of the principal tenant, who resides in a living unit who pays remuneration to the principal tenant, as distinguished from a "guest" who does not pay remuneration.
- 2.1103 **LOT:** For the purposes of this ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on a public street, or on an approved private street, and may consist of:
1. A single lot of record;
 2. A portion of a lot of record;
 3. A combination of complete lots of record, of complete lots or record and portions of lots of record, or of portions of lots of record; or,
 4. A parcel of land described by metes and bounds.
- Provided, however, that in no case of division shall any residual lot or parcel be created which does not meet the requirements of this ordinance.
- 2.1104 **LOT, CORNER:** Means a lot at the junction of and abutting two (2) intersecting or intercepting streets.
- 2.1105 **LOT, DOUBLE FRONTAGE:** Is a lot, other than a corner lot, which fronts on two streets.

- 2.1106 **LOT, REVERSED CORNER:** A corner lot where the side lot line adjoining a street is substantially a continuation of the front lot line of an adjacent interior lot.
- 2.1107 **LOT, THROUGH:** A lot having a frontage on two non-intersecting streets as distinguished from a corner lot. *(Both street lines shall be deemed front lot lines).*
- 2.1108 **LOT, ZONING:** A single tract of land located within a single block, which (at the time of filing for a Building Permit) is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or unified control. *(A "zoning lot" may or may not coincide with a "lot of record").*
- 2.1109 **LOT AREA, GROSS:** The area of a horizontal plane bounded by the front, side, and rear lot lines, but not including any area occupied by the waters of a lake, river, or flood plain area, and not including that portion of a lot in use as, or to be used as a street.
- 2.1110 **LOT COVERAGE:** Means the percentage of the lot area that is represented by the building area.
- 2.1111 **LOT DEPTH:** The average distance between the front lot line and the rear lot line of a lot.
- 2.1112 **LOT LINE, FRONT:** That boundary of a lot which is along an existing or dedicated public street, or where no public street exists, is along a public way; where such public way is not a dedicated street the right-of-way of such public way shall be deemed to be sixty-six (66) feet or more, unless otherwise provided.
- 2.1113 **LOT LINE, REAR:** That boundary of a lot which is most distant from, and is, or is most nearly, parallel to, the front lot line.
- 2.1114 **LOT LINE, SIDE:** Any boundary of a lot which is not a front or rear lot line.
- 2.1115 **LOT OF RECORD:** A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Recorder, or a parcel of land, described by metes and bounds, the deed to which was recorded in the office of said recorder prior to the adoption of this ordinance.
- 2.1116 **LOT WIDTH:** The distance between the side lot lines of a lot measured at the building line.
- 2.1117 **MANUFACTURED HOME:** A dwelling unit *(as defined in P.L. 312)*, designed and built in a factory, which bears a seal certifying that it was built in compliance with the Federal Manufactured Housing Construction and Safety Standards Law, and certified by the State of Indiana. Such manufactured home shall be constructed after January 1, 1981, classified as residential design, and exceed nine hundred fifty (950) square feet of occupied space, exceed twenty three (23') feet in width; exclusive of porches, terraces, garages, pull-out and expansion rooms.
- 2.1118 **MANUFACTURED HOME SUBDIVISION:** A parcel of land platted for subdivision according to all requirements of the comprehensive plan, designed or intended for lots to be conveyed by deed to individual owners for residential occupancy primarily by manufactured homes.
- 2.1119 **MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS CODES:** Title VI of the 1974 Housing and Community Development Act (42 U.S.C 5401 et sequentia), as amended (previously known as the federal Mobile Home Construction and Safety Act), rules and regulations adopted thereunder (including information supplied by the home manufacturer, which has been stamped and approved by a Design Approval Primary Inspection Agency, an agent of the U.S. Department of Housing and Urban Development pursuant to HUD rules), and regulations and interpretations of said code by the Indiana Administrative Building Council; all of which became effective for mobile/manufactured home construction on June 15, 1976.

- 2.1118 **MARQUEE OR CANOPY**: A roof-like structure of a permanent nature which projects from the wall of a building.
- 2.1119 **MASTER PLAN**: The complete plan, or any of its parts, for the development of the city prepared by the plan commission and adopted in accordance with IC 36-7-4 as it is or may hereafter be in effect.
- 2.1120 **MINERAL EXTRACTION**: Includes mining, quarrying and removal of earth materials.
- 2.1120 **MOBILE HOME**: A detached transportable structure designed to be used as a single-family residential dwelling with all of the following characteristics:
1. Certified in a factory and it was fabricated to the standards outlined in *Indiana Public Law 135* pursuant to *Indiana Code 9-8-1.5-1*;
 2. Designed to be transported after fabrication on its own wheels; and,
 3. Arriving at the site where it is to be occupied as a dwelling complete, including the major appliances, and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to the utilities and the like.
- 2.1121 **MOBILE HOME PARK**: Any parcel or tract of land licensed and registered under provisions of the *Mobile Home Commission Act*, being *Act 419 of the Public Acts of 1976*, as amended, under the control of any person, upon which three (3) or more occupied mobile homes are harbored on a continual or non-recreational basis, or which is offered to the public for that purpose, regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the harboring or occupancy of mobile homes.
- 2.1122 **MOBILE HOME SUBDIVISION**: A "subdivision" as defined by the state *Subdivision Control Act*, being *Act 288 of the Public Acts of 1967*, as amended, which has been expressly established for the sole purpose of selling lots on which mobile homes may be used and occupied for residential purposes, and which has been established in full compliance with all applicable provisions of the aforementioned *Act* and of all other applicable state, county, and city regulations.
- 2.1123 **MODULAR HOME**: A housing unit designed, built and certified in a factory to the *Indiana Code 22-11-1-1.5* for use as a principal residence. It is constructed complete with the necessary plumbing, heating and electrical systems. It is designed to be transported by means other than its own undercarriage to a prepared site, and becomes suitable for permanent occupancy after proper installation of foundation supports and connection to utility service.
- 2.1124 **MOTEL**: A building or a group of buildings containing rooms intended or designed to be used or which are used, rented, or leased to be occupied or which are occupied for sleeping purposes and which is open to transient guests, in contradistinction to a boarding or lodging house.
- 2.1125 **MOTOR VEHICLE**: A passenger vehicle, truck, truck-trailer, or semi-trailer propelled or drawn by mechanical power.
- 2.1127 **NATIONAL WETLANDS INVENTORY (NWI)**: A series of maps produced by the Fish and Wildlife Service of the United States Department of the Interior, in coordination with the maps produced by the U.S. Geologic Survey, showing the location and classification of certain identified wetlands in standard topographic areas.
- 2.1127 **NATURAL RESOURCES, DEPARTMENT OF**: Is the Department of Natural Resources of the State of Indiana.

- 2.1128 **NATURAL WATER STORAGE CAPACITY**: The maximum volume of water a wetland can contain up to its ordinary high water mark without alterations to its natural grade or contour.
- 2.1128 **NON-ACCESS EASEMENT**: Is a public easement along a public right-of-way across which access to the property is not permitted.
- 2.1129 **NON-CONFORMING BUILDING OR STRUCTURE**: A building or structure, or portion of a structure, existing at the effective date of this ordinance, or subsequent amendment thereto, that could not be built under the terms of this ordinance by reasons of restrictions on lot size, height, yards, location on the lot, or other requirements concerning the structure.
- 2.1130 **NON-CONFORMING USE**: A use of land, buildings, or structures which does not comply with all of the regulations of this ordinance or of any amendment hereto governing use for the zoning district in which such use is located.
- 2.1131 **NOXIOUS MATTER OR MATERIALS**: That which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being of individuals.
- 2.1132 **NURSERY, NURSING HOME**: A home or facility for the care and treatment of babies, children, pensioners or elderly people.
- 2.1133 **NURSERY, PLANT MATERIALS**: Land, buildings, structures, or the combination thereof for the storage, cultivation or transplanting of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening and landscaping.
- 2.1134 **ODOROUS MATTER**: Matter or material that yields an odor which is offensive in any way.
- 2.1138 **OFF SITE**: Restoration or creation of a wetland at a location not adjacent to (or within twenty-five (25') of) a previous wetland.
- 2.1139 **ONE AND TWO FAMILY DWELLING CODE, INDIANA**: The nationally-recognized model building code prepared by the Council of American Building Officials, adopted by the Indiana Administrative Building Council (ABC) as mandated through Public Law 360, Acts of 1971, and , which includes those supplements and amendments promulgated by the ABC.
- 2.1137 **OPEN SALES LOT**: (yard, garage, roadside, or similar) Land used or occupied for the purpose of buying or selling merchandise stored or displayed out-of-doors. (Such merchandise includes, but is not limited to, passenger cars, trucks, motor scooters, motorcycles, boats and monuments).
- 2.1138 **OPEN USE**: Means the use of a lot without a building, or a use for which a building, with a floor area no larger than five (5%) percent of the lot, is only incidental.
- 2.1139 **ORDINARY HIGH WATER MARK**: In wetlands, a mark delineating permanent or periodic inundation or prolonged soil saturation sufficient to create conditions that support hydrophytic vegetation and include hydric soils.
- 2.1140 **OUT-OF-KIND**: The restoration or creation of a wetland with vegetation or other characteristics not resembling those of a specified wetland.
- 2.1139 **OWNER**: Is any individual, firm, association, syndicate, co-partnership or corporation, having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this ordinance.

- 2.1140 **PARCEL OF PROPERTY**: A single tract or plot of land.
- 2.1141 **PARTICULATE MATTER**: Dust, smoke, or any other form of air-borne pollution in the form of minute separate particles.
- 2.1143 **PERIODIC MAINTENANCE**: Ordinary inspection and repair of facilities accessory to use of a wetland. This includes erosion control and removal of sediment, nuisance species and excess vegetation from a wetland in ways that do not substantially disturb other hydrophytic plant and animal life. Periodic maintenance does not include any modification of a wetland's contour or natural water storage capacity.
- 2.1145 **PERMANENT PERIMETER ENCLOSURE**: A permanent perimeter structural system completely enclosing the space between the floor joists of the home and the ground.
- 2.1146 **PERMANENT FOUNDATION**: Any structural system for transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.
- 2.1144 **PERMITS**: *Improvement Location Permit* - A permit stating that the proposed erection, construction, enlargement or moving of a building or structure or change in the use of land complies with the provisions of the Master Plan and Zoning Ordinance.
- 2.1143 **PERSON**: Includes a corporation, firm, partnership, association, organization or any other group which acts as a unit.
- 2.1144 **PLANNED UNIT DEVELOPMENT (PUD)**: A tract of land developed under single ownership or control, the development of which is unique.
- 2.1145 **PLAT, FINAL**: A map or chart indicating the subdivisions or resubdivision of land, intended to be filed for record.
- 2.1146 **PLAT, PRELIMINARY**: The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Commission for approval.
- 2.1175 **PLAT, SKETCH**: A rough sketch by the subdivider of the proposed subdivision and presented to the Commission prior to submission of the subdivision for primary approval. Presenting a sketch plat prior to the preparation of the PRIMARY PLAT enables the subdivider to save time and expense in reaching general agreement with the Commission as to form of the plat and objectives of the Ordinance.
- 2.1147 **PORCH**: A roofed-over structure, projecting out from the wall or walls of a main structure with a portion of it commonly open to the weather.
- 2.1148 **PRACTICAL ALTERNATIVE**: An alternative to a proposed project that would accomplish the basic purpose of the project and avoid or have less adverse impact on a wetland or lake.
- 2.1148 **PRIVATE DRIVE**: A right-of-way which has the characteristics of a street, as defined herein, except that it is not dedicated to the public use. A Driveway which is located on a lot and which serves only the use on that lot is not considered a private drive.
- 2.1149 **PRIVATE ROAD**: A non-dedicated road serving more than one (1) separately held parcel, or more than one (1) dwelling unit, or more than one (1) commercial or industrial activity having not less than sixty-six (66) feet of right-of-way and constructed to the City of Boonville specifications but not necessarily paved.

- 2.1150 **PRIVATE SEWER**: Is a disposal system which is not constructed, installed, maintained, operated or owned by a municipality, taxing district established for that purpose or a utility under the jurisdiction of the Public Services Commission of Indiana.
- 2.1151 **PRIVATE WATER**: Is a water supply system which is not constructed, installed, maintained, operated or owned by a municipality, taxing district established for that purpose or a utility under the jurisdiction of the Public Services Commission of Indiana.
- 2.1152 **PROFESSIONAL OFFICE**: Means an office used by members of a profession.
- 2.1153 **PROPERTY LINES**: Those bounding a lot.
- 2.1154 **PUBLIC IMPROVEMENT**: Any drainage ditch, roadway, parkway, sidewalk, pedestrianway, 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.
- 2.1155 **PUBLIC LAW 360, ACTS OF 1971**: Enabling legislation requiring the Indiana Administrative Building Council to adopt rules and regulations for the construction, repair or maintenance of factory-built one or two family residential dwellings.
- 2.1155 **PUBLIC SEWER**: Is a sewage disposal system which is constructed, installed, maintained, operated and owned by a municipality or taxing district established for that purpose.
- 2.1156 **PUBLIC STREET**: Means a street established or dedicated for public use.
- 2.1157 **PUBLIC UTILITY**: Is a firm, corporation, municipal department or board duly authorized to furnish or furnishing under regulation to the public; electricity, gas, steam, communication (including CATV), transportation, drainage, sewer or water.
- 2.1158 **PUBLIC WATER**: Is a water supply system which is constructed, installed, maintained, operated and owned by a municipality, taxing district established for that purpose or a utility under the jurisdiction of the Public Service Commission of Indiana.
- 2.1159 **RAILROAD RIGHT-OF-WAY**: A strip of land with tracks and auxiliary facilities for track operation, but not including depots, loading platforms, stations, train sheds, warehouses, car shops, car yards, locomotive shops or water towers.
- 2.1161 **RECREATIONAL CAMPGROUND**: An area of land on which two (2) or more recreational vehicles, including campers, tents, RV's or other similar temporary recreational structures, are regularly accommodated with or without charge, including any building, structure or fixture of equipment that is used or intended to be used in connection with providing such accommodations.
- 2.1162 **RECREATIONAL FACILITIES**: Public or private facilities that may be classified as either "extensive" or "intensive" depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but are not limited to hunting, fishing, race tracks, riding clubs and parks. Intensive facilities generally require less land and include, but are not limited to miniature golf courses, amusement parks, stadiums and bowling alleys.
- 2.1163 **RECREATIONAL VEHICLE**: Commonly referred to as "RV's" are a temporary dwelling for travel, recreation and vacation use. They include, but are not limited to:
1. **Motor Homes**: a self-propelled vehicle with a dwelling constructed as an integral part of the vehicle, or so altered.

2. **Pick-up Coach:** a structure designed to be mounted on a truck chassis or cut-down car.
 3. **Travel/Camping Trailer:** A vehicle or other portable structure that is designed to be moved on the highway and designed or used as a dwelling.
- 2.1164 **REGULATED ACTIVITY:** An activity with a significant impact on wetlands and lakes, including, but not limited to:
1. Removal, excavation, or dredging of soil, sand, gravel, minerals, organic matter, or materials of any kind;
 2. Changing of existing characteristics for drainage, sedimentation patterns, flow patterns, or flood retention;
 3. Disturbance of the wetland or lake water level or water table by drainage, impoundment or other means;
 4. Dumping or discharging of material, or the filling of a wetland or lake with material;
 5. Placing of fill or the grading or removal of material that would alter existing topography;
 6. Driving of piles, placement of obstructions, and erection or repair of buildings or structures of any kind;
 7. The destruction or removal of native plant life that would degrade the character of a wetland or lake; and
 8. Any activity that results in a significant change of water temperatures, a significant change of physical or chemical characteristics of wetland or lake water sources, or the introduction of pollutants.
- 2.1164 **REGULATORY FLOOD:** Is the 100-year flood as designated by the Federal Insurance Administration.
- 2.1164 **RESTORATION:** A human activity that returns a wetland or former wetland from a disturbed or altered condition with lesser acreage or functions to a previous condition with greater acreage or functions.
- 2.1165 **REPLAT:** A change in a map of an approved or recorded subdivision plat if such a change affects any street layout on such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.
- 2.1166 **RIGHT-OF-WAY:** A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a secondary plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Right-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

- 2.1167 **ROADSIDE STAND:** A structure for the display and sale of products, with no space for customers within the structure itself.
- 2.1168 **SALVAGE YARD:** Establishment engaged in processing of scrap iron and/or other metals to be sold for manufacturing of steel or alloys. The total parcel must be fenced and screened.
- 2.1169 **SCREENING/BUFFERING/GREENBELT:** A structure erected or vegetation planted which initially or eventually is of sufficient height and or density for concealing an area from view and/or deaden sound.
- 2.1170 **SECTION:** A unit of a manufactured home at least ten (10) body feet in width and thirty (30) body feet in length.
- 2.1169 **SETBACK:** The minimum horizontal distance between the front line of a building or structure measured at the edge of the eave and the front property line.
- 2.1170 **SEWAGE DISPOSAL REPORT:** Is a study report on the suitability of the soil for on lot septic system, based on a mechanical analysis or soil classification or other methods as determined acceptable by the Commission.
- 2.1171 **SHORELINE:** For both natural and artificial lakes the Average Normal Water Level as established under IC 13-2-13-1, et seq, and administered under supervision of the Indiana Department of Natural Resources, shall establish the shoreline under this Title.
- 2.1171 **SIGN:** A name, identification, description, display, or illustration which is affixed to, or represented directly or indirectly upon a building, structure, or piece of land and which directs attention to an object, product, place, activity, person, institution, organization or business. A "sign" shall not include:
1. the display of official court or public office notices;
 2. the flag, emblem, or insignia of a nation, political unit, school, or religious group; nor
 3. one located completely within an enclosed building, except signs located behind window areas intended to be viewed from outside the building.
- 2.1174 **SIGN, BILLBOARD:** A structure or accessory structure usually elevated above the ground's surface; the gross surface area shall not be less than fifty-five (55) square feet on any facing and shall not exhibit more than two (2) signs per facing.
- 2.1173 **SIGN, BUSINESS:** A sign which directs attention to a business, commodity, service, or entertainment related to the premises where such sign is located or to which it is affixed.
- 2.1174 **SIGN, FLASHING:** An illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. *(A revolving, illuminated sign shall be considered to be a "flashing sign").*
- 2.1175 **SIGN, GROSS AREA OF:** The entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of same. *(Such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display).*
- 2.1126 **SIGN, NAMEPLATE:** Non-illuminated sign flush with the front of the building indicating the name or address of a building, or the name of an occupant thereof and the practice of a permitted occupation therein.

- 2.1176 **SITE PLAN**: A drawing to scale which must be furnished to the Building Commissioner when application is made for an Improvement Location Permit and which shows size and location of all existing and proposed buildings, all adjacent streets and highways, the size of all entrances and exits from the land and a legal description of the land. For some uses a landscape development plan must be included.
- 2.1177 **SPECIAL EXCEPTION**: A use permitted within a district requiring approval of the Board of Zoning Appeals because of its unusual nature.
- 2.1178 **STABLE, PRIVATE**: A building or structure which is located on a lot three (3) acres or more in size on which a dwelling is located, and which is designed, arranged, used, or intended to be used for housing saddle horses or ponies primarily for the use of occupants of the dwelling, but in no event for hire, and limited to not more than two (2) horses per three (3) acres.
- 2.1179 **STABLE, RIDING**: A building or structure which is designed, arranged, used, or intended to be used for housing saddle horses or ponies primarily for hire.
- 2.1180 **STAFF**: Is the staff of the Plan Commission of City of Boonville.
- 2.1181 **STANDARDS**: Is a specific and detailed listing of materials and construction methods for subdivision improvements and standards of construction and design, as adopted by the Commission (IC 36-7-4-702).
- 2.1181 **STOCKYARDS**: A yard where livestock is kept before being slaughtered or sent to market.
- 2.1182 **STORAGE**:
1. **Mini**: A single story building or group of buildings rented or leased to the general public for the storage of miscellaneous goods and non-hazardous materials.
 2. **Warehouse**: A primary use or accessory building of one or more stories for the storage of specific goods and materials which pertains to the primary use.
- 2.1183 **STORY**: That portion of a building included between the surface of any floor and the surface of the floor next above or if there is no floor above, the space between the floor and the ceiling next above. *(A basement having more than one-half the clear floor-to-ceiling height above grade shall be considered a "story")*.
- 2.1184 **STORY, HALF**: A space under a sloping roof which has the line of intersection of roof decking and wall, not more than three feet above the top level of the story below. (In such space, not more than sixty (60%) percent of the floor area is completed for a principal or accessory use).
- 2.1185 **STREETS (Road)**: A right-of-way, other than an alley, dedicated or otherwise legally established to the public use, usually affording the principal means of access to abutting property. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, lane, drive, or other appropriate name.
- 2.1186 **STREETS, MAJOR**:
- (a) **Arterial**: Any roadway that provides for through traffic movements between areas within the city and through the city.
 - (b) **Collector**: A street which carries traffic from local streets to arterial streets, and may include the principal entrance street of residential developments.

2.1187 **STREETS, MINOR:**

- (a) Local Collector: A roadway which provides access between the major street system and the minor streets defined below.
- (b) Local: A roadway, the primary function of which is to provide direct access to residential, commercial, industrial, or other abutting real estate.
- (c) Cul-de-Sac: A dead-end street permanently terminated by a vehicle turn around.
- (d) Loop Street: A street which has its origin and termination point with the same street and forms a loop or "U" of various shapes or proportions.
- (e) Service Road: A minor road which is parallel and adjacent to a thoroughfare, and which provides access to abutting properties and protection from through traffic.
- (f) Limited Access Street: Means a street to which abutting properties are denied access.
- (g) Perimeter Street: Any existing street to which the parcel of land to be subdivided abuts on only one (1) side.

2.1189 **STREET, THOROUGHFARE:** A public way or public place that is included in the thoroughfare plan of a unit. The term includes the entire right of way for public use of the thoroughfare and all surface and sub-surface improvement on it such as sidewalks, curbs, shoulders, and utility lines and mains.

2.1188 **STRUCTURE:** A structure means a combination of materials other than a building to form a construction that is safe and stable and includes among other things stadiums, platforms, radio towers, sheds, storage bins, fences and display signs, except public utility communication and transmission lines and supporting equipment.

2.1189 **STRUCTURAL ALTERATION:** A change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as the addition, removal, or alteration of bearing walls, columns, beams, girders or foundations.

2.1190 **SUBDIVIDER:** Any person engaged in developing or improving a tract of land which complies with the definition of a subdivision as defined in this ordinance.

2.1191 **SUBDIVISION:** The division of any parcel of land shown as a unit, as part of a unit, or as contiguous units on the last preceding transfer of ownership thereof, into two or more parcels, sites, or lots, any one of which may be less than two (2) acres in area, for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or petition of land into parcels of more than two (2) acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall not be considered a subdivision; or, the improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the subdivision and allocation of land as streets or other open spaces for common use by owners, occupants or leaseholders or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public utilities and facilities.

2.1193 **SUPPORT SYSTEM:** A pad or a combination of footings, piers, caps, plates, and shims, which, when properly installed, support the manufactured or mobile home.

- 2.1192 **TAVERN**: A building where liquors are sold to be consumed on the premises and where entertainment may or may not be provided.
- 2.1193 **TERRACE OR DECK**: A platform, which for the purpose of this Code is located adjacent to one (1) or more faces of the principal structure and which is constructed above the average level of the adjoining ground.
- 2.1194 **TOURIST HOME**: A dwelling in which sleeping rooms are provided or offered to transient guests for compensation. (Not including a hotel, apartment hotel or motel). Commonly referred to as a bread and breakfast when limited meals are offered.
- 2.1195 **TRUCK LOT**: Any lot or land area used solely for the storage or layover of commercial trucks, tractors, or truck trailers.
- 2.1196 **TRUCK TERMINAL/YARD, COMMERCIAL**: Any land use with or without buildings for, but not limited to: parking, storage, maintenance or transfer station for commercial trucks, tractors, truck trailers, and other commercial vehicles.
- 2.1196 **UNSAFE BUILDING LAW**: An ordinance which provides for minimum standards for building condition and maintenance in City of Boonville. The Building Inspector shall be the "Enforcement Authority" and the Board of Appeals shall be the "Hearing Authority".
- 2.1197 **URBAN DRAIN**: A drainage plan the Commission may require from a subdivider when considering the primary plat. Depending upon the Commission's findings, the City of Boonville may be petitioned to include the subdivision as an "Urban Drain" as specified in the 1965 Indiana Drainage Code and its amendments.

A drain shall be designated as an Urban Drain when:

1. The drain will not provide proper drainage for urban land or will not impound water in a small lake without construction or reconstruction.
 2. It is determined that the construction or reconstruction will provide proper drainage.
 3. Either or both of the following factors is present:
 - a. A reasonable part of the land within the watershed has been or is being converted from rural land to urban land.
 - b. It appears to the Commission that one (1) or more tracts within the watershed is or will be changing from rural land to urban land and that the change requires the drainage provided by an Urban Drain.
- 2.1198 **USE (of property)**: The purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained. (Includes any manner of performance of activity or operation with respect to the performance standards of this ordinance).
- 2.1199 **USE, PRINCIPAL**: The main use of land or buildings as distinguished from a subordinate or accessory use. (May be either "permitted" or "special").
- 2.1200 **USE, PERMITTED**: A use which may be lawfully established in a particular district or districts (provided it conforms with all requirements, regulations, and performance standards, if any, of such district).

- 2.1201 **USE, SPECIAL:** Those uses of land which are not essentially incompatible with the uses permitted in a zoning district, but possess characteristics or locational qualities which require individual review and restriction.
- 2.1202 **VARIANCE:** A minimum departure from the strict application of the specific requirements of this ordinance granted by the Board of Appeals in accordance with the terms of this ordinance for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity or district.
- 2.1203 **WATERSHED:** All land and water within the confines of a drainage divide (a ridge separating two drainage basins).
- 2.1204 **WATERSHED/LOCATION MAPS:** Maps required to be provided to the Commission when seeking primary approval of a plat. The maps may be separate or incorporated in the primary plat and shall show pertinent subdivision information such as but not limited to: Thoroughfares, physical features, existing schools, location of the subdivision and the streams/drainage within the watershed, and the flood plains and floodways as mapped by the Federal Insurance Administration.
- 2.1205 **WASTE:**
1. **Industrial Solid:** Generally consists of such materials as wastewater treatment sludges (wastes with most of the water removed; semi-liquid), agricultural wastes, plastics, oil, paint, metal, coal ash and is managed on-site in landfills, surface impoundments, land application units, and waste piles and/or to off-site land facilities, discharged to wastewater treatment plants and to surface waters.
 2. **Hazardous:** Regulated by the Resources Conservation and Recovery Act (RCRA, 1976) and its amendments, is any waste that is "corrosive, ignitable, reactive, or toxic", or poses a substantial threat to human health and environment when improperly managed.
 3. **Municipal Solid:** The refuse discarded by households, institutions, and commercial establishments (as distinct from hazardous waste and sludges), and is disposed of in landfills, by incineration, is composted, recycled or re-used.
 4. **Wastewater:** The effluent (something that flows out) from industrial facilities, oil and gas operations, mining, agricultural run-off, municipalities, small businesses and households. When discharged from a pipe to surface water ("point" source), it is regulated under the Clean Water Act (CWA, 1972) and its amendments. Most wastewater from diffuse origins ("non-point" source), such as agricultural run-off or domestic septic systems, is not regulated.
 5. **Yard:** Plant clippings, pruning, and other discarded materials from yards and gardens; also called yard rubbish.
- 2.1206 **WHOLESALE ESTABLISHMENT:** A business establishment engaged in selling to retailers or jobbers rather than consumers.
- 2.1207 **WASTE, DISPOSAL AND MANAGEMENT/SOURCE REDUCTION:** Techniques include but are not limited to: at the manufacturer - consumer levels; i.e., increasing durability, reducing weight, volume and packaging.

1. **Recycling:** The process by which materials otherwise destined for disposal are retrieved and remanufactured into new products.
 2. **Collection Center:** A light industry facility for collecting secondary materials, usually from the public, and reselling to brokers, processing centers or manufacturers. Collection centers may or may not buy material; can be permanent or mobile; do no processing of materials for resale.
 3. **Composting:** The controlled decay of organic matter, producing a nutrient - rich mulch or organic soil; is utilized for yard debris, thus removing part of the waste going to landfills and incinerators.
 4. **Incineration:** A process technology which provides the benefit of reducing the amount (particularly by volume) of wastes; the residues of which must then be managed and disposed of properly.
 5. **Landfill, Sanitary:** An engineering project for refuse disposal in which the waste is dumped in accordance with a preconceived plan, compacted, and covered during and at the end of each day.
 6. **Processing Center:** A heavy industry facility that buys secondary material, usually from brokers, collection centers and various post-consumer waste facilities, to use for the remanufacturing of products.
 7. **Transfer Station:** An intermediate facility where collected refuse is deposited for transfer to the final disposal site.
- 2.1208 **WETLAND:** An area which, (a) supports predominantly aquatic or hydrophytic vegetation; (b) contains hydric soils; (c) is saturated with water permanently, or at least some time during the growing season; and, (d) displays an hydrology typically associated with a wetland.
- 2.1208 **WETLAND DISTRICT:** Any area which includes any or all of the following:
1. A wetland;
 2. The area within twenty-five (25) feet of a wetland;
 3. The area within twenty-five (25) feet of the shoreline of a public freshwater lake.
- 2.1208 **WETLAND HYDROLOGY:** Commonly referred to as the wetness of an area. An area has Wetland Hydrology when saturated or inundated at some time during the growing season.
- 2.1208 **WETLANDS MAP:** That portion of the National Wetlands Inventory which includes the City of Boonville, and which shows wetlands and lakes located within the city's geographic area. The National Wetlands Inventory, as periodically updated, is incorporated herein by reference. Copies of this map are on file in the office of the City of Boonville Plan Commission.
- 2.1208 **YARD:** An open space on the same lot with a building or structure, unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted. *(A "yard" extends along a lot line, and to a depth or width specified in the yard requirements for the zoning district in which such lot is located)* and shall not include that part in use or to be used as a street.
- 2.1209 **YARD, FRONT:** A yard extending along the full length of the front lot line between the side lot lines and shall not include that part in use or to be used as a street.

- 2.1210 **YARD, REAR:** A yard extending along the full length of the rear lot line between the side lot lines.
- 2.1211 **YARD, SIDE:** A yard extending along a side lot line from the front yard to the rear yard.
- 2.1212 **YARD, CORNER SIDE:** A side yard which adjoins a public street, road or highway.
- 2.1213 **YARD, INTERIOR SIDE:** A side yard which is located immediately adjacent to another lot or to an alley separating such side yard from another lot.
- 2.1214 **YARD, TRANSITIONAL:** A yard which must be provided on a lot in a Business District which adjoins a lot in a Residential District, or a yard which must be provided on a lot in a Manufacturing District which adjoins a lot in either a Residential or Business District.
- 2.1217 **ZONING DISTRICT(S):** A section or sections of the territory of City of Boonville, City of Boonville, Indiana for which the regulations and requirements governing use, lot, and bulk of buildings and premises are uniform.
- 2.1218 **ZONING ORDINANCE:** The part of the Comprehensive Master Plan, now or hereafter adopted, which includes an ordinance and zone maps which divide the jurisdiction of the Commission into districts, with regulations and requirements and procedures for the establishment of the land use controls.