

ARTICLE 6 DEFINITIONS

Section 600 – USAGE

1. For the purpose of this Ordinance, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this Section.
2. Words and phrases that are not defined in this chapter but that are defined in the Town of St. Leon Zoning Ordinance shall be given their defined meanings when used in this chapter;
3. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word herein means in this ordinance; and the word ordinance means this ordinance.
4. A person includes a corporation, a partnership, and an incorporated association of persons such as a club; shall is always mandatory; used or occupied as applied to any land or building shall be construed to include the words intended, arranged, or designed to be used or occupied.
5. Technical words and phrases that are not defined in this chapter, or in the Town of St. Leon Zoning Ordinance, but that have established and appropriate meanings in law shall be given such meanings when used in this chapter;
6. Words and phrases that are not otherwise specifically defined shall be taken in their plain, ordinary and usual sense or as defined in current industry publication or references to include the current edition of Webster's Dictionary or by publication provided by the American Planning Association.

Section 610 – DEFINITIONS

ACCESSORY BUILDING: A subordinate structure, the use of which is incidental to that of the dominant use of the primary building or land.

PLANNING DIRECTOR, OR HIS DESIGNEE,: The officer appointed by and/or delegated the responsibility for the administration of this Ordinance by the Commission. This term shall be construed to mean those planning staff members working under the direction of the Planning Director, or his designee, in the exercise of his/her responsibilities in regard to the processing of this Ordinance.

ADVISORY PLAN COMMISSION: A Plan Commission serving a single, local government jurisdiction, established as defined by IC 36-7-1-2, as amended.

AGENCY: See Public Agency.

APPLICANT: The owner of land proposed to be subdivided, his agent, legal representative or a person who owns a subordinate interest in the land and who has the Owner's consent to apply for a Subdivision of the land.

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

BOND: Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Commission.

BOARD: The Town Board of St. Leon, Indiana

BUILDING: Any structure designed, built, and used for the shelter, protection, or enclosure of persons, animals, or property, and which is permanently affixed to the land. A building is also a structure, as defined in this Ordinance.

BUILDING CODE: The Indiana One- and Two-Family Dwelling Code and the Universal Building Code, establishing and controlling the standards for construction of buildings, utilities, mechanical equipment, and all forms of structures and permanent installations within the jurisdiction of the Town.

BUILDING PERMIT: A certificate issued by the Planning Director, or his designee, of the Commission permitting a person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure within its jurisdiction, or cause the same to be done.

CENTRAL SEWAGE SYSTEM: A public sewer system, including collection and treatment facilities, established by the developer to serve a new subdivision.

CENTRAL WATER SYSTEM: A community water supply system, including new and existing wells, and/or surface water sources and intakes, treatment facilities, and distribution lines established by a developer to serve a new subdivision.

CHECKPOINT AGENCY: A public agency or organization called upon by the Commission to provide expert counsel with regard to a specific aspect of community development or required by law to give its assent before subdivision may take place.

COMMERCIAL OR INDUSTRIAL SUBDIVISION: Any Subdivision of land which involves land that is zoned or intended to be used for commercial, industrial or multifamily purposes as defined in these regulations and/or in the Zoning Ordinance.

COMMISSION: The St. Leon Advisory Plan Commission, as referred to herein.

COMMISSION ATTORNEY: The licensed attorney designated by the Commission to furnish legal assistance for the administration of this Ordinance, as provided by statute.

COMPREHENSIVE PLAN: The inclusive physical, social, and economic plans and policies, in graphic and verbal statement forms, for the development of the Town, prepared and adopted by the Commission pursuant to State law, and including any part of such plan and/or policies separately adopted, and any amendment to such plan and/or policies, or parts thereof.

CONDOMINIUM: The division of buildings and the related land into horizontal property interests meeting the requirements of, and controlled by, Indiana statutes for condominiums as prescribed by the IC 32-1-6-1 through 32-1-6-31.

CONSTRUCTION PLANS: See Improvement Plans.

COUNTY: The word County means Dearborn County, Indiana

TOWN ATTORNEY: The licensed attorney designated by the Board to furnish legal assistance for the administration of this Ordinance in lieu of the Commission having its own attorney.

COUNTY AUDITOR: The County official empowered to examine and settle all accounts and demands that are chargeable against the County and not otherwise provided for by statute.

COUNTY HEALTH OFFICER: See Health Department.

COUNTY RECORDER: The County official empowered to record and file land description plats.

COUNTY SURVEYOR: The county official empowered to keep and maintain the legal survey record book and the corner record book.

DEPARTMENT: See Public Agency.

DESIGNATED OFFICIALS: Those officials of the Commission designated in this Ordinance as required signatories for the execution of Secondary plat approval.

DEVELOPER: The word developer as used in this Ordinance has the same meaning as Subdivider or Applicant. Consent for making application for development approval shall be required from the legal owner of the premises.

DRAINAGE SYSTEM: Any combination of surface and/or subsurface drainage components fulfilling the drainage requirements of these regulations.

DRIVE, PRIVATE: Vehicular ways, paved or unpaved, which are wholly within private property, except those portions within public rights-of-way.

DRIVEWAY: An access to a public road for one residence or one tract of land.

DRIVEWAY APRON: The portion of the driveway lying within the Town right-of-way.

DRIVEWAY SHARED: A single access to a public road shared by two or more tracts of land.

EASEMENT: An authorization grant by a property owner for the use by another of any designated part of his property for a clearly specified purpose.

EROSION CONTROL HANDBOOK: The Indiana Handbook for Erosion Control in Developing Areas.

ESCROW: A deposit of cash with the Commission in lieu of an amount required and still in force on a performance or maintenance bond. Such escrow funds shall be held by the designated Town official.

EXEMPT DIVISIONS: See definition of Subdivision.

FEASIBILITY REPORT: A written report prepared by a professional engineer or land surveyor pertaining to the suitability of the site for various types of water and sewage systems; for drainage retention or detention; and the subsoil conditions for various methods of street construction.

FINAL PLAT: The map, drawing, or plan of a subdivision described in this Ordinance and any accompanying material submitted to the Commission for final approval, and which, if approved and signed by the designated officials, may be submitted to the County Recorder for recording.

FOUNDATION: The supporting member of a wall or structure.

FRONTAGE: That side of a lot or tract abutting a street and ordinarily regarded as the front of a lot. Lots shall not be considered to front on stub ends of streets and in the case of corner lots shall be considered to front on both intersecting streets. (No access for any one lot is permitted to more than one street and that street will generally be the one calculated to have lower traffic volumes and less frequent intersections.)

FRONTAGE STREET: A local or auxiliary street parallel to an arterial, established for control of access and providing access to abutting property and adjacent areas. Also called a marginal access street.

GRADE: The slope of a street or other public way, and other applicable development features, specified in percentage (%) terms.

GRADING: The stripping, cutting, filling, spreading or stockpiling of soil, sand, gravel or stone or any combination or mixture thereof on a tract, parcel or lot.

HEALTH DEPARTMENT: The agency designated by the County to administer the health regulations within the County's jurisdiction.

HIGHWAY, LIMITED ACCESS: A freeway or expressway providing through-traffic 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 and in such manner as may be determined by the public authority having jurisdiction over such a highway.

IMMEDIATE FAMILY MEMBER: Any person who is a natural or legally defined offspring, grandchild, spouse, sibling, parent, or grandparent.

IMPROVEMENT PLANS: The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed for the subdivision in accordance with the requirements of this Ordinance as a condition of the approval of the plat.

IMPROVEMENTS: See Lot Improvements or Public Improvements.

INDIANA CODE: The Indiana Statutes Code Edition (abbreviated as IC herein) which codifies all Indiana statutes for reference purposes. The latest edition with any amending supplements must be referred to for the laws currently in force and applicable.

INDIVIDUAL SEWAGE DISPOSAL SYSTEM: A septic tank, seepage tile, or any other approved sewage treatment device approved by the Health Department. An individual sewage disposal system is a private sewage disposal system.

INTERESTED PARTIES: Those owners of property to whom notice of a proposed subdivision must be given.

INTERSTATE: See Streets.

IRREVOCABLE LETTER OF CREDIT: A financial commitment provided by a lending institution, on behalf of a Subdivider, which cannot be revoked except as expressly stated in the terms of the agreement within the letter of credit.

JOINT OWNERSHIP: Collective ownership of a parcel of land; constructive ownership for the purpose of imposing subdivision regulations.

LAND DIVIDER: The owner of a parcel of land to be further divided through action of an exempt division.

LEGAL DESCRIPTION: A description recognized by law, which definitely describes real property by reference to government surveys, coordinate systems or recorded maps; a description, which is sufficient to locate property without oral testimony.

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

LOT, CORNER: A lot located at the intersection of two or more streets, the interior angle of such intersection not exceeding one hundred thirty-five (135) degrees. A lot abutting a curved street or streets shall be considered a corner lot if tangent projections of the front lot lines drawn perpendicular at the side lot lines meet at an interior angle of less than one hundred thirty-five (135) degrees in front of the lot. The required setback on all sides bounded by a street, excluding alleys, shall equal the front building setback of the district in which the lot is located. On a corner lot, the rear lot line shall be opposite the side of the house considered by the Planning Director, or his designee, to be the front.

LOT, FLAG: A lot approved with a lesser lot width adjacent to a public right-of-way than is typical, where a narrow panhandle access corridor leads to the bulk of the lot located behind those lots or parcels with greater lot width adjacent to the right-of-way.

LOT IMPROVEMENT: Construction of any building, structure, or other object, or improvement of the land on which they are situated, constituting a physical betterment of real property, or any part of such betterment. Certain lot improvements shall be properly bonded as provided in the Town's land development regulations.

LOT LINE, FRONT: The lot lines abutting a street right-of-way; or on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.

LOT LINE, REAR: A lot line or connected lines between the ends of the side lot lines, and which typically is or are parallel to, or approximately parallel to, the front lot line.

LOT LINE, SIDE: A lot line or connected lot lines commencing at an end of a front lot line and terminating either at an intersection with an end of the rear lot line or at an intersection with the opposite side lot line, no portion of which is parallel to, or approximately parallel to, the front lot line.

LOT OF RECORD: A tract, plot, or portion of a subdivision or other parcel of land existing on the date of the adoption of the Subdivision Control Ordinance of St. Leon, Indiana, as shown or described on a plat or deed in the office of the County Recorder.

LOT WIDTH: The horizontal distance between side lot lines, measured at the established front setback line and at right angles to the lot depth.

MAJOR STREET PLAN: See Official Map.

MAJOR SUBDIVISION: See Subdivision, Major.

MAP: A representation of a part or the whole of the earth's surface, in signs and symbols, on a plane surface, at an established scale, with a method of orientation indicated.

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

MASTER PLAN: See Comprehensive Plan.

MINOR SUBDIVISION: See Subdivision, Minor.

MODEL HOME: A dwelling unit, used initially for display purposes, which typifies the kind of units that will be constructed in a major subdivision.

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

NONRESIDENTIAL SUBDIVISION: A subdivision which has an intended use other than residential, such as commercial, industrial, or institutional. Such subdivision shall comply with applicable provisions of this Ordinance.

OFF-SITE: Any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval.

OFFICIAL MAP: The map(s) established by the Town Board, pursuant to law, showing the existing and proposed streets, highways, parks, drainage systems, and setback lines theretofore laid out, adopted, and established by law, and any amendments or additions thereto resulting from the approval of subdivision plats by the Commission and the subsequent recording of such approved plats.

ORDINANCE: The word Ordinance shall have the meaning of Subdivision Control Ordinance unless otherwise stated.

OWNER: Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to, or sufficient proprietary interest in, the land sought to be subdivided under this Ordinance.

PARCEL: A part or portion of land having a legal description formally set forth in a conveyance, together with the boundaries thereof, in order to make possible its easy identification.

PARENT TRACT: An existing lot, parcel, or tract of land as established and referenced by deed and plat in the Dearborn County Recorder's Office.

PERIMETER STREET: Any existing street to which the parcel of land to be subdivided abuts on only one side.

PLAN COMMISSION: The Town's Advisory Plan Commission, as established in accordance with Indiana law, often referred to herein simply as the Commission.

PLAT: A map indicating the subdivision or re-subdivision of land, filed or intended to be filed for record with the County Recorder.

PRIMARY PLAT: The preliminary drawing or drawings, described in this Ordinance, indicating the proposed manner or layout of the subdivision to be submitted to the Commission for approval, with or without conditions imposed, in a public hearing complying with standards prescribed in this Ordinance (per IC 36-7-4-700 series).

PRINCIPAL BUILDING: A building in which the principal use of the lot or parcel is conducted. Standards recognized by the Indiana Administrative Building Council shall be used to determine whether a given structure constitutes one or more buildings in cases where ambiguities exist.

PRIVATE SEWAGE DISPOSAL SYSTEM: Any sewage disposal system not constructed, installed, maintained, operated and owned by a municipality, a taxing district or a corporation or organization possessing a "Certificate of Territorial Authority" issued by the Indiana Utilities Regulatory Commission and established for that purpose. A private sewage disposal system is typically an individual sewage disposal system that may be either a subsurface septic system or mound septic system that is surface constructed of material brought to the site.

PRIVATE WATER SYSTEM: Any plumbing system for providing potable water to a lot or parcel of property that is not constructed, installed, maintained, operated and owned by a municipality, a taxing district or a corporation or organization possessing a "Certificate of Territorial Authority" issued by the Indiana Utilities Regulatory Commission and established for that purpose. A private water system is typically a well drilled to serve a single lot.

PUBLIC AGENCY: An agency or government department acting under the aegis of, and representing, an elected or appointed council, commission, or other policy-making or advisory body of Federal, State, or local government to whom it is responsible.

PUBLIC HEARING: Public Hearing means, after proper publication of notice as required herein at which the public can comment upon the matter at issue and which complies with Indiana Law.

PUBLIC IMPROVEMENT: Any drainage ditch, street, highway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the Town Board may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which the Town Boards' responsibility is established. All such improvements shall be properly bonded.

PUBLIC SEWAGE DISPOSAL SYSTEM: Any sewage disposal system constructed, installed, maintained, operated, owned or defined as a public sewage, disposal system by a municipality, taxing district possessing a "Certificate of Territorial Authority" issued by the Indiana Utilities Regulatory Commission and established for that purpose.

PUBLIC WATER SYSTEM: Any water system that is constructed, installed, maintained, operated, owned or defined as a public water system by a municipality, taxing district or a corporation or organization possessing a Certificate of Territorial Authority issued by the Indiana Utilities Regulatory Commission and established for that purpose.

REGISTERED LAND SURVEYOR: A land surveyor properly licensed and registered, or through reciprocity permitted to practice, in the State of Indiana.

REGISTERED PROFESSIONAL ENGINEER: An engineer properly licensed and registered, or through reciprocity permitted to practice, in the State of Indiana.

RE-PLAT: See re-subdivision.

RESTRICTIVE COVENANTS: The limitations of various kinds imposed on the usage of lots within a subdivision by the subdivider. Such restrictive covenants are not enforceable by the Town Board or the Commission.

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

RIGHT-OF-WAY: A strip of land occupied or intended to be occupied by a street, pedestrian way, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, special landscaping, or other 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. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, screening, or special landscaping, or any other use involving maintenance by the Town Board or County, shall be dedicated to public use by the subdivider on whose plat such right-of-way is established.

SALE OR LEASE: Any immediate or future transfer of ownership, or any possessor interest in land, including contract of sale, lease, devise, interstate succession, or transfer, of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map lease, devise, interstate succession, or other written instrument.

SAME OWNERSHIP: Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner, associate, or member of his family, owns an interest in each corporation, firm, partnership, entity, or unincorporated associations.

SECONDARY PLAT: The map, drawing, or plan of a subdivision described in this Ordinance and any accompanying material submitted to the Commission for final approval, and which, if approved and signed by the designated officials, may be submitted to the County Recorder for recording.

SECTIONALIZING: A process whereby an Applicant seeks Secondary Plat approval on only a portion of a plat—which has been granted Primary Approval.

SECTION CORNER: A corner established as part of the United States Public Land Survey System used for horizontal control in describing land.

SEWAGE: The water-carried waste derived from ordinary living processes, including, but not limited to, human excrete and waste water derived from water closets, urinals, laundries, sinks, utensil and clothes washing machines, bathing facilities or similar facilities or appliances.

SEWAGE DISPOSAL SYSTEM: Any arrangement of devices and structures used for receiving, treating, disposing or storing of sewage.

SETBACK: A line parallel to and equidistant from the relevant lot line (front, back, side) between which no buildings or structures may be erected, as prescribed in the Zoning Ordinance.

SHADE TREE: A tree in a public place, street, special easement, or right-of-way adjoining a street, as provided in this Ordinance.

SKETCH PLAN: An informal, informational drawing, as described in this Ordinance, preparatory to the drawing of the Primary plat (or Secondary plat in the case of Minor Subdivisions) to enable the subdivider to save time and expense in reaching a general agreement with the Commission as to the form of the plat and conformance to the objectives of this Ordinance.

SOIL SURVEY: The National Cooperative Soil Survey prepared by the U.S. Department of Agriculture, Soil Conservation Service, in cooperation with Purdue University.

SPECIAL LANDSCAPING: Areas of tree planting, shrubs, or other landscape features serving a public purpose and maintained by the Town.

STATE LAW: Legislative acts of the State of Indiana as they affect this Ordinance.

STATE PLANE COORDINATES SYSTEM: A system of plane coordinates, based on the Transverse Mercator Projection for the Eastern Zone of Indiana, established by the United States Coast and Geodetic Survey for the State of Indiana.

STREET: The space or area between lot lines, abutting a right-of-way and designed as a way for vehicular traffic, however designated, and which shall include, but not be limited to, those types illustrated in the Comprehensive Plan. For the purpose of this Ordinance, streets shall be classified as follows:

Arterials are those Federal and State roads of regional importance. These are high-capacity highways moving traffic at a high rate of speed. They provide good continuity between distant points and are constructed to high standards. Arterial highways provide two to four traffic lanes and should have a median strip when possible. Crossing traffic from other roads and access to abutting properties are often controlled, or partially so.

Collectors are moderate-capacity thoroughfares designed to accommodate relatively low-speed traffic. They should, however, provide a smooth flow of traffic. Two moving lanes, unseparated, but wider than local street lanes, are required.

Local Streets are low-capacity and low-speed roads whose function it is to provide direct access to homes and property. Through-traffic and heavy use of these roads is discouraged. To the extent possible, residential driveways and ingress and egress points to other uses or structures should be oriented to local streets rather than to arterials or collectors.

Marginal Access Streets are local streets which are parallel to and adjacent to arterial streets and highways, and which provide access to abutting properties and protection from through-traffic.

Cul-de-sac Streets are local streets with only one outlet, having a paved, circular turnaround area at the closed end for the safe and convenient reversal of traffic movement, including public safety vehicles.

Eyebrow Cul-de-sacs are semi-circular indentations in the right-of-way line of a local street, the radius of which is similar to the radius of a typical cul-de-sac.

Alleys are minor ways which are used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

STREET CLASSIFICATION: For the purpose of providing for the development of the streets, highways, and rights-of-way in the governmental unit, and for their future improvement, reconstruction, re-alignment, and necessary widening, including provision for curbs and sidewalks, each existing street, highway, and right-of-way, and those located on approved and filed plats, have been designated on the Official Map and classified therein. The classification of each street, highway, and right-of-way is based upon its location in the respective zoning districts of the Town, its present and estimated future traffic volume, and its relative importance and function as specified in the Comprehensive Plan. The required improvements shall be measured as set forth in this Ordinance for each street classification on the Official Map.

STREET RIGHT-OF-WAY WIDTH: The distance between property lines measured at right angles to the centerline of the street.

STRUCTURE: Anything constructed or erected that requires location on or in the ground or is attached to something having a location on or in the ground.

SUBDIVIDER: Any person who, having a proprietary interest in land, (a) causes it, directly or indirectly, to be divided into a subdivision; or (b) directly or indirectly sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel, site, unit, or plat in a subdivision; or (c) engages directly, or through an agent, in the business of selling, leasing, developing, or offering for sale, lease, or development any interest, lot, parcel, site, unit, or plat in a subdivision; and (d) is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

SUBDIVISION: The division of a parcel of land into two or more lots, parcels, sites, units, plats, or interests, for the purpose of offer, sale, lease, or development, either on the installment plan or on any and all other plans, terms, and conditions, including re-subdivision. Subdivision includes the division or development of land zoned for residential and non-residential uses, whether by deed, metes and bounds, description, devise, intestacy, lease, map, plat, or other recorded instrument.

SUBDIVISION, EXEMPT: Exempt Subdivisions (hereafter called Certified Surveys) are exempt from most provisions of this Ordinance, may not result in or require the creation of a public easement or the installation of public improvements, and must be one of the following types of division:

- a. The division by conveyance of a single lot, tract, or parcel of land or a part thereof, shown as a unit on the last preceding transfer of ownership record, into more than two lots, tracts, or parcels of land in any one (1) year period of time for the purpose, whether immediate or future, of transfer of ownership for residential, commercial, or industrial purposes. Additional divisions of this type shall be required to follow the Major or Minor Subdivision procedure;
- b. A division of land for the transfer of a tract, or tracts, to correct errors in an existing legal description, provided that no additional building sites other than for accessory buildings are created by the division;
- c. A division of land pursuant to an allocation of land in the settlement of a decedent's estate or a court decree for the distribution of property;
- d. A division of land for federal, state or local government to acquire street right-of-way;
- e. A division of land for the transfer of a tract, or tracts, between adjoining lots provided that no additional principal use building sites are created by the division. Each lot created shall be clearly identified as a non-buildable parcel on the plat and within the deed. The adjoined lots so created hereunder shall have only one principal use building site each;
- f. A division of land into cemetery plots for the purpose of burial of corpses;
- g. A retracement of an existing parcel of record in which a survey plat does not exist, a survey error is being corrected or a new deed and/or legal description being created.

EXEMPT FAMILY DIVISIONS: Exempt Family Divisions (hereafter called Family Subdivisions) are defined as a division of a lot or parcel for the sale or gift to a member of the immediate family of the property owner. Family Subdivisions are exempt from most provisions of this Ordinance, may not result in or require the creation of a public easement or the installation of public improvements, and must meet the following criteria:

- a. Only one such division shall be allowed per family member and shall not be for the purpose of circumventing the requirements set forth in the St. Leon Subdivision Control Ordinance.
- b. A member of the immediate family is defined as any person who is a natural or legally defined offspring, grandchild, spouse, sibling, parent, or grandparent.
- c. All applicable requirements of the St. Leon Zoning Ordinance and Subdivision Control Ordinance regarding the establishment of conforming lots or parcels of record must be

followed.

- d. The property owner requesting such subdivision shall have held fee simple title to the property to be subdivided for a period of five (5) years prior to the filing of the family subdivision application with the county.
- e. The grantee must be at least 18 years of age.
- f. Lots may not be voluntarily transferred to a non-immediate family member for at least five (5) years after approval of the Family Subdivision plat, except:
 - 1) A transfer of a shared interest may be subsequently or simultaneously made to the spouse of the grantee. This restriction shall be noted in the deed.
 - 2) Upon the approval of a Subdivision Waiver in accordance with Article 1 of this Ordinance.

If a Family Subdivision grantee conveys a lot or parcel received pursuant to an approved Family

Subdivision plat within five (5) years after the date of record plat approval, the grantee shall be presumed to have intended at the time of the approval of the Family Subdivision to circumvent this Section of the Subdivision Control Ordinance. Such conveyance shall entitle the Town Attorney and the Planning Director to take any reasonable actions necessary to ameliorate the effect of such circumvention, including, without limitation, recommending to the Town Board the pursuit of legal remedies that result in the vacation of said Subdivision in whole or in part. This subsection shall not apply to a conveyance made to secure an obligation pursuant to the foreclosure of a lien.

No zoning permit or building permit shall be issued for any lot or parcel with respect to which any of the foregoing provisions of this subsection has been violated unless and until correction of such violations have been accomplished to the satisfaction of the Planning Director.

SUBDIVISION, MAJOR: A Major Subdivision of land involves eight (8) or more buildable lots in addition to the Parent Tract and can include public improvements such as streets, grading, utilities and stormwater detention. The review procedure for a major division of land involves a Primary Plat, Improvement Plan, and a Secondary Plat as outlined in this Article. If, however, a division of land containing eight (8) or more buildable lots does not require any public street improvements or stormwater detention and only requires minimal grading, the developer will only be required to submit a Primary Plat and a Secondary Plat for review and approval.

SUBDIVISION, MINOR: A Minor Subdivision of land involves the division of seven (7) buildable lots or less in addition to the Parent Tract, and is located along an existing public street or a private drive as specified in this Ordinance and involves minimal grading. The review procedure for a minor division of land involves a Primary Plat and a Secondary Plat as outlined in this Article. The minor division of land involves no widening or extension of a public street or stormwater detention. The procedures and application requirements are outlined in this Article.

SUBSURFACE DRAINAGE: A system of pipes, tiles, conduits or tubing installed beneath the ground surface used to collect ground water from individual parcels, lots or building footings.

SURFACE DRAINAGE: A system by which stormwater runoff is collected to an outlet. The term encompasses the proper grading of parking lots, streets, driveways, yards, etc., so that storm water runoff is removed without ponding and flows to a drainage swale, open ditch or storm sewer.

TEMPORARY IMPROVEMENT: Improvements built and maintained by a subdivider during construction of the subdivision and intended to be replaced by a permanent improvement prior to release of the performance bond; or turnaround improvements at the ends of stub streets intended to be replaced when the adjoining area is developed and the through-street connection made.

THOROUGHFARE PLAN: See Official Map.

TOWN: The Town of St. Leon.

TOWN ENGINEER: The person designated by the Town to furnish engineering assistance in the administration of these regulations.

VARIANCE: A variance is an exception granted from the literal enforcement of the Subdivision Control Ordinance where, by reason of exceptional topographic conditions, or some other extraordinary situation or condition of that site that would deprive the applicant of reasonable capacity to make use of the land in a manner equivalent to those permitted to other landowners in the same zone district. It is a departure from dimensional or use terms of the Subdivision Control Ordinance.

YARD: A space on the same lot with a principal building, such space being open, unoccupied, and unobstructed by buildings or structures from ground to sky except where encroachments and accessory structures are expressly permitted.

YARD, FRONT: A yard as defined herein, extending the full width of the lot between any building and the front lot line and measured from the building foundation at its closest point to the front lot line. Corner lots shall be considered to front on both intersecting streets, with matching front setbacks; however, the front yard of a corner lot shall be that yard abutting the street to which the front of the structure faces.

YARD, REAR: A yard, as defined herein, extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building at the closest point to the rear lot line. The rear yard of a corner lot shall be that yard at the opposite end of the lot from the front yard.

YARD, SIDE: A yard, as defined herein, extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building.

ZONING ORDINANCE: That Town of St. Leon ordinance setting forth the regulations controlling the use of land in the incorporated areas of the Town and in those areas in the extended zoning jurisdiction buffer.