

ARTICLE 27 DEFINITIONS

SECTION 2700 WORD INTERPRETATIONS

For purposes of this Ordinance, the following terms shall have the meaning indicated below:

1. Present tense shall also include the future tense.
2. A singular number shall include plural and plural shall include singular.
3. The word “shall” is mandatory; the word “may” is permissive.
4. The word “used” includes “designated” or “intended to be used.”

SECTION 2710 DEFINITIONS

Certain words used in this Ordinance are defined below. Any words not defined as follows shall be referenced from the APA’s Glossary of Zoning, Development, and Planning, or shall be construed in their generally accepted meanings.

ACCESSORY APARTMENT: A subordinate dwelling, attached to the primary dwelling, that is designed and used specifically as a subordinate use to the primary dwelling unit on a residentially zoned lot. Such a use may be occupied only by a member of the extended family of the occupants of the primary dwelling, or by a bona fide servant; be of an area no greater than thirty percent (30%) of the gross area of the primary residence; be equipped with separate sleeping, bathroom, and kitchen facilities; and include an additional parking space in addition to those required by the primary residence.

ACCESSORY USE OR STRUCTURE: A structure which (1) is subordinate to and serves a principal building or use; (2) is subordinate in area, extent or purpose to the principal building to be served; (3) contributes to the comfort, convenience or necessity of occupants of the principal building or use served; and (4) is located on the same lot with the building or use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere.

ADULT ENTERTAINMENT FACILITY: A facility having a significant portion of its function as any of the following, adult entertainment business, adult bookstore, adult movies, adult massages.

AGRICULTURAL LAND: All real property within the boundaries of the Town of St. Leon currently used for agricultural operations or upon which agricultural operations may reasonably be established in the future.

AGRICULTURAL OPERATION: Includes, but is not limited to, the cultivation and tillage of the soil; dairying; the production, irrigation, cultivation, growing, harvesting, and processing of any agricultural commodity, including viticultural, horticultural, or timber; the raising of livestock, fur bearing animals, fish, or poultry; and any commercial agricultural practices performed as incident to or in conjunction with such operations, including preparation for market, delivery to storage, to market, or to carriers for transportation to market.

AGRICULTURE: The use of the land or structures for agricultural purposes, including farming, dairying, pasturage, agriculture, or husbandry; necessary accessory structures; and for the packing, treating or storage of produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

AIR POLLUTION: Presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant, or animal life, to property, or which unreasonably interfere with the comfortable enjoyment of life and property.

ALLEY: A public right-of-way which normally affords a secondary means of access to abutting property.

ALTERATION: Any change, addition, or modification in construction. Any change in the structural members of a structure, such as load-bearing walls, columns, beams, or girders.

AMATEUR RADIO SUPPORT STRUCTURES: Poles, master towers and antennas used in the operation of amateur radios licensed by the Federal Communication Commission.

APPLICANT: A landowner or developer, as hereinafter defined, who has filed an application for development, including their heirs, successors, and assigns.

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

ASSISTED LIVING CENTER: An institution which provides for lease or purchase of apartments or condominiums as dwellings for individuals, who because of physical or mental limitations, cannot function independently and/or maintain a household without assistance. Such an institution may provide meals, medical and rehabilitation services, and other services to residents.

AUTOMOTIVE SERVICE STATION: A business establishment that dispenses or offers for sale, fuel for automotive use or repairs, rebuilds, reconditions, or services automobiles or automotive parts including but not limited to any of the following activities: body and paint work, engine repair or rebuilding; installation, repair, or reconditioning of tires, brakes, transmissions, mufflers, automotive electrical or air conditioning systems, automotive upholstery, or automotive glass, all on a individual vehicle basis; changing of oil, other fluids, and filters; emissions testing.

BANNER: A temporary sign composed of lightweight material either enclosed or not enclosed in a rigid frame, secured or mounted so as to allow movement of the sign caused by movement of the atmosphere.

BASEMENT: That portion of a structure having its floor sub-grade (below ground level) on all sides.

BED AND BREAKFAST HOME: An owner-occupied dwelling, or portion thereof, that contains guest rooms where short-term lodging, with or without food, is provided for compensation.

BLOCK: A unit of land bounded by streets or by a combination of streets and public land, cemeteries, railroad rights-of-way, waterways, boundary lines of municipalities or any other barrier to the continuity of development.

BOARD: The Board of Zoning Appeals of the Town of St. Leon, Indiana.

BUILDING: A structure built for the support, enclosure, shelter, or protection of persons, animals, or moveable property of any kind, whether or not permanently affixed to the land.

BUILDING FRONT: The side(s) of a building that parallels and is visible from the right-of-way of any or all Streets, as hereinafter defined.

BUILDING HEIGHT: The vertical distance measured from the average grade level to the highest point of a building or structure, excluding chimneys, smokestacks, stage towers, spires, belltowers, water towers, ornamental towers, conveyors, or flag poles. Where the finished grade of a structure is not uniform, the average of all sides of a building or structure shall be used to determine the building height.

BUILDING LINE: The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of a building or structure and the street right-of-way line.

BUILDING, PRINCIPAL: A non-accessory building in which the principal use of the lot, on which it is located, is conducted.

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.

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

CHILD CARE CENTER: A facility licensed by the State of Indiana where at least seventeen (17) children receive child care from a provider while unattended by a parent, legal guardian, or custodian for regular compensation for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.

CHILD CARE HOME: A residential structure licensed by the State of Indiana in which at least five (5) children (not including the children for whom the provider is a parent, stepparent, guardian, or other relative) at any time receive child care from a provider while unattended by a parent, legal guardian, or guardian; for regular compensation; and for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.

CLINIC: Any establishment where human patients are examined and treated by a doctor or dentist, but not hospitalized overnight.

COMMON OPEN SPACE: A parcel(s) of land, an area of water, or a combination of land and water within a development site, designed or intended for the use or enjoyment of residents of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of occupants. Street rights-of-way, driveways and parking lots which directly serve dwellings or commercial buildings shall not be counted toward area requirements of common open space. Those structures directly serving recreational areas may be counted toward common open space area requirements, at the discretion of the Plan Commission.

COMMUNICATIONS ANTENNA: Any structure designed for transmitting or receiving radio, television, or telephone communications, including omni-directional or whip antennae, directional or panel antennae, and microwave dish antennae, which may be mounted on an existing building or on a communications tower, and including the accessory equipment cabinet necessary to operate the antennae.

COMMUNICATIONS FACILITY: Any communications antenna or communications tower, as defined by this Ordinance, which is operated by any agency or corporation, including a public utility regulated by the Indiana Regulatory Commission or any agency or franchisee of St. Leon, or any police, fire, emergency medical or emergency management agency, but not including satellite dish antennae, defined as parabolic dishes designed for “receive-only” viewing of satellite programs for private viewing, or radio and TV antennae, defined as freestanding or building-mounted antennae located on residential property designed to enhance radio or television reception for the residents of the dwelling.

COMMUNICATIONS TOWER: Any structure, whether freestanding or attached to a building, designed to support multiple communications antennae, including monopole, self-supporting, and guyed towers, and one or more of the following mounts for antennae: rotatable platform, fixed platform, multipoint, side arm and pipe mounts for microwave dishes.

COMPREHENSIVE PLAN: The Comprehensive Plan of the Town of St. Leon, Indiana including all amendments adopted by the Town Board of the St. Leon.

CONDOMINIUM: A single-family attached dwelling unit separately owned and valued for property tax purposes, with common areas under group ownership and property taxes paid by a homeowners association.

CONDOMINIUM ASSOCIATION: The community association that administers and maintains the common property and common elements of a condominium.

CONFINED FEEDING LOT: An area within which the confined feeding of animals for food, fur, or pleasure purposes takes place in lots, pens, ponds, sheds or buildings where all food is supplied by means other than grazing (IC 13-18-10).

CONFINED FEEDING OPERATION: Shall mean (1) any confined feeding of three hundred (300) or more cattle, six hundred (600) or more swine or sheep, or thirty thousand (30,000) or more fowl; or (2) any animal feeding operation utilizing a waste lagoon or holding pit; or (3) any animal feeding operation where the operator elects to come under the Act of 1943, or amendments thereto; or (4) any animal feeding operation that is causing violation of Chapter 214 of the Act of 1943, or amendments thereto, as determined by the State office of jurisdiction.

CONTRACTOR’S OFFICE: Any building or structure used as the permanent place of business for a general contractor or tradesman, but where the site does not include the outdoor storage of construction equipment, material, and company vehicles.

CONTRACTOR’S YARD: Any developed or vacant land used as a place of storage for a general contractor or tradesman, including the storage of construction equipment, material, and company vehicles.

CUL-DE-SAC: A minor street with only one outlet.

CORRIDOR GREENBELT: (1) That portion of the front yard of a lot that is immediately adjacent and parallel to the right-of-way of Interstate 74 having a minimum depth of fifty (50) feet from the street right-of-way line; and (2) that portion of the front yard of a lot that is immediately adjacent and parallel to the rights-of-way of State Routes 1 and 46 having a minimum depth of twenty (20) feet from the street right-of-way.

DAY CARE FACILITIES: See “Child Care Center,” and “Child Care Home.”

DEVELOPER: The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable proprietary interests in such land.

DEVELOPMENT: Any man-made change to improved or unimproved real estate including, but not limited to, buildings and other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DISCARDING: To abandon, deposit, desert, discharge, dispose, drop, dump, eliminate, emit, jettison, leave, pitch, place, put, scrap, spill, throw, or toss any item, any solid waste or derivative thereof, or any inherently waste-like material in a manner such that the discarded substance remains upon the land as solid waste.

DISTRICT: A zoning district as created and defined in the Zoning Ordinance of St. Leon, Indiana.

DUMPING: The discarding or long-term storage of any items of solid waste commonly known as garbage, rubbish, refuse, construction and demolition debris, household trash, appliances, diapers, food service wastes, tires, scrap metal, vehicle parts, implement parts, fence wire and all other items and materials defined as “solid waste” and in IC 13-11-2-205.

DWELLING: A building or structure, which is completely or partly used for residential purposes but does not include commercial hotels, motels or tourist cabins.

DWELLING UNIT: One (1) or more rooms which are arranged, designed or used as living quarters for one family.

DWELLING, MULTIPLE-FAMILY: A dwelling, or portion thereof, containing three (3) or more dwelling units, including condominiums.

DWELLING, SINGLE-FAMILY: A dwelling containing one (1) dwelling unit only.

DWELLING, TWO-FAMILY: A dwelling containing two (2) dwelling units only.

EASEMENT: An authorization or grant by a property owner to a specific person(s) or entity, or to the public to use land for specific purposes, where the ownership of such easement is retained by the granting party.

ENCLOSED MALL SHOPPING CENTER: A commercial real estate development comprised of department, retail and/or commercial stores, the majority of which stores have entrances facing upon a common enclosed mall. This definition shall not include free-standing buildings located at or about such enclosed mall shopping center.

ENFORCEMENT OFFICER: Individual(s) designated by the Town of St. Leon to enforce the regulations within the zoning and subdivision ordinance.

ESSENTIAL SERVICES: The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, telephone, sewer, water transmission drains, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs and other similar equipment, for the furnishing of adequate services by such public utilities or municipal or other governmental agencies, but not including buildings. This definition is not intended to include private commercial enterprises such as cellular communications facilities, but only those public facilities necessary for the health, safety, and general welfare of the community. In addition, this definition shall not apply to sewage treatment plants or similar facilities.

EXCAVATION: Any act by which earth, sand, gravel, rock, mineral substances, or organic substances, other than vegetation, is dug into, cut, quarried, uncovered, removed, displaced, relocated, or bulldozed, including the conditions resulting there from.

FAMILY: One (1) or more persons, each related to the other by blood, marriage or adoption, or a group of not more than three (3) persons not so related, together with his/their domestic servant(s), maintaining a common household in a dwelling unit. A family may include not more than two (2) roomers, boarders or permanent guests, whether gratuitous or not.

FENCE: A structure partially or completely surrounding a part of, or the whole of, a lot which is intended to prevent intrusion from without and straying from within the area controlled, but not including a hedge or other natural growth.

FLOOR AREA OF A BUILDING: For determining off-street parking and loading requirements, the sum of the gross horizontal areas of the floors of a building or portion thereof devoted to a specific use, including accessory storage areas located within selling space such as counters, racks or closets; and any basement floor areas devoted to retailing activities, the production or processing of goods, or to business or professional offices.

FRONTAGE: See "Lot Line, Front."

FRONTLIKE FACADE: The exterior portion of a structure which is not the front, but gives the appearance of a frontlike facade by the materials used in construction, architectural style and details.

FOUNDATION, PERMANENT: In-ground support for exterior walls of structures, such support typically composed of wood, concrete, or masonry, designed to safely support imposed loads based on soil type, and generally extending below the frost line.

GARAGES, PRIVATE: A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers and/or boats of the occupants of the premises and wherein:

1. Not more than one space is rented for parking to persons not resident on the premises;
2. No more than one commercial vehicle per dwelling unit is parked or stored;
3. The commercial vehicle permitted does not exceed two tons capacity.

GARAGES, PUBLIC: A facility designed and used for the temporary storage of operational automobiles.

GARBAGE: All putrescible animal solid, vegetable solid, and semi-solid wastes from the processing, handling, preparation, cooking, serving, or consumption of food or food materials.

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

GUEST ROOM: Referring only to bed and breakfast establishments, a sleeping room intended to serve no more than two (2) transient guests per night, such room not to contain cooking facilities.

HARDSHIP (AS RELATED TO VARIANCES OF THIS ORDINANCE): The exceptional hardship that would result from a failure to grant the requested the requested variance. The Town of St. Leon, requires that the variance is exceptional, unusual and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

HOME OCCUPATION: A home business that is clearly an incidental and secondary use of the principal dwelling unit and that is conducted entirely within the primary structure. Examples of acceptable home occupations commonly include personal or consulting services, professional offices, or studios that do not necessitate clients coming to the business, and that do not necessitate either regular deliveries to the residence or the use of tractor-trailers for deliveries to the residence.

HOT TUB: See “Swimming Pool.”

HOTEL OR MOTEL AND APARTMENT HOTEL: A facility that offers transient lodging accommodations on a daily rate to the general public and may provide additional services such as restaurants, conference rooms, and recreational facilities.

INDUSTRIAL, HEAVY: The manufacturing, storage, processing, assembly, fabrication, or repairing of any materials or products where processes involved therein may produce noise, vibration, electrical disturbance, air or water pollution, heat, glare, waste matter, outdoor storage of materials, odors, or other hazardous or commonly recognized offensive conditions.

INDUSTRIAL, LIGHT: The manufacturing, storage, processing, fabrication, or repairing of certain materials or products where no process involved will produce noise, vibration, electrical disturbance, air or water pollution, heat, glare, waste matter, odor or fire hazard which will disturb or endanger any neighboring property, and where all operations shall be contained within an enclosed area.

INERT SOLID WASTE: Uncontaminated earth, rocks, concrete, bricks, tiles, aged asphalt, natural wood, brush, leaves, wood chips, or sawdust used or intended to be used as fill material within thirty (30) days of accumulation or deposit for that purpose.

INOPERABLE VEHICLE: Any vehicle, licensed or unlicensed, that is partially dismantled or not fully assembled.

INTERIOR PARKING: Those parking spaces located in the interior of a parking lot which create definable parking aisles away from the periphery or edge of the lot.

JUNK YARD: An open area where waste, scrap material or two (2) or more motor vehicles, or parts thereof, not in running or operable condition, and/or not bearing current license plates, are bought, sold, exchanged, stored, baled, packed, disassembled or handled, but excluding uses established entirely within closed buildings, and further excluding outside storage permitted as an accessory use to any lawfully established automobile sales, service or repair facility.

KEEPING OF ANIMALS: The keeping of animals refers to the presence or caring of animals for any length of time.

KENNEL: Any premises, or portion thereof, on which more than four (4) dogs, cats or other household domestic animals over (4) four 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.

LONG-TERM STORAGE: The maintenance or containment of solid waste for a period of thirty (30) days or more.

LOT: A parcel of land intended to be separately owned, developed, or otherwise used as a unit. A parcel of land occupied, or intended to be occupied, by a building and its accessory buildings, or by group dwellings and their accessory buildings, together with such open spaces as are required, having at least the minimum area required for the lot in the zone in which such lot is located and having its principal frontage on a public or approved private street or way.

LOT AREA: The total horizontal area within the lot lines of a lot, excluding any street rights-of-way.

LOT, BUILDABLE AREA: That portion of a lot bounded by the required front, rear, and side setback lines.

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 Department of Planning and Zoning to be the front.

LOT COVERAGE: The total area of earth horizontally covered by the roofed structures, including accessory structures, such as, but not limited to, garages, roofed patios and roofed porches.

LOT DEPTH: The mean horizontal distance between front and rear lot lines, measured at right angles to the front lot line.

LOT, FLAG: A lot approved with less frontage on a public street than is normally required, where a narrow panhandle access corridor leads to the bulk of the lot located behind lots or parcels with normally required street frontage.

LOT LINE, FRONT: The lot lines abutting a street right-of-way, excluding alleys; 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 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 lot which is part of a subdivision, the plat of which has been recorded in the County Recorder's Office, or a parcel of land, the deed to which was recorded in the Recorder's Office prior to adoption of this Ordinance.

LOT, THROUGH: A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot. Such lots shall provide the required front setback along each street, except alleys.

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

MANUFACTURED HOME: A factory-fabricated transportable building designed to be used alone or to be incorporated with similar units at a building site and designed and constructed with a perimeter frame to become a permanent structure on a site, with all outside walls supported by a permanent foundation. A manufactured home is a single-family dwelling for the purposes of this Ordinance.

MARQUEE: A permanent roof-like shelter extending from part or all of the building face over a right-of-way (sidewalk), public or private, and constructed of some durable material such as metal, glass, plastic or wood.

MINIMUM GROUND FLOOR AREA: The minimum ground floor area of a proposed structure, exclusive of open porches, attached garages, and accessory structures.

MINIMUM ROAD FRONTAGE: The minimum property on one (1) side of a street measured along the right-of-way of the street between property lines.

MOBILE HOME: A transportable, factory-built structure larger than three hundred and twenty (320) square feet, designed to be used as a year-round residential dwelling, and built prior to the enactment of the Federal Mobile Home Construction and Safety Act of 1974, which became effective for all mobile home construction June 15, 1976.

MOBILE HOME PARK: An area of land under single ownership used for the parking of two (2) or more occupied mobile homes.

MOBILE HOME SITE: The area of land in a mobile home park for the parking of one mobile home.

MOBILE HOME SUBDIVISION: A residential subdivision designed exclusively for, and occupied by, mobile homes in which the homes and land are owned by the same person.

NAMEPLATE: A sign which identifies the owner, resident, or address of the premises where the sign is located and contains no other information.

NATURAL RESOURCES: The Indiana Department of Natural Resources (DNR).

NON-CONFORMING LOT: A lot of record which does not conform to the lot area or lot width regulations of this Ordinance.

NON-CONFORMING STRUCTURE: A structure designed, converted or adapted for a use prior to the adoption of provisions prohibiting such use or structure in such location.

NON-CONFORMING USE: Any use or arrangement of land or structures legally existing at the time of enactment of this Ordinance, or any of its amendments, which does not conform to provisions of this Ordinance.

NURSING HOME: A private home for the care of children or the aged or infirm, or a place of rest and/or therapy for those suffering bodily disorders, but not including facilities for the treatment of injuries or for surgical care.

OCCUPANCY PERMIT: A certificate signed by an official designated by the Town of St. Leon stating that the occupancy and use of land, building, or structure referred to therein complies with the provisions of this ordinance and all other building and local codes which may be applicable. Also referred to as a "Certificate of Occupancy".

OFF-STREET LOADING: An area which is designated permanently for the loading and unloading of vehicles as well as associated egress areas, none of which may lie within a public right-of-way.

OFF-STREET PARKING: The provision of parking spaces on a lot, appropriate in number to accommodate the applicable land use(s), including driveways and maneuvering room, located entirely out of public rights-of-way.

OWNER: An individual or entity having sufficient proprietary interest to seek development of land.

PENNANT: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

PERIPHERAL PARKING: Those parking spaces located at the edge or periphery of a parking lot.

PETS:

Domesticated, Household Pets

Animals smaller than one hundred and fifty pounds (150 lbs.) that are customarily kept within a home or upon its immediate premises for the resident's personal use and enjoyment. These animals are not to be raised for commercial purposes and must be appropriately confined to a dwelling unit or a private boarding stable so as to not create a nuisance to adjoining property owners. Household pets include, but not limited to, domestic dogs, domestic cats, domestic birds, domestic fish, and domestic rodents.

Undomesticated, Non-household Pets

Animals larger than one hundred and fifty pounds (150 lbs.) and / or species that are exotic, wild, or foreign to Dearborn County, that are not customarily kept within a home or upon its immediate premises and that may be used for production, commercial and / or recreational purposes.

PLAN COMMISSION: The Plan Commission of St. Leon, Indiana.

POND: Any inland body of water that has a surface area of five hundred (500) square feet or more, with a depth of no less than 3.5 feet. For the purposes of measuring setbacks under this Ordinance, ponds shall include any made-made supporting structure containing such body of water.

PRINCIPAL BUILDING: The building in which the primary use on the lot is conducted. With regard to school, recreational, or other uses of property which may include several buildings in which activity occurs, the Planning Director shall determine whether or not each building shall be classified as a "principal building." Standards recognized by the Indiana Department of Fire and Building Services shall be used to determine whether a given structure constitutes one or more buildings in cases where ambiguities exist.

PRINCIPAL USE: The primary use to which the premises is devoted, and the main purpose for which the premises exists, as distinguished from a secondary or accessory use.

PUBLIC SANITARY SEWER SYSTEM: Any system, other than an individual septic tank, tile field, mound system, or similar disposal method, that is operated by a municipality, governmental agency, or public utility for the collection, treatment, and disposal of wastes.

PUBLIC UTILITY STRUCTURE: Electrical and telephone substations and distribution centers, filtration plants, pumping stations, water reservoirs, public or package sewer treatment plants, telephone exchanges, radio and television transmitting or relay stations, antenna towers, and other similar public utility service structures. This definition is not intended to apply to private utilities constructed solely for the use of a specific development.

RECREATIONAL VEHICLE: A vehicle primarily designed as temporary living quarters for recreation, camping, or travel, either with its own motor power or mounted on or towed by another powered vehicle.

RECREATIONAL VEHICLE PARK: An area of land used for the parking of two (2) or more recreational vehicles.

RELIGIOUS INSTITUTIONS: An institution that people regularly attend or participate in, or which holds religious services, meetings, and activities typically incidental to such institution, but not including daycare facilities, schools, or commercial uses.

RETAIL SALES: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

SELF-SERVICE STORAGE FACILITY: A building or group of buildings situated within a controlled access and fenced compound, consisting of small, individual, self-contained units that are leased or owned for the storage of commercial or household goods or supplies.

SETBACK: A line parallel to and equidistant from the relevant lot line (rear, side) between which no buildings or structures above normal grade level may be erected as prescribed in this Ordinance. The minimum required front setback shall be measured from the thoroughfare right-of-way line to any portion of any structure, with the exception of projections allowed by this Ordinance.

SIGN: A single or multi-faced structure or device designed for the purpose of informing or attracting the attention of persons not on the premises on which the structure or device is located.

SIGN AREA:

1. The sign area shall be that area which is enclosed by one (1) rectangle, the sides of which make contact with the extreme points or edges of the sign excluding the supporting structure which does not form part of the sign proper or of the display, or

2. The area of a sign composed of characters or words attached directly to a large, uniform building wall surface and shall be the smallest combination of rectangles which enclose the whole group, including any loops or special symbols.

SIGN, AWNING OR CANOPY: Any sign that is part of, or attached to, an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A sign on a marquee is not considered an awning or canopy sign.

SIGN, CONSTRUCTION: A type of temporary sign designed and used to identify construction projects including project owners, contractors, designers, and financial institutions involved in such project.

SIGN, DIRECTIONAL: Any general informational sign that has a purpose secondary and incidental to the use of the lot on which it is located, such as “no parking,” “entrance,” “loading zone,” and other similar directives. A sign with a commercial message legible from a position on the street right-of-way outside of the lot boundaries on which the sign is located shall not be considered directional.

SIGN, FREE-STANDING: A sign which is completely or principally self-supported by posts or other supports independent of any building or other structure. The following types of signs shall be considered free-standing signs for the purpose of this Ordinance:

SIGN, GROUND: Any sign, other than a pole sign, in which the entire bottom is in contact with or is closely associated to the ground and is independent of any other structure.

SIGN, MONUMENT: A ground sign that is supported by a base that is connected directly to the ground, with a total height no more than four (4) feet above grade.

SIGN, POLE: Any sign supported by one upright pole, column, or brace placed in or on the ground and not attached to any building or structure.

SIGN, HIGH-RISE: A sign erected at a minimum height of fifty (50) feet and a maximum height of eighty-five (85) feet above grade level, with a maximum sign square footage of seven hundred fifty (750) square feet, and upon the premises of the business being advertised.

SIGN, INFLATABLE: Any temporary sign designed to be inflated and attached to a building or any part of the lot by means of a tether so as to float freely in the air; or a similar sign anchored to a building or lot in any manner.

SIGN, INCIDENTAL: A sign that is incidental to the principal use of a lot; specifically, signs designed and erected to preserve pedestrian and vehicle safety, and signs indicating the hours of operation.

SIGN, INTEGRAL: A sign that is architecturally and structurally integral to a building.

SIGN, OBSOLETE: A sign that no longer correctly directs or exhorts any person, or no longer advertises a bona fide business, lessor, owner, activity conducted, or product available on the premises where such sign is displayed.

SIGN, OFF-PREMISES: A sign identifying and/or providing directions to a business or organization which is located on premises separate from the location of the sign.

SIGN, POLITICAL: Temporary signs announcing candidates seeking political office, issues to be voted upon, including referenda, and other data pertinent thereto.

SIGN, PORTABLE: A sign which by its design and construction is readily movable from one location to another, mounted on wheels or on a small trailer frame, or mounted on a supportive frame which is designed to sit on top of the ground or to be temporarily staked or tied to the ground.

SIGN, PROJECTING: A sign that is wholly dependent upon a building for support and that extends outward therefrom more than eighteen (18) inches, typically in a direction perpendicular to the building wall.

SIGN, REAL ESTATE: Any temporary on-premises sign announcing the name of the owner, manager, realtor, or other person directly involved in the sale or rental of the property, or announcing the purpose or conditions for which it is being offered.

SIGN, ROOF: A sign erected, constructed, and maintained upon the roof of a building.

SIGN, STREET ADDRESS: A sign that indicates the street address of a parcel.

SIGN, TEMPORARY: A sign or advertising display constructed of cloth, canvas, fabric, plywood, or other light material, with or without a structural frame, designed or intended to be displayed for announcement of a special event, sale, political campaign, or other activity typified by short duration.

SIGN, WALL: Any sign affixed directly to, painted on, or otherwise inscribed on an exterior wall and confined within the limits of any building.

SIGN, WINDOW: A sign installed inside a window for purposes of viewing from outside the premises. This term does not include merchandise located in a window.

SOLID WASTE: Any yard waste, garbage, refuse, rubbish, sludge, or other discarded or disposed materials, including solids, liquids, semi-solids, or contained gaseous material resulting from any operation, activity, or source.

SPECIAL EXCEPTION: A use that is not listed as a permitted use in the particular zoning district under this Ordinance but which may be compatible with such uses and may promote the realization of the purposes of this Ordinance if such use is restricted as to intensity and location in the district and to such other conditions as may be required by the Board of Zoning Appeals.

STREET: A partially or fully improved public right-of-way which affords the principle means of access to abutting property.

STRUCTURE: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. A structure is not necessarily a building, except as further defined by that term. This definition is intended to include signs.

SUBSTANTIAL MODIFICATION: Any alteration, repair, enlargement, or extension of an existing building. Such substantial modification is considered to occur when the first alteration of any wall, ceiling, floor, or other structural element of the building commences. This term does not, however include either (1) any project for improvement of a structure to comply with existing health, sanitary, or safety code specifications or (2) any alteration of a structure listed on the National Register of Historic Places or the Indiana State Survey of Historic, Architectural, Archeological, and Cultural Sites, Structures, Districts, and Objects.

SUPPLY YARDS: A commercial establishment storing or offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods. Supply yards do not include the wrecking, salvaging, dismantling or storage of automobiles or similar vehicles.

SWIMMING POOL: Any structure intended for swimming or recreational bathing that contains water over twenty-four (24) inches deep. This includes in-ground, above-ground, or on-ground swimming pools, hot tubs, and spas.

USE: The purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained.

VARIANCE: A dispensation permitted by the St. Leon Board of Zoning Appeals on individual parcels of property as a method of alleviating an unnecessary hardship by allowing a reasonable use of the building, structure, or property, which, because of unusual circumstances, is denied by the terms of this Ordinance. Two types of variances are provided for within this Ordinance:

VARIANCE, DIMENSIONAL: A type of variance to alleviate dimensional limitations presented by the physical characteristics of a zoning lot.

VARIANCE, USE: A type of variance granted by the Board of Zoning Appeals to property owners to alleviate a hardship by allowing a land use not specifically identified as a permitted use or special exception within the zoning district in which the zoning lot is located. Use variances are not transferable to subsequent owners of the property.

VEHICLE: An automobile, motorcycle, truck, trailer, semitrailer, bus, school bus, recreational vehicle, or motorized bicycle.

WHOLESALE: Business establishments that generally sell commodities and material in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

YARD: An open space on the same lot with a building or structure, unoccupied and unobstructed from its lowest level upward, except as otherwise permitted by this Ordinance.

YARD, FRONT: A yard as defined herein, encompassing the horizontal space between the nearest foundation of a building to the right-of-way line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the right-of-way.

YARD, REAR: A yard defined herein, encompassing the horizontal space between the nearest foundation of a building to a rear lot line and that rear lot line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the rear lot line. The rear yard of a corner lot shall be that yard at the opposite end of the lot from the front yard.

YARD, SIDE: A yard extending along the side of a lot from the front to the rear yard.

YARD SALES: Temporary sales for the purpose of relieving the household of goods and wares, operated from residential property, and considered a permitted accessory use to a residence in any zoning district, provided the sale is held no more than three (3) times in any calendar year per address, nor more than one (1) time in any one month, with a duration of no more than three (3) consecutive days. This definition is also intended to encompass garage sales, rummage sales, or similar activities.

ZONING MAPS: The maps of St. Leon, Indiana showing the zoning districts therein.