

Richland UDO

Chapter 10: General Definitions

A) General

For the purpose of this UDO, certain terms or words used herein shall be interpreted or defined as follows. Words used in the present tense include the future tense. The term “shall” is always mandatory.

ABANDONED. Any use or structure (principal, accessory, land use, etc.) that has not been utilized for its principal function for a period of six (6) consecutive months as documented by any means necessary by the Administrator.

ACCESS STREET, MARGINAL. See “Street, Marginal Access”.

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

ACCESSORY USE (see also “HOME OCCUPATION”). A use that:

- is clearly incidental and customarily found in connection with a principal building or use;
- is subordinate to and serves the principal use;
- is subordinate in area, extent, or purpose to the principal use served;
- contributes to the comfort, convenience, or necessity of occupants, business, or industry of the principal use served;
- is located on the same lot as the principal use served.

ACT. A bill which has passed through the various legislative steps required for it and which has become law..

ADMINISTRATOR. The Richland Town Council or a person designated by the Richland Town Council to provide staff support to the PC and BZA and to enforce the Zoning UDO under the supervision of the PC.

AGRICULTURE. Areas in which the general use of land is devoted to one (1) or more of the following;

- Tillage of soil in the production of crops.
- Production or maintenance of hay and pasture crops.

Husbandry or production of livestock or poultry, and horses, and their products, excluding dogs and other small animals commonly kept as household pets.

Growing of trees for the production of timber or timber products, erosion control and other purposes commonly found in agricultural areas.

AGRICULTURAL BUILDING. A structure utilized for the conduct of agriculture-related operations but not including dwellings used for human occupancy.

AIRPORT. Any area which is used or intended to be used for the taking off and landing of aircraft and any appurtenance areas which are used or intended to be used for airport buildings or facilities, including open spaces, taxiways, and tie-down areas.

ALLEY. A right-of-way other than a street, road, crosswalk, designed to provide a secondary means of access for the special accommodation of the property it reaches.

ANIMAL DAY CARE FACILITY. Any facility in which four (4) or more dogs or other small animals that are commonly kept as household pets, which are at least three (3) months old, and where the primary use of the facility is to care for those animals during the day-time hours. Overnight boarding of the animals at the facility is prohibited.

ANTENNA. Device designed to convert electrical signals from a cable to electromagnetic radiation in the air.

APPLICANT. The owner(s) of real estate or their agent who makes application to the PC or BZA for action that would affect the real estate.

AUTOMATIC CAR WASH. A building, or portion thereof, where automobiles, trucks, or other self-powered vehicles are washed by mechanical devices of any type.

AUTOMOBILE REPAIR. Any building, premises, and land in which or upon which a business, service, or industry involving the maintenance, servicing, or repair of vehicles is conducted or rendered.

AUTOMOBILE SERVICE STATION. Any building, structure, or land used primarily for the dispensing or sale of any automobile fuels, oils, or accessories. This includes lubrication and replacement or installation of minor parts or accessories, but does not include major repair work such as motor replacement, transmission replacement, body and fender repair, or spray-painting.

AUTOMOTIVE, MANUFACTURED HOME, TRAVEL TRAILER, FARM IMPLEMENT, AND CONSTRUCTION MACHINERY SALES AREA. An open area other than a street or public right-of-way, used for the display, sale, or rental of new or used motor vehicles, mobile homes, travel trailers, farm implements and construction machinery.

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

BATTERY. An electrochemical storage device consisting of either Nickel Metal Hydride (NiMH), Nickel Cadmium (NiCad), or Lead (Pb).

BED AND 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.

BILLBOARD: See "off-premise sign".

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

BOOKSTORE. A business established for the retail trade of books, magazines, or similar literature, excluding adult or sexually oriented materials.

BUFFERYARD. A unit of yard together with the planting thereon required to separate land uses from each other.

BUILDING. Any enclosed structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property of any kind and includes any structure.

BUILDING INSPECTOR. The employee or officer of the PC who is empowered to inspect and approve ILP's, and to act as the agent of the Administrator in any other matter concerning the enforcement of the applicable building code ordinances.

BUILDING, DETACHED. A building having no structural connection with another building.

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

BUILDING PERMIT. See "ILP".

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

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

BUSINESS. The engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or services, the maintenance or operation of offices, or recreational and amusement enterprises for profit.

BZA. The Board of Zoning Appeals for the Town of Richland, Indiana.

CAMP GROUND. A parcel of land used or intended to be used for temporary occupancy by campers, recreational vehicles, travel trailers, manufactured homes, tents, etc.

CANOPY TREE. A tree that has a canopy that grows to thirty-five (35) feet or higher at full maturity.

CEMETERY. Land used for the burial of the dead (human or animal) and dedicated for cemetery purposes, including columbarium, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

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

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

CLEAN FILL SITE. A facility or site specifically designed and restricted to the disposal, processing and/or reclamation of off-site generated, uncontaminated and untreated stone, bricks, or concrete; road demolition waste materials; natural growth including tree limbs and grass clippings; sawdust from untreated natural wood; and other items not included in the above definition if subsequently approved by the Spencer County Solid Waste Management District and the Indiana Department of Environmental Management. Clean Fill Sites shall be classified into one (1) of the following types:

Long term permitted clean fill disposal site.

Temporary permitted clean fill disposal site.

Long term permitted clean fill processing site.

Temporary permitted clean fill processing site.

Temporary permitted clean fill land reclamation site.

CLINIC. A building used for the care, diagnosis and treatment of sick, ailing, infirm or injured persons, and those who are in need of medical and surgical attention, but which building does not provide board, room or regular hospital care and services.

CLUB. A building or portion thereof or premises owned or operated by a person or group for a social, literary, political, educational or recreational purpose primarily for the exclusive use of members and their guests excluding adult or sexually oriented activities. This does not include any use or activity rendering a service usually and ordinarily carried out as a business including restaurants or food service.

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

COMMITMENT. A covenant concerning the use or development of a parcel of real property which is made in writing by the owner of that parcel, either voluntarily or in accordance with an order or request of the PC, BZA, or Town Council.

COMMON AREA. An area that is held in common by an owners' association, is not located in rights-of-way, and is not located on individually owned private property.

COMPOSTING. The biological treatment process by which microorganisms decompose the organic component of vegetative matter and other types of organic material; the compost may be used as:

A soil conditioner.

A cover material for a solid waste landfill.

Another use approved by the Spencer County Solid Waste Management District and the Indiana Department of Environmental Management.

COMPOSTING FACILITY. A solid waste processing facility specifically designed and operated for the express purpose of composting.

COMPOST/DIGESTER FACILITY. A specific type of composting facility.

COMPREHENSIVE PLAN. The Comprehensive Plan for the Town of Richland, Indiana as approved by the Richland Town Council and as amended from time to time.

CONCEPT PLAN. An informal review of a proposed subdivision by the PC at a public hearing to alert applicants to problems and requirements prior to an official submission for the purpose of saving time and money for all parties.

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 of a particular unit or portion of such building, which building shall be the same as dwelling, multi-family.

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

any confined feeding of three hundred (300) or more cattle, six hundred (600) or more swine or sheep and thirty thousand (30,000) or more fowl;

any animal feeding operation where the operator elects to come under the Act;

any animal feeding operation that violates *Chapter 214 of the Act of 1943* as determined by the Water Pollution Control Board of the State of Indiana; or

as defined by the Indiana Department of Environmental Management latest revisions or amendments.

CONSERVATION AREA. Designated open space further defined as Primary and Secondary Conservation Areas.

Primary Conservation Areas include wetlands, lands that are generally inundated, land within areas that have been identified on the community's Flood Hazard Boundary Map (FHBM) as Zone A, and slopes exceeding twenty-five percent (25%).

Secondary Conservation Areas typically include parks and natural resources such as forests, meadows, farm fields, wildlife habitat, and water quality protection or other reasons.

CONSERVATION AREA, PRIMARY. This category includes wetlands, lands that are generally inundated (under ponds, lakes, or creeks), land within the 100-year floodplain, and slopes exceeding twenty-five percent (25%).

CONSERVATION AREA, SECONDARY. This category shall typically include all or part of the following kinds of resources: woodlands; aquifer recharge areas; poorly drained

soils; significant wildlife habitat areas; prime farmland; historic, archaeological or cultural features listed (or eligible to be listed) on national, state, or county registers or inventories; scenic views into the property from existing public roads; or other features unique to the site. Secondary Conservation Areas therefore typically include forest, meadows, pastures, and farm fields, part of the ecologically connected matrix of natural areas significant for wildlife habitat, water quality protection or other reasons.

CONSTRUCTION/DEMOLITION SITE. A solid-waste land disposal facility, or site, designed and operated to accommodate large volumes of solid waste, having minimal potential for ground water contamination. Further, in the Spencer County Solid Waste Management District, a Construction/Demolition Site is to be specifically designed and restricted to the disposal, processing, and/or reclamation of only construction or demolition waste to include bricks; concrete; stone; glass; wallboard; lumber; roofing materials; other items which are affixed to the structure being constructed or demolished including plumbing fixtures; wiring and non-asbestos insulation; and other items not included in the above definition if subsequently approved by the Spencer County Solid Waste Management District and the Indiana Department of Environmental Management.

COUNTY. The County of Spencer, Indiana.

DAY CARE CENTER. A commercial facility or single-family home licensed and/or regulated by the Indiana Department of Public Welfare for the care and/or education of human beings. A day care center shall not be considered a home occupation.

DBH. Diameter at breast height.

DEVELOPER. Any person engaged in developing a lot or group of lots or structures thereon for use or occupancy.

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

Requires approval by the PC under the 1400 Series of *IC 36-7-4*:

Includes a site plan.

Satisfies the development requirements specified in the UDO regulating the development; and

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

DEVELOPMENT REQUIREMENT. Development standards plus any additional requirements which must be satisfied in connection with the approval of a Development Plan.

As relates to *Chapter 5, Section D Development Plans*, a requirement:

for development of real property in a zoning district for which a Development Plan is required; and

that conforms to *IC 36-74-1403*.

As relates to planned unit development a requirement:

for development of real property in a planned unit development district that must be met; and

that conforms to *IC 36-7-4-1508*.

DIAPER SERVICE. A business that supplies and delivers both diapers as well as provides laundry services for soiled diapers in accordance with the applicable regulations.

DIRECTOR. See "ADMINISTRATOR".

DISTRICT. A specified zoning district within the jurisdictional area or extended jurisdictional area for which uniform regulations governing the use, height, area, size, and intensity of use of buildings and land, and open spaces about buildings, are herein established.

DRIVE-IN RESTAURANT. An establishment selling foods, frozen desserts, or beverages to consumers, the establishment being designed, intended, or used for the consumption of such items on the premises outside of the building in which they were prepared

DRUG STORE. A store where the primary business is the filling of medical prescriptions and the sale of drugs, medical devices and supplies, and non-prescription medicines but where non-medical products may be sold as well.

DWELLING. A building or part of a building that is used primarily as a place of abode, but not including a hotel, motel, lodging house, boarding house, bed and breakfast, or manufactured home as defined in this UDO.

DWELLING, MULTI-FAMILY. A residential building designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided. This includes duplexes.

DWELLING, SINGLE-FAMILY. A detached residential dwelling unit designed for and occupied by one (1) family only.

DWELLING UNIT. A room or group of rooms designed and equipped exclusively for use as living quarters for only one (1) family and its household employees, including provisions for living, eating, sleeping and cooking. The term shall include manufactured homes but shall not include recreational vehicles.

EASEMENT. An authorization or grant by a property owner to specific persons, the general public, corporations, utilities, etc. for the purpose of providing services or access to the property.

ESTABLISHED FRONT SETBACK. See "SETBACK, ESTABLISHED FRONT."

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

The opening or commencement of any such business as a new business;

The conversion of an existing business, whether or not an adult entertainment business, to any of the adult entertainment businesses defined herein;

The addition of any of the adult entertainment businesses defined herein to any other existing adult entertainment business; or

The relocation of any such business.

FAMILY. One (1) or more persons living as single housekeeping unit, but not including a group occupying a hotel, motel, club, nursing home, dormitory, fraternity or sorority house.

FARM. See "Agriculture."

FENCE. An accessory structure constructed of wood, metal, masonry, or other material, that is erected for the purpose of impeding movement, assuring privacy, or providing protection. In no case shall the fence or its material resemble junk or be assembled from junk.

FILLING STATION. See "AUTOMOBILE SERVICE STATION."

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

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

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

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

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

FRONTAGE. The distance at which a property or properties is located along a dedicated street or road.

FRONTAGE ROAD. A street that is parallel to and adjacent to a thoroughfare and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the thoroughfare is not impeded by direct driveway access from a large number of abutting properties.

GARAGE, PRIVATE RESIDENTIAL. A structure that is accessory to a residential building and that is used for the parking and storage of vehicles owned and operated by the residents thereof and that is not a separate commercial enterprise available to the general public.

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

GARAGE, TRUCK REPAIR. A building, other than a parking garage or private residential garage, used for the care, repair, or equipment of trucks, over one ton (2,000 pounds), or where such vehicles are parked or stored for remuneration, hire, or sale.

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

GROUP RESIDENTIAL FACILITY. A facility licensed by the State of Indiana, which provides a home-like setting to the developmentally disabled and/or the mentally ill who need the benefits of a group living situation as an alternative to hospitalization or institutionalization.

HELIPORT. See "AIRPORT".

HAZARDOUS WASTE. A waste or combination of wastes that, because of its quantity; concentration; or physical, chemical, and/or infectious characteristics; may:

Cause or significantly contribute to an increase in mortality or increase in serious irreversible, or incapacitating reversible illness: or

Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

HAZARDOUS WASTE LANDFILL. A facility approved by the EPA and sited by the State of Indiana for the disposal of hazardous wastes as defined elsewhere in this UDO.

HOME OCCUPATION or CUSTOMARY HOME OCCUPATION. An occupation carried on by an occupant at his or her place of residence in accordance with the requirements of this UDO.

HOTEL. A building or group of buildings in which lodging is provided and offered to the public for compensation and which is open to transient guests, in contradiction to a boarding house or lodging house.

ILP (IMPROVEMENT LOCATION PERMIT). A permit which is written permission issued by the Administrator for the construction, repair, alteration, or addition to a structure that complies with the development standards of the UDO and applicable building codes.

INCINERATOR. An engineered apparatus or solid waste processing facility designed for the burning of solid waste under the effect of controls of temperature, retention time, air, and other combustion factors.

INDUSTRIAL, GENERAL. Manufacturing, processing, extraction, heavy repairing, dismantling, storage, or disposal of equipment, raw materials, manufactured products or wastes, in which operations, other than transportation, may be performed in either open or closed areas.

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

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

INOPERATIVE MOTOR VEHICLE. Any automobile, truck, semi-trailer, school bus, recreational vehicle, etc. that lacks a motor, drive train, wheels, axles, transmission, etc; also a vehicle which does not carry a current year state registration or license tag.

INSTITUTION. Any home, orphanage, or other facility maintained or conducted by a group of persons, a firm, association, corporation, or governmental body engaged in receiving and caring for dependent, neglected, handicapped, or permanently disabled persons, or children in danger of becoming delinquent or in operating for gain a private business of boarding children who are unattended by parents or guardians, or persons in loco parentis.

INTERNAL ILLUMINATION: A means of sign illumination in which the characters, letters, fixtures, designs or outlines are illuminated from the inside or behind the sign by electric lights or tubes.

JUNK. Waste, discarded or salvaged materials that are used, bought, sold, baled, packed, disassembled or handled, including automobile parts and inoperable or currently unlicensed vehicles, used furniture, household equipment, used or salvaged materials from manufacturing equipment, operations, or motor vehicles, and such other materials as may from time to time be designated by the Administrator.

JUNK YARD. Any lot, parcel, or tract of real estate, platted or un-platted, at which personal property is or may be salvaged for reuse, resale, or reduction or similar disposition and is owned, possessed, collected, accumulated, dismantled, or assorted, including but not limited to used or salvaged base metal or metals, their compounds or combinations, used or salvaged rope, bags, paper matter. This also includes property used for the dismantling, wrecking, storage, sale, or dumping of two (2) or more inoperative motor vehicles or their parts. For purposes of this definition, this includes junk yard activities occurring indoors and/or outdoors. This shall not include tractors, combines, pickers, discs, plows, or other similar farm machinery that is owned by a farm operator and is used for parts replacement for machinery currently being used in the farming operation.

JURISDICTIONAL AREA. The incorporated area within the municipal boundaries of the Town of Richland as well as the area of extended jurisdiction as amended from time to time by the Town Council.

KENNEL. Any lot or premises on which there are located four (4) to twenty-five (25) run cages, pens and/or animal housing units for dogs or other small animals that are commonly kept as household pets, at least four (4) months old and where the primary

use of the facility is to breed and/or board the animals, whether on a temporary or long-term basis. All animals must be licensed in accordance with County regulations.

LANDSCAPE CONTRACTOR. A person, partnership, or corporation involved in the business of growing, storing, planting, installing, and otherwise caring for live-trees, shrubs, flowers, etc.

LEGISLATIVE BODY. The Town Council for the Town of Richland.

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

LIVESTOCK. Farm animals commonly kept or raised for agricultural purposes, including animals kept for use and profit, and as further described and defined by IC 15-11-5-1.

LOADING AND UNLOADING BERTHS. The off-street area required for the receipt or the distribution, by vehicles, of material or merchandise.

LOT. A platted parcel or tract of land of at least sufficient composition to meet minimum zoning requirements and provide such yards and other open spaces as are hereby required.

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

LOT COVERAGE. The total ground area within the Lot or project covered by the primary structure, plus any accessory structures (including decks, patios, swimming pools, garages, carports, and storage sheds), excluding driveways, sidewalks, fences, and walls not attached in any way to a roof.

LOT, CORNER. A lot at the junction of or abutting two (2) or more intersecting streets. Corner lots have two (2) front yard setbacks and two (2) side yard setbacks.

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

LOT, FLAG. A lot with access provided to the majority of the lot by means of a narrow corridor.

LOT, INTERIOR. A lot other than a "LOT, CORNER" or "LOT, THROUGH".

LOT, PERIMETER. A subdivision lot that either:

- Has a lot line that abuts the right-of-way of a street or frontage road located on the perimeter of the subdivision; or

- Is separated from the right-of-way of a street located on the perimeter of the subdivision by a common area.

LOT, THROUGH. A lot having frontage on two (2) parallel or approximately parallel streets.

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

LOT LINE, FRONT. Any property line separating the lot from a street, or on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.

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

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

LOT OF RECORD. A lot whose existence, location, and dimensions have been legally recorded or registered in a deed or on a plat recorded in the office of the Spencer County Recorder's Office, provided that such lot meets the development standards and requirements for lots in the district in which it was located at the time of recording.

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

MAJOR THOROUGHFARE. A "major thoroughfare" shall mean all primary traffic corridors entering or leaving the Town including, but not limited to, SR 37, SR 56, and U.S. 150.

MAJOR THOROUGHFARE, ADJACENT TO A. "Adjacent to a major thoroughfare" shall mean any lot or lots located near a major thoroughfare which lot (or lots) is not separated from the major thoroughfare by another buildable lot.

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

MANUFACTURED HOME. Formerly known as a "mobile home," a manufactured home is built to the Manufactured Home Construction and Safety Standards (HUD Code) and displays a red certification label on the exterior of each transportable section. A manufactured home was constructed after June 15, 1976, and is defined in IC 16-41-27-3.5, as a structure, transportable in one or more sections, which, in traveling mode, is eight body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and compiles with the standards established under the cited Federal chapter; and except that such term shall not include any self-propelled recreational vehicle.

MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS CODES. Title VI of the 1974 Housing and Community Development Act (42 USC 5401 et sequential), as amended (previously known as the Federal Mobile Home Construction and Safety act), rules and regulations adopted there under (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 Department of Fire and Safety, all of which became effective for manufactured home construction on June 15, 1976.

MASSAGE. Any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external parts of the human body with the hands or with the aid of any mechanical electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment, or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his behalf will pay money or give any other consideration or any gratuity therefore. However, massage as used in this UDO shall not apply to the activity of any person who is registered or licensed by the United States Government or any agency thereof, by the State of Indiana or any agency thereof, by Spencer County or any agency thereof, or registered or licensed by any agency or association authorized to so register or license by any statute or ordinance of the United States, the State of Indiana, or Spencer County, while such person so registered or licensed is performing the services for which the registration or license was issued and during the period of time said registration or license is in effect.

MASSAGE ESTABLISHMENT. Any establishment having a source of income or compensation derived from the practice of massage as herein defined and which has a fixed place of business where any person, firm, association, or corporation engages in, or carries on any of the activities as defined in a massage.

MAXIMUM DENSITY. A unit of measurement which represents the maximum number of residential units per acre of land on the aggregate total land to be developed, exclusive of rights-of-way of perimeter streets, floodway areas, and areas designated as Primary Conservation Areas or other non-developable areas.

MINERAL EXTRACTION. Activities including mining or quarrying, and the removal of earth materials.

MOBILE HOME. Now known as a “manufactured home,” a mobile home was constructed prior to June 15, 1976 and even with modifications, does not meet the HUD standards and cannot be accepted as compliant with the HUD Code. A mobile home is defined in *IC 16-41-27-4* as a dwelling, including the equipment sold that is a

dwelling, that;

is factory assembled;

is transportable;

is intended for year-round occupancy;

is designed for transportation on its own chassis; and

was manufactured before the effective date of the federal Manufactured Housing Construction and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.). See “MANUFACTURED HOME.”

MANUFACTURED HOME PARK. As defined in *IC 16-41-27-5* a manufactured home park is (a) manufactured home community on one (1) or more parcels of land.

1. That contain individual lots that are leased or otherwise contracted;
2. That are owned, operated, or under the control of one (1) or more persons; and
3. On which a total of at least five (5) manufactured homes are located for the purpose of being occupied as principle residences.

The term includes the following:

- a. All real and personal property used in the operation of the manufactured home community.
- b. A single parcel of land.
- c. Contiguous but separately owned parcels of land that are jointly operated.
- d. Parcels of land:
 - i. Jointly operated; and
 - ii. Connected by a private road.
- e. One (1) or more parcels of land, if at least two (2) of the manufactured homes or manufactured homes located on the land are:
 - i. Accessible from a private road or interconnected private roads;
 - ii. Served by a common water distribution system; or
 - iii. Served by a common sewer or septic system.

MANUFACTURED HOME, TEMPORARY. The temporary placement of a manufactured home permitted with an ILP (duration of ILP identified in Chapter 3, Section F Structures for one (1) of the following purposes:

Temporary residence for persons intending to build a permanent residence on the same property.

Temporary residence of a manufactured home adjacent to the permanent residence of someone who is able to provide care or in need of care.

Temporary use of a manufactured home, trailer, or van as a contractor's office, watchman's shelter, or tool and equipment storage on the project site and only during the period of construction.

MOTEL. See "HOTEL".

MUNICIPAL WATER UTILITY. A municipal or public water utility service that has been issued a final order by the Indiana Utility Regulatory Commission (IURC) granting a

Certificate of Necessity and Convenience (CNC) to the Utility and maintains said CNC in good standing with the IURC.

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

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

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

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

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

ORPHANAGE. An institution for the care of children whose parents are incapacitated or deceased.

OVERLAY DISTRICT. A zoning district that encompasses one (1) or more underlying zones and that imposes additional requirements above that required by the underlying zone.

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

PARKING AREA. Any public or private area, under or outside of a building or structure, designed and used for parking and maneuvering motor vehicles including garages, private driveways, and legally designated areas of public streets.

PARKING SPACE. A space other than on a street or alley designed for use or used for the temporary parking of a motor vehicle.

PERIMETER LOT. See "LOT, PERIMETER."

PERIMETER THOROUGHFARE. See "THOROUGHFARE, PERIMETER".

PERSON. Any individual, corporation, firm, partnership, association, or organization, or any other group that acts as a unit.

PLANNED UNIT DEVELOPMENT. A district established to allow development of an area of land as a single entity for a number of uses conforming to an approved Development Plan, which may not correspond with number of units, bulk, type of use, density, open space, parking, signage, landscaping, or other standards required by other ordinances; a zoning district for which a PUD ordinance is required.

PLANNER. The employee of the PC who is empowered to inspect sites for compliance with this UDO and act as the agent of the Administrator in any other matter concerning the enforcement of this UDO.

PLANT NURSERY. Land, buildings, structures or a combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail or wholesale sale on the premises including products used for gardening and landscaping.

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

PLAT COMMITTEE. In accordance with *IC 36-7-4-701(e)*, a sub-committee created by the Plan Commission to hold hearings on minor residential subdivisions and re-plats on behalf of the PC in accordance with the Rules and Procedures of the PC.

PC. The Advisory Plan Commission of Richland, Indiana.

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

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

PRIME FARMLAND. Land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these uses (land cannot be urban built-up land or water). It has the soil quality, growing season, and moisture supply needed to economically produce sustained high yields or crops when treated and managed, including water management, according to acceptable farming methods. In general, prime farmlands have an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, acceptable salt and sodium content, and few or no rocks. They are permeable to water and air. Prime farmlands are not excessively erodible or saturated with water for a long period of time, and they either do not flood frequently or are protected from flooding. These areas are defined and illustrated on the map Important Farmlands as defined in 1975 by Cartographic Division, Soil Conservation Service, USDA, of Spencer County, Indiana as amended.

PRINCIPAL USE. The main use of land or structures as distinguished from a secondary or accessory use.

PRIVATE SCHOOL. A private primary, grade, high or preparatory school or academy not supported by public tax dollars.

PROFESSIONAL OFFICE. A building or group of buildings housing professional offices and appropriate associated and accessory uses.

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

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

PUBLIC UTILITY. A municipal or public utility service which has been issued a final order by the Indiana Utility Regulatory Commission granting an applicable Certificate to the Utility and maintains said Certificate in good standing with the IURC.

PUBLIC UTILITY INSTALLATIONS. The erection, construction, alteration, operation or maintenance of buildings, power plants, substations, water and sewage treatment plants, pumping stations, and other similar public service structures by a public utility, railroad or by a municipal or other governmental agency.

PUD. Planned Unit Development.

PUD DISTRICT. A zoning district for which a PUD district Ordinance is adopted.

PUD DISTRICT ORDINANCE. A zoning ordinance that meets the requirements of *IC 36-7-4-1500* series and does the following:

Designates one (1) or more parcels of real property as a PUD district.

Specifies uses or range of uses permitted in the PUD district.

Expresses in detailed terms the development requirements that apply in the PUD district.

Specifies the plan documentation and supporting information that must be supplied before an ILP may be issued for development of real property in the PUD district.

Specifies any limitation applicable to a PUD district; and

Meets the requirements of *IC 36-7-4-1503*.

RECOVERY. Obtaining materials or energy for commercial or industrial use from solid waste or hazardous waste.

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

RECREATION FACILITY, INDOOR. A place primarily designed and equipped for the conduct of sports and leisure-time activities indoors.

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

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

RECREATIONAL VEHICLE PARK. Any lot or land upon which two (2) or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

RECYCLING. A process by which materials that would otherwise become solid waste are collected, separated or processed, and converted into materials or products for reuse or sale.

RESOURCE RECOVERY FACILITY. A solid waste processing facility designed and operated for the express purpose of processing solid waste into commercially valuable materials or energy.

RESOURCE RECOVERY. The processing of solid waste into commercially valuable materials or energy.

RESOURCE RECOVERY SYSTEM. A solid waste management system that provides for collection, separation, recycling, and recovery of solid and/or non-hazardous wastes including the disposal of non-recoverable waste residues.

RESTRICTED WASTE SITE. A solid waste land disposal facility designed and operated to accommodate specific types of waste as specified in 329 IAC 2-9.

RIGHT-OF-WAY. A strip of land occupied or intended to be occupied by transportation facilities, public utilities, and/or other special public uses.

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

SCREENED-IN PORCH. A single-story structure architecturally incorporated into a primary structure, with a screened area in excess of sixty percent (60%) of the gross area of the structure's exterior walls.

SANITARY LANDFILL. A solid waste land disposal facility designed to accommodate general types of solid waste as elsewhere defined in this UDO, excluding waste regulated by 329 IAC 3, and operated by spreading the waste in thin layers, compacting it to the smallest practical volume, and covering it with cover material at the end of each working day. This definition does not include a Clean Fill Site, or a Construction/Demolition Site, which are defined elsewhere in the UDO.

SEPTIC SYSTEM, PRIVATE. A septic tank, filtration field and subsurface drainage if required, which are located on an individual lot. Installations of such a system shall be

based on the requirements of the Spencer County Sewage Disposal and Drainage Ordinance as administered by the Spencer County Health Department.

SERVICE STATION. See “AUTOMOBILE SERVICE STATION”.

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

SETBACK LINE. A line established by this UDO defining the limits of a yard in which no building or structure may be located except as may be excluded in said ordinance.

SEXUALLY ORIENTED BUSINESS. An adult entertainment or service business that is part of the sex industry and is a site of erotic performance, erotic paraphernalia sales, and/or other sexually-oriented places. See Ordinance 2014-04 for additional relevant definitions.

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

SIGN: Any name, number, symbol, identification, description, display, graphic, or illustration which is affixed to, painted on, or is represented directly or indirectly upon a building, structure, or piece of land, visible from any public right-of-way which directs attention to an object, product, place, activity, person, institution, organization, or business. Religious symbols on places of worship or structures owned and operated by religious organizations shall not be considered a sign unless accompanied with text. This definition includes backlighted plastic panels or strip lighting affixed to any wall or roof where any such panels or lighting serve to identify a business and attract attention rather than to illuminate space for human activity. For purposes of this UDO, the following signs are defined:

Animated Sign: Any sign that uses movement or change of artificial and natural lighting or noise to depict action or create a special effect or scene. This includes any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever. Different from an “Electronic Sign”, an animated sign produces the illusion of movement by means of electronic, electrical, or electro-mechanical input and/or illumination capable of simulating movement through using the characteristics of one or both of the classifications noted below:

- Flashing. Animated signs or animated portions of a sign where the cyclical period between on-off phases of illumination is less than four (4) seconds.
- Patterned illusionary movement. Animated signs or portions of signs whose illumination is characterized by simulated movement.

Awning Sign: A sign that is attached to an awning, canopy, or other fabric that serves as a structural protective cover over a door, entrance, window, or outdoor service area.

Banner: A non-rigid cloth, plastic, paper, flag, or canvas sign typically related to a special event or promotion, that is cultural, educational, charitable, or recreational in its function, under the sponsorship of a for-profit establishment or business, or a public, private non-profit, or religious organization. Banners also include streamers or ribbon-shaped or cord-like rope which may have pennants and/or banners attached and which is stretched or hung between two or more points of support intended to attract attention.

Bench Sign: Any sign painted on, located on, or attached to any part of the surface of a bench, seat, or chair placed on or adjacent to a public roadway.

Billboard: See “off-premise sign”.

Changeable Copy: A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged by mechanical, electronic or manual means without altering the face or surface of the sign.

Electronic Sign: A sign activated by or illuminated by means of electrical energy whose variable message capability can be electronically programmed.

Hanging Sign: A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Informational Sign: Any on-premise sign which contains no commercial message of any sort and which provides, for example, directions for control of traffic , enter/exit, hours of operation, no smoking, beware of dog, no trespassing, security system present, or other necessary regulatory information. Informational signs shall not contain the name or logo of an establishment or any type of advertising for products or services offered on site.

Inflatable Sign: Any device which is capable of being expanded by any gas and used on a permanent or temporary basis to attract attention to a product or event. This definition includes both hot and cold-air balloons tethered or otherwise anchored to the ground.

Marker:

- A sign that indicates the name of a building, date, or other incidental information about its construction that is cut into a masonry surface, cast in bronze, or made of other material.
- A sign that identifies a product in agricultural areas, typically used to identify seed types used in agricultural fields.

Monument Sign: A sign in which the bottom edge of the sign face is permanently affixed to the ground. Monument, freestanding or pylon are other names for a monument Sign.

Mural: An image painted onto the side of a building, wall, or structure, or applied to the ground, sidewalk, parking lot, or similar area. A mural sign is regulated as a wall sign in this UDO when it contains a commercial message. Murals without a commercial message are not regulated by this UDO.

Off-premise Sign: A sign which directs attention to a business, commodity, service, or entertainment conducted sold, or offered elsewhere than upon the premises where such sign is located or to which it is affixed. Also called billboard.

Pole Sign: Any sign supported by structures or supports that are placed on and anchored in the ground and that are independent from any building or structure. A pole sign uses said structures to raise the sign face above the ground more than four (4) inches.

Portable Sign: Any sign not permanently attached to the ground, building, or other permanent structure. This includes signs that are designed to be:

- moved/transported by means of wheels or other mechanisms;
- trailer signs that are attached to, supported by, or part of a structure which is designed to move on trailer wheels, skids, or other similar devices, or transported, pushed, or pulled by a motor vehicle.
- converted to A-frames or T-frames such as menu or sandwich board signs;
- balloons used as signs;
- umbrellas used for advertising; and
- other portable devices or structures used for signage.

Projecting Sign: A sign that is wholly or partly dependent upon a building for support or suspended from a pole attached to a building. Such signs must be perpendicular to the building face upon which they are attached.

Roof Sign: Any sign partially or fully erected on or above the roof line of a building.

Scoreboard: An electronically-controlled changeable copy sign used to display scoring information for sporting events. Such signs are located on or along sports fields.

Unified Development Sign: A sign that identifies the name of a shopping center, office park, industrial park, or other development that contains three or more uses within a single development. A unified development sign is allowed in addition to the permitted signs of the individual tenants.

Vehicle Sign: A sign that is permanently affixed to the body of, an integral part of, or a fixture of a motor vehicle that is parked or left standing so that it is visible from

a public street for a period of more than seventy-two (72) continuous hours for the intent of being used as advertisement. For the purpose of this definition, “permanently affixed” shall mean any of the following:

- Painted directly on the body of a motor vehicle;
- Applied as a decal on the body of a motor vehicle; and/or
- Placed in a location on the body of motor vehicle that was specifically designed by a vehicle manufacturer.

This regulation is not intended to prohibit businesses from having parked vehicles with business logos provided the vehicles are in daily use for the business.

Wall Sign: Any sign attached to or erected against the inside or outside wall of a building or structure, with the exposed display surface of the sign in a plane parallel (or relatively parallel) to the plane of the building or structure.

Wayfinding Sign: A sign erected by the municipality or a multi-tenant development that displays necessary identification information for the convenience and safety of residents and visitors, and containing no advertising. This includes government-erected signs found along major roadways that display company logos for lodging, gasoline stations, restaurants, and other such establishments. Also includes directional signs that provide information regarding location, instructions for use, or functional/directional information.

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

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

SIGN AREA: The face of the entire display area, not including the bracing, framing, and structural supports of the sign, unless such support members are made part of the message or face of the sign. Where a sign has two or more display faces, the area of all faces of the sign shall be included in determining the Sign Area, unless the two faces are joined back to back, are parallel to each other and not more than twenty-four (24) inches apart. The area of the sign consisting of individual letters or symbols, either freestanding or attached to or painted on a surface, building, wall, or window, shall be

considered to be that of the smallest single rectangle which encompasses all the letters and symbols.

SIGN FACE: The surface intended for the display of information on the sign.

SIGN, HEIGHT ABOVE GROUND: The vertical measurement from the ground to the top of the sign. The height of all signs shall be measured from the established grade line to the highest point of the sign or its frame/support.

SIGN, ILLUMINATED: Any sign lighted by or exposed to artificial lighting either by light on or in the sign or directed toward the sign.

SIGN, LEGAL NON-CONFORMING: A preexisting legal sign, or portion thereof, which was designed, erected, or structurally altered such that it does not conform to the regulations of the district in which it is located.

SIGN, PERMANENT: A sign attached to a building, structure, or the ground in a manner that enables the sign to resist environmental loads, such as wind, and precludes ready removal or movement of the sign. The use of anchor bolts, ropes, stakes, chains, glue, or similar anchoring are not methods recognized by this UDO as a permanent foundation.

SIGN, TEMPORARY: Any sign that is temporarily used for a specific duration of time and is not affixed to a permanent foundation or structure. A temporary sign is used for the purpose of conveying information, knowledge, or ideas to the public about activities on the premises. These signs are intended to be on-site for the duration of an event (e.g. property for sale, special events, grand openings, sales, etc). Temporary signs should also only be permitted during business or event hours.

SIGN STRUCTURE: The supporting unit of a sign face, including but not limited to frames, braces cabinets, and poles.

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

SOLID WASTE. Garbage; refuse; sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility; or other discarded materials including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, or agricultural operations or from community activities. However, the term solid waste does not include:

Solid or dissolved materials in domestic sewage or solid or dissolved materials in irrigation return flows or industrial discharges, which are point sources subject to permits under *Section 402 of the Water Pollution Control Act Amendments (33 U.S.C. 1342)*;

Source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2011 et. seq.); or

Manures or crop residues returned to the soil at the point of generation as fertilizers or soil conditioners as part of a total farm operation (*P.L. 143-1985, Section 90*).

SOLID WASTE PROCESSING FACILITY. A solid waste facility upon which is located a solid waste incinerator, transfer station, solid waste baler, solid waste shredder, resource recovery system, composting facility, garbage grinding facility, and other facilities, or recycling facilities, not included in the above definition if subsequently approved by the Spencer County Solid Waste Management District and the Indiana Department of Environmental Management.

SOLID WASTE TRANSFER STATION. A facility for the collection, separation, compaction, processing and storage of solid waste until said waste can be transported or transferred to a sanitary landfill or other facility approved and licensed for the disposal of solid wastes by the State of Indiana.

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

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

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

STATE. The State of Indiana.

STORAGE, OUTDOOR. The storage of any materials outside the principle or accessory buildings on a property for more than twenty-four (24) hours. Truck and/or tractor trailer parking associated with a legally established warehouse or distribution center shall not be deemed outdoor storage.

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

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

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

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

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

SUBDIVISION. The division of a lot, tract or parcel of land into two (2) or more lots, tracts, parcels or other divisions of land for sale, development or lease.

SUBDIVISION, MAJOR RESIDENTIAL. The division of a lot, tract, or parcel of land into five (5) or more residential lots, tracts, parcels or other divisions of land for sale, development or lease over a period of ten (10) or less years. The parent lot, tract or parcel of land counts as one (1) of the subdivided lots, tracts, parcels or other subdivisions of land for the purpose of determining whether the application for approval is to be treated as a major or minor residential subdivision.

SUBDIVISION, MINOR RESIDENTIAL. The division of a lot, tract, or parcel of land into two (2) to four (4) residential lots, tracts, parcels or other divisions of land for sale, development or lease over a period of ten (10) or more years. The parent lot, tract or parcel of land counts as one (1) of the subdivided lots, tracts, parcels or other subdivisions of land for the purpose of determining whether the application for approval is to be treated as a major or minor residential subdivision.

SUNROOM. A single-story structure architecturally incorporated into a primary structure, projecting from that structure, with a glazing area in excess of forty percent (40%) of the gross area of the sunroom structure's exterior walls.

SWIMMING POOL. A self-contained body of water at least eighteen (18) inches in depth used for recreational purposes. Such body of water may exist in a metal tank, plastic lined or masonry structure located either above or below ground level. Swimming pools may be either public or private in use. A private pool is considered as an accessory use.

TEMPLE. See "CHURCH or TEMPLE".

THOROUGHFARE. See "STREET".

THOROUGHFARE, PERIMETER. An existing or proposed street that either lies on the edge of or passes through a proposed subdivision and is designated in the Thoroughfare Plan with a functional classification of collector or higher.

THOROUGHFARE PLAN. The portion of the Comprehensive Plan which identifies the existing and proposed locations of interstate highways, primary arterials, secondary arterials, feeders and local roads and streets and rights-of-way within the Jurisdictional Area, as amended from time to time under *IC 36-7-4-506*.

TOWN. The incorporated constituent areas under the jurisdiction of this UDO.

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

TRANSFER STATION. A solid waste processing facility at which solid waste is transferred from a vehicle or a container to another vehicle or container for transportation, but shall not include neighborhood recycling collection centers or transfer activities at generating facilities.

TRUCK SERVICE CENTER. An occupancy, which provides especially for the servicing of trucks, with incidental operations similar to those permitted for “Automobile Service Station”.

UDO. The Unified Development Ordinance for the Town of Richland as approved by the Richland Town Council and as amended from time to time.

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

VARIANCE. A modification of the specific requirements of this UDO 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 and district.

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

VIDEO STORE. A business where videos and associated visual home entertainment products are sold, rented, or otherwise distributed, excluding sexually oriented material.

WATERCOURSE. A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

WIRELESS COMMUNICATIONS FACILITY. Any towers, poles, antennas or other structures intended for use in connection with transmission or receipt of radio or television signals, or any other spectrum-based transmissions/receptions.

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

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

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

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

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

ZONE MAP. The map or maps that are a part of the UDO and that delineate the boundaries of zone districts and any amendments thereto of the jurisdictional area of the PC.

ZONING DISTRICT. See "DISTRICT".