

Chapter Fourteen

Definitions

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14.1 General:

The definitions contained in this Chapter shall be observed and applied in the interpretation of all Chapters in this Ordinance, except where the context clearly indicates otherwise. Words used in the present tense shall include the future; words used in the singular number shall include the plural and the plural the singular; words used in the masculine gender shall include the feminine.

14.2 Defined Words:

The following terms shall have the following meanings:

Abandonment: The relinquishment of property or a cessation of the use of the property for a continuous period of two (2) years by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.

Abutting: Having a common border with, or being separated from such a common border by a right-of-way, alley, or easement.

Accessory Building, or Structure: A building or structure which:

- A. is subordinate to a principal building or structure in area, intent, and/or purpose,
- B. contributes to the comfort, convenience, or necessity of occupants of the principal building, structure, or principal use,
- C. does not alter or change the character of the premises,
- D. is located on the same zoning lot as the principal building, structure, or use,
- E. conforms to the setback, height, bulk, lot coverage, and other requirements of this Ordinance unless otherwise provided for by this Ordinance, and,
- F. is not designed for human occupancy as a dwelling or commercial use.

Accessory Use: A structure or use that:

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

Adult Arcade: An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, or similar machines, for viewing by five or fewer persons, are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

Adult Bookstore: An establishment having as a majority of its stock in trade or its dollar volume in trade, books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records or other forms of visual or audio representations which are distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual activities or sexual anatomical areas.

Adult Cabaret: A nightclub, bar, restaurant, or similar establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities, or films, motion pictures, video cassettes, slides, or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

Adult Day Care Center: A commercial enterprise located in a business district, which provides non-overnight care, supervision, and protection of adults.

Adult Day Care Home: An establishment providing non-overnight care, supervision, and protection of adults in private residences, which is ancillary to the primary use of residential. An adult day care home would require a Special Exception.

Adult Entertainment Business: An establishment having up to twenty-five percent (25%) of its stock in trade or its dollar volume in trade as an adult bookstore, adult motion picture theater, adult cabaret, or adult live entertainment arcade, or like uses.

Adult Motion Picture Theater: An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

Adult Theater: A theater, concert hall, auditorium, or similar establishment characterized by (activities featuring) the exposure of specified anatomical areas or by specified sexual activities.

Advisory Plan Commission: A planning commission serving a single local government jurisdiction established as defined under the Indiana Code, 36-7-1-2 (1983) as amended. The Whitley County Plan Commission is an Advisory Plan Commission.

Agriculture: The use of land for agriculture purposes, including farming, dairying, pasturage, apiculture, agriculture, horticulture, floriculture, viticulture, forestry, animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce, provided however, that the operation of any accessory uses shall be secondary to that of the normal agricultural activities.

Agricultural Zoning District: Refers to the AG District.

Airport: An area of land or water that is used or intended to be used for the landing and take-off of aircraft, and includes its buildings and facilities, if any.

Alley: A public right-of-way, other than a street, road, crosswalk, or easement that provides secondary access for the special accommodation of the abutting property.

Alteration: An addition, removal, extension, or change in the construction or occupancy of an existing building or structure.

Amusement Arcade: A building or part of a building in which five or more pinball machines, video games, or other similar player-operated amusement devices are maintained.

Antenna: A structure or device that is used for the purpose of receiving and or transmitting signals, images, sounds, or information of any nature by radio, visual, or electromagnetic waves, including but not limited to directional or omni-directional antennas, panels, and microwave or satellite dishes.

Apartment: One (1) or more rooms in an apartment building or combination apartment and commercial building, arranged, intended, designed, or occupied on a rental basis as a dwelling unit of a single family, an individual, or a group of individuals.

Apartment Building: A multi-family housing structure designed and constructed to accommodate three (3) or more apartments, in contrast to single or two-family dwellings converted for multi-family use.

Apartment, Guest: One (1) or more rooms that are designed and intended as an independent living facility for a relative or guest of the persons living in the principle dwelling unit on the property.

Appellant: An “appellant” refers to any person, firm, partnership, corporation or other business organization, public official, head of any administrative department, or member of any public board which appeals a decision of the Administrator or any building inspector of the building and zoning division.

Applicant: The owner(s) or legal representative of real estate who makes application to the Whitley County Plan Commission and/or Board of Zoning Appeals for action by said commission or board affecting the real estate owned thereby.

Aquaculture: Land devoted to the hatching, raising, and breeding of fish or other aquatic plants or animals for sale or personal use.

Aquifer: A geological unit in which porous and permeable conditions exist and thus are capable of yielding usable amounts of water.

Aquifer Recharge Area: An area that has soils and geological features that are conducive to allowing significant amounts of surface water to percolate into ground water.

Attached Building: A building that is structurally connected to another building by a foundation, walls, or roofline. Carports, garages, porch awnings and the like shall be considered attached buildings and abide by all regulations pertaining to primary buildings.

Auto Repair, Major: Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers: collision service, including body, frame or fender straightening or repair: and overall painting of vehicles.

Auto Repair, Minor: Incidental repairs, replacement of parts, and motor service to automobiles but excluding any operation specified under "Automobile Repair, Major".

Automobile Service Station: Any building or premises used for the dispensing, sale, or offering for sale at retail to the public, automobile fuels stored only in underground tanks and located wholly within the lot lines: lubricating oil or grease for the operation of automobiles: and the sale and installation of tires, batteries, other minor accessories, and minor auto repair, but not including a bulk plant, conducting of major auto repairs, automobile wrecking, automobile sales.

Basement: A floored and walled substructure of a building at least fifty (50) percent below the average finished grade of the building.

Bed and Breakfast Facility: An owner occupied or owner employee occupied residence containing no more than six (6) guest rooms for hire, for lodging by pre-arrangement for periods not to exceed three (3) consecutive weeks and providing for occasional meals daily (usually breakfast) and not a hotel, boarding, lodging house or motel.

Berm: A man-made, formed, earth mound of definite height and width used for landscaping and obscuring purposes, the intent of which is to provide a transition between uses of differing intensity.

Billboard: See "Sign, Outdoor Advertising".

Block: Property abutting on one side of a street and lying between the two (2) nearest intersecting or intercepting streets, intersecting railroad, intersecting waterway, or the end of a dead end street.

Board of Zoning Appeals (Board): The Whitley County Board of Zoning Appeals or any division thereof.

Boarding House: A building or part of a building that contains accommodation facilities for lodging, and typically with meals reserved solely for the occupants thereof for a fee. Boarding houses do not include bead and breakfasts, multi-family dwellings, hotels, or motels.

Bond: Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Plan Commission. All bonds shall be approved by the Commission wherever a bond is required by these regulations.

Buffer Area: A landscaped area intended to separate and partially or substantially obstruct the view of two adjacent land uses or properties from one another.

Buffer Landscaping: Any trees, shrubs, walls, fences, berms, space, or related landscaping features required under this Ordinance on private lots, and privately maintained, for buffering lots from adjacent properties or public right-of-way for the purpose of increasing visual or other aspects of privacy and aesthetics.

Buffer Yards: An area adjacent to front, side and rear property lines, measured perpendicularly from adjacent property lines and/or right-of-way lines, intended to provide attractive spaces to reduce the impacts of proposed uses on adjacent property or natural features and to screen incompatible uses from each other. Buffers also help to maintain existing trees or natural vegetation, to block or reduce noise, glare or other emissions and to maintain privacy. Buffer yards are in addition to (separate from) front, rear, or side yard setbacks.

Building: A structure having a roof, supported by columns or walls, for the shelter, support, or enclosure of persons, property, or animals; and when separated by division walls from the ground up and without openings, each portion of such building shall be deemed as a separate building.

Building Area: The horizontal area of the buildings on a lot, measured from the outside exterior walls, excluding open areas or terraces, unenclosed porches or decks, and architectural features that project no more than two (2) feet.

Building Code: The Indiana Building Code establishing and controlling the standards for constructing mechanical equipment, and all forms of permanent structures and related matters within Whitley County. Also referred to herein as the Whitley County Building Code.

Building Coverage: The proportion of the lot area, expressed as a percent, that is covered by the maximum horizontal cross-section of a building or buildings.

Building Envelope: The setback lines that establish an area on a lot in which building can occur.

Building Line or Setback Line: A line parallel to a street right-of-way line, edge of a stream, or other property line established on a parcel of land or lot for the purpose of prohibiting construction of a building or structure in the area between such building line and right-of-way, stream bank, or other property line.

Bulk: The term used to indicate the size and setback of building or structure and the location of same with respect to another building or structure or to a lot line and includes the following: size and height of building or structure; location of exterior walls of a building in relation to lot lines, streets, or other buildings; the floor area of a building in relation to the area of the lot on which it is located; the open space allocated to surrounding a building; and the amount of lot area per dwelling unit.

Business: The engaging in the purchase, sale, barter, or exchange of goods, wares, merchandise, or services, or the maintenance or operation of offices, recreational, or amusement enterprises.

Business District: Refers to the VC and GC District.

BZA: See Board of Zoning Appeals

Campground: Any site, lot, field, or tract of land designed with facilities for short term occupancy by recreational vehicles and other camping equipment but not including mobile homes.

Capital Improvement Plan: A proposed schedule of future objects listed in order of construction priority together with cost estimates and the anticipated means of financing each project. Major projects requiring the expenditure of public funds, over and above the annual local government's operating expenses, for the purchase, construction, or replacement of the capital improvements for the community are included.

Cemetery: Includes any crematory, mausoleum, or mortuary operated in conjunction with and on the same tract as the cemetery.

Central Water System: A community water supply system including existing and new wells and/or surface water sources and intakes, treatment facilities, and distribution lines and includes such of the above facilities established by the developer to serve a new subdivision or commercial/industrial development.

Certificate of Occupancy: A certificate stating that the occupancy and use of a building or structure complies with the provisions of the Whitley County Building Code.

Child Care Home: An establishment providing non-overnight care, supervision, and protection of children in private residences, which is ancillary to the primary use of residential. The maximum of four (4) non-related children, may currently be cared for in the home without State Licensing. Five (5) to fifteen (15) children, excluding those who reside in the residence, may be cared for in the home if the resident obtains a Special Exception and maintains continuous State Licensing.

Child Care Center: Any institution operated for the care of children, licensed pursuant to IC 12-3-2-3.1. et seq. and as defined by Indiana Code Section 12-3-2-3.

Child Care Institution: a) A residential facility that provides for the care, supervision and protection of children on a twenty-four (24) hour basis; or b) An institution that operates under a license issued under IC 12-16-4: provides for delivery of mental health services that are appropriate to the needs of the individual: and, complies with the rules adopted under IC 4-22-2 by the Division of Family and Children. (For reference see Indiana Code 12-7-2)

Children's Home: See Child Care Institution

Church: An institution that people regularly attend to participate in or hold religious services, meetings, and other activities. The term "church" shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held. This term does not include accessory uses such as bingo parlors, coffeehouses, day care centers, rental halls, etc.

Clinic: An establishment in which human patients are admitted for medical or dental study or treatment and in which the services of at least two physicians or dentists are provided.

Commercial District: Refers to the VC and GC Districts.

Comprehensive Plan: Refers to the Whitley County Comprehensive Plan. The plan includes goals, objectives, and strategies for land use, growth management, transportation/thoroughfares, community facilities and services, environment concerns, infrastructure, aesthetics and identity, economic development, parks and recreation. The plan was developed and adopted by the Commission pursuant to the IC 36-7-4-500 series and includes any part and/or policies separately adopted and any amendment to such plan and/or policies, or parts thereof.

Condition of Approval: Stipulations or provisions set forth by the Board of Zoning Appeals or Plan Commission required as a prerequisite for approval of a petition.

Condominium: Real estate lawfully subject to IC 32-1-6 (1-31), (the Horizontal Property Law), by the recordation of condominium instruments, in which undivided interests in the common areas and facilities are vested in the condominium unit owners.

Congregate Housing: A residential facility for three (3) or more persons within which are provided living and sleeping facilities, meal preparation, laundry services, and room cleaning. Such facilities may also provide other accessory services, such as transportation for routine social and medical appointments and counseling.

County: Whitley County, Indiana

Covenants: Private and legal restrictions of various kinds on the usage of lots, typically within a subdivision and applied by the subdivider. In the case of public health, safety and welfare, covenants may be applied by the Commission, that are recorded with the plat and deed. Covenants can also be placed on commercial and industrial developments. Covenants are not enforceable by the Plan Commission or its designees. However, they are enforceable in civil court by interested or affected parties.

Cul-De-Sac: A street having only one (1) outlet and having an appropriate terminal for the safe and convenient

reversal of traffic movement including public safety vehicles.

Day Care Center: See Adult and Child Care Center(s).

Dedication: The setting apart of land or interest in land for use by the municipality or public by ordinance, resolution, or entry in the official minutes as by the recording of a plat.

Detached Building: A building that has no structural connection with the principal building.

Developer: A person submitting a plat, condominium regime, horizontal property regime, mobile home park, or a development plan of any kind or of any similar nature, of the type of character described in the definition of a Lake Access Development. The Developer may be the owner or a person or entity operating in their self interest but with the consent of the owner of the real estate in question.

District: A section of Whitley County for which uniform zoning regulations governing use, height, area, size, intensity or use of buildings and land, and open spaces about buildings, are established by this Ordinance.

Domestic Pets: Animals commonly used as household pets, protection, companions, and for the assistance to disabled persons. Domestic pets shall include animals that are cared for and treated in a manner acceptable for pet dogs, cats, and birds. Domestic pets shall include, but not be limited to, dogs, cats, parakeets, parrots, finches, spiders, guinea pigs, hamsters, gerbils, rats, mice, rabbits, aquarium fish, pot belly pigs, ferrets, and snakes if cared for in the manner described above.

Dormitory: A building used as group living quarters for a student body, religious order, or other group as an associated use to a college, university, boarding school, orphanage, convent, monastery, farm labor camp, or other similar use.

Drive-In (Drive-Thru): An establishment selling food, 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.

Drives, Private: Vehicular streets and driveways, paved or unpaved, which are wholly within private property except where they interact with public streets within public rights-of-way.

Duplex: A residential building containing two (2) dwelling units designed for occupancy by not more than two (2) families.

Dwelling: A building or structure or portion thereof, conforming to all requirements applicable to the residential use districts and Whitley County Building Code/Indiana Building Code used exclusively for residential occupancy, including single-family dwelling units, two-family dwelling units, multi-family dwelling units, guest apartments, mobile homes, and manufactured homes, but excluding hotels, boarding houses, and lodging houses.

Dwelling, Manufactured Home: A single-family dwelling unit designed and built in a factory, installed as a permanent residence, which bears a seal certifying that it was built in compliance with the Federal Manufactured Housing Construction and Safety Standards Law (1974 U.S.C. 5401 et seq.). Specifications for Type I, II and III Manufactured Homes are listed in Section 5.18 of this ordinance.

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.

Dwelling, Single-Family: A detached residential dwelling unit designed for and occupied by one (1) family. A single-family dwelling shall be at least 23 feet wide for sixty percent (60%) of its length.

Dwelling Site: A site within a manufactured home park and/or mobile home park with required improvements and utilities that is leased for the long term placement of manufactured homes and/or mobile homes.

Dwelling, Two-Family: A residential building containing two (2) dwelling units designed for occupancy by not more than two (2) families.

Dwelling Unit: Any structure or portion thereof designed for or used for residential purposes as a self-sufficient or individual unit by one (1) family or other social association of persons and having permanently installed sleeping, cooking, and sanitary facilities.

Dwelling Unit, Secondary: Can be either a portion of the principle dwelling or a separate building which is utilized as an independent living facility, or a Type II or III manufactured home, located on the same parcel and occupied exclusively by a relative of the family residing in the principle dwelling.

Easement: A grant by a property owner to specific persons, the general public, corporations, utilities, or others, for the purpose of providing services or access to the property.

Executive Committee: A panel established by the Plan Commission to provide technical services to the Plan Commission in the administration of this Ordinance.

Family: An individual, or two (2) or more persons related by blood, marriage, or adoption, or a group of not more than four (4) persons, not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit.

Farm: An area used for agricultural operations, forestry, the operating of a tree or plant nursery, or the production of livestock and poultry as well as those properties classified by the Internal Revenue Service as a farm.

Farm Animals: Animals commonly used for transportation, food, skins, and other by-products. Farm animals include, but are not limited to, horses, cattle, pigs, sheep, goats, mules, donkeys, miniature horses, miniature donkeys, camels, emu, ostrich, llamas, alpacas, mink, fox, buffalo, chickens, turkeys, quail, pheasants, and other animals or fowl of similar characteristics.

Flood Hazard Areas: Those flood plains which have not be adequately protected from flooding caused by the regulatory flood, and are shown on the zoning map and/or on the Flood Hazard or Floodway-Flood Boundary Maps of the Federal Insurance Administration or maps provided to the Commission from the Indiana Natural Resources Commission.

Flood Plain: The relatively flat area or low land adjoining the channel of a river or stream which has been or may be covered by flood water. The flood plain includes the channel, floodway, and floodway fringe. Flood plain boundaries are to be determined by using the Floodway-Flood Boundary Maps of the Federal Insurance Administration/Federal Emergency Management Administration.

Flood Protection Grade: The elevation of the lowest floor of a building, including the basement, which shall be two feet above elevation of the regulatory flood.

Floodway (Regulatory): The channel of a river or stream and those portions of the flood plains adjoining the channel which are reasonably required to efficiently carry and discharge peak flow of the regulatory flood or any river or stream and, is that area covered by floodwaters in significant downstream motion or covered by significant volumes of stored water during the occurrence of the regulatory flood.

Floodway Fringe: That portion of the flood plain lying outside the floodway, which is inundated by the regulatory flood.

Floor Area: The sum of all horizontal surface areas of all floors of all roofed portions of a building enclosed by and within the surrounding exterior walls or roofs, or to the centerline(s) of party walls separating such buildings or portions thereof. Floor area of a building shall exclude exterior open balconies and open porches.

Floor Area, Finished: That portion of floor area constructed, completed, and usable for living purposes with normal living facilities which includes sleeping, dining, cooking, working, entertainment, common space linking rooms, areas for personal hygiene, or combination thereof. Floor area or portion thereof used only for storage

purposes and not equipped for the facilities mentioned above shall not be considered Finished Floor Area.

Floor Area, Main: That portion of Finished Floor Area located on the first (or nearest ground level) floor of the dwelling unit. The Main Floor Area of a primary structure does not include a garage, carport, deck, unfinished storage, patio, or open porch.

Foundation: The supporting member of a wall or structure.

Front Line: With respect to a building, the foundation line that is nearest to the front lot line.

Front Lot Line:

- A. For an interior or through lot, the line marking the boundary between the lot and the abutting street right-of-way or a Lake or watercourse; and
- B. For a corner lot, the line marking the boundary between the lot and the shorter of the two abutting street segments.

Front Yard: A yard extending across the full width of the lot, the depth of which shall be the least distance between the road right-of-way and the foundation of the principle structure. Whenever a lot fronts more than one road right-of-way, each frontage will be considered a front yard for setback purposes. See Chapter 5, Development Standards, Section 5.3 for additional lake front setback provisions.

Frontage: See Lot Frontage

Garage: An attached or detached structure whose principal use is to house motor vehicles or personal property for the accommodation of related dwelling units or related business establishments.

Grade: The finished ground level adjoining the building at all exterior walls.

Ground Floor Area: The area of a building in square feet, as measured in a horizontal plane at the ground level within its largest outside dimensions, exclusive of open porches, breezeways, terraces, garages, and exterior stairways.

Group Home: A single self-contained children's home established and operated by the county department of welfare, licensed private child placement agency or licensed incorporated group established for the purpose of receiving and caring for up to eight (8) children who are attended by house "parents". (Also see Congregate Housing.)

Halfway House: A licensed home for inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently. Such placement is pursuant to any court of competent jurisdictional and/or the State Department of Correction.

Hardship: A difficulty with regard to one's ability to improve land stemming from the application of the development standards of this Ordinance, which may or may not be subject to relief by means of variance. In and of themselves, self-imposed situations and claims based on a perceived reduction of or restriction on economic gain shall not be considered hardships. Self-imposed situations include: the purchase of land with actual or constructive knowledge that, for reasons other than physical characteristics of the property, the development standards herein will inhibit the desired improvement: any improvement initiated in violation of the standards of this Ordinance: any result of land division requiring variance from the development standards of this Ordinance in order to render that site buildable.

Height: With respect to a building, means the vertical distance from the lot ground level to the highest point, for a flat roof; to the deck line, for a mansard roof; and to the mean height between eaves and ridges for a gable, hip, or gambrel roof.

Hobby Farming: Hobby farming cannot be the principal income source for the owner, operator or household on site. The use of land for purposes, including: pasturage, apiculture, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry. Processing and storage of harvested produce or other end products shall not be allowed on site. Hobby farming shall not include feed lots, stock yards, or the commercial feeding of garbage or offal to swine or other animals.

Home Occupation : A commercial or professional activity, regardless of whether engaged in for profit, conducted by one or more residents in his, her, or their dwelling, or structure accessory thereto, is clearly incidental and secondary to the use of the principal structure for dwelling purposes, and located within a residentially or agriculturally zoned district. A home occupation, which generates traffic, requires a special exception.

Hotel: A building in which lodging or board and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public. Compensation is usually assessed on a day-to-day basis.

Hospital: An institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care for three (3) or more unrelated individuals suffering from illness, disease, injury, deformity, or other abnormal physical conditions. The term "hospital" as used in this Ordinance does not apply to institutions operating primarily for treatment of insane persons, drug addicts, liquor addicts, and other types of cases necessitating restraint of patients, and the term "hospital" shall not include convalescent, nursing, shelter, or boarding homes.

Impervious Surface: Any material that prevents absorption of stormwater into the ground.

Improvement Location Permit: A permit issued under this Ordinance permitting a person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure within its jurisdiction, or cause the same to be done or to change the use or condition of the land.

Improvement Plan(s): The maps or drawings showing the specific location and design of improvements to be installed in accordance with the requirements of this Ordinance and the Indiana Building Code as a condition of the approval.

Incidental: A minor occurrence or condition, which is customarily associated with a permitted use and is likely to ensue from normal operations.

Indiana Residential Code: The nationally recognized model building code adopted by the Indiana Department of Fire Prevention and Building Safety as mandated by Public Law 360, Act of 1971, and which includes those supplements and amendments promulgated by this agency. Previously named the One and Two Family Dwelling Code.

Industrial District: Refers to the IPM and IN Districts.

Interior Lot: A lot other than a corner lot or a through lot.

Interested Parties: Those parties who are owners of properties adjoining or adjacent to the property under consideration.

Junk: An automobile, truck, other motor vehicle, large appliance, furniture or like materials which has been damaged to such an extent that it cannot be operated under its own power or used and/or will require major repairs before being made usable. This could also include such a vehicle, which does not comply with State or County vehicle laws or ordinances.

Junk Yard: A place, usually outdoors, where waste or discarded used property other than organic matter, including but not limited to automobiles, farm implements and trucks, is accumulated and is or may be salvaged for reuse or resale: this shall not include any industrial scrap metal yard.

The storage, dealing in or the permitting of the accumulation of significant quantities of combustible, organic or nonmetal scrap materials such as, but not limited to, wood, paper, rags, garbage, tires, bones and shattered glass on the premises of such an establishment will disqualify it from being classified as a scrap metal yard, and the same will be classified as a junk yard.

Jurisdiction Area: All land within the limits of Whitley County, Indiana but not the planning jurisdictions of incorporated cities and towns.

Kenel: A place primarily for keeping four (4) or more adult dogs, or other small animals that are ordinarily bred for sale as pets. Also could include temporary care facility for compensation.

Lake Access Development: Any development (i) that has a portion of its perimeter bound by a Public Freshwater Lake or (ii) that contains as a part of the development or through the grant of an easement, license or other interest, the right of owners in the development to use a Waterfront Lot for access to the waters of any Public Freshwater Lake and, (iii) that requires any type of approval by the Board of Zoning Appeals or Plan Commission. A Lake Access Development shall include by way of example, but not be limited to lake front recreational areas, beaches, parks, playgrounds, regardless of whether such area has been specifically denominated as a common area or access point, whether located in a residential subdivision, apartment building development, condominium, cooperative, used by a neighborhood association, or associated with an organization, club, retirement community, mobile home park, mobile home subdivision, subdivisions subject to the provisions of the subdivision control ordinance, or multi-family residential units, mobile home parks, and camp grounds, planned unit developments with a residential component, residential development under the Indiana Horizontal Property Regime Act, platted or exempt residential subdivisions and any other residential use in all zoning districts.

Landscaping: The improvements of a lot with grass, shrubs, trees and other vegetation and/or ornamental objects. Landscaping may include pedestrian walks, flower beds, berms, fountains and other similar natural and man-made objects designed and arranged to produce an aesthetically pleasing effect.

Limited Access Highway: Any roadway that operates at a high service level, consists of limited access, is divided, carries region-wide traffic and is generally classified as part of the interstate system.

Local Road: A street designed primarily to provide access to abutting properties and discourage through traffic, as depicted by the Transportation Plan element within the Comprehensive Plan.

Lodging House: A building, not available to transients, in which lodgings are regularly provided for compensation for at least three persons in addition to the owner occupant or lessor.

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

Lot, Buildable: A lot upon which a structure or building can be constructed and occupied. The lot shall have frontage on and access to an improved street, meet minimal setbacks, and have all necessary utilities available to the lot such as sewer, water, electricity, etc.

Lot, Corner: A lot situated at the intersection of two (2) streets or which fronts a street on two (2) or more sides forming an interior angle of less than one-hundred and thirty-five (135) degrees.

Lot Coverage: The area of a zoning lot occupied by the principal building and any accessory structures.

Lot Depth: The horizontal distance between the front and rear lot lines.

Lot, Developed: A lot with buildings or structures.

Lot Frontage: All property or a lot fronting on a street right-of-way, as measured between side lot lines.

Lot, Interior: A lot other than a corner lot or a through lot.

Lot of Record: A lot which is a part of a subdivision recorded in the office of the County Recorder, or a parcel or lot described by metes and bounds, and a description of what has been so recorded. Lots recorded prior to the enactment of this Ordinance. All lots recorded after the enactment of this Ordinance shall meet all the requirements of this Ordinance.

Lot, Through: A lot fronting on two (2) parallel or approximately parallel streets, or abutting two (2) streets which do not intersect at the boundaries of the lot. Also includes lots fronting on both a street and a watercourse or Lake.

Lot Width: The distance as measured between the side lot lines. The lot width of a property that has irregular boundaries shall be the narrowest distance between side lot lines. Cul-de-Sacs front lot widths shall be measured at the front set back line.

Maneuvering Aisle: A maneuvering space which services two or more parking spaces, such as the area between two rows of parking spaces and/or the driveway leading to those spaces.

Maneuvering Space: An open space in a parking area which:

- A. is immediately adjacent to a parking space;
- B. is used for and/or is necessary for turning, backing or driving forward a motor vehicle into such parking space, but
- C. is not used for the parking of or storage of motor vehicles

Manufactured Home: A single-family dwelling unit designed and built in a factory, installed as a permanent residence, which bears a seal, attached to the exterior of the home, certifying that it was built in compliance with the Federal Manufactured Housing Construction and Safety Standards Law, 42 U.S.C. 5401 et seq.). Specifications for Type I, II and III Manufactured Homes are listed in Section 5.18 of this ordinance.

Manufactured Home Park: A parcel of land containing two (2) or more dwelling sites, with required improvements and utilities, that are leased for long term placement of mobile home dwellings and/or manufactured home dwellings, and shall include any street used or intended for use as part of the facilities of such mobile home park. A manufactured home park does not involve sales for mobile home dwellings or manufactured home dwellings in which unoccupied units are parked for inspection or sale.

Manufacturing, Heavy: The assembly, fabrication or processing of goods and materials using processes that ordinarily have greater than minimal impacts on the environment, or that otherwise do not constitute light manufacturing, and which may include open uses and outdoor storage. Heavy manufacturing generally includes processing and fabrication of products made from extracted or raw materials. Heavy manufacturing shall not include any use that is otherwise listed specifically in any zoning district as a permitted use or special exception.

Manufacturing, Light: The assembly, fabrication or processing of goods and materials using processes that ordinarily do not create noise, smoke fume odors, glare or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing of goods are housed entirely within an enclosed building. Light manufacturing generally includes processing and fabrication of finished products predominantly from previously prepared materials. Light manufacturing shall not include any use that is otherwise listed specifically in any zoning district as a permitted use or special exception.

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

Master Plan: See Comprehensive Plan.

Mobile Home: A transportable dwelling unit which is a minimum of 8' in width and which is built on a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained therein, and which was manufactured prior to June 15, 1976 and bears a seal attached under Indiana Public law 135, 1971, certifying that it was built in compliance with the standards established by the Indiana Administrative Building Council: or, subsequent to or on June 15, 1976 and bears a seal, certifying that it was built in compliance with the Federal Mobile Home Construction and Safety Standards. For the purpose of the provisions of this ordinance, a mobile home shall be considered a Type III manufactured home.

Monument (survey): A permanent physical structure, which marks the location of a corner or other survey point.

Motel: An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot, and designed for use by transient automobile tourists. A motel furnishes customary services such as maid service and laundering of linen, telephone, secretarial, or desk service, and the use and upkeep of furniture.

Motor Vehicle: Any passenger vehicle, truck, tractor, tractor-trailer, trailer, or semi-trailer propelled or drawn by mechanical power.

Non-Conforming Use: A building, structure or use of land existing at the time of enactment of this ordinance, which does not conform to the regulations of the district in which it is situated.

Non-Waterfront Lot: Any parcel of real estate not having as one of its boundaries the shoreline of a public freshwater lake.

Nursing Home/Rest Home: A private home for the care of the aged or infirm, or any other person in need of nursing care and which does not contain equipment for surgical care or for the treatment of disease or injury, and is not primarily designed for mental patients or alcoholics.

Occupied Space: The total area of earth horizontally covered by the structure, excluding garages, patios and porches and other accessory structures.

Official Zoning Map: A map of Whitley County, Indiana, that legally denotes the boundaries of zoning districts as they apply to the properties within the planning jurisdiction.

Off-site Improvements: Any premises not located within the area of the property to be subdivided, used, or built upon whether or not in the same ownership of the applicant for subdivision approval.

Open Space: An area of land not covered by buildings, parking structures, or accessory uses except for recreational structures. Open space may include nature areas: streams and flood plains: meadows or Open Space does not include street right-of-way, platted lot area, private yard, patio areas, or land scheduled for future development.

Open Use: The use of a lot without a building, or a use for which a building with a floor area no larger than five percent of the lot area is only incidental.

Outdoor Storage: The outdoor accumulation of goods, junk, cars, busses, tractor trailers, railroad cars, equipment, products, or similar materials for permanent or temporary holding.

Owner: Any person, group, of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations, or their legal representative.

Parent Tract: A lot of record as recorded (location, size, shape, etc) on the effective date of this Ordinance; or a lot as defined by its last conditional transfer of ownership by recorded contract transacted before the effective date of this Ordinance. Multiple lots owned by one (1) person, persons in partnership, or a company shall each be

considered one (1) Parent Tract. Easements shall not constitute a separation of two (2) or more pieces of land owned by one (1) person, persons in partnership, or a business. A lot of record with an existing public road that splits it shall be considered two (2) parent tracts.

Parking Space, Automobile: Space within a public or private parking area for the storage of one (1) passenger automobile or commercial vehicle under a one and one-half (1-1/2) ton capacity.

Performance Bond: An amount of money or other negotiable security paid by the subdivider, developer, or property owner or his surety to the County which guarantees that the subdivider will perform all actions required by the County regarding an approved plat or in other situations as stated forth in this Ordinance and/or as deemed by the Zoning Administrator, and provides that if the subdivider, developer, or property owner defaults and fails to comply with the provisions of his approval, the subdivider, developer, or property owner or his surety will pay damages up to the limit of the bond, or the surety will itself complete the requirements of the approval.

Permanent Foundation: A structural system for transferring loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

Permanent Perimeter Enclosure: A permanent perimeter structural system completely enclosing the space between the floor joists of the home and the ground, except for the necessary openings, constructed in accordance with the Indiana Residential Code.

Person: An individual, corporation, firm, partnership, association, organization, unit of government, or any other group that acts as a unit, as well as a natural person.

Plan Commission (Commission): The Advisory Plan Commission of Whitley County.

Planned Unit Development: A large-scale unified development meeting the requirements for zoning approval under the provisions of Article Five of this Ordinance. Generally a planned development consists of a parcel or parcels of land, controlled by a single landowner, to be developed as a single entity which does not correspond in size of lots, bulk or type of buildings, density, lot coverage, and required open space to the regulations established in any district of this Ordinance. This may result in more attractive and affordable development than conventional developments would allow. Clustered housing (dwellings built in innovative lot arrangements around common open space) and zero lot line housing (dwellings built immediately adjacent to lot lines) are possible as part of planned developments. A planned development requires approval through a zoning map amendment.

Planning Jurisdiction: The area that a municipality has planning authority as drawn by each community in compliance with IC 36-7-4 et al. For the planning jurisdiction of this ordinance see Jurisdiction Area.

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

Plat, Primary: The primary plat, pursuant to IC 36-7-4-700 series, is the plat and plans upon which the approval of a proposed subdivision are based. The primary plat and plans shall be subject to the public notice and public hearing according to law and according to Plan Commission rules. (Under former state statutes, the primary plat was referred to as a "preliminary" plat.).

Plat, Secondary: The secondary plat, pursuant to IC 36-7-4-700 series, is the final plat document in recordable form. A secondary plat shall substantially conform with the preceding primary plat, or section thereof. The secondary plat and plans are not subject to public notices and public hearings.

Porch: A roofed-over structure projecting out from the wall or walls of a main structure and commonly open to the weather in part.

Practical Difficulty: A difficulty with regard to one's ability to improve land stemming from regulations or this Ordinance. A practical difficulty is not a "hardship", rather is it a situation where the owner could comply with the regulations within this ordinance, but would like a variance from the Development Standards to improve his site in a practical manner. For instance, a person may request a variance from a side yard setback due to a large

tree which is blocking the only location that would meet the Development Standards for a new garage location.

Primary/Principal Use: The main use of land or buildings as distinguished from an accessory use. A primary/principal use may be either a permitted use or a special exception.

Principal Building/Structure: The building or structure in which the principal use of the lot or premises is located or conducted, with respect to residential uses, the principal building or structure shall be the main dwelling.

Private School: A school other than a public school.

Professional Office: An office used by members of a recognized profession such as architects, artists, dentists, engineers, lawyers, musicians, physicians, surgeons or pharmacists, and realtors or insurance agents and brokers.

Public Freshwater Lake: Shall have the definition stated in IC 14-26-2-3 as amended from time to time.

Public Improvements: Any storm drainage facility, street, highway, parkway, sidewalk, pedestrian-way, tree, lawn, off-street parking area, lot improvement, utility, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

Public/Private Parking Area: A group of parking spaces in an open area not including any part of a street or alley, designed or used for temporary parking or motor vehicles.

Public Street: All property dedicated or intended for public highway, freeway, or roadway purpose and subdivision to public easements therefore.

Public Utility: Any person, firm, or corporation duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, fiber optics, transportation, water, or sewerage systems.

Racetrack: Any venue for the sport of racing or competing where participants drive, ride, or control motorized vehicles. A racetrack may or may not have areas for spectators. Racetrack includes, but is not limited to oval track racing, drag racing, motorcross, tractor pulling, go-carts racing, remote control airplane flying, and similar uses.

Rear Lot Line: The lot line that is opposite the front lot line and farthest from it, except that for a triangular or other irregularly-shaped lot, the line ten feet long, parallel to the front lot line, and wholly within the lot, that is farthest from the lot line.

Rear Yard: The yard extending the full width of the lot between the rear of the principle structure and the rear lot line, the depth of which shall be the least distance between the rear lot line and the rear of that principle structure.

Recreational Vehicle: A vehicular-type portable structure that can be towed, hauled, or driven and designed as a temporary living accommodation for recreational, camping, and travel use and including but not limited to, travel trailers, truck campers, camping trailers, self-propelled motor homes and Park Models.

Recreational Vehicle Park: Any site, lot, field, or tract of land under single ownership, or ownership of two or more people, designed with facilities for short term occupancy for recreational vehicles only.

Registered Land Surveyor: A land surveyor properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

Registered Professional Engineer: An engineer properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

Regulatory Floodway: The channel of a river or stream and those portions of the flood plains adjoining the channel which are reasonably required to efficiently carry and discharge peak flow of the regulatory flood of any

river or stream and, is that area covered by floodwaters in significant downstream motion or covered by significant volumes of stored water during the occurrence of the regulatory flood.

Residential District: Refers to the RR, MR, LR and MP Districts.

Residential Facility for the Developmentally Disabled (large): A residential facility which provides residential services for more than eight (8) developmentally disabled individuals as described in IC 12-28-4.

Residential Facility for the Developmentally Disabled (small): A residential facility, which provides residential services for eight (8) or less developmentally disabled individuals as described in IC 12-28-4.

Residential Facility for the Mentally Ill: A residential facility, which provides residential services for mentally ill individuals as described in IC 12-28-4. No two Residential Facilities for the Mentally Ill shall be within three thousand (3,000) feet of one another in the Whitley County planning jurisdiction as stated in Indiana Code.

Rest Home/Nursing Home: A private home for the care of the aged or infirm, or any other person in need of nursing care and which does not contain equipment for surgical care or for treatment of disease or injury, and is not primarily designed for mental patients or alcoholics.

Re-subdivision: A change in a recorded subdivision plat if such change effects any street layout or area reserved thereon for public use or any lot line or easement; or if it affects any map or plan legally recorded.

Right-of-Way (ROW): A strip of land occupied or intended to be occupied by transportation facilities, public utilities, or other special public uses. Rights-of-way intended for any use involving maintenance by a public agency shall be dedicated to the public use by the maker of the plat on which such right-of-way is established.

Roof Mounted Antenna: Any device attached to a building, or structure that is used for wireless tele-communications service. (not included in these definitions are AM radio, non-commercial, but residential type radio, TV, ham two-way radio, short-wave radio, antennas, and satellite dishes but which may be included in other sections of this zoning ordinance).

Satellite Dish/Antenna: An apparatus capable of receiving communications from a transmitter relay located in a planetary orbit, or broadcasted signals from transmitting towers.

School: A public or private institution which offers instruction in any of the branches of learning and study comparable to that taught in the public schools under the Indiana School Laws, including pre-kindergarten, kindergarten, elementary school, and junior and senior high schools, but excluding trade, business, or commercial schools.

Scrap Metal Yard: A general industrial use established independent or ancillary to and connected with another general industrial use, which is concerned exclusively in new and salvaged metal pipes, wire, beams, angles, rods, machinery, parts, filings, clippings, and all other metal items of every type, and which acquires such items incidental to its connection with the other general industrial use or by purchase, consignment or bailment which stores, grades, processes, melts, cuts, dismantles, compresses, cleans, or in any way prepares said items for reuse by the connected other general industrial use or for storage, sale or shipment and use in other industries or businesses including open hearth, electric furnaces and foundry operations; such an establishment shall not include junk yards, dumps, or automobile graveyards.

The storage, dealing in or the permitting of the accumulation of significant quantities of combustible, organic or nonmetal scrap materials such as, but not limited to, wood, paper, rags, garbage, tires, bones and shattered glass on the premises of such an establishment will disqualify it from being classified as a scrap metal yard, and the same will be classified as a junk yard.

Setback: A line parallel to and equidistant from the relevant lot line (front, back, side) between which no building may be erected as prescribed in this Ordinance.

Shared Housing: Any dwelling unit which the owner allows to be occupied by unrelated persons living as a

single housekeeping unit, provided that the number of occupants does not exceed twice the number of bedrooms, and that the total number of unrelated occupants does not exceed four (4) regardless of the number of bedrooms.

Shoreline: Shall have the definition stated in IC 14-26-2-4 as amended from time to time.

Side Yard: The yard between the principle structure and the side lot line, extending from the front and rear corners of the principle structure, to the side lot line. The width of the required side yard shall be measured horizontally and perpendicular from the nearest point of the side lot line toward the nearest part of the principle structure.

Sign: Any name, identification, description, display, or illustration which is affixed to, painted, or represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization, or business.

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

Sign, Temporary: An on-premise advertising device not fixed to a permanent foundation, for the purpose of conveying information, knowledge, or ideas to the public about a subject related to the activities on the premises upon which it is located.

Signs, Types of: The graphic below depicts the primary types of signs. Regulations for the type of signs permitted will vary by zoning district.

Site Plan: A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land.

Special Exception: The authorization of a use that is designated as such by this ordinance as being permitted in the district concerned if it meets special conditions, is found to be appropriate and upon application, is specifically authorized by the BZA.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof.

Street: A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles. Streets are further classified by the functions they perform.

Arterial, Minor: A street intended to move through-traffic to and from such major attractions as central business districts, regional shopping centers, colleges and/or universities, military installations, major industrial areas, and similar traffic generators within the City and County; and/or as a route for traffic between communities; a major intra or intercity thoroughfare as designed by and shown on the Thoroughfare Plan. (E.g. State Roads 9 and 114)

Arterial, Principle: A street with access control, restricted parking, and that collects and distributes traffic to and from secondary arterials, as depicted by the Thoroughfare Plan element within the Comprehensive Plan. (E.g. US 30)

Collector, Major: A street with signals at important intersections and stop signs on side streets, and that collects and distributes traffic to and from Minor Collectors, as depicted by the Transportation Plan element within the Comprehensive Plan. (E.g. State Roads 5, 14, 105, 109, 205 & US 33)

Collector, Minor: A street designed to facilitate the collection of traffic from Local Roads and to provide circulation within neighborhood areas and convenient ways to reach Major Collectors or Primary

Arterials, as depicted by the Transportation Plan element within the Comprehensive Plan.
(E.g. Airport Road, Anderson Road, County Roads 250 West, 800 East and 800 South, Lincolnway, Old Trail Road, Meridian Road, and Washington Road)

Expressways: A street, which is intended to have limited access on interregional routes. They are designed exclusively for unrestricted movement, have limited private access, and intersect only with selected arterial highways or major streets by means of interchanges whenever possible.

Local Road: A street designed primarily to provide access to abutting properties and discourage through traffic, as depicted by the Thoroughfare Plan element within the Comprehensive Plan.

Private: Vehicular streets and driveways, paved or unpaved, which are wholly within private property except where they intersect with other streets within public rights-of-way and maintained by the owner(s).

Public: All property dedicated or intended for public highway, freeway, or roadway purpose and subdivision to public easements therefore.

Structural Alterations: Any change in the supporting members of a building or structure such as bearing walls, partitions, columns, beams or girders, or any substantial change in the footprint or increasing size of living space. Also, substantial roofing and siding work when repairs are made to the structure beneath.

Subdivision: The division of a parcel of land into two (2) or more lots, parcels, sites, units, plats, or interests for the purpose of offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms, and conditions, including re-subdivision.

Swimming Pool: A self-contained body of water at least eighteen (18) inches deep and eight (8) feet in diameter or width and used for recreational purposes. It may be above or below ground level, and shall be considered an accessory structure/use.

Telecommunications Tower (Tower): A ground pole, spire, structure, or combination thereof including supporting lines, cables, wires, braces, and masts intended primarily for the purpose of mounting an antenna, a meteorological device, and other similar apparatus.

Temporary Improvement Location Permit: A permit issued under the Zoning Ordinance permitting a temporary use or structure not to exceed three (3) months.

Temporary Use/Structure: A land use or structure established for a limited and fixed period of no more than three (3) months with the intent to discontinue such use or structure upon the expiration of the time period.

Thoroughfare Plan: The official plan, now and hereafter adopted, which includes a street plan, sets for the location, alignment, dimensions, identification, and classification of existing and proposed streets, and other thoroughfares.

Tower: A ground pole, spire, structure, or combination thereof including supporting lines, cables, wires, braces, and masts intended primarily for the purpose of mounting an antenna, a meteorological device, or other similar apparatus above ground for use as a wireless telecommunications facility. (not included in these definitions are AM radio, non-commercial but residential type radio, TV, ham two-way radio, short-wave radio, antennas and satellite dishes but which may be included in other sections of this zoning ordinance).

Use: The purposes of which land, building, or structure thereon is designed, arranged, or intended, or for which it is occupied, maintained, let or leased.

Variance: A specific approval granted by the Board of Zoning Appeals in the manner prescribed by this Ordinance, to deviate from the development (such as height, bulk, area) where owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship to the applicant.

Waterfront Lot: Any parcel of real estate having as one of its boundaries the shoreline of a public freshwater lake.

Wireless Telecommunications Facility: A wireless telecommunications facility consists of the tower, antennas, electronics equipment and all other structures in conjunction with the tower and antenna.

Wireless Telecommunications Services: Licensed public commercial telecommunications services, including but not limited to cellular, digital, personal communication services (PCS), enhanced specialized mobilized radio (ESMR), paging, and other similar services that are marketed to the general public.

Yard: A space on the same lot with a principal building that is open and unobstructed except as otherwise authorized by this ordinance.

Zoning Administrator: The officer appointed by and/or delegated the responsibility for the administration of this ordinance's regulations by the Advisory Plan Commission. The Plan Commission is hereby designated as the Administrator for the purpose of administering and enforcing this ordinance and is the County officer referred to herein wherever the term Administrator or Zoning Administrator appears.

Zoning Map: See Official Zoning Map.