

## ARTICLE II. DEFINITIONS

### Section 2100 Application and Determination.

For the purpose of this ordinance, certain terms or words used herein shall be interpreted or defined as follows:

- A. The present tense shall include the future tense and vice-versa.
- B. Words in the singular includes the plural and vice-versa.
- C. The word “person” includes a partnership, company or corporation, as well as an individual.
- D. The word “lot” includes the words “plot,” “parcel” or “tract” of land.
- E. The term “shall” is always mandatory and directory.
- F. The words “used” or “occupied,” as applied to any land or building, shall be construed to include the words “intended, arranged or designed to be used or occupied.”

### Section 2110 Definitions of Words and Phrases.

For the purpose of this ordinance, certain words and terms are hereby defined. Words and terms not defined herein shall be as defined in a current dictionary of general use.

**Abutting Wall.** A wall starting from the foundation and extending continuously through all the stories to or above the roof which separates one building from another, with no setback between the adjacent abutting wall.

**Access.** The planned area used for vehicular traffic from the street to the interior portions of a lot.

**Accessory Use or Building.** One which meets the following qualifications:

- A. Is subordinate to and serves a principal building or principal use; and
- B. Is subordinate in area, extent or purpose to the principal building or principal use served; and
- C. Is located on the same zoning lot as the principal building or principal use served; and
- D. Is either in the same ownership as such principal use or is operated and maintained on the same zoning lot substantially for the benefit or convenience of the owners, occupants, employees, customers or visitors of the principal use.

**Addition** (to an existing structure). Any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. For purposes of Section 4270, Flood Control District (Overlay) Regulations, any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

**Adult Arcade.** Any place in which the public is permitted or invited where devices are maintained to show images to ten or fewer persons per machine at any one time in which images are distinguished or characterized by their emphasis on matter depicting, describing, or relating to “Specific Sexual Activities.”

**Adult Bookstore, Adult Novelty or Adult Video Store.** A commercial establishment having at least 5% of its displayed stock in trade, or at least 5% of its sales from one or more of the following:

- A. Books, magazines, periodicals or printed matter, photographs, motion pictures, video cassettes, or video reproductions, slides, or other visual representations which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to “Specific Sexual Activities.”
- B. Instruments, devices or paraphernalia which depicts, is used in, or relates to “Specific Sexual Activities.”

**Adult Business.** An adult arcade, adult bookstore, adult cabaret, adult motel, adult motion picture theater, adult novelty, adult video store, adult theater, nude model studio, or sexual encounter center, or any other business similar in nature to these described in this definition, or any other similar type business not contemplated at this time. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material emphasizing matter depicting, describing, or relating to “Specific Sexual Activities” or an establishment with a segment, or section devoted to the sale, rental, or display of such material and still be

categorized as an Adult Business. Such other business purposes will not serve to exempt said commercial establishments from being categorized as an Adult Business if at least 5% of its displayed stock in trade or at least 5% of its sales are from material that depicts or describes, or are related to “Specific Sexual Activities.”

**Adult Cabaret.** Any establishment at which topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers perform.

**Adult Entertainment Facilities.** Any commercial establishment, business or service which has at least 5% of its displayed stock in trade or at least 5% of its sales consisting of material, devices, or paraphernalia which depicts or describes, or is related to “Specific Sexual Activities”. An adult entertainment facility also includes a commercial establishment, business or service which offers services or performances whether printed, filmed, recorded or live depicting “Specific Sexual Activities”. The term “adult entertainment facilities” shall include but not be limited to such activities as included in the definition of the adult business.

**Adult Motel.** A hotel, motel, or similar establishment which offers rooms, which can be charged by the hour or for periods of time less than 8 hours. An Adult Motel is a business or commercial establishment that, as one of its primary business purposes, offers rooms for sexual encounters between male and female persons and/or persons of the same sex where one or more of the persons are involved in “Specific Sexual Activities.”

**Adult Theater.** A theater, concert hall, auditorium, or similar commercial establishment which regularly features live performances where persons appear in a state of nudity or perform acts which depict, or specifically describe “Specific Sexual Activities.”

**Agriculture.** The science and art of agricultural pursuits, including but not limited to, farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, truck gardening and animal husbandry, but not including confined feeding operations.

**Aircraft.** A contrivance, now known or hereafter invented, for use in or designed for navigation of or flight in the air.

**Airport.** An area of land or water which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, including all necessary taxiways, pads, aircraft storage and tie-down areas, hangers, and other necessary buildings and open spaces.

**Alley.** Public right-of-way which normally affords a secondary means of access to abutting property.

**Alteration.** A change in size, shape, character, occupancy or use of a building or structure. As alteration applies to Section 4205, an alteration is a change, rearrangement or enlargement (including height change) which results in a visible change to the exterior of a building or structure, excluding paint color, signs, awnings and normal day-to-day maintenance.

**Animal Clinics and Hospitals.** A building or portion thereof designated or used for the care, observation or treatment of domestic animals.

**Antenna.** For purposes of Section 4260, Wireless Communications Service Location Overlay District, any communications equipment that transmits or receives electromagnetic radio signals used in the provision of wireless communications service.

**Antenna Array.** One or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antenna (rod), directional antenna (panel) and parabolic antenna (disc).

**Apartment.** A room or group of rooms in a two-family or multi-family dwelling which includes a private bath and culinary accommodations and is intended for use as a residence by a single family.

**Appeal.** For purposes of Section 4270, Flood Control District (Overlay) Regulations, appeal means a request for a review of the floodplain administrator's interpretation of any provision of Section 4270, Flood Control District (Overlay) Regulations, a request for a variance from Section 4270, Flood Control District (Overlay) Regulations, or a challenge to a Board of Zoning Appeals decision.

**Area of Shallow Flooding.** A designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Automobile Dealers, New and Used, and Associated Services.** The parking or display on a zoning lot of three or more vehicles for sale within a calendar year.

**Automobile Dismantling and Impoundment Yard.** Area of land where three or more motor vehicles or vehicles, machinery or equipment drawn or operated by attaching to motor vehicles or mechanical units, not in running or operable condition, or parts thereof, are stored in the open; and any land, building or structure used for wrecking or storing of such motor vehicles, machinery, equipment, or parts thereof.

**Automobile Repair.** General repair of automobiles, including engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame or fender straightening and repair, overall painting and undercoating, when carried on in a completely enclosed building.

**Automobile Service Station or Gasoline Service Station.** A building or portion thereof or premises used for dispensing or offering for sale at retail, gasoline when stored only in underground tanks, kerosene, lubricating oil or grease for operation of automobiles; and where tires, batteries and similar automobile accessories may be offered for sale on the premises at retail, including minor services and installations customarily incidental thereto; and facilities other than automobile laundry, for washing cars, only in an enclosed building. Automobile service stations shall not include open sales lots or automobile storage or parking areas.

**Automobile Washing.** A building or portion thereof containing facilities for washing more than two automobiles, using production line methods with a chain conveyer, blower, steam cleaning device or other mechanical devices, including a self-service operation.

**Awning.** A roof-like mechanism, retractable in operation, is covered, and projects from the wall of a building. (See also "Marquee" or "Canopy.")

**Base Flood.** The flood having a one percent (1%) chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 1% annual chance flood or one hundred (100) year flood.

**Base Flood Elevation (BFE).** The water surface elevation of the base flood in relation to a specified datum, usually the North American Vertical Datum of 1988.

**Basement.** A portion of a building with at least two-thirds of its height below curb level or below the average grade of the adjoining ground. For purposes of Section 4270, Flood Control District (Overlay) Regulations, basement means that portion of a structure having its floor sub-grade (below ground level) on all sides.

**Best Available Flood Layer (BAFL).** Floodplain studies and any corresponding floodplain maps prepared and/or approved by the Indiana Department of Natural Resources which provide base flood elevation information, floodplain limits, and/or floodway delineations for flood hazard areas identified by approximate studies on the currently effective FIRM (Zone A) and/or for watercourses where the flood hazard is not identified on available floodplain mapping.

**Berm.** An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

**Block.** A tract of land bounded by streets, or by a street or streets and any combination of boundary lines of public or institutionally owned lands, railroad rights-of-way, rivers and lakes and other lines of demarcation, including city limit lines.

**Board.** The Goshen Board of Zoning Appeals.

**Board of Works.** The Goshen Board of Public Works and Safety.

**Boarding Houses.** A building, not available to transients, in which meals and lodging are regularly provided for compensation for at least three but not more than 30 persons.

**Boundary River.** The part of the Ohio River that forms the boundary between Kentucky and Indiana.

**Boundary River Floodway.** The floodway of a boundary river.

**Bufferyard.** A perimeter yard of a zoning lot that is neighboring to land in a use district having a zoning classification that is different from the zoning classification of the zoning lot where the yard is located, a perimeter yard that is neighboring to a street or highway which divides zoning districts, or a perimeter yard that is neighboring to a limited access highway.

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

**Building, Accessory.** See “Accessory Use or Building.”

**Building, Attached.** A building that has any part of its exterior or bearing wall in common with another building or which is connected to another building by a roof.

**Building, Completely Enclosed.** A building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls pierced only by windows and normal entrance or exit doors.

**Building Coverage.** The percentage of the gross project area on or over which a building or structure stands.

**Building, Detached.** A building surrounded by open space on single lot.

**Building Facade.** That portion of any exterior elevation of a building extended from grade to the top of the parapet wall or eaves and the entire width of the building elevation.

**Building Height.** See “Height.”

**Building, Non-Conforming.** A building that is legally existing at the time this ordinance is passed but does not meet the requirements for the district where it is located.

**Building, Prefabricated.** A building that is manufactured and constructed using prefabrication. It consists of factory-made components or units that are transported and assembled on-site to form the complete building.

**Building, Principal.** A non-accessory building in which the primary use of the lot on which it is located is conducted.

**Building Setback Line.** See “Yard.”

**Campground.** A parcel or tract of land containing facilities for locating three or more trailers, recreational vehicles, motor homes or tent camping spaces used only by transients remaining one month or less, whether or not a charge is made.

**Canopy/Marquee.** A permanent hood, awning or roof-like construction which projects from a building wall generally across the entire width of the building for the purpose of providing shelter or protection from the weather (See Appendix G, Illustration 1).

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

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

**Certificate of Appropriateness.** A certification issued by the Historic Preservation Commission in accordance with the provisions of this ordinance prior to the construction, reconstruction, alteration, demolition or moving of a designated Historic Landmark.

**Certificate of Occupancy.** A certificate issued by the Building Commissioner or his designated representative in accordance with IC 36-7-2-9 and Ordinance Number 3714.

**Child Care.** A service that provides for the care, health, safety, and supervision of a child's social, emotional, and educational growth.

**Child Care Center.** A non-residential building where at least one (1) child receives child care from a provider licensed by or registered with state or local government:

- A. While unattended by a parent, legal guardian, or custodian;
- B. For regular compensation; and
- C. For more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays and holidays.

**Child Care Home.** An occupied residential dwelling unit, which is the legal residence of the occupant, in which at least six (6) children at any time receive child care from a provider licensed by or registered with state or local government:

- A. While unattended by a parent, legal guardian or custodian;
- B. For regular compensation; and
- C. For more than four (4) but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays and holidays.

**Church.** A building or portion thereof used to conduct religious services on a regular basis.

**City Sewer.** A sewage disposal system which is constructed, installed, maintained, operated and owned by the City of Goshen.

**City Water.** A water distribution system which is constructed, installed, maintained, operated and owned by the City of Goshen.

**Clinic.** A building or portion thereof, the principal use of which is for professional or semiprofessional offices.

**Clinic, Veterinary.** See "Animal Clinics and Hospitals."

**Club.** A facility, the use of which is restricted to members and their guests.

**Collocation.** The placement or installation of wireless facilities on existing structures that include a wireless facility or wireless support structure, including water towers and other buildings or structures, including the placement, replacement, or modification of wireless facilities within an approved equipment compound. Existing structures, as applied to collocation, do not include a utility pole or an electrical transmission tower.

**Commission or Plan Commission.** The Goshen City Plan Commission.

**Common Open Space.** A parcel or parcels of land, area of water, or a combination of land and water within the site designed and intended for the use or enjoyment of occupants of the Planned Unit Development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of occupants.

**Community.** Community is a political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction, which for purposes of Section 4270, Flood Control District (Overlay) Regulations is the City of Goshen.

**Community Center.** A public building including meeting rooms, recreational facilities and kitchen facilities for the common use of the residents of the project area.

**Community Rating System (CRS).** A program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

**Comprehensive Plan.** The official guide for the physical, social and economic growth of the city property adopted according to the 500 series of Indiana Code 36-7-4, which is now or may hereafter be in effect.

**Conditional Use.** A use permitted subject to the additional conditions set forth in this ordinance.

**Confined Feeding.** The feeding of livestock, poultry and/or small animals on a tract or contiguous tracts of land for commercial resale purposes in lots, pens or buildings where food is supplied by means other than grazing.

**Conforming Building or Structures.** Any building or structures which:

- A. Complies with all the regulations of this ordinance or of any amendment hereto governing bulk for the zoning district in which such building or structures are located.
- B. Is designed or intended for a conforming use.

**Construction.** The placing of material in permanent position and fastened in a permanent manner. Where excavation, demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation, demolition or removal shall be deemed construction.

**Construction, Existing.** For purposes of Section 4270, Flood Control District (Overlay) Regulations, existing construction is any structure for which the "start of construction" commenced before the effective date of the community's first floodplain ordinance.

**Construction, New.** For purposes of Section 4270, Flood Control District (Overlay) Regulations, new construction is any structure for which the "start of construction" commenced on or after the effective date of the community's first floodplain ordinance, and includes any subsequent improvements to such structures.

**Construction, Post-FIRM.** Construction or substantial improvement that started on or after the effective date of the initial FIRM of the community, or after December 31, 1974, whichever is later.

**Construction, Pre-FIRM.** Construction or substantial improvement which started on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.

**Construction, Start of.** For purposes of Section 4270, Flood Control District (Overlay) Regulations, start of construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, addition, or improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. For purposes of Section 4270, Flood Control District (Overlay) Regulations, permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as detached garages or sheds not occupied as dwelling units or not part of the main structure. For purposes of Section 4270, Flood Control District (Overlay) Regulations, for substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Covenant (Deed Restriction).** A private legal restriction on the use of land contained in the deed to the property. Normally applied to all lots in any subdivision.

**Curb Level.** The level of the established curb in front of such building measured at the center of such front. Where no curb level has been established, the pavement elevation at the street centerline similarly measured or the mean elevation of the finished lot grade immediately adjacent to a building shall be considered the curb level.

**Density.** For the purpose of this ordinance, the gross density shall be determined by the number of dwelling units permitted per acre of the gross site area.

**Development.** Any human-made change to improved or unimproved real estate, including but not limited to:

- A. Construction, reconstruction or placement of a structure or any addition to a structure or any parking improvements;
- B. Installing a manufactured home on a site, preparing a site for a manufactured home or installing a recreational vehicle on a site for more than 180 days;
- C. Installing utilities, erection of walls and fences, construction of roads, or similar projects;
- D. Construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;
- E. Mining, dredging, filling, grading, excavation, or drilling operations;
- F. Construction and/or reconstruction of boat lifts, docks, piers, and seawalls;
- G. Construction and/or reconstruction of bridges or culverts;
- H. Storage of materials; or
- I. Any other activity that might change the direction, height, or velocity of flood or surface waters.

Development does not include activities such as:

- A. The maintenance of existing structures and facilities, such as painting and re-roofing;
- B. Resurfacing roads; or
- C. Gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent structures.

**District.** A section of the city for which uniform regulations governing the use, height, area, size, bulk and density of buildings and land are herein established.

**Drive-In.** A commercial establishment so developed that its operation is dependent wholly or in part on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure. "Drive-Through Restaurants" shall also be included in this definition.

**Dwelling Unit.** A room or series of rooms containing independent cooking, sleeping and sanitary facilities intended for use by one or more persons constituting an independent household or family, physically separated from any other dwelling unit in the same structure, and excluding hotels, motels, boarding and lodging houses or any other group quarters. For the purposes of this ordinance, the following types of dwelling units shall be allowed and referred to:

- A. **Single-Family.** A detached residential dwelling other than a mobile home, separated from other residential dwellings by open space, designed for and occupied by one family.
- B. **Two-Family.** A structure designed and occupied exclusively as a residence for two families with each unit being completely independent of the other. The design may locate the units side by side or one over the other.
- C. **Single-Family Attached.** A building designed for and occupied exclusively as a single-family residence having a common party wall with an adjacent single-family residence. Single-family attached structures shall contain no more than six dwelling units.
- D. **Multi-Family.** A building designed for and occupied exclusively as a residence for three or more families with each unit being completely independent of the other.
- E. **Manufactured Home, Type I.** A dwelling unit designed for occupancy by one family, fabricated in a manufacturing facility for installation and assembly at a building site, bearing a seal of compliance with Federal HUD Code, being made up of more than one section, having at least 950 square feet of occupied space and being installed on a permanent foundation and perimeter wall in accordance with standards as

shown in the one and two-family building code. All exterior materials shall be in compliance with the Approved Materials List in Appendix A of this ordinance.

- F. **Manufactured Home, Type II.** A dwelling unit designed for occupancy by one family, bearing the seal of compliance with the Federal HUD Code, constructed prior to January 1, 1981, and which has at least 320 square feet of occupied space. It may or may not be installed on a permanent foundation or perimeter wall. Its pitched roof and siding shall be of materials customarily used for site-constructed homes.
- G. **Mobile Home.** A transportable dwelling unit larger than 320 square feet, designed to be used as a year-round residential dwelling, installed on foundation supports and connected to external utilities. Mobile Home does not include Modular or Manufactured Home, Type I or II.
- H. **Modular Home.** A dwelling unit designed for occupancy by one family, fabricated in a manufacturing facility for installation and assembly at a building site, bearing s seal of compliance with Public Law 360, being made up of more than one section and having at least 950 square feet of occupied space.

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

**Electric Substation.** A terminal at which electric energy is received from the transmission system and is delivered to other elements of the transmission system and, generally, to the local distribution system.

**Electrical Transmission Tower.** A structure that physically supports high voltage overhead power lines. For purposes of Section 4260, Wireless Communications Service Location Overlay District, the term does not include a utility pole.

**Elevation Certificate.** A FEMA form that is routinely reviewed and approved by the White House Office of Management and Budget under the Paperwork Reduction Act, that is encouraged to be used to collect certified elevation information, and that verifies a structure's elevation information. This certification must be signed and sealed by a land surveyor or engineer, authorized by law to certify elevation information.

**Enclosed Area (Enclosure).** An area of a structure enclosed by walls on all sides.

**Enclosure Below the Lowest Floor.** See “Lowest Floor” and “Enclosed Area.”

**Encroachment.** For purposes of Section 4270, Flood Control District (Overlay) Regulations, encroachment is the advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

**Enlargement, or To Enlarge.** An addition to the floor area of an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use.

**Erect.** To build, construct, alter, repair, display, relocate, attach, hand, place, suspend or affix.

**Essential Services.** The erection, construction, alteration or maintenance of gas, electrical, communication facilities, steam, fuel or water transmission or distribution systems, collection, supply or disposal systems. Such systems may include towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories, but shall not include buildings which are necessary for the furnishing of such service.

**Extension, or To Extend.** An increase in the amount of existing floor area used for an existing use within an existing building. “To extend” is to make an extension.

**Exterior Features.** The arrangement and general design of a building, structure or use, including the architectural style, scale or form; architectural details such as windows, doors, light fixtures, fences, walls, steps or other appurtenances; the color, type or texture of building materials or signs; natural features such as trees, rocks, rock formations or bodies of water.



**Facility, Critical.** A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire, and emergency response installations, and installations which produce, use or store hazardous materials or hazardous waste.

**Facility, Functionally Dependent.** A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

**Family.** One or more persons related by blood, legal adoption or marriage, living and cooking together as a single housekeeping unit, exclusive of household servants. A number of persons, but not exceeding two, living and cooking together as a single housekeeping unit though not related by blood, legal adoption or marriage, shall be deemed to constitute a family. A person or persons residing with a family as hereinabove defined by reason of placement by a publicly licensed placement agency shall be considered as members of that family. For purposes of this ordinance, the legal titleholder to a dwelling, living in such dwelling for not less than nine months during the calendar year may provide lodging for no more than two persons, whether or not for compensation, in order to qualify as a single family under this definition.

**Family Care Center.** A facility where homeless families are provided social service referrals, care, and maintenance for a part of the day. Generally services are provided during the day between the hours of 6:00 AM and 6:00PM. Overnight accommodations are not provided.

**Family Care Home.** A facility, other than a licensed foster home, which is licensed by a department of state or local government if required to provide a family-like and long-term living environment to six or fewer individuals who are not related to the head of the household and who are:

- A. Orthopedically handicapped, aged, blind, deaf, or developmentally disabled;
- B. in need of adult supervision; and
- C. provided room and board, supervision, and other services in accordance with their individual needs.

**Federal Aviation Administration.** FAA

**Federal Communications Commission.** FCC

**Federal Emergency Management Agency.** FEMA

**Federal Insurance Administration.** FIA

**Fence.** A tangible barrier or obstruction of any material above the surface of the ground, surrounding a part of or the whole of a zoning lot which is intended to prevent intrusion from without and straying from within the area controlled.

**Fill.** For floodplain management purposes, any material deposited or placed which has the effect of raising the level of the ground surface above the natural grade elevation. Fill material includes but is not limited to consolidated material such as concrete and brick and unconsolidated material such as soil, sand, gravel, and stone.

**Final Plan.** The proposal for development of a planned unit development, including a plat of subdivision (if any), all covenants, easements, and other conditions relating to use, location and bulk of buildings, density of development, common open space and public facilities. The plan shall include such information as required by section 4250.8 of this ordinance.

**Firearm.** Any device, designed to be used as a weapon, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive or other form of combustion, but excluding antique firearm, "BB" gun, paintball gun, scuba gun, stud or nail gun used in the construction industry, or pop gun or any toy gun.

**Firearms Dealer.** Any person, partnership or corporation primarily engaged in the sale, lease, trade or other transfer of firearms or ammunition at wholesale or retail. Firearms dealer shall not include any person, partnership or corporation engaged only in the business of repairing firearms.

**Five-hundred Year Flood (500-year flood).** The flood that has a 0.2 percent chance of being equaled or exceeded in any year.

**Flood or Flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters.
- B. The unusual and rapid accumulation, or the runoff of surface waters from any source.
- C. Mudslides (i.e., mudflows) which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

Flood or flooding also includes the collapse or subsidence of land along the shore of a lake or similar body of water as a result of erosion or undermining caused by waves or current of water exceeding anticipated cyclical levels that result in a flood as defined above.

**Flood Hazard Area.** Any floodplain, floodway or area subject to the one percent (1%) annual chance flood, or any combination thereof. See "Special Flood Hazard Area."

**Flood Insurance Rate Map (FIRM).** An official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

**Flood Insurance Study (FIS).** The official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, and the water surface elevation of the base flood.

**Flood Profile, Regulatory.** A longitudinal profile along the thread of a stream showing the maximum water surface elevation attained by the regulatory flood.

**Flood Prone Area.** Any land area acknowledged by a community as being susceptible to inundation by water from any source. See "Floodplain" and "Flood."

**Flood Protection Grade (FPG).** The elevation of the regulatory flood (Base Flood Elevation) plus two feet at any given location in the SFHA. See "Freeboard."

**Flood, Regulatory.** The flood having a one percent (1%) chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in Section 4270.6 of this Ordinance. The "Regulatory Flood" is also known by the term "Base Flood," "One-Percent Annual Chance Flood," and "100-Year Flood."

**Floodplain.** Any land area susceptible to being inundated by water from any source. See "Flood Prone Area" or "Flood."

**Floodplain Development Permit.** See "Improvement Location Permit."

**Floodplain Management.** The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

**Floodplain Management Regulations.** The Flood Control District (Overlay) Regulations and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, or erosion control ordinance), and other applications of police power which control development in flood-prone areas. This term describes federal, state, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage. Floodplain management regulations are also referred to as floodplain regulations, floodplain ordinance, flood damage prevention ordinance, and floodplain management requirements.

**Floodproofing (Dry Floodproofing).** A method of protecting a structure that ensures that the structure, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.

**Floodproofing Certificate.** A form used to certify compliance for non-residential structures as an alternative to elevating structures to or above the FPG. This certification must be by a Registered Professional Engineer or Architect.

**Floodway.** The channel of a river, stream or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**Floodway Fringe.** Those portions of the floodplain lying outside the floodway.

**Floor Area.** When using floor area as the basis for required off-street parking and loading space, it shall mean the sum of the gross horizontal areas of the several floors of the building; however, it shall not include areas devoted primarily to storage purposes.

**Food Processing.** The preparation, storage or processing of food products. Examples of these activities include bakeries, dairies, canneries, etc.

**Freeboard.** A factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood.

**Frontage.** The contact of abutting property with a street which affords unobstructed access to the property.

**FTA.** Federal Telecommunications Act of 1996.

**Gasoline Service Station (Major Repair).** A structure or premises where petroleum products are available at retail and where, in addition, all repair work done to automobiles may be carried out.

**Gasoline Service Station (Minor Repair Only).** A structure or premises where petroleum products are available at retail, is the primary use, and where, in addition, the following services may be rendered:

- A. Sale and servicing of ignition systems and components.
- B. Tire servicing and repair, but not recapping or regrooving.
- C. Replacement or adjustment of automobile accessories.
- D. Radiator cleaning and flushing, provision of water antifreeze and other additives.
- E. Washing and waxing, including mechanical washing and waxing facilities.
- F. Greasing and lubrication.
- G. Providing and repairing fuel pumps, oil pumps and lines.
- H. Servicing and repair of carburetors.
- I. Adjusting and repairing brakes.
- J. Emergency wiring repairs.
- K. Motor adjustments.
- L. Provisions of cold drinks, packaged foods, tobacco and similar convenience goods for automobile service station customers.
- M. Truck and trailer rental not involving the storage of open trailers, having more than 100 cubic feet capacity, econolines, trucks, vans or other large vehicles, except for immediate pickup by rental customers.

**Gasoline Service Stations, Abandoned.** An automobile service station not in active use and with no retail activity taking place for a period of one year.

**Garage, Private.** A detached accessory building or a portion of the main building, designed, arranged, used or intended to be used for the storage of passenger automobiles of the occupants of the premises.

**Garage, Public.** Any structure used for the storage or care of motor-driven vehicles, or where any vehicles are kept for remuneration.

**Garage, Storage.** Any building or premises used for housing only motor-driven vehicles, other than trucks and commercial vehicles.

**Garage, Vehicle Repair.** A structure used for the repair, equipment or servicing of motor vehicles, including, but not limited to, upholstery, glass replacement, painting, welding, body and fender work, major engine overhaul and transmission work, but not including motor vehicle sales.

**Grade.** The average level of the finished surface of ground adjacent to the exterior walls of the building.

**Grade, Finished.** The average elevation or contours resulting from excavation or filling relative to the existing curb extending the width of the zoning lot or where no curb is established, the average elevation of the crown of the street adjacent to the front of the zoning lot.

**Grade, Highest Adjacent.** For purposes of Section 4270, Flood Control District (Overlay) Regulations, highest adjacent grade means the highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

**Grade, Lowest Adjacent.** For purposes of Section 4270, Flood Control District (Overlay) Regulations, lowest adjacent grade means the lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

**Grade, Natural.** The vertical elevation of ground surface prior to excavation or filling. For floodplain management purposes, the elevation of the undisturbed natural surface of the ground. Fill placed prior to the date of the initial identification of the flood hazard on a FEMA map is also considered natural grade.

**Green Area.** A complete coverage by grass or ground cover. In addition to the required grass or ground cover, it may include shrubs, trees, vines, flowers, natural features such as fountains, artwork, walls and fences.

**Gross Density.** See "Density."

**Groundcover.** A combination of living coniferous or deciduous planting (softscape) less than 24' in height and non-living durable material (hardscape). Groundcover consists of both softscape and hardscape material made up of at least 60% softscape and no more than 40% hardscape.

**Group Care Home.** A facility licensed by a department of state or local government to serve as a residence for more than six but less than 13 individuals who are not related to the head of the household and who are:

- A. orthopedically handicapped, aged, deaf, blind, or developmentally disabled;
- B. in need of adult supervision; and
- C. provided room and board, supervision, and other services in accordance with their individual needs.

Commonly called a convalescent home.

**Group Housing Quarters.** A structure occupied by individuals sharing common facilities. Group housing quarters shall differ from two and multi-family dwelling units in that the rooms contained in the structure do not constitute independent housekeeping establishments.

**Guesthouse.** A detached accessory building located on the same lot as the principal building and containing living quarters for temporary non-paying guests.

**Gun Sales.** See Firearms Dealer.

**Hardscape.** That part of any required landscaping that consists of any of the following or combination thereof, non-living durable material such as, but not limited to, rocks, pebbles, sand, walls, fences, or pedestrian ways, but excluding paved parking areas.

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

**Health Department.** The Elkhart County Health Department.

**Height.** The vertical distance of a building or structure measured from the average finished grade to the highest point of the coping of a flat roof, the deck line of a mansard roof, the peak of a pitched roof, or the uppermost part of the building or structure. Radio and TV antennas less than 50 feet in height, water tanks, chimneys, flagpoles, air conditioning units, and ventilation fans or similar equipment required to operate and maintain a building shall be exempt from height restrictions. If attached to a roof, the base of such structures shall not exceed one-third of the roof area upon which they are erected. When referring to a wireless support structure, height shall mean the distance measured from ground level to the highest point on the wireless support structure. For purposes of measuring vertical height of a building or structure, including freestanding signs, the average grade at the curb line or edge of pavement at the front of the lot shall be considered the grade.

**Heliport.** An area of land, water, or structural surface which is used for helicopter landings and take-offs, including refueling, maintenance, repair and storage facilities, and passenger services.

**Historic Landmark.** A building, structure, object, district, land use, area or site of historical significance designated as an historic landmark on the Historic Preservation Plan.

**Historic Preservation.** The research, protection, maintenance, restoration, rehabilitation, reconstruction or development of historic landmarks. For purposes of this ordinance, this definition shall apply to the preservation of exterior features only.

**Historic Preservation Commission.** The Historic Preservation Commission established under the provisions of this ordinance.

**Historic Preservation Plan.** A comprehensive plan, including maps, surveys or studies, prepared by the Historic Preservation Commission for the preservation of a historic landmark, and subsequently approved by the Plan Commission and officially adopted by the City Council.

**Historic Structure.** Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by (a) an approved state program as determined by the Secretary of Interior, or (b) directly by the Secretary of Interior in states without approved programs.

**Home Occupation.** An occupation or profession conducted in a dwelling unit or accessory building to a dwelling unit located on the same lot, conducted exclusively by the occupants living in the dwelling unit, with the home occupation incidental and secondary to the residential use, not changing the residential character of the property.

There shall be no exterior display or storage, the exterior appearance of the dwelling unit or accessory structure shall not be altered or visible evidence given to indicate the presence of the home occupation, except for one non-illuminated, flush mounted wall sign, no larger than two square feet in area.

Customer and client visits shall be by appointment only, with customer hours and deliveries occurring only between 7:00 am and 8:00 pm. No retail sales shall be permitted on site, except for those sales secondary to a non-retail activity.

No traffic shall be generated by the home occupation in greater volume than would normally be generated by a residence, and there shall be no traffic congestion or traffic hazard created by the home occupation.

Any equipment or process used shall not cause unreasonable noise, vibration, glare, fumes, odors, biological contamination, or electrical interference that can be detected off the lot where the home occupation is being conducted. Electrical interference shall not create visual or audible interference in any radio or television receivers off the premises or cause fluctuations in line voltage off the premises.

**Hospital.** A sanitarium or institution operated under state license, providing treatment to individuals under direct supervision of a physician licensed to practice by the State of Indiana.

**Hotel/Motel.** A building or group of buildings on the same lot containing lodging rooms for transient guests, principally on a daily basis, for which housekeeping services are provided, and in which each lodging unit has a separate entrance.

**Hotel, Apartment.** A building, or a part of a building, in which 90 percent of the rooms or units are used primarily for permanent occupancy and may provide facilities such as restaurants, cocktail lounges or indoor swimming pools as permitted accessory uses, provided that such facilities are accessible only through the lobby, and there shall be no signs, except as permitted by the applicable regulations. Public banquet halls, ballrooms or meeting rooms are not permitted accessory uses.

**Hydrologic and Hydraulic Engineering Analysis.** Analyses performed by a professional engineer licensed by the State of Indiana, in accordance with standard engineering practices that are accepted by the Indiana Department of Natural Resources and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

**IDNR.** Indiana Department of Natural Resources.

**Improvement Location Permit.** A permit issued by the Zoning Administrator in accordance with the provisions of this Ordinance prior to the erection or alteration and use of a building or structure or the use of land, stating that the proposed building, structure and/or use comply with all applicable provisions of the Zoning Ordinance and authorizing the Building Commissioner to issue a building permit. For purposes of Section 4270, Flood Control District (Overlay) Regulations, also known as Floodplain Development Permit. Also known as "Zoning Clearance."

**Increased Cost of Compliance (ICC).** For purposes of Section 4270, Flood Control District (Overlay) Regulations, ICC means the cost to repair a substantially damaged structure that exceeds the minimal repair cost and that is required to bring a substantially damaged structure into compliance with the local flood damage prevention ordinance; acceptable mitigation measures are elevation, relocation, demolition, or any combination thereof; all renewal and new business flood insurance policies with effective dates on or after June 1, 1997, will include ICC coverage.

**Indiana Public Law 360.** The One and Two-Family Dwelling Code, nationally accepted as a model building code prepared by the Council of American Building Officials and currently used by the Indiana Administrative

Building Council (ABC) as required by Public Law 360 Acts of 1971, including those supplements and amendments promulgated by the ABC, and hereafter referred to as the One and Two-Family Building Code.

**Industrial Park.** A planned development designed to accommodate a community of compatible and non-nuisance types of industry. Industrial parks may be promoted or sponsored by private developers, community organizations or government organizations.

**International Code Council-Evaluation Service (ICC-ES) Report.** A document that presents the findings, conclusions, and recommendations from a particular evaluation. ICC-ES reports provide information about what code requirements or acceptance criteria were used to evaluate a product, and how the product should be identified, installed.

**Junkyard.** An open area where wastes or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. Junkyard includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings, nor does it include an establishment engaged only in the processing of scrap iron or other metals to be sold specifically for the manufacture of steel or metal alloys.

**Kennel.** Any premises where more than three animals over four months of age are housed, groomed, bred, boarded or trained, whether for remuneration or not, and which may offer provisions for medical treatment.

**Landfill, Sanitary.** A method of disposing of refuse on land without creating nuisances or hazards to public health or safety by utilizing principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of suitable cover at the conclusion of each day's operation or at more frequent intervals as necessary.

**Landscape Plan.** Those documents, graphics and other information defined in Section 5000.10 of this ordinance.

**Landscaped Area.** An area which includes live plantings in addition to grass.

**Landscaping.** The planting and maintenance of trees, ground cover, shrubs, vines, flowers or lawns, including natural features such as rock or stone and structural features such as fountains, art work, screens, walls, fences and benches.

**Land Reclamation.** A controlled method of land restoration for depositing soil, concrete, cement, building debris and similar material. Land reclamation shall not be considered a landfill and no organic material shall be used as fill in a land reclamation project.

**Letter of Final Determination (LFD).** A letter issued by FEMA during the mapping update process which establishes final elevations and provides the new flood map and flood study to the community. The LFD initiates the six-month adoption period. The community must adopt or amend its floodplain management regulations during this six-month period unless the community has previously incorporated an automatic adoption clause

**Letter of Map Change (LOMC).** A general term used to refer to the several types of revisions and amendments to FEMA maps that can be accomplished by letter. They include the following:

- A. **(CLOMR) Conditional Letter of Map Revision.** FEMA's comment on a proposed project that would, upon construction, result in modification of the SFHA through the placement of fill outside the existing regulatory floodway.
- B. **(CLOMR-F) Conditional Letter of Map Revision Based on Fill.** A letter from FEMA stating that a proposed structure that will be elevated by fill would not be inundated by the base flood.
- C. **LOMA (Letter of Map Amendment).** An amendment by letter to the currently effective FEMA map that establishes that a building or area of land is not located in a Special Flood Hazard Area (SFHA) through the submittal of property specific elevation data. A LOMA is only issued by FEMA.
- D. **(LOMA-OAS) Letter of Map Amendment Out as Shown.** An official determination by FEMA that states the property or building is correctly shown outside the SFHA as shown on an effective NFIP map. Therefore, the mandatory flood insurance requirement does not apply. An out-as-shown determination does not require elevations.

- E. **LOMR (Letter of Map Revision).** An official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations and elevations.
- F. **LOMR-F (Letter of Map Revision Based on Fill).** FEMA's modification of the SFHA shown on the FIRM based on the placement of fill outside the existing regulatory floodway.

**Limited Access Highway.** A traffic-way, including freeways, expressways and other arterial streets, in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at such points only and in such manner as may be determined by the public authority having jurisdiction over such traffic-way.

**Loading Space, Off-Street.** Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required loading space is not to be included as off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

**Lodging House.** A residential building, or portion thereof, other than a motel, apartment hotel, or hotel, containing lodging rooms for accommodation of five 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.

**Lot.** A parcel or portion of land separated from other parcels or portions by description as on a subdivision of record or survey map, or by metes and bounds for purposes of sale, lease or separate use.

**Lot Area.** The area of any lot exclusive of street, highway, alley, road or other rights-of-way. Easements are considered to be part of the lot area.

**Lot Coverage.** The occupied space of all buildings and structures on a lot.

**Lot Frontage.** The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yards" in this section.

**Lot Line, Front.** In the case of an interior lot, a lot line separating the lot from the street; and in the case of a corner lot, the lot line separating the narrowest street frontage of a lot from the street.

**Lot Line, Rear.** The lot line opposite the front lot line. On a lot pointed at the rear, the rear lot line shall be an imaginary line between the side lot lines parallel to the front lot line, not less than ten feet long, lying farthest from the front lot line. On a corner lot, the rear lot line shall be opposite the side of the house considered to be the front.

**Lot Line, Side.** Any lot line other than a front lot line or rear lot line.

**Lot, Measurement of.** A lot shall be measured as follows:

- A. **Depth.** The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- B. **Width.** The horizontal distance between the side lot lines, measured at the building setback line.

**Lot of Record.** A lot which is part of a subdivision or a lot or a parcel described by metes and bound, the descriptions of which have been so recorded in the Office of the County Recorder.

**Lot Types.** Terminology used in this ordinance with reference to different types of lots is as follows:

- A. **Corner Lot.** A lot located at the intersection of two or more streets. A lot abutting a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the lot meet at an interior angle of less than 135 degrees (shown as A - Diagram #1 in Appendix C);
- B. **Interior Lot.** A lot with only one frontage on a street (shown as B - Diagram #1 in Appendix C);



- C. **Through Lot.** A lot other than a corner lot with frontage on more than one street. Through lots may also be referred to as double frontage lots (shown as C - Diagram #1 in Appendix C); and
- D. **Reversed Frontage Lot.** A lot that has frontage on local street as well as having frontage on a collector or arterial street. Access to the lot will only be permitted from the local street and a non-access easement shall be required along the collector or arterial streets (shown as D - Diagram #1 in Appendix C).

**Lot, Zoning.** A tract of land located within a single block, which is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control. A zoning lot may or may not coincide with a lot of record.

**Lowest Floor.** For floodplain management purposes, the lowest elevation described among the following:

- A. The lowest floor of a building;
- B. The basement floor;
- C. The garage floor, if the garage is connected to the building;
- D. The first floor of a structure elevated on pilings or pillars; or
- E. The floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of flood waters. Designs for meeting the flood opening requirement must either be certified by a registered professional engineer or architect or meet or exceed the following criteria:
  - 1. The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters;
  - 2. At least two (2) openings are designed and maintained for the entry and exit of floodwater; and these openings provide a total net area of at least one (1) square inch for every one (1) square foot of enclosed area; the bottom of all such openings shall be no higher than one (1) foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher; doorways and windows do not qualify as openings; and
  - 3. Such enclosed space shall be usable solely for the parking of vehicles and building access.

**Maintenance and Storage Facilities.** Land, buildings and structures devoted primarily to the maintenance and storage of construction equipment and material.

**Manufactured Home.** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use, with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include "recreational vehicle." See "Dwelling Unit."

- A. For purposes of Section 4270, Flood Control District (Overlay) Regulations, existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the community's first floodplain ordinance.
- B. Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- C. For purposes of Section 4270, Flood Control District (Overlay) Regulations, new manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the community's first floodplain ordinance.

**Manufactured Home Park or Subdivision.** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**Market Value.** The building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear; market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value), or adjusted assessed values.

**Marquee or Canopy.** A roof-like structure of a permanent nature or a structure made of canvas or other materials, which projects from the wall of a building and may overhang into a required yard.

**Massage Establishment.** Any establishment, location or place where any person for any form of consideration whatsoever, engages in, conducts, carries on or permits to be engaged in, conducted, or carried on, massages or baths.

**Mitigation.** Sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is two fold: to protect people and structures, and to minimize the cost of disaster response and recovery.

**Mobile Home Lot.** A specific site within a mobile home park to be used only by the occupant.

**Mobile Home Park.** Any lot upon which three or more mobile homes are located for the purpose of being occupied either free of charge or on a rental basis, for either the mobile home as a dwelling unit or for the pad space provided for a privately owned mobile home.

**Mobile Home Site.** The area of land in a mobile home park for the parking of one mobile home.

**Mobile Home Subdivision.** A parcel of land developed as a single-family subdivision where individual lots will be sold to persons for the exclusive use for mobile homes. Said subdivision will meet all requirements of article IV, section 4270, in this ordinance and the provisions of the Goshen Subdivision Control Ordinance.

**Mobile Home Tie Down.** Sufficient anchorage to resist flotation, collapse or lateral movement of any mobile home. At a minimum, such anchorage shall consist of:

- A. Over-the-top ties to be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, with mobile homes less than 50 feet long requiring only one additional tie per side;
- B. Frame ties to be provided at each corner of the home with five additional ties per side at intermediate points and mobile homes less than 50 feet long requiring four additional ties per side;
- C. All components of the anchoring system to be capable of carrying a force of 4,800 pounds;
- D. Any additions to the mobile home to be similarly anchored.

**Motor Freight Terminal.** A building or area in which freight brought by motor truck is assembled and/or stored for routing in intrastate and interstate shipment by motor truck.

**Motor Home.** A self-propelled vehicle containing living accommodations, used for recreational purposes. May also be referred to as a recreational vehicle.

**Motor Vehicle.** A passenger vehicle, truck, truck-trailer, trailer or semi-trailer propelled or drawn by mechanical power.

**Motor Vehicle Wrecking Yard.** See “Automobile Dismantling and Impoundment Yard.”

**Multiple Use.** A commercial establishment located on one lot or in one building that offers more than one type of service for sale or has more than one primary use.

**Nameplate.** A sign indicating the name and address of a building or the name of an occupant thereof and the practice of a permitted occupation therein.

**National Flood Insurance Program (NFIP).** The federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the Federal Government and the private insurance industry.

Goshen Zoning Ordinance

- A. Emergency Program. The first phase under which a community participates in the NFIP. It is intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.
- B. Regular Program. The phase of the community's participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.

**National Geodetic Vertical Datum (NGVD) of 1929.** As corrected in 1929, NGVD is a vertical control used as a reference for establishing varying elevations within the floodplain.

**National Manufactured Housing Construction and Safety Code.** Title VI of the 1974 Housing and Community Development Act (42 U.S.C. 5401 et seq.), as amended, (previously known as the Federal Mobile Home Construction and Safety Act) rules and regulations adopted thereunder, and regulations and interpretation of said code made by the Indiana Administrative Building Council which became effective for mobile/manufactured home construction on June 15, 1976. Said rules include information supplied by the home manufacturer, which has stamped and approved the unit by a Design Approval Primary Inspection Agency as an agent of the US Department of Housing and Urban Development (HUD) pursuant to HUD rules. Said Housing and Construction Code will hereafter be referred to as Federal HUD Code.

**Naturalized Landscaping.** Any vegetation that is customarily planted or transplanted and commercially sold for such. Naturalized landscaping is maintained having on-going care and attention, such as weeding, watering, or trimming or any other affirmative acts which make it clear the vegetation is not the result of mere neglect.

**Non-Boundary River Floodway.** The floodway of any river or stream other than a boundary river.

**Non-Conforming Use, Legal.** The use of land, structures, or combination thereof lawfully existing at the effective date of adoption or amendment of this ordinance which does not conform to the regulations of the district in which such use is located.

**Non-permanent Food Vendor.** Any commercial food sales endeavor, or any person, partnership, or corporation conducting themselves in a commercial food sales endeavor, where the food sales is being conducted on a temporary basis from a licensed vehicle, excluding mobile catering serving manufacturing; the licensed vehicle shall not have a fixed location on the ground, and shall not be attached to anything having a fixed location on the ground.

**North American Vertical Datum of 1988 (NAVD 88).** As adopted in 1993, NAVD 88 is a vertical control datum used as a reference for establishing varying elevations within the floodplain.

**Noxious Matter.** A material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being of individuals.

**Nursery, Plant Materials.** Land, building, structures or combination thereof for the storage, cultivation, transplanting of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening and landscaping.

**Nursing Home.** A facility licensed by a department of state or local government to serve as a residence for more than six individuals who are not related and who are either:

- A. Orthopedically handicapped, aged, deaf, blind or developmentally disabled; or
- B. In need of supervision; or
- C. Provided room and board, supervision and other services in accordance with their individual needs.
- D. Nursing homes can be called convalescent homes.

**Obstruction.** For purposes of Section 4270, Flood Control District (Overlay) Regulations, obstruction includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the

direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

**Occupancy Permit.** See “Certificate of Occupancy.”

**Occupied Space.** The total area of earth horizontally covered by a manufactured or single family detached dwelling unit, excluding accessory structures such as, but not limited to, garages, patios, carports, porches, etc.

**Odor.** A smell that can be pleasant or unpleasant.

**Official Zoning Map.** The official map(s) showing the location and boundaries of districts established by this ordinance.

**One and Two-Family Building Code.** Indiana Public Law 360, Acts of 1971, including those supplements and amendments promulgated by the Indiana Administrative Building Council (ABC) and is hereafter referred to as the One and Two-Family Building Code.

**One-hundred Year Flood (100-year Flood).** The flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one-percent annual chance flood. See "Flood, Regulatory."

**One-percent Annual Chance Flood.** The flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one-percent annual chance flood. See "Flood, Regulatory."

**Open Sales Lot.** Land used or occupied for the purpose of buying or selling merchandise stored or displayed out-of-doors prior to sale. Such merchandise includes, but is not limited to, passenger cars, trucks, motor scooters, motorcycles, boats and monuments.

**Open Space.** A public or private outdoor area expressly set aside for the use and benefit of many unrelated people. The area may include, along with the natural environmental features, water areas, swimming pools, tennis courts and other outdoor recreational facilities that the Plan Commission deems permissive. Streets, parking areas, structures for habitation and the like shall not be included in open space area calculations.

**Open Space, Unimproved.** Open space kept free of structures or improvements except for hiking, horseback riding, bicycle trails, ponds, picnic areas and nature parks.

**Ordinance.** Any legislative action, however denominated, of a local government which has the force of law, including the amendment or repeal of any ordinance.

**Outside Display.** The placement of goods and merchandise for sale at a location on a zoning lot visible to public view, other than within a building.

**Outside Storage.** The keeping of manufacturing products, materials used in manufacturing, and other similar materials and/or equipment in an area on a zoning lot outside of a building.

**Parking Space, Off-Street.** A space for parking automobiles with room for opening doors, together with properly related access to a public street or alley and maneuvering room, as required by this ordinance for the particular use.

**Parking Space, Dimensions of.**

- A. **Aisle width.** The required maneuvering space, one way or two way (as prescribed by the designs of the parking facility) between vehicle projections (shown as A - Diagram #2 in Appendix C).
- B. **Stall width.** The width required for parking of a vehicle including allowances for door clearance (shown as B - Diagram #2 in Appendix C).

- C. **Parking angle.** The angle formed by the parking stall with the building line of the parking facility (shown as C - Diagram #2 in Appendix C).
- D. **Stall depth.** The linear space required for parking of a vehicle (shown as D - Diagram #2 in Appendix C).

**Parking Space, Radius.** The radius of the area within which required off-street parking may be located.

**Participating Community.** For purposes of Section 4270, Flood Control District (Overlay) Regulations, participating community means any community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.

**Party Wall.** A wall starting from the foundation and extending continuously through all stories to or above the roof which separate one building unit from another and is in joint use by each building unit.

**Pedestrian Way.** A right-of-way designed for the purpose of providing pedestrian access.

**Perimeter Wall.** An approved non-load-bearing perimeter structural system composed of a continuous solid or mortared masonry wall having the appearance of a permanent load-bearing foundation characteristic of a site-constructed home. It shall be designed to support the loads imposed, shall extend below the established frost line, and be constructed of materials shown in the Approved Materials List in Appendix A of this ordinance.

**Perimeter Yard.** Any yard of a lot except the front yard.

**Permanent Foundation.** Any structural system transporting 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. Said foundation shall be installed in conformance with the One and Two-Family Building Code.

**Permitted Use.** A use permitted without additional regulations, except as required by this ordinance.

**Person.** Any individual, firm, partnership, joint venture, association, club, social or fraternal organization, corporation, estate, trust, receiver, syndicate, or the managers, lessees, agents, servants, officers, or employees of such.

**Personal Services.** Any enterprise conducted for gain which primarily offers services to the general public as shoe repair, watch repair, barber shops, beauty parlors and similar activities.

**Physical Map Revision (PMR).** An official republication of a community's FEMA map to effect changes to base (1-percent annual chance) flood elevations, floodplain boundary delineations, regulatory floodways, and planimetric features. These changes typically occur as a result of structural works or improvements, annexations resulting in additional flood hazard areas, or correction to base flood elevations or SFHAs.

**Planned Unit Development (PUD).** An area of land in which a variety of residential and commercial uses are planned and developed as a whole according to a comprehensive and detailed plan, with more flexible standards, such as lot sizes, uses and setbacks, than those restrictions that would normally apply under these regulations; are contiguous, or separated only by a right-of-way or water body, including all buildings, structures and improvements.

**Planting Season.** The time period or season during which the planting of new trees, shrubs and other landscape materials will provide said materials the best opportunity for survival. The planting season begins on March 1 and ends on November 1st.

**Preliminary Plan.** The preliminary drawings described in this ordinance, indicating the proposed manner and/or layout of the PUD to be submitted to the Plan Commission for a recommendation and approval by the City Council.

**Primary Building or Use.** The main use to which a lot and/or building is devoted and the reason the business or use exists.

**Principal Farm Dwelling.** The dwelling unit occupied by the owner or operator of the farm and his immediate family. There shall not be more than one such unit per farm.

**Principal Use.** See Primary Building or Use.

**Principally Above Ground.** For purposes of Section 4270, Flood Control District (Overlay) Regulations, means at least 51 percent of the actual cash value of the structure, less land value, is above ground.

**Private Sewer.** A sewage disposal system which is not constructed, installed, maintained, operated and owned by a municipality, taxing district established for that purpose, or a utility under the jurisdiction of the Public Service Commission of Indiana.

**Private Water.** A water supply which serves only the lot on which it is located.

**Probation.** For purposes of Section 4270, Flood Control District (Overlay) Regulations, probation is a means of formally notifying participating communities of violations and deficiencies in the administration and enforcement of the local floodplain management regulations.

**Profession, Professional Office.** For the purpose of this ordinance, the term “profession” is limited in its application to physicians, lawyers, members of the clergy, architects and engineers or other persons holding advanced degrees from accredited institutions of higher learning. The term “semiprofessional,” for the purpose of the ordinance, shall include those offices which require special skills or education, but do not fit in the above categories listed.

**Property Lines.** Those lines bounding a lot.

**Public Right-of-Way.** A general term denoting land, property or interest therein, usually in a strip, acquired for or devoted to a transportation or transmissions facility.

**Public Safety and Nuisance.** For purposes of Section 4270, Flood Control District (Overlay) Regulations, anything which is injurious to the safety or health of an entire community, neighborhood or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

**Public Service Facility.** Buildings, power plants or substations, water treatment plants or pumping stations, sewage disposal or pumping utility or by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communications, cable television, water and sewerage services.

**Public Sewer.** See “City Sewer.”

**Public Uses.** Public parks, schools, fire and police stations, libraries, museums, zoological gardens and parks, city and town halls, county courthouses, utility complexes, fairgrounds, and other administrative and cultural buildings and structures, but not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

**Public Utility.** Any person, firm or corporation duly authorized to furnish electricity, gas, steam, telephone, telegraph, cable television, water or sewage systems to the public under public regulations.

**Public Water.** See “City Water.”

**Quasi-Public Use.** Churches, Sunday Schools, private and parochial schools, colleges, hospitals, cemeteries, and other facilities of an educational, religious, charitable, philanthropic or nonprofit nature. Private airports, clubs and lodges, athletic complexes, nursing homes, clinics, country clubs, homes for elderly and children, and other seemingly public uses which are in private ownership shall be considered quasi-public.

**Railroad Right-of-Way.** A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.

**Rebuild.** To construct or reconstruct a building or structure which results in a visible change to the exterior of a building or structure, excluding paint color, signs, awnings and normal day-to-day maintenance.

**Recreational Equipment, Major.** Equipment which must be hauled on a trailer with two or more wheels or which has two or more wheels attached, or which is self-propelled with wheels, including boats, travel trailers, and recreational vehicles.

**Recreational Facilities.** Public or private facilities that may be classified as either "extensive" or "intensive" depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable area of land and include, but need not be limited to, hunting, fishing, and riding clubs and parks. Intensive facilities generally require less land (used more intensively) and include, but need not be limited to, miniature golf courses, amusement parks, stadiums, and bowling alleys.

**Recreational Vehicle (RV).** A vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational camping, travel, or seasonal use.

**Recreation Campground.** An area of land on which two or more recreational vehicles, including campers, tents, RV's or other similar temporary recreational structures are regularly accommodated with or without charge, including any building, structure or fixture or equipment that is used or intended to be used in connection with providing such accommodations.

**Repetitive Loss.** Flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equaled or exceeded 25% of the market value of the structure before such damage occurred.

**Replacement Cost.** The sum of money which would be required to re-erect a structure identical to the one in question.

**Research Activities.** Research, development and testing related to such fields, as chemical, pharmaceutical, medical, electrical, transportation and engineering. All research, testing and development shall be carried on within entirely enclosed buildings, and no noise, smoke, glare, vibration or odor shall be detected outside of said building.

**Reservoir Parking.** Those off-street parking spaces allocated to automobiles awaiting entrance to a particular establishment.

**Retail and Retail Stores.** Any building in which goods, wares or merchandise are sold to the ultimate consumer for direct consumption and not for resale.

**Right-of-Way.** An area of land reserved for public or private use to allow passage of persons or vehicles.

**Riverine.** Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**Roadside Stand.** A temporary structure designed or used for the display or sale of agricultural and related products, or novelties and other items of interest, to the motoring public.

**Roof Line.** The top of the parapet of a building with a flat roof, the deck line of a building with a mansard roof, or the eave line of a building with a gable, gambrel or hip roof.

**Sales, Private or Public.** A temporary sale of used clothing and/or household items in a given or particular area.

**Sanitary Landfill.** See "Landfill, Sanitary."

**Scale.** Proportional relationship of the size of signs, and parts thereof, to buildings, surrounding land uses, and to the human figure.

**Screening.** A structure erected or vegetation planted which eventually is of sufficient height and density for concealing an area from view.

**Seat.** For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each 20 linear inches of benches, pews or space for loose chairs.

**Section.** A unit of modular or manufactured dwelling at least 12 feet in width and 40 feet in length, and is not intended to be a dwelling by itself.

**Section 1316.** That section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that the Floodplain Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

**Service Bay.** When used in connection with automobile service stations, the area designed and used for servicing an automobile. When used in connection with automobile washing and waxing facilities, the area used for washing or waxing one automobile.

**Service Station.** See “Automobile Service Station.”

**Setback.** See “Yard Requirements.”

**Setback, WCSL.** For WCSLs, setback shall mean the required distance from the property line of the parcel on which the WCSL is located to the limits of the wireless equipment compound. The wireless equipment compound, including any fence, shall maintain accessory building setbacks of the underlying zoning district in which the WCSL is located.

**Sewer.** See “City Sewer.”

**Sexual Encounter Centers.** A business or commercial enterprise that, as one of its primary business purposes, offers activities constituting “Specific Sexual Activities” between male and female persons and/or persons of the same sex.

**Shopping Center.** A group of commercial establishments planned and developed, owned, or managed as a unit, with off-street parking and loading provided on the premises.

**Sidewalk.** That portion of the road right-of-way which is improved for the use of pedestrian traffic.

**Sign.** A structure, including the frame and support of such, containing any printed text, pictorial representation, emblem or other object, and which is used to identify, instruct, attract, guide or advertise.

**Sign Application Permit.** See Improvement Location Permit

**Sign Area:** The area of a sign, measured as follows:

- A. Freestanding or projecting signs shall be measured as the area within a single rectangle which encompasses the extreme limits of each and every sign face, including all advertising surface, background, framing, and ornamentation; but excluding structural members not forming an integral part of the display or pole covers which contain no advertising copy. The area of all such faces shall be totaled and such resultant area shall be divided by the number of faces on the sign (See Appendix G, Illustration 2).
- B. All other signs shall be measured as the area within a single rectangle which encompasses all characters, letters, numbers, illustrations, symbols, or other graphic elements, plus any background area which does not appear as a continuous portion of the building surface (See Appendix G, Illustration 3).

**Sign Face.** The surface or surfaces used for the display of a sign message as seen from any one direction.



**Sign Height.** The vertical distance from the highest part of the sign including support structures to finished grade for freestanding signs. All other signs are measured at the mean average vertical dimension.

**Sign, Structural Types.** For purposes of this ordinance, signs shall be classified according to their structural type:

- A. **Banner** is a temporary sign generally rectangular in shape, having characters, letters, numbers, illustrations, symbols or other graphic elements made of flexible plastic or fabric of any kind, attached on all corners to post(s), pole(s) or stake(s) having a fixed location on the ground or attached to a building or structure, most effective when in a stationary position.
- B. **Changeable Copy Sign** is any sign that is designed or used so that characters, letters, numbers or symbols can be manually changed or re-arranged without altering the surface of the sign.
- C. **Electronic Message Center** is any sign which uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and may be modified by electronic processes.
- D. **Flashing Sign** is an illuminated sign on which the artificial light is not maintained stationary or constant in intensity or color, not including electronic message center signs.
- E. **Freestanding Sign** is a sign supported by one or more uprights, poles, columns or braces placed in or upon the ground surface and not attached to any building or structure.
- F. **Ground Sign** is a small freestanding, non-illuminated sign limited to eight (8) square feet in area and three feet (3') in height.
- G. **Human Sign** is a sign held or worn by a person, visible from the public right of way.
- H. **Illuminated Sign** is a sign illuminated by gas, electricity or other artificial light, including reflective or phosphorescent light.
- I. **Inflatable Display** is any three-dimensional, ambient air- or gas-filled object.
- J. **Mobile Sign** is a sign mounted on a chassis, not having a fixed, permanent location on the ground.
- K. **Monument Sign** is any low-profile freestanding sign which is complementary and harmonious with the architecture of the establishment and is constructed of material consistent with the building. The monument sign area is attached in a continuous fashion to a proportional base, the width of the base shall be at least fifty percent (50%) of the width of the sign at its widest point.
- L. **Multi-face Sign** is a sign, more than one side of which is visible. A "V-type" sign shall be considered a multi-face sign, provided the least angle of intersection does not exceed 90 degrees.
- M. **Pennant, Permanent** is a sign, with or without, characters, letters, numbers, illustrations, symbols or other graphic elements, made of flexible plastic or fabric of any kind attached by one or two corners or one side only to a structure having a fixed permanent location on the ground, most effective when streaming in the wind.
- N. **Pennant, Temporary** is a sign, with or without, characters, letters, numbers, illustrations, symbols or other graphic elements, made of flexible plastic or fabric of any kind, attached by one or two corners or one side only, not affixed to a structure having a permanent fixed location on the ground, most effective when streaming in the wind.
- O. **Projecting Sign** is a multi-face sign, end-mounted to an exterior wall of a building or structure and which projects out from the wall more than 18 inches.
- P. **Roof-Mounted Sign** is a sign erected wholly upon or over a roof of any building.

- Q. **Sandwich Board Sign** is a freestanding sign with no more than two (2) sides, not permanently anchored to the ground.
- R. **Streamers, Fringe** is a sign without characters, letters, numbers, illustrations, symbols or other graphic elements, made of flexible plastic or fabric of any kind, cut into narrow strips, usually brightly colored, strung between buildings and/or structures, most effective when streaming in the wind.
- S. **Wall Sign** is a single-face sign which is in any manner attached, painted or affixed to an exterior wall of a building or structure in a plane parallel to that of the supporting wall or structure, or painted or otherwise applied to an awning or canopy and which projects not more than 18 inches (18") from, and does not extend above, the parapet line, eaves or building facade. Individual letters, in addition to the "box-type" sign, may also be installed as a wall sign. (See Appendix G, Illustration 1).
- T. **Window Sign** is any combination of characters, letters, numbers, illustrations, symbols or other graphic elements, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

**Sign Structure.** The supports, uprights, bracing or framework, other than the sign face(s), of any structure exhibiting a sign.

**Sign, Temporary.** A display, informational sign, banner or other advertising device with or without a structural frame, not permanently attached to a building, structure or the ground, not including mobile signs.

**Signable Wall Area.** The area within a selected wall area made up of no more than two (2) geometric shapes (circle, square, rectangle, triangle only) which encompasses a continuous portion of a building facade, unbroken by windows, doors, or major architectural interruptions of the building surface. For signs located completely within a gable, signable wall area may be triangular in shape (See Appendix G, Illustrations 4 and 5).

**Site-Built Home.** A dwelling unit designed for occupancy by one family, constructed at a building site, meeting the requirements of the One and Two-Family Building Code and having at least 950 square feet of occupied space.

**Sketch Plan.** A sketch preparatory to the preparation of the preliminary plan. It shall include all maps, documents and supporting data as outlined in this ordinance.

**Social Rehabilitation Center.** A facility licensed by a department of state or local government in which persons reside while receiving, either within the facility or elsewhere, services which are designed to equip them for independent living within the community. Such services may include therapy, training and/or counseling which is directed at one or more of the following goals:

- A. Assisting persons to recuperate from the effects of drugs or alcohol or the dependence thereon;
- B. Assisting persons to adjust to living with the handicaps or emotional disturbance or mental illness;
- C. Assisting persons who are developmentally disabled by providing them with specialized social adjustment training;
- D. Assisting persons with family, school or social adjustment problems to return to more normal family or communal life; or
- E. Assisting persons to be housed under supervision while under the constraints of alternatives to imprisonment, including, but not limited to, work-release, pre-release and probationary programs.

**Softscape.** That part of any required landscaping that consists of any of the following materials, or combination thereof, such as, but not limited to, grass, ground covers, shrubs, vines, hedges or trees.

**Solar Collection Device.** A component of a solar energy system, such as a solar panel, whose primary purpose is the collection of solar radiant energy.

**Solar Energy System.** An energy system with one or more solar collection devices, and related equipment, whose purpose is generating or storing electricity, or otherwise converting solar energy to a different form of energy.

**Solar Glare.** The effect produced by light reflecting from a solar panel with intensity sufficient to cause discomfort or loss of visual performance or visibility.

**Special Flood Hazard Area (SFHA).** Synonymous with areas of special flood hazard and floodplain, those lands within the jurisdictions of the City of Goshen subject to a one percent (1%) or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, A1-A30, AH, A99, or AO, or VE. The SFHA includes areas that are flood prone and designated from other federal, state or local sources of data including but not limited to best available flood layer maps provided by, or approved by, the Indiana Department of Natural Resources, historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

**Specific Sexual Activities.** Means and includes the following:

- A. Human genitals in a state of sexual stimulation or arousal.
- B. Acts of human masturbation, sexual intercourse, or sodomy.
- C. Fondling or other erotic touching of genitals, pubic region, buttock, or female breast.

**Stable.** A building, structure, or portion thereof, in which horses or ponies are boarded or trained with or without remuneration.

**State.** The State of Indiana.

**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 floor next above. A basement shall not be counted as a story.

**Street.** A term denoting a public way used for pedestrian and vehicular travel and including the entire area within the right-of-way. The term "street" shall also include the terms "highway," "parkway," "road," "thoroughfare," "avenue," "boulevard," "lane," "court," "place," etc. For the purposes of this ordinance, streets shall be classified as follows:

- A. **Arterial Street.** Serves to move traffic through an area and is not intended to provide access to specific residential, commercial or industrial uses (shown on Diagram #3 in Appendix C).
- B. **Collector Street.** Serves to collect and distribute traffic between residential streets and arterial streets. It also moves traffic to, from and within residential areas, commercial developments and industrial areas (shown on Diagram #3 in Appendix C).
- C. **Residential/Local Street.** Serves as primary access to residential dwelling units and acts as a link to move traffic from the residence to the collector or arterial streets (shown on Diagram #3 in Appendix C).
- D. **Cul-de-sac Street.** Serves the same purpose as a residential/local street but has only one end open, with the other end serving as a turnaround for vehicles (shown on Diagram #3 in Appendix C).
- E. **Frontage.** A local street or road, auxiliary to and located on the side of an arterial for service to abutting property and adjacent areas, and for control of access. (Sometimes also called a "marginal access street.")

**Streetscape.** The scene as may be observed along a public street or public way composed of natural and man-made components, including buildings, paving, planting, signs, sidewalks, and miscellaneous structures.

**Structure.** Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include dwelling units, buildings, walls, fences and signs. For purposes of Section 4270, Flood Control District (Overlay) Regulations, a structure is a walled and roofed building, including a gas or liquid storage tank, which is principally above ground; the term includes a manufactured home, as well as a prefabricated building; the term also includes recreational vehicles installed on a site for more than 180 consecutive days.

**Structure, Accessory.** A structure located on the same lot as, but which is clearly incidental to and customarily found in connection with, the principal use. For purposes of Section 4270, Flood Control District (Overlay) Regulations, accessory structure means a structure with a floor area 400 square feet or less that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure; an accessory structure specifically excludes structures used for human habitation; and

- A. Accessory structures are considered walled and roofed where the structure includes at least two outside rigid walls and a fully secured roof.
- B. Examples of accessory structures include, but are not necessarily limited to, two-car detached garages (or smaller), carports, storage and tool sheds, and small boathouses.
- C. The following may have uses that are incidental or accessory to the principal structure on a parcel, but are generally not considered to be accessory structures by the NFIP:
  1. Structures in which any portion is used for human habitation, whether as a permanent residence or as temporary or seasonal living quarters, such as a detached garage or carriage house that includes an apartment or guest quarters, or a detached guest house on the same parcel as a principal residence.
  2. Structures used by the public, such as a place of employment or entertainment.
  3. Development that does not meet the NFIP definition of a structure for floodplain management purposes, including, but not necessarily limited to, a gazebo, pavilion, picnic shelter, or carport that is open on all sides (roofed but not walled).

**Structure, Elevated.** For purposes of Section 4270, Flood Control District (Overlay) Regulations, an elevated structure is a non-basement structure built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, filled stem wall foundations (also called chain walls), pilings, or columns (posts and piers).

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

**Subdivision Control Ordinance.** An ordinance establishing the rules, regulations and standards governing the subdivision and re-subdivision of land within the City of Goshen.

**Substantial Damage.** For purposes of Section 4270, Flood Control District (Overlay) Regulations, substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial Improvement.** For purposes of Section 4270, Flood Control District (Overlay) Regulations, substantial improvement means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement; this term includes structures which have incurred "repetitive loss" or "substantial damage" regardless of the actual repair work performed; the term does not include improvements of structures to correct existing violations of state or local health, sanitary or safety code requirements which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

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

**Substantial Modification of a Wireless Support Structure.** For purposes of Section 4260, Wireless Communications Service Location Overlay District, substantial modification of a wireless support structure shall mean the mounting of a wireless facility on a wireless support structure in a manner that:

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- A. Increases the height of the wireless support structure by the greater of:
  - 1. Ten percent (10%) of the original height of the wireless support structure; or
  - 2. Twenty (20) feet;
- B. Adds an appurtenance to the wireless support structure that protrudes horizontally from the wireless support structure more than the greater of:
  - 1. Twenty (20) feet; or
  - 2. The width of the wireless support structure at the location of the appurtenance; or
- C. Increases the square footage of the equipment compound in which the wireless facility is located by more than two thousand five hundred (2,500) square feet.

**Supply Yard.** A commercial establishment storing and offering for sale building supplies, steel, coal, heavy equipment, feed and grain, and similar goods.

**Suspension.** For purposes of Section 4270, Flood Control District (Overlay) Regulations, suspension means the removal of a participating community from the NFIP because the community has not enacted and/or enforced the proper floodplain management regulations required for participation in the NFIP.

**Swimming Pool.** An artificial or semi-artificial basin or tank, including all appurtenant equipment, structures and facilities, for the purpose of impounding water to a depth of more than two and one-half feet for the immersion or partial immersion therein of human beings.

**Swimming Pool, Private.** A swimming pool used exclusively, without paying an additional charge for admission, by the residents and guests of a single household, a multi-family development, a community, the members and guests of a club, or the patrons of a motel or hotel; an accessory use.

**Swimming Pool, Quasi-Public.** Swimming pools that are operated and maintained by a nonprofit corporation whose membership is limited to residents of a block, subdivision, neighborhood or other specified area.

**Tattoo Parlor.** A place of business where tattooing is performed, also including the instruction, schooling, or education of tattooing. Tattooing means the placement in human tissue of any indelible design, letter, scroll, figure or symbol or other mark placed with the aid of needles or other instruments; or any design, letter, scroll, figure or symbol done by scarring upon or under the skin.

**Tent.** A structure or enclosure, the roof and/or one-half or more of the sides of which are constructed of silk, cotton, canvas, fabric or a similar light material.

**Theater, Adult Motion Picture.** An enclosed building used for presenting motion pictures rated for adults only or being clearly intended for adult patrons.

**Tourist Camp.** See “Campgrounds.”

**Tourist Home.** An occupied dwelling in which sleeping rooms are provided or offered to transient guests for compensation. Tourist home does not include a short term rental (as defined by Indiana Code), hotel, apartment hotel or motel.

**Tower, Data Communication.** A tower, pole or similar structure which supports attached equipment to transmit and/or receive electromagnetic signals, for the purpose of analog, digital voice, or data communications, including any personal wireless services as defined in the Telecommunications Act of 1996, but excluding wireless communications service.

**Tower Use Permit (TUP).** A permit issued by the City specifically for the location, construction and use of a WCSL, and for substantial modification of a wireless support structure, subject to an approved site plan and any conditions imposed under the provisions of this ordinance. Also known as improvement location permit and zoning clearance form.

**Travel Trailer.** A vehicle or other portable structure designed to move on the highway not under its own power, and designed or used as a recreational dwelling, and not to be used as a permanent residence.

**Tree Save Area.** A portion of existing landscaping, approved by the Zoning Administrator, for the purpose of preservation of existing trees and landscaping in lieu of new landscaping.

**Use.** The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

**Use, Accessory.** See "Accessory Use."

**Use, Conditional.** See "Conditional Use."

**Use, Functionally Dependent.** For purposes of Section 4270, Flood Control District (Overlay) Regulations, a functionally dependent use is a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities and port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**Utility Company, Main Installation.** A facility which does not include provisions for personnel, offices or maintenance equipment of a main installation.

**Utility Pole.** For purposes of Section 4260, Wireless Communications Service Location Overlay District, a structure that is:

- A. Owned or operated by:
  - 1. A public utility;
  - 2. A communications service provider;
  - 3. A municipality;
  - 4. An electric membership corporation; or
  - 5. A rural electric cooperative; and
- B. Designed and used to:
  - 1. Carry lines, cables or wires for telephony, cable television or electricity; or
  - 2. Provide lighting.

The term does not include a wireless support structure or an electrical transmission tower.

**Vacancy.** The state of being unoccupied or unused where there is an intent to vacate. For purposes of this ordinance, seasonal vacancy, vacancy for necessary repairs, or because of personal illness or disability on the part of the owner or operator shall not imply such an intent to vacate and accordingly, shall not be included in this ordinance.

**Variance.** For purposes of Section 4270, Flood Control District (Overlay) Regulations, variance is a grant of relief from the requirements of Section 4270, consistent with the variance conditions of Section 4270.

**Veterinary Hospital or Clinic.** See "Animal Clinics and Hospitals."

**Violation.** For purposes of Section 4270, Flood Control District (Overlay) Regulations, violation means the failure of a structure or other development to be fully compliant with Section 4270 of this Ordinance.

**Vocational Schools.** A privately owned school not conducted by or under the sponsorship of a charitable organization, which teaches industrial or technical arts and business trades.

**Walkway.** A public way, for pedestrian use only, whether along the side of a street or not.

**Walled and Roofed.** For purposes of Section 4270, Flood Control District (Overlay) Regulations, a building that has two or more exterior rigid walls and a fully secured roof and is affixed to a permanent site.

**Warehouse.** A building where wares or goods are stored before being distributed to wholesalers or retailers.

**Warehouse, Mini.** A structure in which individually securable and accessible spaces are rented primarily for the storage of household goods by individual owners.

**Waste Disposal Facility, Solid or Liquid.** A controlled method for solid or liquid waste disposal as regulated by the state.

**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.

**Watercourse, Alteration of.** A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other modification which may alter, impede, retard, or change the direction and/or velocity of the flow of water during conditions of the base flood.

**Water Surface Elevation.** The height, in relation to the NAVD 88 or NGVD (other datum where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

**Wholesale Establishment.** A business establishment engaged in selling to retailers or jobbers rather than consumers.

**Wireless Communications Service (WCS).** Wireless Communications Service (WCS) is a set of wireless services licensed by the FCC that operate in the portion of the radio frequency spectrum specified in 47 CFR 27.5, including mobile data and cellular telephone communications, within discrete spectrum blocks and in designated geographical regions.

**Wireless Communications Service Location (WCSL).** A WCSL is any unstaffed wireless facility, with a wireless support structure and equipment compound, used for the operation of wireless communications service.

**Wireless Equipment Compound.** The area that surrounds or is near the base of a wireless support structure and encloses wireless facilities; this includes any fence that surrounds the wireless equipment compound.

**Wireless Facility.** The set of equipment and network components necessary to provide wireless communications service. The term does not include a wireless support structure.

**Wireless Support Structure.** A freestanding structure designed to support wireless facilities. The term does not include a utility pole or an electrical transmission tower.

**Yard.** The area around the periphery of each lot in which no buildings or structures shall be erected and which is unoccupied and unobstructed from the ground up, except as otherwise permitted in this ordinance. The size of said areas to be determined by the required distance from the property lines, right-of-way lines, and the furthestmost projection of the principal building or group of buildings, as set forth in the various zoning districts of this ordinance. Each lot shall have three types of yards, and they shall be as follows:

- A. Front Yard. A yard extending across the full width of the frontage of a lot, occupying the required distance between the front property line or right-of-way line and the furthestmost projection of the principal building or group of buildings. On a corner lot, the front property line shall be the lot line with the narrowest street frontage of the lot.
- B. Side Yard. A yard occupying the required distance between the furthestmost projection of a building and a side lot line and extending from the required front yard to the required rear yard.
- C. Rear Yard. A yard extending across the full width of a lot and occupying the required distance between the rear lot line and the furthestmost projection of a building.

**Zone.** For purposes of Section 4270, Flood Control District (Overlay) Regulations, zone means a geographical area shown on a FIRM that reflects the severity or type of flooding in the area.

**Zone A.** For purposes of Section 4270, Flood Control District (Overlay) Regulations, Zone A means portions of the SFHA in which the principal source of flooding is runoff from rainfall, snowmelt, or a combination of both; in A zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to buildings;

these areas are labeled as Zone A, Zone AE, Zones A1-A30, Zone AO, Zone AH, Zone AR and Zone A99 on a FIRM. The definitions are presented below:

- A. **Zone A.** Areas subject to inundation by the one-percent annual chance flood event. Because detailed hydraulic analyses have not been performed, no base flood elevation or depths are shown.
- B. **Zone AE and A1-A30.** Areas subject to inundation by the one-percent annual chance flood event determined by detailed methods. Base flood elevations are shown within these zones. (Zone AE is on new and revised maps in place of Zones A1-A30.)
- C. **Zone AO.** Areas subject to inundation by one-percent annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone.
- D. **Zone AH.** Areas subject to inundation by one-percent annual chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone.
- E. **Zone AR.** Areas that result from the decertification of a previously accredited flood protection system that is determined to be in the process of being restored to provide base flood protection.
- F. **Zone A99.** Areas subject to inundation by the one-percent annual chance flood event, but which will ultimately be protected upon completion of an under-construction Federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. Zone A99 may only be used when the flood protection system has reached specified statutory progress toward completion. No base flood elevations or depths are shown.

**Zone B, C and X.** For purposes of Section 4270, Flood Control District (Overlay) Regulations, Zone B, C and X mean areas identified in the community as areas of moderate or minimal hazard from the principal source of flood in the area; however, buildings in these zones could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems; flood insurance is available in participating communities but is not required by regulation in these zones. Zone X is used on new and revised maps in place of Zones B and C.

**Zone D.** For purposes of Section 4270, Flood Control District (Overlay) Regulations, Zone D means unstudied areas where flood hazards are undetermined, but flooding is possible. Flood insurance is available in participating communities, but is not required by regulation in this zone.

**Zone X.** For purposes of Section 4270, Flood Control District (Overlay) Regulations, Zone X means the area where the flood hazard is less than that in the SFHA. Shaded X zones shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2 percent chance of being equaled or exceeded (the 500-year flood). Unshaded X zones (C zones on older FIRMs) designate areas where the annual exceedance probability of flooding is less than 0.2 percent.

**Zoning Administrator.** The administrator of this ordinance.

**Zoning Clearance.** See "Improvement Location Permit."

**Zoning District.** See "District."

**Zoning Lot.** See "Lot, Zoning."

**Zoning Map.** The official zoning map incorporated into this ordinance as a part thereof showing the division of land into various districts within the jurisdiction of the city.