

AVON ZONING ORDINANCE

CHAPTER 20. REVISION HISTORY

CHAPTER 20. DEFINITIONS

<b>Ordinance #</b>	<b>Plan Commission Approval Date</b>	<b>Town Council Adoption Date</b>	<b>Description</b>
2002-14	9-24-02	11-14-02	Adoption of Chapter 20
2010-19	09-27-10	10-14-10	Added definitions to Chap. 20
2012-07	02-27-12	03-08-12	Added definitions to Chap. 20 from AG District Use Table
2012-08	02-27-12	03-08-12	Added definitions to Chap. 20 for Firing Ranges
2015-18	07-27-15		Added definitions to Chap. 20 for For Profit Social Parties

# AVON ZONING ORDINANCE

## CHAPTER 20. DEFINITIONS

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- Section 20-1. Definitions Generally
  - Section 20-2. Rules for Generic Uses
  - Section 20-3. Definitions
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### **Section 20-1. Definitions Generally**

The terms and words defined in this Article shall have the meanings herein ascribed to them.

#### **1. Undefined Terms**

Any words not defined in this Article shall be construed as defined in normal dictionary usage.

#### **2. Tense and Form**

Words used or defined in one tense or form shall include other tenses and derivative forms.

#### **3. Number**

Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.

#### **4. Gender**

The masculine gender shall include the feminine and neuter. The feminine gender shall include the masculine and neuter. The neuter gender shall include the masculine and feminine.

#### **5. Time**

The time within which any act required by this Ordinance is to be performed shall be computed by excluding the first day and including the last day, unless the last day is a Saturday or Sunday or a holiday declared by the United States Congress or the Indiana General Assembly, in which event it shall also be excluded. The word "day" shall mean a calendar day, unless otherwise indicated.

#### **6. Person**

The word "person" includes individuals, firms, partnerships, joint ventures, trusts, trustees, estates, corporations, associations, and any other similar entities.

#### **7. Captions, Illustrations, and Tables**

In case of any difference of meaning or implication between the text of this ordinance and any caption, illustration, or table, the text shall control and no caption, illustration, or table shall be construed to limit the scope or intent of the text of this ordinance.

### **Section 20-2. Rules for Generic Use Definitions**

#### **1. Purpose of Generic Use Definitions**

Certain terms in this Chapter are defined to be inclusive of many uses in order to eliminate overly detailed listings of uses in the zoning districts established by this Ordinance. These terms shall be referred to in this Ordinance as "generic" definitions.

#### **2. Components of Generic Use Definitions**

A Generic definition has three (3) components: (1) a brief listing of examples of uses intended to be included within the scope of the definition; (2) an identification (where appropriate) of certain uses that are not meant to be included by the term; and (3) a statement that for the purposes of each zoning district, any other uses specifically listed within the particular zoning district shall

## AVON ZONING ORDINANCE

not be construed as falling within the generic definition.

### 3. Uses Not Listed or Not Within Scope of Generic Use Definitions

A use that is not specifically listed in a zoning district or does not fall within a generic definition as defined in this Article, or as interpreted by the Zoning Administrator pursuant to Section 3.8, is prohibited.

#### Section 20-3. Definitions

For the purposes of this Ordinance, the following terms shall have the following meanings:

**Abutting:** To have a common property line or district line.  
*Adopted 11-14-2002*

**Accessory Use Or Structure:** A structure or use that (1) is incidental to and serves a principal building or a principal use; (2) is subordinate in height, area, extent, and purpose to the principal structure or principal use served; (3) contributes to the comfort, convenience, or necessity of the occupants, business, or industry of the principal structure or principal use served; and (4) is located on the same lot as the principal structure or principal use served, except as otherwise expressly authorized by the provision of this Ordinance. Accessory parking facilities may be authorized to be located elsewhere. An accessory structure is a detached structure. Where authorized by this Ordinance, wireless communication service facilities may be considered an accessory use.  
*Adopted 11-14-2002*

**Addition:** (to an existing structure) means 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. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.  
*Adopted 12-3-2009*

**Adjacent:** Lying near or in the immediate vicinity.  
*Adopted 11-14-2002*

**Adjoining:** Touching or contiguous, as distinguished from lying near.  
*Adopted 11-14-2002*

**Adult Arcade:** Any place to which the public is permitted or invited, wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at anyone time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual areas."  
*Adopted 7-10-2003*

**Adult Cabaret:** A nightclub, bar, restaurant, or similar commercial establishment which regularly features:  
*Adopted 7-10-2003*

- (1) persons who appear in a state of nudity; or
- (2) live performances, which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
- (3) films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

**Adult Dancing:** See "Adult Cabaret".  
*Adopted 7-10-2003*

**Adult Entertainment Facilities:** Any commercial establishment, business or service, or portion thereof, which offers specific sexual activities, services, performances or any combination thereof, or in any other form, whether filmed, recorded or live. The term "adult entertainment facilities" shall include, but not be limited to:  
*Adopted 7-10-2003*

- (1) Adult Cabaret
- (2) Adult Motel
- (3) Adult Motion Picture Theater

## AVON ZONING ORDINANCE

- (4) Adult Theater
- (5) Nude Model Studio
- (6) Clothing Modeling
- (7) Sexual Encounter Center

**Adult Media:** Magazines, books, videotapes, movies, slides, CD-ROMs or other devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to hard-core material.  
*Adopted 7-10-2003*

**Adult Media Store:** An establishment that rents and/or sells media, and that meets any of the three tests:  
*Adopted 7-10-2003*

- (1) 40 percent or more of the gross public floor area is devoted to adult media.
- (2) 40 percent or more of the stock-in-trade consists of adult media.
- (3) It advertises or holds itself out in any forum as “XXX”, “adult”, “sex”, or otherwise as a sexually oriented business other than an adult media store, adult motion picture theater or adult cabaret.

**Adult Motel:** A hotel, motel or similar commercial establishment which:  
*Adopted 7-10-2003*

- (1) offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
- (2) offers a sleeping room for rent for a period of time that is less than 10 hours; or
- (3) allows a tenant or occupant of a sleeping room to sub rent the room for a period of time that is less than 10 hours.

**Adult Motion Picture Theater:** An establishment emphasizing or predominately showing sexually oriented movies.  
*Adopted 7-10-2003*

**Adult Retail Facilities:** Any commercial establishment, business or service, or portion thereof, which offers sexually oriented material, services, devices, or paraphernalia in any form. The term “adult retail facilities” shall include, but not be limited to:  
*Adopted 7-10-2003*

- (1) Adult Media Store
- (2) Escort Agency
- (3) Sex Shops

**Adult Theater:** A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by “specified sexual activities.”  
*Adopted 7-10-2003*

**Advertising Device:** See Sign, Off-Premise Advertising.  
*Adopted 11-14-2002*

**Agricultural Building Or Structure:** Any building or structure existing or erected on land used principally for agricultural purposes, with the exception of dwelling units.  
*Adopted 11-14-2002*

**Agricultural Entertainment:** Agricultural uses that focus more on educational events and entertainment for profit, than on traditional agricultural activities, including, but not limited to, demonstration farms, petting zoos, and crop mazes.  
*Adopted 03-08-2012*

**Agriculture:** The use of land for agricultural purposes, including farming, dairy farming, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing the produce; provided,  
*Adopted 11-14-2002*

## AVON ZONING ORDINANCE

however, that the operation of any such accessory use shall be secondary to that of the normal agricultural activities. Included are truck farming, poultry farming, bee-keeping, raising of fruit and berries, and the selling of agricultural products, but shall not include mechanized industrial animal farms. The land area (farm) necessary to constitute an agricultural use is ten acres. Agriculture shall not include the commercial feeding of garbage to swine or other animals.

**Airport:** Any area of land or water designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft.

**Aisle (Parking):** The area used by motor vehicles for access to and from all off-street parking spaces. For the purposes of this ordinance, regulations pertaining to aisles shall also apply to all parking lot access driveways.  
*Adopted 11-14-2002*

**Alley:** A public or private way, at the rear or side of property, permanently reserved as a means of secondary vehicular access to abutting property. Frontage on said alley shall not be construed as satisfying the requirements of this Ordinance related to frontage on a dedicated street.  
*Adopted 11-14-2002*

**Alteration:** Any change in size, shape, character, occupancy, or use of a building or structure, including any act or process which changes one or more exterior architectural features of an historical improvement.  
*Adopted 11-14-2002*

**Animal Boarding/Stables:** Any structure, land, or combination thereof used, designed, or arranged for the boarding, breeding or care of dogs, cats, pets, fowl, horses, or other domestic animals for profit, but exclusive of animals used for agricultural purposes.  
*Adopted 03-08-2012*

**Animal Clinic:** A use or structure intended or used primarily for the testing and treatment of animals on an emergency or outpatient basis. Animal clinic shall not including the boarding or training of animals, except for recovery after medical treatment, and shall not provide outdoor runs or kennels. "Animal Clinic" shall not include any use that is otherwise listed specifically in a zoning district as a permitted or special use.  
*Adopted 11-14-2002*

**Animal Hospital:** A use or structure intended or used primarily for the testing and treatment of the disorders of animals, including the indoor boarding of animals for such purpose, but not the training or grooming of animals. "Animal Hospital" shall not include any use that is otherwise listed specifically in a zoning district as a permitted or special use.  
*Adopted 11-14-2002*

**Animal Shelter:** A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

**Antenna:** An apparatus, free standing or attached to the exterior of a building, together with any supporting structure, for sending or receiving electromagnetic waves.  
*Adopted 11-14-2002*

**Apartment Building:** A multiple-family dwelling originally constructed to accommodate three or more apartments, designed with more than one dwelling unit connecting to a common corridor or entranceway, in contrast to single- or two-family dwellings converted for multiple-family use.  
*Adopted 11-14-2002*

**Appeal:** means a request for a review of the zoning administrator's interpretation of any provision of this ordinance or a request for a variance.  
*Adopted 12-3-2009*

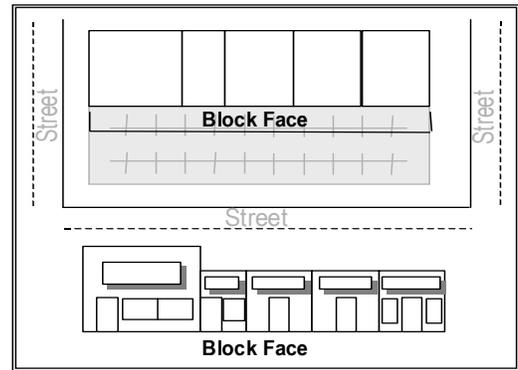
**Area of Shallow flooding:** means a designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.  
*Adopted 12-3-2009*

## AVON ZONING ORDINANCE

- Arbor:** A lattice structure designed specifically for the purpose of supporting leafy vines, typically in an arc or corridor form. No structure shall be considered as an arbor for the purposes of this Ordinance unless the plant material typically associated with an arbor is in place.  
*Adopted 11-14-2002*
- Artificial Lake:** A man-made body of water that retains water permanently, does not convey water from one point to another, and is larger than three (3) acres in size.
- Assisted Living:** A facility for adults in need of some protective oversight or assistance due to functional limitation that provides a living arrangement integrating shelter, food and other supportive services to maintain a functional residential status. "Assisted Living" shall not include any use that is otherwise listed specifically in a zoning district as a permitted or special use.  
*Adopted 11-14-2002*
- Auction Houses:** A structure or enclosure where goods or livestock are sold by auction.
- Auto Body Repair:** A building, property, or activity the principal use of which is automotive body repair other than those types of repairs permitted at automobile filling stations and auto service repair establishments. "Auto Body Repair" shall not include any use that is otherwise listed specifically in a zoning district as permitted or a special use.  
*Adopted 11-14-2002*
- Auto Service Repair:** A building, property, or activity the principal use of which is the repair or replacement or parts, oils, coolants, lubricants, tires, and other similar services. "Auto service repair" shall include, but is not limited to, muffler shops, oil change shops, car care centers, tire centers and other uses similar in nature and impact. "Auto Service Repair" shall not include an auto body repair establishment, car washes, or any use that is otherwise listed specifically in a zoning district as permitted or a special use.  
*Adopted 11-14-2002*
- Auto Filling Station:** A building, property, or structure the principal use of which dispenses or offers for retail sale of automotive fuels or oils and incidental convenience goods; having pumps and storage tanks thereon, and where battery, tire and other similar services, are rendered, but only if rendered wholly within lot lines and indoors. "Auto Filling Station" shall not include an auto body repair establishment.  
*Adopted 11-14-2002*
- Auto Graveyard:** The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts.
- Awning:** A roof-like cover, temporary in nature, which projects from the wall of a building and, in some cases, over- hangs the public way.  
*Adopted 11-14-2002*
- Base Flood Elevation (BFE):** Means the elevation of the one-percent annual chance flood.  
*Adopted 12-3-2009*
- Basement:** Means that portion of a structure having its floor sub-grade (below ground level) on all sides. (For use with Chapter 17)  
*Adopted 11-14-2002*
- Bed and Breakfast Establishment:** A transient lodging establishment, generally in a single-family dwelling or detached guesthouse, primarily engaged in providing overnight or otherwise temporary lodging for the general public and may provide meals for compensation.
- Block:** That property abutting on one side of a street between two nearest intersecting streets, railroad rights of way, or natural barriers; provided, however, that where a street curves so that any two chords thereof form an angle of one hundred twenty degrees or less measured on the lot side, such curve shall be construed as an intersecting street.  
*Adopted 11-14-2002*

## AVON ZONING ORDINANCE

**Block Face:** All the property fronting on one side of a street between the two nearest intersecting streets, measured along the line of the street, or if dead-ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.  
*Adopted 11-14-2002*



**Boundary Line:** A line on the Zoning Map designating the edge of a use district. Such a boundary line may be a boundary line for two use districts depending on the particular use districts located on each side of said line.  
*Adopted 11-14-2002*

**Build-to line:** An alignment established a certain distance from the right-of-way line to a line along which the building shall be built. Front porches and handicap ramps shall be exempt from build-to line requirements, and must occur behind the property line.  
*Adopted 7-10-08*

**Buildable Area:** The space remaining on a zoning lot after the minimum yard requirements of the Ordinance have been complied with.  
*Adopted 11-14-2002*

**Building:** A structure having a roof, supported by columns or walls for shelter, support or enclosure of persons, animals. For structures separated by division walls from the ground up and without openings, each portion of said building shall be deemed as a separate building unit.  
*Adopted 11-14-2002*

**Building, Accessory:** See Accessory Building or Use.  
*Adopted 11-14-2002*

**Building, Detached:** A building surrounded by an open space on the same lot.  
*Adopted 11-14-2002*

**Building Height:** See Height of Building  
*Adopted 11-14-2002*

**Building, Nonconforming:** See Nonconforming Building.  
*Adopted 11-14-2002*

**Building, Principal:** A building in which the principal use of the zoning lot on which it is located is conducted.  
*Adopted 11-14-2002*

**Building Setback Line:** The line parallel to the street identifying the minimum distance between a street right of way or property line and the nearest building foundation of any structure on the lot.  
*Adopted 11-14-2002*

**Building, Unit Group:** One or more buildings located or grouped upon a lot and held under one ownership, such as universities, hospitals, institutions, churches and temples, industrial plants, shopping centers, townhouses, apartment buildings, and similar uses.  
*Adopted 11-14-2002*

**Bulk:** The term used to indicate the size and setbacks of buildings or structures and the location of same with respect to one another, and includes the following:

- (1) Size and height of buildings.
- (2) Location of exterior walls at all levels in relation to lot lines, streets, or other buildings.
- (3) Gross floor area of buildings in relation to lot area (floor area ratio).
- (4) All open spaces allocated to buildings.
- (5) Amount of lot area provided per dwelling unit.

## AVON ZONING ORDINANCE

- Business Services Establishments:** *Adopted 11-14-2002* A building, property, or activity of which the principal use or purpose is the provision of business support oriented services directly to business and office establishments. This term shall include, but will not be limited to, temporary employment services, computer, copier, and business machine repair and service shops, bulk mail services and similar establishments. "Business Services Establishments" shall not include any use or other type of establishment that is otherwise listed specifically in a zoning district as a permitted or special use.
- Caliper:** *Adopted 11-14-2002* A measurement of the diameter of a tree trunk. For the purposes of this ordinance, measurements for all trees shall be taken at four and one half (4 ½) feet above grade level.
- Campground/RV Park:** *Adopted 03-08-2012* An area to be used for transient occupancy by camping in tents, camp trailers, travel trailers, motor homes, or similar movable or temporary sleeping quarters of any kind.
- Canopy:** *Adopted 11-14-2002* See Marquee.
- Capacity In Person:** *Adopted 11-14-2002* The maximum number of persons that can avail themselves of the services (or goods) of an establishment, at any one time, with reasonable comfort and safety.
- Car Wash:** *Adopted 11-14-2002* A building or portion thereof where facilities for washing, cleaning and detailing automobiles are provided that involve machine or hand-operated mechanical devices or equipment. "Car Wash" shall not include any use that is otherwise listed specifically in a zoning district as permitted or a special use.
- Carport:** *Adopted 11-14-2002* A roofed automobile shelter with the front clear, open, and unobstructed, and at least two other sides having seventy five percent of the vertical area remaining open and clear.
- Cellar:** *Adopted 11-14-2002* A story having more than one-half of its height below the curb level or below the highest level of the adjoining ground. A cellar shall not be counted as a story for the purpose of height measurement.
- Certiorari:** *Adopted 11-14-2002* An order commanding judges or officers of a lower court to certify or return the records of proceedings of a case for judicial review by an appellate court.
- Child Care Center:** *Adopted 11-14-2002* Any place other than a family home in which persons receive child care services during any part of a day not exceeding thirteen (13) hours in any twenty-four hour period and licensed pursuant to the Town and State requirements.
- Clinic:** An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, other health care professionals, or similar professions.
- College/University:** *Adopted 11-14-2002* A privately-owned or publicly-owned institution providing full-time or part-time education beyond the high school level, including any lodging rooms or housing for students or faculty.
- Commercial Indoor Recreation:** *Adopted 11-14-2002* Public or private recreation facilities, tennis courts, ball courts, racquet courts or other courts, swimming pools, bowling alleys, skating rinks, or similar uses that are enclosed in buildings and are operated on a commercial or membership basis, and primarily for the use of persons who do not reside on the same lot as the recreational use. "Commercial Indoor Recreation" shall include but not be limited to, health and fitness clubs or any accessory use, such as snack bars, pro shops, and locker rooms that are designed and intended primarily for the use of patrons of the principal recreational use. "Commercial Indoor Recreation" shall not include gun-firing ranges, cultural facilities, dance halls, community, and recreation centers, or any use that is otherwise listed specifically in a zoning district as permitted or a special use.

## AVON ZONING ORDINANCE

- Commercial Outdoor Recreation:** Public or private swimming pools, tennis courts, ball fields, and ball courts that are not enclosed in buildings and are operated on a commercial or membership basis, and primarily for the use of persons who do not reside on the same lot as the recreational use. “Commercial Outdoor Recreation” shall include any accessory uses, such as snack bars, pro shops, and clubhouses that are designed and intended primarily for the use of patrons of the principal recreational use. “Commercial Outdoor Recreation” shall not include skateboarding courses, water slides, mechanical rides, go-cart or motorcycle courses, raceways, drag strips, overnight camping, or gun-firing ranges, or any use that is otherwise listed specifically in a zoning district as a permitted or a special use.  
*Adopted 11-14-2002*
- Commercial Parking Lot:** An area reserved or used for parking or storage of automobiles, either privately or publicly owned, and generally available to the public and involving payment of a charge for such parking or storage.  
*Adopted 11-14-2002*
- Commercial Shopping Center:** A concentration of related commercial establishments with one or more major anchor tenants, shared parking, and unified architectural and site design. A shopping center normally has single or coordinated ownership-operations-management control and may include out parcels as well as architecturally connected units.  
*Adopted 11-14-2002*
- Commercial Storage Facility:** A commercial land use consisting of the rental of fully enclosed interior building space for the storage of personal property (mini-warehouse). An industrial warehouse shall not be considered commercial storage facility. “Commercial Storage Facility” shall not include any use that is otherwise listed specifically in a zoning district as permitted or a special use.  
*Adopted 11-14-2002*
- Common Open Space:** Land unoccupied by structures, buildings, streets, rights of way, and automobile parking lots and designed and intended for the use or enjoyment of residents of a planned development. Common open space may contain structures for recreational use. No area within thirty feet of any building or structure, except a structure used for recreational use shall be included as common open space.  
*Adopted 11-14-2002*
- Community:** means a political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction  
*Adopted 12-3-2009*
- Community Center:** A place, structure, area or other facility used for and providing programs, information and services generally open to the public and designed to accommodate and serve significant segments of the community.  
*Adopted 11-14-2002*
- Community Rating System (CRS):** means 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.  
*Adopted 12-3-2009*
- Comprehensive Plan:** Extensively developed and evolving plan or any elements thereof, indicating the proposed future development of the Town as prepared through the Planning Commission.  
*Adopted 11-14-2002*
- Conference Center:** A facility used for service organizations, business and professional conferences, and seminars limited to accommodations for conference attendees. The accommodations can include sleeping, eating, and recreation. A conference center is not designed to be only utilized by the general public for overnight purposes.  
*Adopted 03-08-2012*
- Conforming Building Or Structure:** Any building or structure which complies with all the regulations of this comprehensive amendment or of any amendment hereto governing bulk for the zoning district in which such building or structure is located; or is designed or intended for a conforming use.  
*Adopted 11-14-2002*
- Congregate Care Facility:** A facility for long-term residence exclusively by persons 60 years of age or older, and which shall include, without limitation, common dining and social and recreational features, special safety and convenience features designed for the needs of the

## AVON ZONING ORDINANCE

elderly, such as emergency call systems, grab bars and handrails, special door hardware, cabinets, appliances, passageways, and doorways designed to accommodate wheelchairs, and the provision of social services, transportation, housekeeping, linen, and organized social activities.

**Convenience Mart Fueling Station:** *Adopted 11-14-2002* A building, property or structure where the direct retail sale of food items such as cereals, grains, produce, baked goods, dairy products, canned and frozen prepared food products, beverages, cleaning supplies, pet food and supplies, household goods, books and magazines, and other sundry items as well as automotive fuels, oils and auto accessories are available to be purchased by the consumer. "Convenience Mart Fueling Station" may also include, as a secondary principal use, a carry-out restaurant.

**Convenience Retail:** *Adopted 11-14-2002* A building or portion thereof, generally of small size and character, where the direct retail sale of food items such as meats, cereals, grains, produce, baked goods, dairy products, canned and frozen prepared food products, beverages, cleaning supplies, pet food and supplies, pharmaceuticals, over-the-counter medicines, personal products, household goods, books and magazines, plants, and other sundry items are available to be purchased by the consumer. "Convenience Retail" shall include, but not be limited to, a grocery store, a food and drug store, meat or fish market, fruit and vegetable market, retail bakery, convenience store and other uses similar in nature and impact. "Convenience Retail" shall not include a supermarket, grocery-mart, or wholesale club store or any use of other type that is otherwise listed specifically in a zoning district as a permitted or special use.

**Court:** *Adopted 11-14-2002* An open unoccupied space other than a yard on the same lot with a building, which is totally or partially enclosed by a building or buildings and is completely open to the sky.

**Critical facility:** *Adopted 12-3-2009* means 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, installations which produce, use or store hazardous materials or hazardous waste.

**Curb Level:** *Adopted 11-14-2002* The level of the established curb in front of the building measured at the center of such front. Where a building faces on more than one street, the "curb level" shall be the average of the levels of the curbs at the center front of each street. Where no curb elevation has been established, the level of the centerline of the street shall be considered the "curb level."

**Density, Gross:** *Adopted 11-14-2002* The numerical value obtained by dividing the total dwelling units in a development by the gross area of a tract of land upon which the dwelling units are located. Gross area shall be calculated by including into the total acreage of the development those areas to be utilized as private streets, open space or common areas, and those areas dedicated as streets, driveways and parking areas, as well as dedicated lands counted towards parkland donations or for retention and/or detention purposes.

**Density, Net:** *Adopted 11-14-2002* The numerical value obtained by dividing the total dwelling units in a development by the net area of a tract of land upon which the dwelling units are located. Net area shall be calculated by reducing from the total acreage of the development those areas dedicated as right-of-way, common driveways and parking areas, as well as dedicated lands counted towards parkland donations or for retention and/or detention purposes. See Graphic in Section 5-6.

**Development:** *Adopted 12-3-2009* means any man-made change to improved or unimproved real estate including but not limited to:

- (1) construction, reconstruction, or placement of a structure or any addition to a structure;
- (2) installing a manufactured home on a site, preparing a site for a manufactured home or installing recreational vehicle on a site for more

## AVON ZONING ORDINANCE

- than 180 days;
- (3) installing utilities, erection of walls and fences, construction of roads, or similar projects;
  - (4) construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;
  - (5) mining, dredging, filling, grading, excavation, or drilling operations;
  - (6) construction and/or reconstruction of bridges or culverts;
  - (7) storage of materials; or
  - (8) any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include activities such as the maintenance of existing structures and facilities such as painting, re-roofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent structures.

- Development Plan:** Also referred to as Site Development Plan or Site Plan. A detailed plan, prepared in accordance with the rules and regulations of Hendricks County, and submitted to the Plan Commission or other designated body or authority for review and approval. The plan shall illustrate the proposed development or alterations of a site.  
*Adopted 7-10-2008*
- Development Review:** Development review shall consist of site plan review, development plan review, zoning certificates, special exception permits, planned unit developments, variances, amendments to the ordinance or map, and appeals from administrative determinations as provided in this Ordinance.  
*Adopted 11-14-2002*
- Display Publicly:** The act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a street, highway, or public sidewalk, or from the property of others, or from any portion of the premises where items and material other than adult media are on display to the public.  
*Adopted 7-10-2003*
- Distribution Facility:** A building, area, or portion thereof designed to accommodate large-scale trucking operations, including local, intrastate, or interstate motor carriers, for the transfer, loading and unloading of goods. "Distribution Facility," may include facilities for the temporary storage of loads prior to shipment.  
*Adopted 11-14-2002*
- District:** A portion of the Town within which certain uniform regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.  
*Adopted 11-14-2002*
- Dormitory:** A building or portion thereof that contains living quarters for students, staff, or members of an accredited college, university, boarding school, theological school, hospital, religious order, or comparable organization; provided that said building is owned or managed by said organization and contains not more than one cooking and eating area.  
*Adopted 11-14-2002*
- Drive-Through Facility:** An accessory facility, structure or portion thereof that is designed, intended or used for transacting business with customers located in motor vehicles. "Drive-through Facility" shall not include an automobile filling station or any use that is otherwise listed specifically in a zoning district as permitted or a special use.  
*Adopted 11-14-2002*
- Dwelling:** A building, but not including a house trailer or mobile home, designed or used exclusively for residential occupancy, including one-family dwelling units, two-family dwelling units, and multiple-family dwelling units, but not including hotels, boarding or lodging houses.  
*Adopted 11-14-2002*
- Dwelling, Accessory Apartment:** A second dwelling unit either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility with provisions within the accessory apartment for cooking, eating, sanitation, and sleeping.  
*Adopted 03-08-2012*

## AVON ZONING ORDINANCE

- Dwelling, Apartment:** One or more rooms in an apartment building, or combination apartment and commercial building; arranged, intended or designed or occupied as a dwelling unit of a single-family, an individual, or a group of individuals.  
*Adopted 11-14-2002*
- Dwelling, Attached (Group, Row, Or Townhouses):** A dwelling containing two or more dwelling units and joined to other dwellings by party wall or walls, originally constructed for said purposes.  
*Adopted 11-14-2002*
- Dwelling, Converted:** Any building which was originally designed and constructed as one-, two-, or three-family dwelling, but which has been changed or altered by the construction of additional dwelling units to provide for more families than the original building.  
*Adopted 11-14-2002*
- Dwelling, Detached:** A dwelling which is surrounded on all sides by open space.  
*Adopted 11-14-2002*
- Dwelling, Efficiency Unit:** A dwelling unit consisting of one principal room exclusive of bathroom, kitchen, hallway, closet, or dining alcove directly off the principal room.  
*Adopted 11-14-2002*
- Dwelling, Ground Floor Area:** The first floor area in square feet measured from the outside of the exterior walls but excluding cellars, basements, open porches, breezeways, garages, and other infrequently used spaces.  
*Adopted 11-14-2002*
- Dwelling, Multiple-Family:** A dwelling containing three or more dwelling units, originally constructed for said purpose; and not including converted dwellings.  
*Adopted 11-14-2002*
- Dwelling, Single-Family:** A dwelling containing accommodations for and occupied by only one family.  
*Adopted 11-14-2002*
- Dwelling, Two-Family:** A building designed exclusively for occupancy by two families living independently of each other.  
*Adopted 11-14-2002*
- Dwelling Unit:** One or more rooms in a dwelling or apartment hotel designed for occupancy by one family for living purposes and having its own permanently installed cooking and sanitary facilities.  
*Adopted 11-14-2002*
- Elevated structure:** means a non-basement structure built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).  
*Adopted 12-3-2009*
- Elevation Certificate:** is a certified statement that verifies a structure's elevation information.  
*Adopted 12-3-2009*
- Emergency Program:** means 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.  
*Adopted 12-3-2009*
- Encroachment:** means 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.  
*Adopted 12-3-2009*
- Equipment Sales & Leasing:** The temporary leasing of tools, materials, or construction equipment, excluding equipment used for excavation, grading, or similar tasks or processes.
- Escort:** A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.  
*Adopted 7-10-2003*

## AVON ZONING ORDINANCE

- Escort Agency:** Furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes, for a fee, tip, or other consideration, provided no sexual activity is conducted on the premises.  
*Adopted 7-10-2003*
- Essential Services:** Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, weirs, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, hydrants, etc., but not including buildings that do not need to be in the immediate area of the uses they service.  
*Adopted 11-14-2002*
- Et Seq.:** Abbreviation for “et sequens” which means “and following”.  
*Adopted 11-14-2002*
- Excavation:** Any act by which organic matter, earth, sand, gravel, rock, or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated, or bulldozed and shall include the conditions resulting therefrom.  
*Adopted 11-14-2002*
- Existing Construction:** means any structure for which the “start of construction” commenced before the effective date of the community’s first floodplain ordinance.  
*Adopted 12-3-2009*
- Existing Grade:** The vertical location of the existing ground surface prior to excavation or filling.  
*Adopted 11-14-2002*
- 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.  
*Adopted 12-3-2009*
- 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 be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).  
*Adopted 12-3-2009*
- Explicit Sexual Material (or Sexually Explicit Material):** Any hard-core material.  
*Adopted 7-10-2003*
- Exterior Architectural Feature:** The architectural style, design, general arrangement and components of all of the outer surfaces of an improvement, as distinguished from the interior surfaces enclosed by said exterior surfaces, including but not limited to, the kind of building materials and the type and style of all windows, doors, lights, signs and other fixtures are pertinent to such improvement.  
*Adopted 11-14-2002*
- Façade:** That portion of any exterior elevation on the building extending from grade to top of parapet, wall, or eaves and the entire width of the building elevation.  
*Adopted 7-10-2008*
- Flex Space:** A building, usually prefabricated, that provides the appearance of a “store front” with a designated use and generally includes an additional use located within the back of a building. Typically these buildings are designed to be multifunctional containing office or retail space in the front of the building along the “storefront” while other uses including office, retail, warehousing or light manufacturing are located in the rear of the building, hidden by the “store front” use.  
*Adopted 7-10-2008*

## AVON ZONING ORDINANCE

- Family:** An individual, or two or more persons related by blood, marriage, or adoption, or a group of not more than three persons, not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit, but not including sororities, fraternities, or other similar organizations.  
*Adopted 11-14-2002*
- Farm:** Land being used for agricultural purposes.  
*Adopted 11-14-2002*
- Farm Homestead:** The building located on a farm that is the residence of the farm owner or tenant operator.  
*Adopted 11-14-2002*
- Farm Owner:** The person operating a farm or holding Ordinance to the farm land.  
*Adopted 11-14-2002*
- Farm, Research, or Experimental:** An agricultural use, including buildings and land, for the purpose of obtaining new knowledge in agricultural processes and procedures.  
*Adopted 11-14-2002*
- Feed Lot, Commercial:** A structure or area in which twenty five or more units of livestock per acre are confined for a limited period of time prior to being shipped to market. One unit shall be equivalent to one head of cattle, seven hogs, nine sheep, or one hundred forty chickens.  
*Adopted 11-14-2002*
- FEMA:** Federal Emergency Management Agency  
*Adopted 11-14-2002*
- Fence:** Any construction of wood, metal, wire mesh, masonry, or other material erected for the purpose of assuring privacy, protection, or restraining animals.  
*Adopted 11-14-2002*
- Fence, Closed:** A fence, including gates, which conceals from view from adjoining properties, streets, or alleys, activities conducted behind it.  
*Adopted 11-14-2002*
- Fence, Open:** A fence, including gates, which has, for each one foot wide segment extending over the entire length and height of the fence, at least sixty percent of the surface area in open spaces which afford a direct view through the fence.  
*Adopted 11-14-2002*
- Field Banners:** A sign that identifies the name of an athletic field.
- Fill:** Any act by which earth, sand, gravel, rock, or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported, or moved by man to a new location and shall include the conditions resulting therefrom.  
*Adopted 11-14-2002*
- Financial Institution:** A building, property or activity, the principal use or purpose of which is the provision of financial services, including, but not limited to, banks, credit unions, savings and loan institutions, and mortgage companies. "Financial Institution" shall not include any use or other type of institution that is otherwise listed specifically in a zoning district as a permitted special use.  
*Adopted 11-14-2002*
- Firing Range, Indoor:** A licensed enclosed space designed and used for discharging firearms safely fully within the confines of a structure; primarily for sport, maintaining proficiency, and training.  
*Adopted 03-08-2012*
- Firing Range, Indoor Accessory:** A licensed enclosed space designed and used for discharging firearms safely fully within the confines of a structure; primarily for sport, maintaining proficiency, and training; operated as a component of an associated firearms or firearms accessories sales establishment.  
*Adopted 03-08-2012*
- Firing Range, Outdoor:** A licensed space designed and used for discharging firearms safely not fully within the confines of a structure, primarily for sport, maintaining proficiency, and training.  
*Adopted 03-08-2012*
- Five-hundred year flood (500-year flood):** means the flood that has a 0.2 percent chance of being equaled or exceeded in any year.  
*Adopted 12-3-2009*

## AVON ZONING ORDINANCE

- Flood:** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.  
*Adopted 11-14-2002*
- Flood Boundary and Floodway Map (FBFM):** The Flood Boundary and Floodway Maps prepared by FEMA for Hendricks County with an effective date of March 16, 1981, as amended.  
*Adopted 11-14-2002*
- Flood Hazard Area:** Those areas defined as flood hazard areas, without specifics, on the FEMA Flood Insurance Rate Maps or those areas where flood elevations have been determined but for which no regulatory flood elevations or floodway have been accepted by the County.  
*Adopted 11-14-2002*
- Flood Hazard Boundary Map (FHBM):** means an official map of a community, issued by FEMA, where the boundaries of the areas of special flood hazard have been identified as Zone A.  
*Adopted 12-3-2009*
- Flood Insurance Rate Map (FIRM):** means 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.  
*Adopted 11-14-2002*
- Flood Insurance Study (FIS):** is the official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FBFM (where applicable), and the water surface elevation of the base flood.  
*Adopted 12-3-2009*
- Floodlight:** A bulb which projects light in a wide angled beam, typically 100° or more.  
*Adopted 11-14-2002*
- Floodplain:** The channel proper and the areas adjoining any wetland, lake or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the floodway fringe districts.  
*Adopted 11-14-2002*
- Floodplain Management:** means 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.  
*Adopted 12-3-2009*
- Floodplain Management Regulations:** means Chapter 17 of this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, 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.  
*Adopted 12-3-2009*
- Floodproofing (dry floodproofing):** is 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.  
*Adopted 12-3-2009*
- Floodproofing Certificate:** is 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.  
*Adopted 12-3-2009*
- Flood Protection Elevation:** That elevation to which land or structures are elevated or flood proofed as required by the Town to provide protection from flooding. (Also see Regulatory Flood Elevation.)  
*Adopted 11-14-2002*

## AVON ZONING ORDINANCE

**Flood Protection Grade (FPG):** is the elevation of the regulatory flood plus two feet at any given location in the SFHA. (see "Freeboard")  
*Adopted 12-3-2009*

**Floodway:** is the channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.  
*Adopted 11-14-2002*

**Floodway Fringe:** Those portions of the floodplain outside the floodway and in which contains slow moving floodwater or the storage of floodwater.  
*Adopted 11-14-2002*

**Flood Zone (also 'Zone'):** 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 or FHBM. The definitions are presented below:  
*Adopted 12-3-2009*

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. Mandatory flood insurance purchase requirements apply.

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. Mandatory flood insurance purchase requirements apply. (Zone AE is on new and revised maps in place of Zones A1-A30.)

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. Mandatory flood insurance purchase requirements apply.

Zone AH: Areas subject to inundation by one-percent annual chance shallow flooding (usually areas of ponding) where average depths are 1-3 feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.

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. Mandatory flood insurance purchase requirements apply.

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. Mandatory flood insurance purchase requirements apply.

**Floor, Lowest:** means the lowest of the following:  
*Adopted 11-14-2002*

- (1) the top of the lowest level of the structure;

## AVON ZONING ORDINANCE

- (2) the top of the basement floor;
- (3) the top of the garage floor, if the garage is the lowest level of the structure;
- (4) the top of the first floor of a structure elevated on pilings or pillars;
- (5) the top of the first floor of a structure constructed with a crawl space, provided that the lowest point of the interior grade is at or above the BFE and construction meets requirements of 6. a.; or
- (6) the top of 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 unless:
  - (a) the walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, by providing a minimum of two openings (in addition to doorways and windows) having a total net area of one (1) square inch for every one square foot of enclosed area. The bottom of all such openings shall be no higher than one (1) foot above grade; and,
  - (b) such enclosed space shall be usable solely for the parking of vehicles and building access.

**Floor Area, Gross:** The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The "floor area of a building" shall include the basement floor area when more than one-half of the basement height is above the established curb level. Floor area shall further include enclosed off-street parking spaces, elevator shafts and stairwells, floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof), penthouses, attic space having headroom of seven feet, ten inches or more, interior balconies, mezzanines, enclosed porches, and floor area devoted to accessory uses.

*Adopted 11-14-2002*

The "floor area" of structures devoted to bulk storage of materials including, but not limited to, grain elevators and petroleum storage tanks shall be determined on the basis of the height of such structures in feet; ten (10) feet in height shall be deemed to be equal to one floor (if a structure measures more than five (5) feet over such floor equivalent, it shall be construed to have an additional floor).

**Floor Area (For Determining Off-Street Parking and Loading):**  
*Adopted 11-14-2002*

The gross floor area taken from the outside walls of the building.

**Floor Area, Livable:**  
*Adopted 11-14-2002*

Floor area, as measured to the inside of outside walls or the interior side of common partition walls, in a structure specifically designed to be used for living, sleeping, eating, cooking, bathrooms, toilet departments, closets, hallways, storage, or utility. Garages, the floor area of stories below grade, and porches which are not enclosed and heated/cooled to be used year-round shall not be considered as livable floor area.

**For Profit Social Parties:**  
*Adopted 09-24-2105*

Any social gathering which involves the provision of music and space for gathering and/or dancing, and at which admission is charged and at which either 25 or more people are expected to attend, or 25 or more people do attend.

**Freeboard:**  
*Adopted 12-3-2009*

means 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.

**Fringe:**  
*Adopted 12-3-2009*

is those portions of the floodplain lying outside the floodway.

## AVON ZONING ORDINANCE

- Full cutoff:** A light fixture which prevents distribution of light above a horizontal plane passing through the lowest point of the bulb or lens, diffuser, reflective enclosure, or other parts intended to distribute light.  
*Adopted 11-14-2002*
- Fully shielded:** A fixture constructed, installed, and/or mounted such that a line of sight to the bulb is obstructed by an opaque material when viewed at ground level or above from all adjoining residential property lines and from twenty (20) feet inside all other adjoining property lines.  
*Adopted 11-14-2002*
- Functionally dependent facility:** means 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.  
*Adopted 12-3-2009*
- Funeral Home:** Establishment engaged in undertaking services such as preparing the dead for burial, and arranging and managing funerals. Typical uses include funeral homes or mortuaries.
- Garage, Private:** An accessory building or an accessory portion of the principal building that is intended for and used for storing the privately owned motor vehicles, boats, and trailers of the family or families residing upon the premises, and in which no business, service or industry connected directly or indirectly with motor vehicles, boats and trailers is carried on, nor any other commercial activity not permitted as a home occupation.  
*Adopted 11-14-2002*
- Government Building:** A building or structure owned and operated by a municipal, state, federal, or other taxing body institution in which governmental services are provided or conducted.  
*Adopted 11-14-2002*
- Grade:** The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.  
*Adopted 11-14-2002*
- Grade, Street:** Same as Curb Level.  
*Adopted 11-14-2002*
- Grading:** Excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.  
*Adopted 11-14-2002*
- Green Space Area:** That portion of the front yard of a lot that is immediately adjacent and parallel to the street right-of-way of the Ronald Reagan Parkway and all other Roads within the identified boundaries.  
*Adopted 7-10-2008*
- Grocery, Retail:** A building or portion thereof where the direct retail sale of food items such as meats, cereals, grains, produce, baked goods, dairy products, canned and frozen prepared food products, beverages, cleaning supplies, pet food and supplies, pharmaceuticals, over-the-counter medicines, personal products, household goods, books and magazines, plants, and other sundry and similar items are available to be purchased by the consumer. "Grocery Retail" shall include, but not be limited to, grocery stores, supermarkets, meat or fish markets, fruit and vegetable markets, and other uses similar in nature and impact. "Grocery Retail" shall not include any use of other type of establishment that is otherwise listed specifically in a zoning district as a permitted or special use.  
*Adopted 11-14-2002*
- Hard-Core Material:** Media characterized by sexual activity that includes one or more of the following: erect male organ; contact of the mouth of one person with the genitals of another; penetration with a finger or male organ into any orifice in another person; open female labia; penetration of a sex toy into an orifice; male ejaculation; or the aftermath of male ejaculation.  
*Adopted 7-10-2003*
- Hardship:** (as related to variances of this ordinance) means the exceptional hardship that would

## AVON ZONING ORDINANCE

- Adopted 12-3-2009* result from a failure to grant the requested variance. The Board of Zoning Appeals 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.
- Height of Building:** The vertical distance measured between the average finished grade at the sides around the building to the elevation of the highest point of coping of a flat roof or to the highest point of a mansard roof or to the average height between the eaves and ridge of a gable, gambrel, or hip roof.  
*Adopted 11-14-2002*
- Heliport:** Any landing area used for the landing and taking off of helicopters, including all necessary passenger and cargo facilities, fueling, and emergency service facilities.
- 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.  
*Adopted 12-3-2009*
- Historic structure:** means any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.  
*Adopted 12-3-2009*
- Home Childcare:** A home occupation where a family home is used to receive not more than six children for care during any part of the day not exceeding twelve hours in any twenty-four hour period. The maximum six children includes the family's natural or adopted children under the age of eighteen and those children who are in the home under full-time care.  
*Adopted 11-14-2002*
- Home Occupation:** An accessory use of a dwelling unit that is used for a gainful activity involving the provision, assembly, processing or sale of goods and/or services that is incidental and secondary to the use of a dwelling unit, but excluding the provision of shelter or lodging.  
*Adopted 11-14-2002*
- Horizontal foot-candles:** The amount of light striking a horizontal plane or surface.  
*Adopted 11-14-2002*
- Hospital:** An institution licensed by state law providing health services and medical or surgical care to patients and injured persons.  
*Adopted 11-14-2002*
- Hotel:** A building in which lodging is offered with or without meals principally to transient guests and that provides a common entrance, lobby, halls and stairways.  
*Adopted 11-14-2002*
- Impervious:** Incapable of being penetrated; not letting water through.  
*Adopted 7-27-2009*
- Improvement Location Permit:** A permit issued by the Town for the construction, erection, or alteration of a structure or building.  
*Adopted 11-14-2002*
- Impulsive Sound:** Sounds which change intermittently at a rate greater than ten decibels (10 dB) per second.  
*Adopted 11-14-2002*
- Increased Cost of Compliance (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.  
*Adopted 12-3-2009*

## AVON ZONING ORDINANCE

- Indoor Amusement and Entertainment:** A public or private facility that provides indoor entertainment including, but not limited to, video arcades, virtual reality games, and mechanical rides.  
*Adopted 11-14-2002*
- Independent Living Facilities (for the elderly):** A building or group of buildings containing dwelling units where the occupancy of the dwelling is restricted to persons 60 years of age or older, or couples where either the husband or the wife is 60 years of age or older. This does not include a development that contains convalescent or nursing services.  
*Adopted 11-14-2002*
- Jail:** A facility established in conjunction with a law enforcement or public safety building, established for the temporary detention of adult or juvenile persons while being processed for arrest or detention by law enforcement. Such facilities do not include lodging or food service facilities to facilitate a stay longer necessary for processing of the arrest. Holding facilities do not include detention, correctional, or release facilities.
- Kennel:** Any premises or portion thereof on which more than a combined total of three dogs, cats or other domestic animals or pets over six months of age are kept for the purpose of sale; or where any number of animals are cared for in return for remuneration.  
*Adopted 11-14-2002*
- Lesser Flood Water Runoff Channel:** That portion of a drainage system which lies upstream from the main channel and which is generally subject to intermittent flows. They are generally indicated on the U.S.G.S. Hydrological Atlas maps, and serve a tributary area of sixty acres or more. Drainage below the level of a lesser channel is generally by means of a storm sewer.  
*Adopted 11-14-2002*
- Letter of Map Amendment (LOMA):** An amendment to the currently effective FEMA map that establishes that a property is not located in a Special Flood Hazard Area (SFHA). A LOMA is only issued by FEMA.  
*Adopted 11-14-2002*
- Letter of Map Revision (LOMR):** An official revision to the currently effective FEMA map. It is only issued by FEMA and changes flood zones, delineations, and elevation.  
*Adopted 11-14-2002*
- Letter of Map Revision Based on Fill (LOMR-F):** means an official revision by letter to an effective NFIP map. A LOMR-F provides FEMA's determination concerning whether a structure or parcel has been elevated on fill above the BFE and excluded from the SFHA.  
*Adopted 12-3-2009*
- Library:** A public facility for the use, but not sale, of literary, musical, artistic, or reference materials.
- Light Fixture:** The assembly that holds the lamp (bulb) in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.  
*Adopted 8-24-2004*
- Limited Access Highway:** A traffic way, including expressways and toll roads for through traffic, 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.  
*Adopted 11-14-2002*
- Lingerie Modeling Studio:** An establishment or business that provides the services of live models modeling lingerie to individuals, couples, or small groups in a room smaller than 750 square feet.  
*Adopted 7-10-2003*
- Loading And Unloading Space, Off-Street:** An open hard-surfaced area of land, other than a street or public way, the principal use of which is for the standing, loading, and unloading of motor trucks, tractors, and trailers.  
*Adopted 11-14-2002*

## AVON ZONING ORDINANCE

- Lot:** A legally divided area or portion of land under single ownership or control that is intended to be occupied by one use, group of uses, one or more main buildings, or structures.  
*Adopted 11-14-2002*
- Lot Area:** The area of a horizontal plane bounded by the front, side, and rear lot line.  
*Adopted 11-14-2002*
- Lot, Corner:** A lot located at the intersection of two streets or a lot bounded on two sides by a curving street and any two chords of which form an angle of one hundred twenty degrees or less measured on the lot side.  
*Adopted 11-14-2002*
- Lot Coverage:** The area of a zoning lot occupied by the principal building or buildings and accessory buildings.  
*Adopted 11-14-2002*
- Lot Depth:** The mean horizontal distance between front and rear lot lines measured within the lot boundaries.  
*Adopted 11-14-2002*
- Lot, Double Frontage:** A lot other than a corner lot having frontage on two or more streets. An alley shall not be considered a street.  
*Adopted 11-14-2002*
- Lot Frontage:** The horizontal distance between the side lot lines measured along the front lot line.  
*Adopted 11-14-2002*
- Lot, Interior:** A lot other than a corner or reversed corner lot.  
*Adopted 11-14-2002*
- Lot Line:** See Property Line.  
*Adopted 11-14-2002*
- Lot Line, Front:** The front property line of a zoning lot, abutting or within a street. On lots abutting more than one street, each lot line abutting a street shall be considered a front lot line.  
*Adopted 11-14-2002*
- Lot Line, Interior:** A lot line common with another lot.  
*Adopted 11-14-2002*
- Lot Line, Rear:** The rear lot line is the lot line most nearly parallel to and most remote from the front lot line. Corner lots do not have rear lot lines.  
*Adopted 11-14-2002*
- Lot Line, Side:** Lot lines other than front or rear lot lines. On a corner lot, those lot lines which are not abutting a street shall be considered side lot lines.  
*Adopted 11-14-2002*
- Lot of Record:** A lot which is a part of a subdivision, the plat of which has been legally recorded, or land which has a parcel index number within the Town at the time this Ordinance is adopted.  
*Adopted 11-14-2002*
- Lot Width:** The horizontal distance between side lot lines, or between the side lot line and the lot line adjoining a street of a corner lot, measured along the required minimum building setback line created by the front yard requirement of the district in which the lot is located.  
*Adopted 11-14-2002*
- Lot, Zoning:** A parcel of land, composed of one or more recorded lots or a parcel of land described by metes and bounds that is of sufficient size to meet the minimum requirements of this Ordinance concerning use, coverage, width, area, yards, or other requirements of this Ordinance and having frontage on an improved public street, and which is designated by its owner or developer as a tract of land to be used, developed, or built upon as a unit, under single ownership or control. A "zoning lot" may or may not coincide with the definition of a "lot of record".  
*Adopted 11-14-2002*
- 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.  
*Adopted 12-3-2009*
- Major Gateways:** Regional gateways where major traffic thoroughfares intersect with the Ronald Reagan Parkway. For purposes of this project, these are located where the parkway meets the interchanges at I-70 and I-74.  
*Adopted 7-10-2008*

## AVON ZONING ORDINANCE

- Manufactured Home:** A dwelling which is fabricated in one or more modules at a location other than the home site by assembly-line production techniques or by other construction methods unique to an off-site manufacturing process which bears a seal certifying it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.) and which was constricted after January 1, 1981, and exceeds nine hundred and fifty (950) square feet of main floor area exclusive of garages, carports, and open porches and exceeds twenty-three (23) feet in width and which is attached to a permanent foundation.  
*Adopted 11-14-2002*
- Manufactured Home Park or Subdivision:** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.  
*Adopted 12-3-2009*
- Manufacturing, Heavy :** The assembly, fabrication or processing of goods and materials using processes that ordinarily have greater than minimal impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, visual impact, odors, glare, or health and safety hazards, or that otherwise do not constitute “light manufacturing.” Heavy manufacturing generally includes processing and fabrication of large or bulky products made from extracted or raw materials or products involving flammable or explosive materials and processes that require extensive floor areas or land area for the fabrication and/or incidental storage of the products. “Heavy Manufacturing” shall not include any use that is otherwise listed specifically in a zoning district as a permitted or special use.  
*Adopted 11-14-2002*
- Manufacturing, Light:** The assembly, fabrication or processing of goods and materials using processes that do not create noise, smoke, fumes, odors, glare or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place, where such processes are housed entirely within a building. Light manufacturing generally includes processing and fabrication of finished products predominantly from previously prepared materials and includes processes that do not require extensive floor areas or land areas. “Light Manufacturing” shall not include any use that is otherwise listed specifically in a zoning district as a permitted or special use.  
*Adopted 11-14-2002*
- Manufacturing Service Establishment:** A building, property, or activity of which the principal use or purpose is the provision of industrial support-oriented services directly to manufacturing establishments. This term shall include, but will not be limited to, tool shops, machine repair and service shops, blade sharpening shops and similar establishments. “Manufacturing Services Establishments” shall not include any use or other type of establishment that is otherwise listed specifically in a zoning district as a permitted or special use.  
*Adopted 11-14-2002*
- Map Amendment:** means a change to an effective NFIP map that results in the exclusion from the SFHA of an individual structure or a legally described parcel of land that has been inadvertently included in the SFHA (i.e., no alterations of topography have occurred since the date of the first NFIP map that showed the structure or parcel to be within the SFHA).  
*Adopted 12-3-2009*
- Map Panel Number:** is the four-digit number followed by a letter suffix assigned by FEMA on a flood map. The first four digits represent the map panel, and the letter suffix represents the number of times the map panel has been revised. (The letter “A” is not used by FEMA, the letter “B” is the first revision.)  
*Adopted 12-3-2009*
- Market Value:** means 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.  
*Adopted 12-3-2009*
- Marquee or Canopy:** A roof-like structure of a permanent nature that projects from the wall of a building and, in some cases, overhangs the public way.

## AVON ZONING ORDINANCE

*Adopted 11-14-2002*

**Mass Transit Facility:** The property, equipment, and improvements of whatever nature owned, used, constructed, maintained, controlled, or operated to provide mass transportation for passengers or to provide for the movement of people, including park-and-ride stations, transfer stations, parking lots, malls, and skyways.

**Massage Studio:** An establishment offering massage therapy and/or body work by a massage therapist certified by the National Certification Board for Therapeutic Massage and Bodywork or other recognized national group, or under the direct supervision of a licensed physician.  
*Adopted 7-10-2003*

**Media:** Anything printed or written, or any picture, drawing, photograph, motion picture, film, videotape or videotape production, or pictorial representation, or any electrical or electronic reproduction of anything that is or may be used as a means of communication. Media includes but shall not necessarily be limited to books, newspapers, magazines, movies, videos, sound recordings, CD-ROMs, other magnetic media, and undeveloped pictures.  
*Adopted 7-10-2003*

**Media Broadcast Stations:** A building, or portion thereof, used for the production and broadcast of media related programming. This term shall include, but will not be limited to, radio and television broadcasting stations and other uses similar in nature and impact.  
*Adopted 11-14-2002*

**Media Print Establishments:** A building or portion thereof used for the production and distribution of newspapers, periodicals, magazines, journals, or other print media forms. "Media Print Establishments" shall not include any use that is otherwise listed specifically in a zoning district as a permitted or special use.  
*Adopted 11-14-2002*

**Media Store:** A general term, identifying a category of business that may include sexually oriented material but that is not subject to the special provisions applicable to adult media shops. In that context, media store means a retail outlet offering media for sale or rent, for consumption off the premises provided that any outlet meeting the definition of adult media store shall be treated as an adult media outlet. See special conditions in Section 13-14 for media stores in which adult media constitute more than 10 percent but less than 40 percent of the stock in trade or occupies more than 10 percent but less than 40 percent of the gross floor area or gross shelf space.  
*Adopted 7-10-2003*

**Median Nose:** The tip of a median at its terminus of traffic opening.  
*Adopted 7-10-2008*

**Membership Organization:** Lands, buildings, or portions of a premises owned or operated by an organization of professional, business, trade, civic, social, fraternal, political, or religious nature operating on a membership basis and engaged in promoting the interest of their members. "Membership Organizations" shall not include any use that is otherwise listed specifically in a zoning district as a permitted or special use.  
*Adopted 11-14-2002*

**Mineral Extraction:** The exploration for or extraction of surface or subterranean compounds and materials; this includes oil and gas exploration and production, and the mining of metallic and nonmetallic minerals, sand, gravel, and rock.

**Mitigation:** means 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.  
*Adopted 12-3-2009*

**Mobile Home:** A movable or portable unit, which is eight (8) feet or more in width and is thirty two (32) feet or more in length, and constructed to be towed on its own chassis (comprised of frame and wheels) from the place of construction to the location or subsequent locations, and designed to be used without a permanent foundation and connected to utilities for year round occupancy with or without a permanent foundation. The term shall include:  
*Adopted 11-14-2002*

- (1) units containing parts that can be folded, collapsed, or telescoped when

## AVON ZONING ORDINANCE

- being towed and that may be expanded to provide additional cubic capacity;
- (2) units composed of two or more separately towable components designed to be joined into one integral unit capable of being separated again into the components for repeated towing; and
  - (3) units designed to be used for residential, commercial, educational, or industrial purposes, excluding, however, recreational vehicles.

**Mobile Home Park:**  
*Adopted 11-14-2002*

A parcel or tract of land developed with facilities for locating three or more "mobile homes", provided each mobile home contains a kitchen, flush toilet, shower or bath and that such mobile home park shall be for use only by non-transient dwellers remaining continuously for more than one year, whether or not a charge is made. It shall not include a sales lot in which motor vehicles or unoccupied trailers are parked for the purpose of inspection or sale.

**Motel:**  
*Adopted 11-14-2002*

An establishment consisting of a group of attached or detached living or sleeping accommodations for transient guests with bathrooms and closet space, located on a single zoning lot and where access to the sleeping accommodations is directly from the outside. A "motel" furnishes customary hotel services such as maid service and laundering of linen, telephone and secretarial or desk service, and the use and upkeep of furniture. "Motel" shall not include any use that is otherwise listed specifically in a zoning district as a permitted or special use.

**Motor Home, Mini Motor Home Or Van Camper:**  
*Adopted 11-14-2002*

A self-contained motor vehicle, not used commercially, designed, or permanently converted to provide living quarters for recreational, camping or travel use, with direct walk-through access to the living quarters from the driver's seat.

**Motor Vehicle:**  
*Adopted 11-14-2002*

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

**Motor Vehicle Sales:**  
*Adopted 11-14-2002*

An establishment, the principal use or purpose of which is the sale of motorized vehicles, including but not limited to the sale of automobiles, trucks, recreation vehicles, snowmobiles, boats, and motorcycles. "Motor Vehicle Sales" shall include accessory body and service repair areas. "Motor Vehicle Sales" shall not include any use otherwise listed specifically in a zoning district as a permitted or special use.

**Municipal Buildings and Facilities:**  
*Adopted 11-14-2002*

A municipal or facility utilized in the operation of local government. Municipal buildings and facilities shall include, but not be limited to, office space for the operation of administrative functions, police, fire, public works, emergency services, disaster relief, municipal parking lots, garages, and storage facilities, wastewater treatment facilities, municipal wells and enclosures and lift stations.

**Museum:** An institution devoted to the procurement, care, study, and display of objects of lasting interest or value.

**National Flood Insurance Program (NFIP):**  
*Adopted 12-3-2009*

is 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.

**National Geodetic Vertical Datum of 1929 (NGVD):**  
*Adopted 12-3-2009*

as corrected in 1929 is a vertical control datum used as a reference for establishing varying elevations within the floodplain.

**New Construction:**  
*Adopted 12-3-2009*

means any structure for which the "start of construction" commenced after the effective date of the community's first floodplain ordinance.

## AVON ZONING ORDINANCE

- 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.  
*Adopted 12-3-2009*
- Nonconforming Building Or Structure:** A building or structure or portion thereof lawfully existing at the time of adoption of this Ordinance or amendment thereto, which:  
*Adopted 11-14-2002*
- (1) was designed, erected, or structurally altered for a use that does not conform to the use regulations of the district in which it is located; and
  - (2) does not comply with the bulk and other requirements of this Ordinance in the zoning district in which the building or structure is located.
- Nonconforming Use:** A use which lawfully occupies a building or land at the time of adoption of this Ordinance, or amendment thereto, and which does not conform with the use regulations of the district in which it is located.  
*Adopted 11-14-2002*
- North American Vertical Datum of 1988(NAVD88):** as adopted in 1993 is a vertical control datum used as a reference for establishing varying elevations within the floodplain.  
*Adopted 12-3-2009*
- Nude Model Studio:** Any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration (See Section 13-14 for exemptions).  
*Adopted 7-10-2003*
- Nudity or a State of Nudity:** The appearance of a human bare buttock, anus, male genitals, female genitals, or female breast.  
*Adopted 7-10-2003*
- Nursing Home:** Any institution, whether operated for profit or not, including a place operated by a county or municipality, which undertakes through its ownership or management to provide for a period exceeding 24 hours, nursing care, personal care, or custodial care for three or more persons not related to the owner or manager by blood or marriage, who by reason of illness, physical infirmity, or advanced age require such services, but, in contradistinction to a hospital, does not include any place providing care or treatment primarily for the acutely ill.  
*Adopted 11-14-2002*
- 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.  
*Adopted 12-3-2009*
- Office:** A use or structure where business or professional activities are conducted and/or business or professional services are made available to the public, including but not limited to, tax preparation, accounting, architecture, legal services, medical clinics and laboratories, dental laboratories, psychological counseling, real estate and securities brokering, and professional consulting services, but not including drive-through service windows, the cutting and styling of hair, or recreational facilities or amusements. "Office" shall not include any use that is otherwise specifically in a zoning district as a permitted or special use.  
*Adopted 11-14-2002*
- One-hundred Year Flood (100-year flood):** is 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 "Regulatory Flood".  
*Adopted 12-3-2009*

## AVON ZONING ORDINANCE

- One-percent Annual Chance Flood:** is 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 “Regulatory Flood”.  
*Adopted 12-3-2009*
- Open Space:** The portion of a lot, excluding the required front, side and rear yards which is not occupied by any principal building or accessory building (unless said buildings are used solely for recreational use). The area should be unobstructed to the sky, with the exception of foliage, and not include paved areas. Natural bodies of water as well as any area within officially designated floodplains may have fifty percent (50%) of their normal pool total acreage counted as open space, provided that the area adjacent to the water body is no more steep than a 4 to 1 slope and provided that the land around the water can be used as a passive recreation area. Water areas constructed for the purpose of detention or retention shall not be considered toward required open space amounts.  
*Adopted 8-24-2004*
- Outdoor Amusement and Entertainment:** A public or private facility that provides outdoor entertainment including, but not limited to, waterslides, water parks, go-cart tracks, miniature golf, batting cages and mechanical rides and games.  
*Adopted 11-14-2002*
- Outdoor Sales:** The display and sale of products and services outside of a building or structure, including vehicles, garden supplies, gas, motor oil, food and beverages, boats and aircraft, farm equipment, motor homes, burial monuments, building and landscape materials, and similar materials or items.
- Overlay District:** A district established by ordinance to prescribe special regulations to be applied to a site in combination with the underlying or base district.  
*Adopted 7-10-2008*
- Owner:** An individual firm, association, syndicate, partnership or corporation having sufficient proprietary interest to seek development of land.  
*Adopted 11-14-2002*
- Parapet:** That portion of a wall which extends above the roofline.  
*Adopted 7-10-2008*
- Parcel:** A track or plot of contiguous land held in one ownership.  
*Adopted 11-14-2002*
- Park:** An open space with natural vegetation and landscaping; may include recreational facilities.
- Parking Lot:** Public or private land intended for the use as a facility for parking motor vehicles. Parking may be with or without fee.  
*Adopted 11-14-2002*
- Parking Space, Automobile:** Space within a public or a private parking area for the storage of one passenger automobile or commercial vehicle under one and one-half tons capacity.  
*Adopted 11-14-2002*
- Participating Community:** is 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.  
*Adopted 12-3-2009*
- Party Wall:** A solid common wall which extends from its footing below grade to the underside of floor/roof and divides buildings.  
*Adopted 11-14-2002*
- Permeable:** Allowing fluids or gases to pass or diffuse through.  
*Adopted 7-27-2009*
- Person:** Any person, firm, or corporation, public or private, the State of Indiana and its agencies or political subdivisions, and the United States of America, its agencies and instrumentality, and any agent, servant, officer, employee of any of the foregoing.  
*Adopted 11-14-2002*
- Personal Services Establishment:** A building, property, or activity, the principal use or purpose of which is the provision of personal services directly to the consumer. The term “Personal Services Establishment” shall include, but not be limited to, barber shops, beauty parlors,  
*Adopted 11-14-2002*

## AVON ZONING ORDINANCE

laundry and dry cleaning establishments, tailoring shops, massage therapy, shoe repair shops and the like. "Personal Services Establishment" shall not include any use or other type of establishment that is otherwise listed specifically in a zoning district as a permitted or special use.

- Pervious:** Open to passage or entrance; letting water through.  
*Adopted 7-27-2009*
- Pharmacy Retail:** A business substantially devoted only to the sale of pharmaceutical items, supplies, and equipment such as prescription drugs.
- Physical Map Revision (PMR):** is 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.  
*Adopted 12-3-2009*
- Places Of Worship:** A church, synagogue, temple, meeting house, mosque, or other place of religious worship, including any accessory use of the structure, such as a school, child care center or dwelling.  
*Adopted 11-14-2002*
- Planned Unit Development:** A development occurring on a parcel under single ownership or unified control which is developed as a unit and is mapped as a zoning district in and of itself. A planned unit development includes two or more principal buildings or uses, and is processed under Chapter 5 of this Ordinance.  
*Adopted 11-14-2002*
- Planned Unit Development Plan:** A drawing or map made to a measuring scale upon which is presented a description and definition of the way in which the design requirements of the planned unit development are to be met and intended for recording with the County Recorder Office.  
*Adopted 11-14-2002*
- Playground:** A publicly owned area for recreational use primarily by children.
- Police Station:** Protection centers operated by a governmental agency, including administrative offices, storage of equipment, temporary detention facilities, and the open or enclosed parking of patrol vehicles; excluding, however, correctional institutions.
- Porch:** A roofed-over structure projecting out from the wall or walls of a main structure and commonly open to the weather in part.  
*Adopted 11-14-2002*
- Post Office:** A facility that contains service windows for mailing packages and letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.
- Post-FIRM Construction:** means 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.  
*Adopted 12-3-2009*
- Pre-FIRM Construction:** means 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.  
*Adopted 12-3-2009*
- Probation:** is a means of formally notifying participating communities of violations and deficiencies in the administration and enforcement of the local floodplain management regulations.  
*Adopted 12-3-2009*
- Professional Services:** Work done for others, predominately on the premises of the office, by someone trained and engaged in such work for a career; e.g., doctors, lawyers, accountants.
- Property Line:** A line at the edge or boundary of a "zoning lot" or a line at the boundary of a lot of record.  
*Adopted 11-14-2002*

## AVON ZONING ORDINANCE

- Public Open Space:** A publicly owned area including, but not limited to, the following: parks, playgrounds, forest preserves, waterways, parkways, and streets.  
*Adopted 11-14-2002*
- Public Safety and Nuisance:** 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.  
*Adopted 12-3-2009*
- Public Utility:** Any person, firm, or corporation duly authorized to furnish, under regulation, to the public, cable television, electricity, gas, steam, telephone, telegraph, transportation, water, or sewerage systems.  
*Adopted 11-14-2002*
- Public Transportation Center:** A building or portion thereof used as a terminus for rail or bus passenger service. This term shall include, but not be limited to, train and bus stations and other uses similar in nature and impact. "Public Transportation Center" shall not include maintenance barns, rail yards, or any use that is otherwise listed specifically in a zoning district as a permitted or special use.  
*Adopted 11-14-2002*
- Public Utilities:** A building or portion thereof used for providing, monitoring, and housing utilities for public consumption or use. This term shall include, but not be limited to, operations providing water, sewer, gas, public works facilities, and other uses similar in nature and impact. "Public Utilities" shall not include any use that is otherwise listed specifically in a zoning district as a permitted or special use.  
*Adopted 11-14-2002*
- Public Way:** Any sidewalk, street, alley, highway, or other public thoroughfare.  
*Adopted 11-14-2002*
- Pure Tone Sound:** Sound concentrated in a narrow frequency range which is perceived as a humming, buzzing, whirring, or other such distinctive continuous sound.  
*Adopted 11-14-2002*
- 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.  
*Adopted 11-14-2002*
- Recreational Vehicle or Trailer:** A vehicular, portable unit designed for travel, camping or recreational use, including but not limited to the following:  
*Adopted 11-14-2002*
- (1) Travel Trailer: A vehicular, portable dwelling unit built on a chassis, being of any length, provided its gross weight does not exceed forty-five hundred pounds, or being of any weight provided its overall length does not exceed twenty-eight feet.
  - (2) Pick-up Camper: A portable dwelling unit designed to be mounted on a pick-up truck or chassis, whether or not so mounted.
  - (3) Motorized Camper: A portable dwelling designated and constructed as an integral part of a self-propelled vehicle.
  - (4) Tent Trailer: A folding structure, constructed of canvas, plastic or similar water repellant material, designed to be mounted on wheels to be used as a temporary dwelling.
  - (5) Boat Trailer: A vehicle without motive power, designed to be drawn by a motor vehicle and designed for the hauling or storage of a boat, aircraft, snowmobile, jet ski or any other recreational vehicle.
- Recycling Center:** A building in which recyclable material only is collected, processed, and / or baled in preparation for shipment to others who will use those materials to manufacture new products.
- Regular Program:** means 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.  
*Adopted 12-3-2009*

## AVON ZONING ORDINANCE

- Regulatory Flood:** means 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 17-4(2) of this ordinance. The "Regulatory Flood" is also known by the term "Base Flood", "One-Percent Annual Chance Flood", and "100-Year Flood".  
*Adopted 12-3-2009*
- Religious Institution:** A church or place of worship or religious assembly with related facilities such as the following in any combination: rectory or convent, private school, meeting hall, offices for administration of the institution, licensed child or adult daycare, playground, athletic fields, cemetery.
- Repetitive Loss:** means flood-related damages sustained by a structure on two separate occasions during a 10-year period ending on the date of the event for which the second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25% of the market value of the structure at the time of each such flood event.  
*Adopted 12-3-2009*
- Research & Development Industries:** A building, property, or structure in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the building, property or structure. "Research and Development Industries" shall not include any use that is otherwise listed specifically in a zoning district as a permitted or special use.  
*Adopted 11-14-2002*
- Residential Facility For Mentally Ill:** A residential facility established under a program authorized by I. C. 12-22-1-1, which provides residential services for not more than eight (8) mentally ill individuals.  
*Adopted 11-14-2002*
- Resource Recovery Facility:** A building, property, or structure involved primarily in the reuse of resources, usually those present in solid wastes or sewage.
- Restaurant:** An establishment whose principal business is the sale of edible, prepared food stuffs and/or beverages for consumption on or off the premises. Restaurants are further defined by class as follows:  
*Adopted 11-14-2002*
- (1) Class A restaurants are those restaurants whose design or principal method of operation includes any two of the following characteristics:
    - (a) Customers are provided with an individual menu, are served their food or beverages by wait staff, in non-disposable containers, at the same table at which such items are consumed.
    - (b) Cafeteria-type operations where foods or beverages are generally consumed within the restaurant building.
    - (c) Carryout service is not the predominant type of service available.
  - (2) Class B restaurants are those restaurants not falling within the classification of Class A and having characteristics of offering food service over a counter or through a drive-through facility, having a limited menu of items already prepared and held for service, or prepared, fried, or grilled quickly, or heated in a microwave oven.
- Retail Goods Establishment:** A building, property, or activity, the principal use or purpose of which is, the sale of goods, products, or merchandise directly to the consumer. "Retail Goods Establishment" shall include, but not be limited to, department stores, hardware stores, apparel stores, art galleries, and other uses similar in nature and impact. "Retail Goods Establishment" shall not include any use or other type of establishment that is otherwise listed specifically in a zoning district as a permitted or special use. Neither shall "Retail Goods Establishment" include the sale of fireworks or any

## AVON ZONING ORDINANCE

business which occurs primarily out-of-doors, except in cases set forth in Chapter 13.

**Retail Services Establishment:** Establishments providing services or entertainment, as opposed to products, to the general public for personal or household use, including eating and drinking places, hotels and motels, finance, real estate and insurance, personal service, motion pictures, amusement and recreation services, health, educational, and social services, museums, and galleries.

**Roadside Sales Stand:** A temporary structure not permanently affixed to the ground and is readily removable in its entirety, which is used solely for the display or sale of farm products produced on the premises which such roadside stand is located.

**Ronald Reagan Corridor:** A 16 mile limited access highway and economic development area running north and south through Hendricks County, Indiana beginning at I-70, connecting the Towns of Avon, Plainfield, and Brownsburg to the Boone County Line. The corridor incorporates adjacent properties radiating out approximately 1000 feet on either side of the proposed parkway centerline.  
*Adopted 7-10-2008*

**Ronald Reagan Parkway:** A 16 mile roadway alignment running north and south through Hendricks County, Indiana, beginning at I-70 connecting the Towns of Avon, Plainfield, and Brownsburg to the Boone County Line.  
*Adopted 7-10-2008*

**Roof:** The cover of any building, including the eaves and similar projections.  
*Adopted 11-14-2002*

**Salvage Yard:** An open area where discarded, used, or secondhand materials including motorized vehicles and buses are bought, sold, exchanged, stored, baled, packed, disassembled, or handled including, but not limited to, scrap iron, other metals, paper, rags, rubber tires, auto parts, and glass. All related activities, including accessory activities shall be conducted on the zoning lot. Salvage Yard includes wrecking yards, but does not include landfills, waste transfer stations, motor vehicle sales, auto service repair, auto filling station establishments and vehicle storage establishments, or uses carried on entirely within enclosed buildings. In addition, "Salvage Yard" shall not include a any use that is otherwise listed specifically in a zoning district as a permitted or special use.  
*Adopted 11-14-2002*

**Sanitarium:** A health station, retreat, or an institution for the recuperation and treatment of persons suffering from physical or mental disorders.

**Sanitary Landfill:** A method disposing nonhazardous waste refuse or material into the land without creating a nuisance or hazard to public health and safety.

**School:** An institution for the teaching of children or adults including primary and secondary schools, colleges, professional schools, dance schools, business schools, trade schools, art schools, and similar facilities; also, physical improvements and structures related to the activity of teaching, as well as associated accessory uses and structures, including maintenance areas, parking athletic fields, outdoor study areas, etc.

**Secondary Gateways:** Entries to public and private establishments and/or developments.  
*Adopted 7-10-2008*

**Section 1316:** is 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 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.  
*Adopted 12-3-2009*

**Self-Storage Facility:** A building or portion thereof used for the storage of personal goods and/or materials.  
*Adopted 11-14-2002*

## AVON ZONING ORDINANCE

**Semi-nude:** A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.  
*Adopted 7-10-2003*

**Sewage Treatment Plant:** Any facility designed for the treatment of sewage that serves in excess of two structures or dwelling units.

**Sex Shops:** An establishment offering goods for sale or rent and that meets any of the following tests.  
*Adopted 7-10-2003*

- (1) The establishment offers for sale items from any two of the following categories: (a) adult media, (b) lingerie, or (c) leather goods marketed or presented in a context to suggest their use for sadomasochistic practices; and the combination of such items constitutes more than 10 percent of its stock in trade or occupies more than 10 percent of its floor area.
- (2) More than 5 percent of its stock in trade consists of sexually oriented toys or novelties.
- (3) More than 5 percent of its gross public floor area is devoted to the display of sexually oriented toys or novelties.

**Sexual Encounter Center:** A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

*Adopted 7-10-2003*

- (1) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- (2) activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

**Sexually Oriented Business:** An inclusive term used to describe collectively adult retail facilities and adult entertainment facilities.

*Adopted 7-10-2003*

**Sexually Oriented Toys or Novelties:** Instruments, devices, or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.

*Adopted 7-10-2003*

**Shopping Center:** A group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements.  
*Adopted 11-14-2002*

**Sign, Changeable Copy:** A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for the purposes of this ordinance.  
*Adopted 11-14-2002*

**Sign:** A name, identification, description, display, or illustration which is affixed to or painted or represented directly or indirectly upon a building, structure, or piece of land and which directs attention to an object, project, place, activity, person, institution, organization, or business.  
*Adopted 11-14-2002*

**Sign, Animated:** Any sign that uses movement or change of lighting to depict action or create a special effect or scene.  
*Adopted 11-14-2002*

**Sign, Electronic Message Board:** Any sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.  
*Adopted 11-14-2002*

**Sign, Flashing:** Any illuminated sign on which the artificial light is not maintained stationary and/or constant in intensity and color at all times when such sign is in use. For the purpose of this Ordinance, any revolving, illuminated sign shall be considered a "flashing sign".  
*Adopted 11-14-2002*

## AVON ZONING ORDINANCE

**Sign, Gross Surface Area Of:** The entire area within a single continuous perimeter enclosing the extreme limits of a sign. However, such perimeter shall not include any structural or framing elements lying outside the limits of such sign. Where a sign has two or more surfaces which are visible from any one point, the gross surface area shall be the sum of all sides of the sign.  
*Adopted 11-14-2002*

**Sign, Ground:** A sign which is completely self-supporting, has its sign face or base on the ground and has no air space, columns or supports visible between the ground and the bottom of the sign.  
*Adopted 11-14-2002*

**Sign, Identification:** 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.  
*Adopted 11-14-2002*

**Sign, Integrated Center:** A sign indicating the name and location of a commercial or industrial business or shopping center.  
*Adopted 11-14-2002*

**Sign, Integrated-Roof:** A sign erected, constructed, and maintained as an integral or essentially integral part of a normal roof structure of any design, so that no part of the sign extends vertically above any portion of the roof of the building.  
*Adopted 11-14-2002*

**Sign, Nonconforming:** Any sign which was lawfully erected in compliance with applicable regulations of the Town of Avon and maintained prior to the effective date of this Ordinance, and which fails to conform to all applicable standards and restrictions of this Ordinance.  
*Adopted 11-14-2002*

**Sign, Off-Premise Advertising (Billboard):** A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located or to which it is affixed.  
*Adopted 11-14-2002*

**Sign, Pole:** A sign erected and maintained on a freestanding mast or pole or other support so that the bottom edge of the sign face is six feet or more above finished grade.  
*Adopted 11-14-2002*

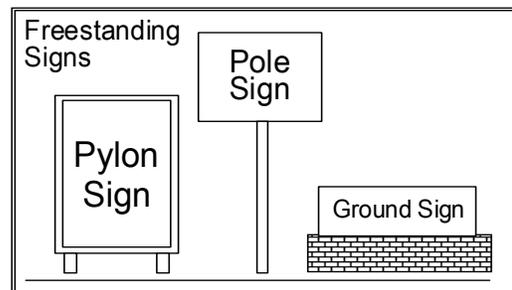
**Sign, Political:** A sign that advertises a candidate or issue to be voted upon on a definite election day.  
*Adopted 11-14-2002*

**Sign, Portable:** Any sign designed to be transported or movable, including but not limited to:

- (1) Signs with wheels or with wheels removed;
- (2) Signs with chassis or support constructed without wheels;
- (3) Signs designed to be transported by trailer, wheels or boat;
- (4) Signs converted to or constructed as an A- or T-frame sign;
- (5) Signs painted, mounted or affixed on a motor vehicle or boat for advertising purposes, parked on or off public right-of-way or shore, and visible from the public right-of-way or shore, except signs identifying the related business when the motor vehicle or boat is being used in the normal day-to-day operations of that business.

**Sign, Projecting:** A sign which is suspended from or affixed to any building wall or other structure and extends beyond the building wall or parts thereof or structure more than eighteen (18) inches.  
*Adopted 11-14-2002*

**Sign, Pylon:** A freestanding sign which has a vertical dimension greater than its horizontal dimension and which has a sign face within close proximity of the ground but separated from ground level by two or more supports such as poles or columns.  
*Adopted 11-14-2002*



## AVON ZONING ORDINANCE

- Sign, Public Service:** A sign or device displaying only the time, temperature, stock market quotations or civic messages.  
*Adopted 11-14-2002*
- Sign, Roof:** A sign that is mounted or painted on the roof of a building, or that is wholly dependent upon a building for support and that projects above the roof.  
*Adopted 11-14-2002*
- Sign, Snipe:** Any sign of any size, made of any material including paper, cardboard, wood and metal, when such sign is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, fences, or other objects, and the advertising matter appearing thereon is not applicable to the premises on which said sign is located.  
*Adopted 11-14-2002*
- Sign, Sponsorship:** Advertising signs employed by civic, fraternal, religious, charitable, or similar organizations which identify a sponsor of recreational facilities or special events provided on the premises where such signs are displayed.
- Sign Structure or Support:** Any structure that supports or is capable of supporting a sign, including decorative cover.  
*Adopted 11-14-2002*
- Sign, Vehicular:** Signs on parked vehicles or boats visible from the public right-of-way where the primary purpose of the vehicle or boat is to advertise a product or to direct people to a business or activity located on the same or nearby property. For the purpose of this ordinance vehicular signs shall not include business logos, identification or advertising on vehicles primarily used for other business purposes.  
*Adopted 11-14-2002*
- Sign, Wall:** A sign affixed, painted, posted, or placed on a building or structure.  
*Adopted 11-14-2002*
- Sign, Window:** A sign that is applied or attached to or suspended from the exterior or interior of a window or located within the interior of a structure so that its message can be read from the exterior of the structure.  
*Adopted 11-14-2002*
- Solid Waste Transfer Facility:** Any storage or collection facility that is operated as a relay point for municipal solid waste the ultimately is to be transferred to a landfill.
- Special Flood Hazard Area (SFHA):** means those lands within the jurisdictions (including extraterritorial jurisdictions) of the Town of Avon subject to inundation by the regulatory flood. The SFHAs of the Town of Avon are generally identified as such on the Flood Insurance Rate Map of Hendricks County and Incorporated Areas prepared by the Federal Emergency Management Agency and dated September 25, 2009. (These areas are shown on a FIRM as Zone A, AE, A1- A30, AH, AR, A99, or AO).  
*Adopted 11-14-2002*
- Special Use:** A specific use of land or buildings, or both, described and permitted herein, subject to special provisions and which, because of its unique characteristics, cannot be properly classified as a permitted use.  
*Adopted 11-14-2002*
- Specialty Food Store:** A building or portion thereof where the direct retail sale of prepared food items, either for immediate consumption on premises or to carry out, are available. "Specialty Food" items include ice cream and frozen yogurt stores, bakery and bagel shops, coffee and tea shops, confectionery and candy shops, and other stores selling similar items. "Specialty Food Store" shall not include any use that is otherwise listed specifically in a zoning district as a permitted or special use.  
*Adopted 11-14-2002*
- Specified Anatomical Areas:** The male genitals in a state of sexual arousal and or the vulva and more intimate parts of the female genitals.  
*Adopted 7-10-2003*

## AVON ZONING ORDINANCE

**Specified Sexual** Means and includes any of the following:

**Activities:**  
*Adopted 7-10-2003*

- (1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- (2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
- (3) masturbation, actual or simulated; or
- (4) excretory functions as part of or in connection with any of the activities set forth in (A) through (C) above.

**Spotlight:** A bulb which projects light in a specific direction within a narrow angled beam, typically 45° or less.  
*Adopted 11-14-2002*

**Stable, Private:** A structure which is located on a lot on which a dwelling is located, and which is designed, arranged, used, or intended to be used for housing horses for the private use of occupants of the dwelling, but in no event for remuneration, hire, or sale.  
*Adopted 11-14-2002*

**Stable, Commercial or Public:** A building where horses are kept for remuneration, hire, or sale.  
*Adopted 11-14-2002*

**Start of Construction:** includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement or permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footing, installation of piles, construction of columns, or any work beyond the stage of excavation for placement of a manufactured home on a foundation. 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 garages or sheds not occupied as dwelling units or not part of the main structure. 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.  
*Adopted 12-3-2009*

**Storage, Outdoor:** The outdoor accumulation of vehicles, equipment, or products or materials for permanent or temporary holding.  
*Adopted 11-14-2002*

**Story:** That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof.  
*Adopted 11-14-2002*

**Story, Above Grade:** Any story having its finished floor surface entirely above the surrounding grade, except that a basement shall be considered as a story above grade when the distance from the surrounding grade to the finished surface of the floor above the basement is more than five (5) feet for more than fifty percent (50%) of the total perimeter or more than ten (10) feet for more than twenty five percent (25%) of the total perimeter.  
*Adopted 11-14-2002*

**Story, Below Grade:** Any story that is not a story above grade, as defined in this Ordinance.  
*Adopted 11-14-2002*

**Story, Half:** That portion of a building under a gable, hip, or mansard roof, the wall plates of which, on at least two opposite exterior walls, are not more than four and one-half (4 1/2) feet above the finished floor of such story. In the case of one-family dwellings, two-family dwellings, and multiple-family dwellings, less than three stories in height, a half-story in

## AVON ZONING ORDINANCE

a sloping roof shall not be counted as a story for the purposes of this Ordinance. In the case of multiple-family dwellings three (3) or more stories in height, a half-story shall be counted as a story.

- Street, Minor Arterial:** Roadways which offer lower travel mobility than principal arterials and which accommodate trips of moderate length.  
*Adopted 11-14-2002*
- Street, Collector:** Roadways which provide land access and traffic circulation within residential neighborhoods, commercial and industrial areas.  
*Adopted 11-14-2002*
- Street, Local:** Roadways which provide direct access to abutting lands and connect to collectors and arterials.  
*Adopted 11-14-2002*
- Street, Principal Arterial:** The highest volume roadways, the purpose of which is to connect major activity centers. For principal arterials, access to abutting land is subordinate to the mobility needs of through traffic.  
*Adopted 11-14-2002*
- Street, Private:** Any street other than street, public.  
*Adopted 11-14-2002*
- Street, Public:** All property dedicated or intended for public highway, freeway, or roadway purposes or subject to public easements.  
*Adopted 11-14-2002*
- Street Frontage:** All of the property fronting on one side of a street between two intersecting streets, or in the cases of a dead-end street, all of the property along one side of a street between an intersecting street and the end of such dead-end streets.  
*Adopted 11-14-2002*
- Street Line:** The division line between private property and a dedicated street right of way, usually uninterrupted from corner to corner in any given block.  
*Adopted 11-14-2002*
- Structural Alterations:** Any change in the supporting members of a building, such bearing walls or partitions, columns, beams, or girders.  
*Adopted 11-14-2002*
- Structure:** Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground. (Among other things, structures include buildings, manufactured homes, mobile homes, walls, and billboards, as well as recreational vehicles installed on a site for more than one hundred eighty (180) days.)  
*Adopted 11-14-2002*
- 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.  
*Adopted 11-14-2002*
- 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 that have incurred "substantial damage" or repetitive loss 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 or any alteration of a "historic structure", provided that the alteration will not preclude the structures continued designation as a "historic structure".  
*Adopted 11-14-2002*
- 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.  
*Adopted 12-3-2009*
- Swimming Pool:** Any structure, basin, chamber or tank containing an artificial body of water for swimming and wading, which uses or needs external buttresses or which is dug into the ground and having a depth of two (2) feet or more at any point.  
*Adopted 11-14-2002*

## AVON ZONING ORDINANCE

- Swimming Pool – Private:** Any swimming pool, located on private residential property, the use of which is intended for the owner and guests.  
*Adopted 11-14-2002*
- Swimming Pool – Public:** Any swimming pool which has been modified, improved, constructed or installed for the purpose of public swimming and includes pools for community use, pools at apartments having five or more living units, clubs, camps, school, institutions, park and recreation areas, motels, hotels and other commercial establishments.  
*Adopted 11-14-2002*
- Tavern:** An establishment serving alcoholic beverages in which the principle business is the sale of such beverages at retail for consumption on the premises and where food and snacks may be made available for consumption on the premises.  
*Adopted 11-14-2002*
- Tax Parcel:** Any lot, block, tract or other piece of real property, whether tax exempt or not, which has been assigned a permanent real estate index number, as shown on the record of the local real estate tax collector.  
*Adopted 11-14-2002*
- Telephone Exchange Building:** A building used exclusively for the transmission and exchange of telephone messages, but the term shall not include wireless service towers.
- Tenant Operator:** The person, including the family thereof, that is hired to operate a farm, normally not the owner of the farm.  
*Adopted 11-14-2002*
- Terrace, Open And Patio:** A level plane or platform which, for the purpose of this Ordinance, is located adjacent to one or more faces of the principal structure and which is constructed not more than eighteen (18) inches in height above the average level of the adjoining ground.  
*Adopted 11-14-2002*
- Through Lot:** A lot having its front and rear lot lines on adjacent and substantially parallel streets, otherwise known as a double-frontage lot.  
*Adopted 11-14-2002*
- Trailer:** A vehicle without motive power used or adaptable for living, sleeping, business, or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirting, and has been recently or may be equipped with wheels or other devices for transporting the structure from place to place. A permanent foundation shall not change its character unless the entire structure is erected in accordance with the Town Building Code.  
*Adopted 11-14-2002*
- Trade Contractor:** A building or portion thereof where building and construction trade services are provided to the public. “Trade Contractor” shall include, but will not be limited to, contractor offices, including landscaper’s showrooms, construction supplies and storage including plumbing, heating, air conditioning, and building equipment, materials, sales, and other uses similar in nature and impact. “Trade Contractor” shall not include a any use that is otherwise listed specifically in a zoning district as a permitted or special use.  
*Adopted 11-14-2002*
- Trellis:** A latticed structure designed specifically for the purpose of supporting leafy vines. No structure shall be considered as a trellis for the purposes of this Ordinance unless the plant material typically associated with a trellis is in place.  
*Adopted 11-14-2002*
- Unified Control:** The combination of two or more tracts of land wherein each owner has agreed that his tract of land shall be developed as part of a planned development and shall be subject to the control applicable to the planned development.  
*Adopted 11-14-2002*
- Uppermost Reach:** An open drainage channel intended to serve two or more lots and generally found on private property. It is the first level of common drainage system, and is generally used to convey periodic rainfall to a storm sewer.  
*Adopted 11-14-2002*
- Use:** The purpose or activity for which the land, or building thereon, is designed, arranged or intended, or for which it is occupied or maintained, and shall include any manner of performance of such activity with respect to the performance standards of this zoning ordinance.  
*Adopted 11-14-2002*

## AVON ZONING ORDINANCE

- Use, Principal:** The primary use of land or buildings as distinguished from a subordinate or accessory use.  
*Adopted 11-14-2002*
- Use, Secondary Principal:** A use, subordinate to the primary use, that is established on a lot or structure subsequent to or at the same time as the primary use but which is not accessory to the primary use.  
*Adopted 11-14-2002*
- Use, Temporary:** A use that is established for a fixed period of time with the intent to discontinue such use upon the expiration of such time.  
*Adopted 11-14-2002*
- Use, Lawful:** The use of any structure or land that conforms with all of the regulations of this Ordinance or any amendment hereto and which conforms with all of the codes, ordinances, and other legal requirements, as existing at the time of the enactment of this Ordinance or any amendment thereto, for the structure or land that is being examined.  
*Adopted 11-14-2002*
- Valuation:** For the purposes of this Ordinance, valuation of a building shall be the assessed valuation, or where no assessed valuation exists, its appraised valuation as converted to assessed valuation.  
*Adopted 11-14-2002*
- Variance:** is a grant of relief from the requirements of this ordinance, which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.  
*Adopted 12-3-2009*
- Vehicle Sales:** An establishment, the principal use or purpose of which is the sale of motorized vehicles, including but not limited to the sale of automobiles, trucks, recreation vehicles, snowmobiles, boats, and motorcycles. "Motor Vehicle Sales" shall include accessory body and service repair areas. "Motor Vehicle Sales" shall not include any use otherwise listed specifically in a zoning district as a permitted or special use.  
*Adopted 11-14-2002*
- Vehicle Towing Establishments:** A building, property, or activity, the principal use of which is the retrieving or securing of distressed, disabled, abandoned, or illegally parked motorized vehicles. "Vehicle Towing Establishments" shall not include a any use that is otherwise listed specifically in a zoning district as a permitted or special use.  
*Adopted 11-14-2002*
- Vertical foot-candles:** The amount of light striking a vertical plane or surface.  
*Adopted 11-14-2002*
- Video Viewing Booths:** See "Adult Arcade".  
*Adopted 7-10-2003*
- Violation:** means the failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation, other certification, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.  
*Adopted 12-3-2009*
- Warehouse:** A building or portion thereof used for the storage of goods and/or materials. This term shall include, but not be limited to, industrial storage facilities, and other uses similar in nature and impact.  
*Adopted 11-14-2002*
- Watercourse:** means 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.  
*Adopted 12-3-2009*
- Water Surface Elevation:** means the height, in relation to the North American Vertical Datum of 1988 (NAVD 88), National Geodetic Vertical Datum of 1929 (NGVD), or other datum where specified of floods of various magnitudes and frequencies in the floodplains of riverine areas.  
*Adopted 12-3-2009*
- Wetlands:** Areas defined by the Army Corps of Engineers.  
*Adopted 11-14-2002*

## AVON ZONING ORDINANCE

**Wholesale Goods Establishment:** A building, property, or activity, the use or purpose of which is the sale of goods, products, or merchandise, in bulk quantities to retailers or persons who will in turn sell the goods, products or merchandise directly to the consumer. "Wholesale Goods Establishment" shall not include any use or other type of establishment that is otherwise listed specifically on a zoning district as a permitted or special use.  
*Adopted 11-14-2002*

**Wind Energy Conversion Systems:** A wind-driven machine that converts wind energy into electrical power for the primary purpose of resale or off-site use.  
*Adopted 03-08-2012*

**Wireless Communication Service Facility:** An unmanned facility consisting of antennae, equipment, and equipment storage shelter used for the reception, switching, and/or transmission of wireless telecommunications including, but not limited to paging, enhanced specialized mobile radio, personal communication services, cellular telephone, and similar technologies. A wireless communication service facility may be either be freestanding, guy anchored, roof mounted, or building mounted.  
*Adopted 11-14-2002*

**X Zone:** 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.  
*Adopted 12-3-2009*

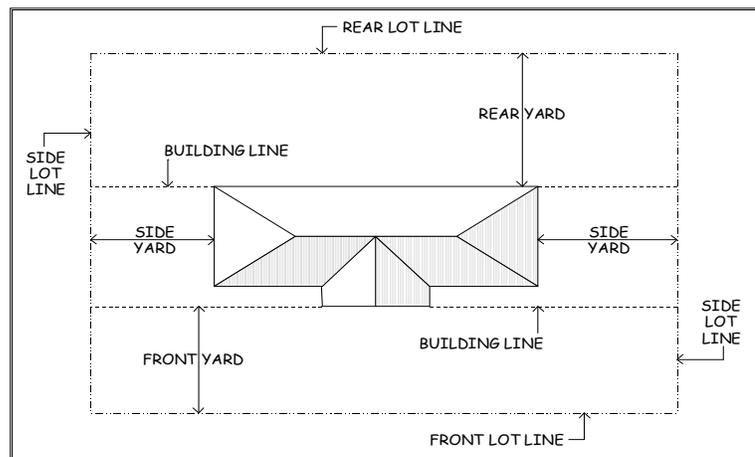
**Yard:** An open space on the same zoning lot with a principal building or group of buildings which is unoccupied and unobstructed from its lowest level upward, except as otherwise permitted in this Ordinance, and which extends along a lot line and at right angles thereto to a depth or width specified in the yard regulations for the district in which the zoning lot is located.  
*Adopted 11-14-2002*

**Yard, Front:** A yard extending across the full width of the zoning lot in accordance with the yard provisions of this Ordinance.  
*Adopted 11-14-2002*

**Yard, Rear:** A yard extending across the full width of the rear of the lot between the side yards.  
*Adopted 11-14-2002*

**Yard, Required:** The area of a yard located between the property line and the building setback line.  
*Adopted 11-14-2002*

**Yard, Side:** A yard extending along a side lot line from the front yard to the rear yard.  
*Adopted 11-14-2002*



**Zone:** means a geographical area shown on a FHBM or FIRM that reflects the severity or type of flooding in the area.  
*Adopted 12-3-2009*

**Zone A:** (see definition for Flood Zone (also 'Zone') )  
*Adopted 12-3-2009*

## AVON ZONING ORDINANCE

**Zone B, C, and X:** means 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.)  
*Adopted 12-3-2009*

**Zoning Administrator:** The individual appointed by the Town Manager, by and with the consent of the Town Council, to administer and enforce the Zoning Ordinance of the Town.  
*Adopted 11-14-2002*

**Zoning Certificate:** A written document from the Zoning Administrator approving a use, operation or activity.  
*Adopted 11-14-2002*

**Zoning Map:** The map or maps incorporated into this Ordinance as a part hereof, designating zoning districts.  
*Adopted 11-14-2002*