WC 16.04.210 Definitions

Definitions - For the purpose of the Westfield - Washington Township Comprehensive Zoning Ordinance, certain terms and words shall be interpreted and defined as follows: words in the present tense include the future and vice-versa; the words in the singular number include the plural number and vice-versa; the word "building" includes the word "structure" and vice-versa; the word "shall" is mandatory and not directory.

1. Abutting - Bordering

2. Access Way – A paved area intended to provide ingress and egress of vehicular traffic from public rights-of-way to off-street parking areas.

3. Accessory Building - A subordinate building, the use of which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use and is under the same ownership. Accessory buildings must be subordinate in height, width, length and bulk to principal building. Buildings which are portable and do not have permanent foundations are also classified as Accessory Buildings but are not subject to improvement location permits.

4. Active Recreation – Any program or facility that provides physical exertion as a means of exercise or enjoyable relaxation. Examples of active recreation include**,** but are not limited to: field sports (softball, soccer), court games (basketball, volleyball), designated trail facilities, etc.

5. Aggregate Lot Area – The sum of all land acreage within a given development (i.e., planned developments, planned business districts, local retail districts) including outlots.

6. Agriculture - The art or science of cultivating the ground, and raising and harvesting crops, also often including feeding, breeding and management of livestock; tillage, husbandry, farming; in a broader sense, the science and art of the production of plants and animals useful to man. In this broad use it includes farming, horticulture, forestry, dairy farming, etc.

7. Airport - A use devoted to the take-off, landing and storing of and servicing aircraft.

8. Alley - A permanent right-of-way which provides a secondary means of access to abutting lands.

9. Alley Line - A lot line bordering on an alley.

10. Alternative Transportation Plan - A plan which illustrates bicycle paths, walking paths, and sidewalks throughout and around a geographic area. Westfield's

Alternative Transportation Plan is part of the Hamilton County Thoroughfare Plan which has been adopted by reference by the Town of Westfield.

11. Apartment - A building or portion thereof designed for or occupied by more than two families. Also a multi-family dwelling.

12. Art Studios - The conducting of one or more of the following activities: painting, sculpturing, jewelry making, weaving or other similar function defined as a fine are.

13. Assisted Living Facilities – A facility for persons having such disabilities as to require assistance with daily living tasks. Such facilities contain~~s~~ four or more dwelling units and/or rooming units; provide a combination of housing, support services, personalized assistance, and health care; and respond~~s~~ to the individual needs of persons who need assistance with the activities of daily living, but do not require 24-hour skilled medical care.

14. Banner. Banner means any hanging sign possessing characters, letters, illustrations or ornamentations which are designed or intended to convey any identification, message or information other than an address number and which are applied to paper, plastic or fabric of any kind. This classification shall not include plastic or fabric signs which are permanently attached within a rigid frame which are intended to be used as a permanent sign. National flags, flags of political subdivisions and symbolic flags of any institution or business shall not be considered banners for the purpose of this chapter.

15. Basement - A story having part, but not more than one-half, of its height below grade. A basement is counted as a story for the purpose of height regulation if subdivided and used for dwelling purposes.

16. Beauty Shop - The providing of beauty culture services to members of the general public as the result of being properly licensed and inspected.

17. Block - A unit or property bounded by streets, or by streets and/or railroad right-of-way, waterways, or other barriers.

18. Block Frontage - Property having frontage on one side of a street and lying between the two nearest intersecting streets, or nearest intersecting street and railroad right-of-way, waterway or other barrier.

19. Board - The Westfield-Washington Township Board of Zoning Appeals.

20. Boarding House - A building where meals are regularly served for compensation for three or more persons, but not exceeding 12 persons, not open to transients, in contradistinction to hotels and restaurants open to transients.

21. Buffer Yard – A buffer yard is a unit of yard together with the planting thereon. They should physically separate and visually screen different zoning districts from one another without precluding connectivity between uses.

22. Buffering – The use of landscaping, berms, walls, or decorative fences to at least partially screen views of structures from streets or neighboring properties. Buffering is typically required to screen vehicular use areas, parking lots, and other visually obtrusive features of development from view.

23. Builder/Developer Directional Signage Offsite. A sign whose message is exclusively limited to guiding the circulation of motorists or pedestrians to a development.

24. Builder/Developer Directional Signage Onsite. A sign whose message is exclusively limited to guiding the circulation of motorists or pedestrians within a development to specific phases or lots.

25. Builder/Developer Kiosk Directional Signage Onsite. A sign whose message is limited to guiding the circulation of motorists or pedestrians within a development to different builder's sections or types of home products.

26. Building - A structure having a roof supported by columns or walls, for the shelter, support, enclosure or protection of persons, animals, chattels or other property. When separated by party walls, without opening through such walls, each portion of such a building shall be considered a separate structure.

27. Building Area - The maximum horizontal projected area of the principal and accessory building, excluding open steps or terraces, porches without roofs not exceeding one story in height, or architectural appurtenances projecting not more than two feet.

28. Building Commissioner - The official designated by the Westfield Town Council, authorized to enforce the Westfield - Washington Township Comprehensive Zoning Ordinance and the Westfield - Washington Township Building Code.

29. Building, Detached - A building having no structural connection with another building.

30. Building Facade – The side of a structure that abuts the front yard.

31. Building, Front Line of - The line of the face of the building nearest the front lot line.

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

Chimneys, elevators, tanks, and other similar structures shall not be included in calculating heights.

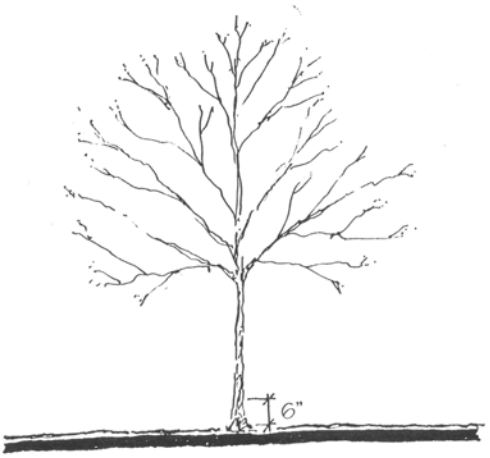
33. Building Line (Building Setback Line) - The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of a building or structure and the front lot line as defined by the legal description.

34. Building Permit - A permit signed by the Building Commissioner stating that a proposed improvement complies with the provisions of the Westfield Building Code. The Building Permit is part of the Improvement Location Permit. The Westfield Building Code is administered for all of Washington Township under an inter-local agreement with Hamilton County.

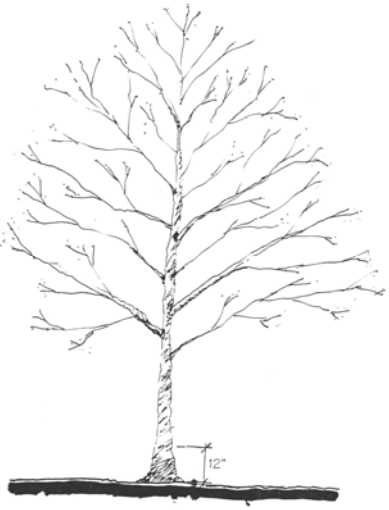
35. Building, Principal - A building in which is conducted the main or principal use of the lot on which said building is situated. Where a substantial part of an accessory building is attached to the principal building in a substantial manner, as by a roof, such accessory building shall be counted as a part of the principal building.

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

37. Caliper – A standard trunk diameter measurement for trees. Caliper measurements are taken six inches above the finished grade for trees with a diameter of four inches or less, and twelve inches above the finished grade for larger sizes.



4" Caliper Tree



8" Caliper Tree

38. Campgrounds, Public - A parcel of land used or intended to be used for temporary occupancy by campers, or for temporary occupancy by or of recreational vehicles, travel trailers, mobile homes, tents, cabins, or other temporary accommodations.

39. Carnival/Festival. Carnival/Festival means a temporary and transportable activity, bazaar, or fair which celebrates or promotes a special occasion and may include but not be limited to any combination of crafts, exhibits, entertainment, games, rides, and display of items for sale or purchase.

40. Cellar - A story having more than one-half of its height below the average grade of the adjoining ground. (See Basement)

41. Cemetery - Land used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

42. Certificate of Occupancy - A certificate signed by the Building Commissioner stating that a given structure has passed all appropriate inspections and is approved for occupancy as established in this ordinance.

43. Church - A building set aside only for public worship.

44. Clergyman, Lawyer, Architect or Accountant - Professional services conducted in the home requiring no support services except as may be provided by other members living in the dwelling.

45. Climbing (Play) Element – Playground equipment that requires or promotes the use of hands and/or feet to allow children to raise themselves from one level to another.

46. Club - Buildings and facilities owned or operated by a person for social, educational, or recreational purposes, but not primarily for profit or to render a service which is customarily carried on as a business.

47. Cluster Housing - Dwelling units having their own ground floor entrances and open space, and joined to other dwelling units by a common party wall or other horizontally unifying structural element.

48. Collector - Collector streets take traffic from local streets, carry it over short distances, and distribute it to primary or secondary arterials. (80 feet right-of-way)

49. Commercial Farm Enterprise - An operation or use inherent to or closely associated with a farm or agriculture, such as the buying, selling or distribution of livestock or farm or agricultural products or products essential to farm operation; but no including industrial grain elevators, industrial mills, abattoirs, commercial hatcheries and poultry processing plants, the manufacture of commercial fertilizers and similar enterprises which are of an industrial nature.

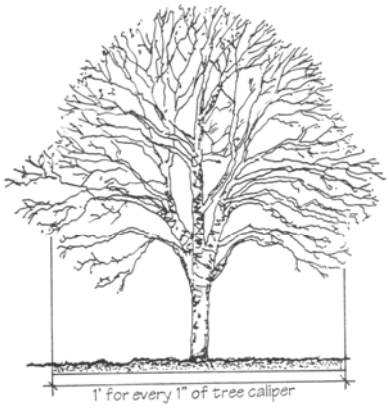
50. Commission - The Westfield-Washington Township Plan Commission.

51. Condominium - One or more structures, each structure having two or more dwelling units or other units for occupancy and wherein provisions have been made for separate ownership of each individual dwelling unit of occupancy unit. A type of ownership.

52. Conservation Easement – An easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open or wooded condition retaining such areas as suitable habitat for fish, plants, wildlife, or maintaining existing land uses.

53. Contingent Use - A use which is likely or liable but not certain to occur and which is not inappropriate to the principal uses of the district in which it may be located. Contingent uses are listed as permitted uses in each district.

54. Critical Root Zone (CRZ) – A circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained in order for trees to remain healthy. The critical root zone is calculated at one foot of radial distance per inch of tree caliper, with a minimum of eight feet.



Critical Root Zone

55. Cul-de-loop - A street that turns into and reconnects with its main axis, with the center or island used for parking or open space purposes.

56. Cul-de-sac (court or dead end street) - A street having one end open and being permanently terminated at the other by a vehicle turn-around.

57. Cut-off fixtures, eighty-five degree. Eighty-five (85) degree cutoff fixtures means those fixtures that do not allow light to escape above an eight-five (85) degree angle measured from a vertical line from the center of the lamp extended to the ground.

58. Cut-off fixtures, full. Full cut-off fixtures means those fixtures that are designed or shielded in such a manner that all light emitted by a fixture is projected below a

horizontal plane running through the lowest point on the fixture where light is emitted.

59. Decibel - A unit of measurement of the intensity of loudness of sound. Sound level meters are used to measure such intensities and are calibrated in decibels.

60. Deciduous – A plant with foliage that is completely shed annually in early to mid autumn.

61. District - A section of land area within Washington Township, Hamilton County for which regulations governing building height, building size, intensity of land use, etc. are established in the Westfield-Washington Township Comprehensive Zoning Ordinance.

62. Dressmaking - Alterations or the making of men's or women's clothing.

63. Detention Pond – An area constructed as a dry basin. The area provides temporary floodwater storage during a storm event. These areas can provide multipurpose uses such as recreational areas and open space. Subsurface drainage is needed on poorly and somewhat poorly drained soils to prevent marshland.

64. Development. New buildings or other structures on a zoning lot, the relocation of an existing buildings on another parcel, the use of open land for a new use, or a change in zoning. Also means any man-made change to improved or unimproved real estate, including but not limited to parking fences, pools, signs, temporary uses, clearing of land, mining, dredging, filling, grading, paving, excavation, or drilling operations.

65. Development Amenities – Neighborhood features that provide comfort, convenience, pleasure, and increased quality of life within developments. Development amenities may include, but are not limited to clubhouses, gyms, swimming pools, tennis courts, basketball courts, ball-fields (soccer, football, etc.), walking/jogging/biking trails, picnic/barbecue group areas, playgrounds, volleyball courts, and racquetball courts.

66. Director. Director of Community Development.

67. Dripline – A vertical line extending perpendicularly from the ground to the outermost edges of a tree canopy or shrub branches.

68. Driveway - A private road which provides access to a lot, or to a use located on such lot, from a public way.

69. Dwelling - A building or portion thereof on a permanent foundation, used primarily as a place of abode for one or more human beings, but not any facility normally providing housing for a period of under 30 days.

70. Dwelling, Detached - A dwelling unit which does not share a common wall with any other dwelling and is surrounded on all sides by open space located on the same lot.

71. Dwelling, Duplex – A building designed for or occupied by two family units, living independently of each other in individual dwelling units.

72. Dwelling, Efficiency Unit – A dwelling unit consisting of one principal room, including sanitary, cooking, living, sleeping facilities, and/or dining alcove.

73. Dwelling, Multi-family – A building designed for or occupied by three or more family units, living independently of each other in individual dwelling units. Multi-family dwellings include apartments, row houses, group homes, dormitories, etc.

74. Dwelling, Quadraplex – A building designed for or occupied by four family units, living independently of each other in individual dwelling units.

75. Dwelling, Single-family – A building designed for or occupied by one family unit.

76. Dwelling, Triplex – A building designed for or occupied by three family units, living independently of each other in individual dwelling units.

77. Dwelling, Townhouse – A one-family dwelling unit with a private entrance, which is part of a larger structure whose dwelling units are attached in a linear arrangement. Townhomes possess totally exposed front and rear walls, used for access, light, and ventilation.

78. Dwelling Unit – Any room or group of rooms located within a dwelling, which forms a single habitable unit for occupancy by one (1) family unit. Dwelling units include facilities that are used, or intended for use as living, sleeping, cooking, and eating accommodations.

79. Easement - Land which has been designated by lawful agreement between the owner or owners of land and a person or persons for a specified use only by such person or persons.

80. Educational Institution - Public or parochial preprimary, primary, grade, junior high, high, preparatory school or academy; junior college, college or university, if public or founded or conducted by or under the sponsorship of a religious or charitable organization.

81. Evergreen – Coniferous or broad-leaved plants whose leaves remain throughout the year and are continually dropping and being replaced by new springtime growth.

82. Evergreen Screen – A plant or plants growing to a specified height that retains foliage throughout the year, which is planted to provide a dense vegetative screen for purposes of visual obstruction (see *Vegetative Screen*).

83. Expressway - An Expressway is an arterial highway for through traffic, whose main purpose is to move traffic rather than to provide access to individual properties. An Expressway is a divided highway with full or partial control of access and a limited number of at-grade intersections. (right-of-way width varies)

84. Family - One or more persons occupying a building and living as a single housekeeping unit, as distinguished from a group occupying a hotel, club, nursing home, fraternity or sorority house.

85. Fiber cement siding - is not a masonry product. Fiber cement siding is a mix of Portland cement, ground sand, cellulose fiber and various additives mixed with water and manufactured into a siding material.

86. Final Plat - Final plans of single family residential developments as set forth in WC 16.04.220

87. Floodplain - Any floodplain, floodway or floodway fringe district or combination thereof as illustrated on the Flood Boundary and Floodway map as prepared by the Federal Insurance Administration.

88. Floor Area, Gross Ground - The square foot area of a residential building within its largest outside dimensions computed on a horizontal plane at the ground floor level exclusive of open porches, breezeways, terraces, garages and exterior stairways.

89. Floor Area, Total - The total area computed on a horizontal plane inclusive of basements, cellars, attached garages, and screened or enclosed porches, but exclusive of exterior entryways and attics.

90. Foot-candle. Foot-candle means a unit of illumination produced on a surface, all points which are one foot from a uniform point source of one candle.

91. Front Façade: The wall that contains the primary public entrance for the tenant space

92. Frontage - All the property on one side of a street between two intersecting streets measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

93. Frontage Road - A right-of-way which runs near to and characteristically, but not necessarily, parallel to a limited access right-of-way.

94. Garage, Private - An accessory building or attached area with capacity for not more than four motor vehicles per family nor more than 850 square feet.

95. Garage, Public - Any building, except those defined herein as a private garage, used for the storage, or care of motor vehicles, or where such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.

96. Glare. Glare means light emitted by a luminaire at an intensity that causes a reduction in visibility, eye fatigue, or in extreme cases momentary blindness.

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

98. Green Belt Space - That portion of land of a sub-division, multi-family, commercial or industrial development that is set aside as a screening area, parks, wetlands, public pathways or nature preserves. This term may include abandoned railroad rights-of-way, but does not include road medians, water retention areas, swimming pools, tennis courts, golf courses and similar recreational facilities, and any area included in individual lots in a residential subdivision.

99. Groundcover – Ornamental plants growing less than two feet in height at maturity, used as an alternative to grasses.

100. Gutter -The edge part of a street where curbs are provided that carry stormwater runoff to its destination.

101. Home Garage Sales - The conducting of home rummage sales for the benefit of the family or a group of families.

102. Home Occupations Permitted - A gainful occupation or profession conducted by a member of a family residing on the premises and where the business or profession is conducted within the building and is listed as a permitted home occupation in the district involved:

103. Hospice – A facility that provides inpatient support care and attends to the emotional, spiritual, social, and financial needs of terminally ill patients and their families.

104. Hospital - An institution licensed by the State Board of Health and providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices which are an integral part of the facility, provided such institution is operated by or

treatment is given under direct supervision of a licensed physician. Types of hospitals include general, mental, chronic disease and allied special hospitals such as cardiac, contagious disease, maternity, orthopedic, cancer and the like.

105. Hotel - A building in which lodging is provided and offered to the public for compensation and which is open to transient guests in contradistinction to a boarding or lodging house.

106. Improvement Location Permit - A permit signed by the Building Commissioner stating that a proposed improvement complies with the provisions of the Westfield - Washington Township Comprehensive Zoning Ordinance.

107. Improvements – Any building, structure, parking facility, fence, gate, wall, work of art, underground utility service, land disturbing activity, or other object constituting a physical alteration of real property, or any part of such alteration (see *Land Disturbing Activity*).

108. In-line Tenant: Any tenant within a multi-tenant building where each individual tenant has an exterior store front and patron entrance.

109. Industrial Park - A single structure or group of structures for industrial operations forming a comprehensive arrangement of buildings, grounds, and access ways planned in accordance with harmonious principles of architectural and landscape architectural design, and industrial management.

110. Interested Parties - Those persons who are to be notified by mail of a public hearing, or other action; namely, (1) the applicant or developer of the subject property; and (2) all fee simple owners (executive officer or board of governmental owner) of real property to a depth of two (2) ownerships of no direct or indirect financial or other interest to the applicant or developer) or one-eighth (1/8) of a mile, whichever is less, but not less than two properties, in all directions from the subject property. Where the applicant or developer of the subject property has a direct or indirect financial or other interest within (2) ownerships or one-eighth (1/8) of a mile, then notice must extend beyond that direct or indirect financial or other interest as if that interest was part of the subject property. If such real property consists of "common areas" that are owned and/or maintained by a property owners' association, then the association rather than the individual association owners shall be deemed the "interested party" for the purposes of notice, unless, additionally, the Director orders that certain individual owners be provided with notice as interested parties. The identities of interested parties shall be determined from the following sources: (1) the application; (2) the Auditor's Plat Books for the county in which the interested party property lies; and (3) the Auditor's Transfer Books for the county in which the interested party property lies.

111. Junk Yard - Any place at which personal property is or may be salvaged for reuse, resale or reduction or similar disposition and is owned, possessed, collected, accumulated, dismantled, or assorted, including but not limited to, used or salvaged base metal or metals, their compounds or combinations, used or salvaged rope, bags, paper, rags, glass, rubber, lumber, millwork, brick and similar property except animal matter; and used motor vehicles, machinery or equipment which is used, owned or possessed for the purpose of wrecking or salvaging parts therefrom.

112. Jurisdiction of the Plan Commission - All of Washington Township, Hamilton County.

113. Kennel - Any lot on which four or more dogs, or small animals, at least four months of age are kept.

114. Lamp. Lamp means a component of a luminaire that produces light. A lamp includes a bulb and its housing.

115. Land Disturbing Activity – Any man-made change of land surface area, including clearing, cutting, excavating, filling, grading, or any other activity that alters land topography or vegetative cover. This does not include agricultural land uses such as planting, growing, cultivating, harvesting, or gardening.

116. Land Use Plan - A plan which defines a PCD's geographic boundaries, planned uses and their locations. This plan may include the following uses: recreational facilities, open/green space, rights-of-way, parking, multi-family, single family, and commercial.

117. Landscaping – The improvement of a lot, parcel, or tract of land with a combination of living plants such as grasses, shrubs, trees, and/or other plant materials and nonliving materials such as rocks, mulch, walls, fences, and/or ornamental objects designed and arranged to produce an aesthetically pleasing effect.

118. Landscaping Plan - A plan which illustrates all details, cross-sections, rights-of-way, easements, property lines, plant materials and sizes, and slope information of all proposed mounds. (see WC 16.04.100 4 - Landscaping)

119. Light emitting diode (LED). Light emitting diode means a semiconductor device that emits visible light when an electric current passes through it.

120. Light fixture. Light fixture means the assembly that houses a lamp(s) and may include some or all of the following parts: an assembly housing, mounting bracket or pole socket, lamp holder, ballast, reflector or mirror, and a refractor or lens.

121. Light pollution. Light pollution means general sky glow which is caused by the scattering of artificial light in the atmosphere, caused by luminaries.

122. Light trespass. Light trespass means light emitted by a luminaire that shines beyond the boundaries of the property on which the luminaire is located.

123. Lighting Plan - A plan depicting proposed design and materials of light fixtures, location of lighting, and directional focus of lights.

124. Linear Footage, Wall: The horizontal length of a building wall. Linear footage shall be measured as the horizontal distance between building corners, regardless if the building wall is convex, concave, or has projecting or inset portions.

125. Livestock - Animals and especially farm animals, raised for use, profit or enjoyment including horses, ponies, cattle, sheep, goats and other similar domesticated animals.

126. Loading and Unloading Berths - The off-street area required for the receipt or distribution by vehicles of materials or merchandise, which in this Ordinance is held to be a 12 by 45 foot loading space with a 14 foot height clearance.

127. Local Road or Street - Local Roads or Streets take traffic from collector streets and distribute the traffic through subdivisions, neighborhoods and business areas to individual homes, apartments, business sites, and industrial sites. (50 feet right-of-way)

128. Lodging House - A building where lodging only is provided for compensation to three or more, but not exceeding 12 persons, not open to transients, in contradistinction to a hotel which is open to transients.

129. Lot - A land area with a properly recorded legal description, accessible by means of a street.

130. Lot, Corner - A lot at the junction of and abutting two or more intersecting streets.

131. Lot, Depth of - The mean horizontal distance between the front lot line and the rear lot line of a lot, measured in the general direction of the side lot line.

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

133. Lot Line, Front - In the case of an interior lot, a line separating a lot from the street; and in the case of a corner lot, a line separating the narrowest frontage of a lot from the street, except in the case where deed restrictions specify another right-of-way line as the front lot line.

134. Lot Line, Rear - A lot line which is opposite and most distant from the front lot line and, in the case of an irregular or triangle-shaped lot, a line ten feet in length within the lot, parallel to and at the maximum distance from the front lot line.

135. Lot Line, Side - Any lot boundary line not a front lot line or a rear lot line.

136. Lot of Record - A lot which is part of a subdivision, the map of which has been recorded in the office of the Hamilton County Recorder, or a parcel of land, the deed to which has been recorded in the office of the Hamilton County Recorder prior to the date of passage of this Ordinance.

137. Lot, Reversed Interior - An interior lot, the front lot line of which is formed by a street, which street also forms the side lot line of an abutting corner lot. The corner lot is considered abutting even though separated from the interior lot line by an alley.

138. Lot, Through - A lot having frontage on two parallel or approximately parallel streets.

139. Lot, Width - The dimension of a lot, measured between side lot lines on the building line.

140. Lumen. Lumen means a unit of measurement of luminous flux. One foot-candle is one lumen per square foot.

141. Luminaire. Luminaire means a complete lighting system, and includes the lamp or lamps and a fixture.

142. Luminance. Luminance means a level of light measured at a point on a surface.

143. Mail Order Business - The receiving of goods or materials through the mail such as magazines, catalog sales, etc., where the goods or materials are not inventoried on the premises of the dwelling.

144. Maintenance, Landscaping – The pruning, mulching, mowing, spraying, fertilizing, propping, bracing, treating for disease or injury, snow removal, and other similar activities which promote the life, growth, health and beauty of landscape vegetation.

145. Manufactured Home - A dwelling unit designed and built in a factory after January 1, 1981, which bears a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law (42 U.S.C. 5401 et seq).

146. Manufactured Home Park - An area of land of not less than five acres which compiles with the minimum standards for a mobile home park as established by ordinance, and which is to primarily harbor mobile homes.

147. Master Plan - The complete plan or any of its parts for the development of the Town of Westfield and other land in Washington Township prepared by the Westfield - Washington Township Plan Commission and adopted in accordance with IC 36-7, General Assembly of Indiana, as is now or may hereafter be in effect.

148. Material Recycling Facilitates (MRFs) - A business or governmental unit that collects, separates, or otherwise processes solid waste secondary materials for which there is a generally accepted market for such products.

149. Mobile Home - A mobile home is a vehicle which is used as a dwelling, is factory assembled, is transportable, is intended for year around occupancy, exceeds 35 feet in length, and is designed either for transportation on the public highways or for temporary or permanent placement on a foundation on a lot or mobile home park.

150. Motel - A building or a detached building used as dwelling units containing bedroom, bathroom and closet space, and each unit having convenient access to a parking space for the use of the unit's occupants. The units, with the exception of the apartment of the manager or caretaker, are devoted to the use of automobile transients.

151. Natural Areas – An area possessing one or more of the following environmental characteristics: steep slopes; flood plain; soils classified as having high water tables; soils that are subject to erosion; land incapable of meeting percolation requirements; riparian corridors; mature stands of native vegetation; aquifer recharge and discharge areas; wetlands and wetland transition areas; and significant wildlife habitats (see *Riparian Corridor; Vegetation, Native; Wildlife Habitat, Significant).*

152. Negative Space – the illusory space between the branching and foliage perceived as sky or background

153. Non-conforming Use - The lawful use of land or a building or a portion thereof, which uses does not conform to the use regulations of the district in which it is located.

154. Nonresidential Center, Large. Large nonresidential center means any building or combination of buildings with more than one occupant or business, in which the total gross square footage of floor area exceeds one hundred thousand (100,000) square feet of gross floor area. A large nonresidential center may include one or more outlots.

155. Nonresidential Center, Medium. Medium nonresidential center means any building or combination of buildings with more than one occupant or a business, in which the total gross square footage of floor area is equal to or greater than twenty-five thousand (25,000) square feet but does not exceed one hundred (100,000) thousand square feet of gross floor area. A small nonresidential center may include one or more outlots.

156. Nonresidential Center, Small. Small nonresidential center means any building or combination of buildings with more than one occupant or a business, in which the total gross square footage of floor area is less than twenty-five thousand (25,000) square feet. A small nonresidential center may include one or more outlots.

157. Nonresidential Use, Individual. Individual nonresidential use means any building or combination of buildings with a single tenant or occupant. An individual nonresidential use shall not be considered a component of a large or small nonresidential center.

158. Nursing Home - A facility licensed by the State Board of Health, which (1) provides nursing services on a continuing basis; (2) admits the majority of the occupants upon the advice of physicians as ill or infirm persons requiring nursing services; (3) provides for licensed physicians services or supervision; (4) maintains medical records. Such facility may also provide other and similar medical or health service provided that no occupant requires physical restraint within the facility. Examples of nursing home facilities that provide health services may include, if they comply with all the above criteria, nursing homes, convalescent homes, maternity homes, rest homes, homes for the aged, and the like.

159. Octave Band - A narrow range of sound frequencies which classify sounds according to pitch. In the octave band analyzer the audible sound spectrum is divided into eight octave bands.

160. Octave Band Analyzer - An electrical device used with the sound level meter that sorts a complex noise or sound into the various octave bands.

161. Opaque. Opaque means that the material must not transmit light from an internal illumination source.

162. Open/Green Space - Unimproved, commonly owned areas of a subdivision, multi-family, commercial or industrial development such as: parks, public pathways, railroad rights-of-way, water retention areas, screening buffers, etc. This term does not include road medians, swimming pools, tennis courts, golf courses, or any active recreational facilities.

163. Outlot. Outlot means a lot of record in a subdivision, nonresidential center or planned unit development which is adjacent to a (public or private) street, roadway or frontage road and is intended for an additional and separate building or buildings within a development.

164. Outside Sales Display, Permanent – Merchandise placed outside of commercial structures for sustained periods of time, involving the storage of merchandise items outside during hours that business is not being conducted. Permanent outside sales displays must receive site development plan approval prior to their construction, creation, or improvement.

165. Outside Sales Display, Temporary – Merchandise placed outside of commercial structures only during business hours for the purpose of temporary sales or special sales events.

166. Outside Storage – Materials or equipment placed outside of structures except: those associated with temporary outside sales displays; materials being used in new building construction; construction refuse to be disposed of within fifteen (15) days; or permanent outside sales display areas that have received site development plan approval.

167. Overhead (Play) Element – Playground equipment that requires or promotes climbing or swinging by allowing hand over hand motion.

168. Park - A public space and supporting facilities designed and used for a variety of recreational activities, a greater part of which take place outside of any structure.

169. Parking Area, Public - An open area, other than a right-of-way, designed or used for parking more than 4 motor vehicles which complies with WC 16.04.120.

170. Parking Lot Planting Areas – Areas within and adjacent to parking areas where trees, shrubs, and groundcovers are required to be planted in order to shade and improve the aesthetic qualities of parking facilities and to avoid the creation of large, unbroken expanses of pavement.

171. Parking Space - An area designed or used for parking a motor vehicle which complies with WC 16.04.120.

172. Passive Recreation – Any program or facility that provides opportunities for relaxation or enjoyment, which does not require physical exertion (i.e., wildlife viewing, photography, nature observation).

173. Person - A corporation, firm, partnership, association, cooperative organization or any other group acting as a unit, as well as a natural person.

174. Planned Business Development - A comprehensive development of land for serving the needs of business and the general public. Such development will take into consideration various physical requirements which are outlined by ordinance. Shopping centers are common examples of a Planned Business Development.

175. Plat - A map or chart indicating the subdivision of land, intended to be filed for record.

176. Play Equipment, Detached – Components of a play apparatus which are separated from each other and from a main play structure. Examples include sand diggers, swings, spring toys, and talk tubes.

177. Play Panels – Movable or stationary play elements which provide a wide range of solo or social, and active or passive activities. Play panels may be attached to play structures or free standing. Examples include tic-tac-toe, "character" pieces, games, and mazes.

178. Public Way. Any street, alley, pedestrian way, pathway, sidewalk, bridge, easement right-of-way or other way in which the public has a right of use.

179. Preliminary Plat - Initial plans of single family residential developments as set forth in WC 16.04.220

180. Premises. Premises means a lot, parcel, tract or plot of land together with the buildings and structures thereon.

181. Primary Arterial - A Primary Arterial carries both local traffic and regional traffic, links various communities, and moves traffic to and from major traffic generators. Primary Arterials carry both intermediate and long distance traffic, utilizing traffic control devises to facilitate traffic flow within developed areas. Regulations of the number of curb cuts is often necessary. (120 feet right-of-way)

182. Primary Green Space Areas – Unbuildable land including wetlands and land generally inundated with water (e.g., land under ponds, lakes, creeks); floodway and floodway fringe areas within the 100 year floodplain as identified on official FEMA maps; and land under permanent easement prohibiting future development. Primary green space areas do not include retention and detention areas.

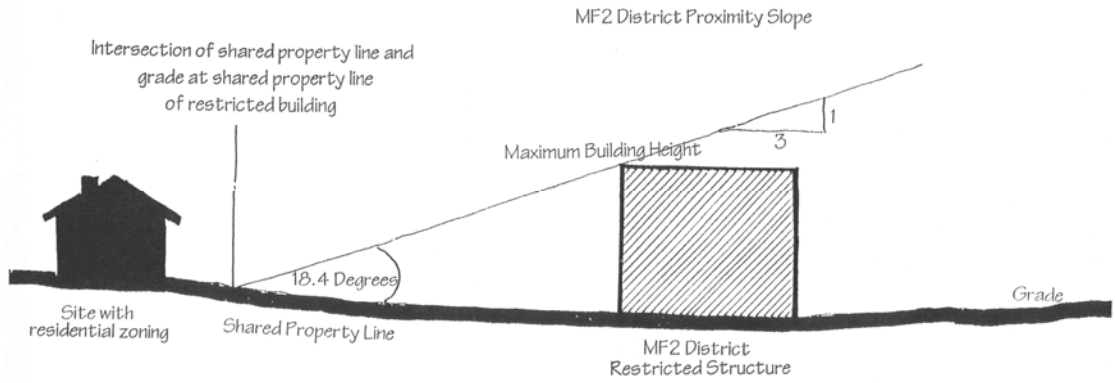
183. Private School - Private, preschool, primary, grade, high or preparatory school or academy.

184. Private Street - A right-of-way not dedicated or accepted by the Town of Westfield for maintenance and repair responsibilities.

185. Professional Office - Office of a member or members of a recognized profession as defined by the United States Bureau of the Census.

186. Professional Office Center - An architectural and functional grouping of professional offices and appropriate associated and accessory uses which is the central feature of a site plan composed of building area, parking area, landscaped reservation and plantation, and other land features appropriate for its use as a professional office enterprise, designed to serve residential neighborhoods, and shall conform to the standards and requirements of this Chapter.

187. Proximity Slope – A plane projected upward and outward from the property line at a specific angle or slope. The angle or slope is projected from the line formed by the intersection of the vertical plane extending up from the shared property line and the grade at the shared property line of the restricted building or structure (see MF2 example below).



188. Prune – To remove dead or living parts from plants so as to increase fruit or flower production, to improve plant health, or to improve plant form (approved pruning methods are set forth in National Arborist Association Standards by the National Arborist Association.

189. Public Sewer System - A sanitary sewer system owned and operated by a governmental unit or by a private business which provides service to residents and business and industry as opposed to an individually owned septic sewer system.

190. Public Utility Installations - The erection, construction, alteration, or maintenance by public utilities, municipal departments, commissions, or common carriers of underground, surface or overhead gas, oil, electrical, steam, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers and other similar equipment and accessories in connection therewith, reasonable necessary for the furnishing of adequate service by public utility or municipal departments, commissions, or common carriers, for the public health or safety or general welfare.

191. Pylon Sign – A sign constructed upon the ground on a solid foundation with the sign surface resting directly on top of such foundation. Pylon signs are intended for business identification purposes for multiple entities.

192. Recreational Facility - Active recreational structures such as: swimming pools, tennis courts, basketball courts, tennis courts, pavilions, picnic areas, etc.

193. Recreational Vehicle - Any boat, boat trailer, trailer, camping trailer, travel trailer, pick-up, coach, motor home or other unit built or mounted on a vehicle or chassis, without permanent foundation, which may legally be driven or towed by a motor vehicle on a public right-of-way.

194. Recycling Collector System - A commercial container utilized to collect one or more types of recyclable materials. Does not include semi-trailers or single containers utilized by a commercial establishment conducting another business and located in or adjacent to the commercial facility.

195. Repair, Service or Refurbishing of Equipment and Parts - The conducting of repairs or renovation to small appliances, tools, furniture, electrical equipment such as saw sharpening and vacuum cleaner repair, TV or stereo or other similar activities.

196. Retention Pond – Ponds that have a normal pool (water) level and a designated capacity for additional temporary flood water storage during a storm event. They therefore have water in them all of the time.

197. Right-of-way - legally established property designated for transportation uses.

198. Ringelmann Number - The number of the area on the Ringelmann Chart that most nearly matches the light-obscuring capacity of smoke. The Ringelmann Chart is described in the U.S. Bureau of Mines information Circular 6888, on which are illustrated graduated shades of gray for use in estimating smoke density. Smoke below the density of Ringelmann No. 1 shall be considered no smoke, or Ringelmann 0.

199. Riparian Corridor – The strip of land lying along the sides of natural or man-made bodies of water. Such land is often located within floodplains and covered by dense vegetation. The term "riparian corridor" is usually associated with land adjacent to river and stream corridors, but it is also applicable to land adjacent to lakes and ponds.

200. Screen – Plants, berms, fences, walls, or any appropriate combination thereof used to visually obscure aesthetically unpleasing features of development or to reduce noise pollution.

201. Secondary Arterial - Secondary Arterials are intended to collect and distribute traffic to Primary Arterials. Secondary Arterials provide access to specific traffic designations, allow easy movement from one neighborhood to another, and provide cross-town traffic movement. Secondary Arterials serve small traffic

generating sources, such as community oriented commercial areas, schools, major recreation areas, and other similar land uses. (90 feet right-of-way)

202. Secondary Green Space Areas – Land required to be designated as green space area by zoning regulations that would otherwise be buildable under local, state, and federal regulations. Secondary green space areas may include parks, public pathways, railroad rights-of-way, utility easements (if accessible and safe), water detention areas, and screening buffers. Secondary green space areas do not include retention areas, parking areas, road rights-of-way, or active recreational facilities/areas.

203. Shield. Shield means any attachment, which interrupts and blocks the path of light emitted from a luminaire or fixture.

204. Shielded, fully. Fully shielded means that a bulb is not visible within a shielded fixture and no light is emitted from the top or sides of the fixture. All light emitted from a fixture is projected downward below a horizontal plane running through the lowest point of a fixture where light is emitted.

205. Shopping Center - A grouping of retail stores, designed to serve neighborhoods and/or communities which conforms to the requirements of this ordinance

206. Shopping Center-Gross Leaseable Area - Gross leasable area of a shopping center shall mean the square footage of that space within the building or buildings comprising the shopping center which is primarily designed for leasing to or occupancy by tenants or other occupants who trade with the public, but shall not include public areas, administrative area, entrances, general utility area, corridors and like common area even though a portion of such areas may be utilized or leased on a temporary or permanent basis.

207. Shrub – A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground.

208. Shrubs, Dense – shrubs possessing extremely well developed branching systems, heavily clothed with foliage, with minimal negative space (see *Negative Space*).

209. Sidewalk – [Areas] located along streets, within the right-of-way or easement, separated by a curb, planter or both from the street, and designated for preferential use by pedestrians.

210. Sign. Sign means any display or device placed on a property in any fashion which is designed, intended, or used to convey any identification, message or information other than an address number.

211. Sign area. Sign area means the entire area within a single continuous perimeter enclosing the extreme limits of a sign, including all background area figures and

letters. However, such perimeter shall not include any structural elements lying outside the limits of the sign which are not part of the information, visual attraction, or symbolism of the sign.

212. Sign awning. Awning sign means any advertising or display located on any non-rigid material that extends from the exterior wall of a building and is supported by or attached to a frame.

213. Sign, center. Center sign means advertising used to identify a nonresidential center, which may include individual tenant advertising.

214. Sign, construction. Construction sign means a sign directing attention to construction upon a property where the sign is displayed, and bearing the name, address, or other identifier of the contractor, subcontractor, architect and/or development team.

215. Sign, direction. Direction sign means a sign intending to direct the safe flow of vehicular and pedestrian traffic and includes "enter," "exit," and "arrow" signs.

216. Sign, Election. A temporary sign announcing or supporting candidates or issues in connection with any election or referendum.

217. Sign entrance. Entrance sign means those signs located at nonresidential centers which identify points of ingress and egress into a nonresidential center.

218. Sign, flashing. Flashing sign means any illuminated sign which exhibits changing light or color effects.

219. Sign, Home Construction or Home Remodeling Sign. A Temporary Sign used to advertise business entities conducting remodeling or construction work activities on a given parcel during the period that remodeling or construction activities are taking place on the given parcel.

220. Sign, illuminated. Illuminated sign means a sign which has characters, letters, figures, designs, or outline illuminated by electric lights or luminous tubes as a part of the sign proper, or which is illuminated by reflectors.

221. Sign, lawful nonconforming. Lawful nonconforming sign means any sign lawfully existing at the time of the enactment of any provision of this zoning ordinance, or any amendment thereto, with which the sign does not comply.

222. Sign, monument. Monument sign means a sign which is either supported by a base with an aggregate width of at least seventy-five (75) percent of the total horizontal width of the sign and is in excess of six (6) feet in height.

223. Sign, Non-residential Real Estate. A sign announcing the sale, rental, or lease of real property in a non-residential zoning district, on the lot or within the development site on which the sign is displayed, and identifying the owner, realty agent, and contact information of said agent.

224. Sign, off-premises. Off-premises sign means a sign directing attention to a specific business, product, service, entertainment, or any other activity offered, sold, or conducted elsewhere than upon the lot where the sign is displayed.

225. Sign, Open House Directional. A Temporary Sign used to advertise an open house and direct traffic to the house for sale.

226. Sign, pole. Pole sign means a sign which is supported by one or more poles, posts, or braces upon the ground, in excess of six (6) feet in height, not attached to or supported by any building.

227. Sign, projecting. Projecting sign means any sign attached to a building or wall and extending laterally more than eighteen (18) inches from the face of a wall.

228. Sign, Real Estate. Real estate sign means a sign announcing the sale, rental, or lease of real property on the lot or within the development site on which the sign is displayed, and identifying the owner, realty agent, telephone numbers or "open house" information.

229. Sign, residential complex or subdivision. Residential complex or subdivision sign means a sign containing the name of a residential complex or subdivision, with or without its accompanying address.

230. Sign, Residential Event. A Temporary Sign utilized to advertise residential garage sales, yard sales, individual residential events, subdivision or neighborhood events and other similar events as determined by the Director.

231. Sign, Residential Real Estate. A sign announcing the sale, rental, or lease of real property on the lot or within the development site on which the sign is displayed, and identifying the owner, realty agent, telephone numbers or "open house" information.

232. Sign, sandwich board. Sandwich board sign means a portable sign for display in front of a business for the specific use of advertising that business.

233. Sign, Special Event. A sign advertising or announcing a special communitywide event or activity conducted or sponsored by or on behalf of the City of Westfield, Westfield-Washington Schools, a charitable organization or a not-for-profit corporation. A special communitywide event or activity is one that occurs not

more than twice in any 12 month period and seeks to attract donations, participants or customers throughout the City.

234. Sign, Temporary. A non-permanent sign intended for a limited time of display.

235. Sign, Under Canopy: Small sign placed under a canopy or roof overhang to direct patron traffic to the store entrance.

236. Sign, wall. Wall sign means a sign attached to and/or integral with an exterior wall or window surface of a building, the face of which is parallel to the surface.

237. Sign, Window. A sign that is applied to or attached to the exterior or interior of a window or located in such a manner within a building that it is visible from the exterior of the building through a window, but excludes merchandise window display.

238. Site Development Plan - A drawing, including a legal description of property involved, which shows the existing and proposed location and size of the following: all buildings, structures and yards; location and dimension of building lines and easements; widths and lengths of all entrances and exits to and from said property; location of all adjacent and adjoining streets, service facilities, and other improvements such as planting areas (see Landscaping Plan).

239. Sliding (Play) Element – Playground equipment that allows movement from a higher to a lower level, usually along a smooth surface.

240. Smoke Unit - The number obtained when the smoke density in Ringelmann number is multiplied by the time of emission in minutes. For the purpose of this calculation, a Ringelmann density reading shall be made at least once a minute during the period of observation; each reading is then multiplied by the time in minutes during which it is observed. The various products are then added together to give the total number of smoke units observed during the entire observation period.

241. Special Exceptions - Uses publicly or municipally operated and those used traditionally affected with a public interest and those uses entirely private in character but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property and public facilities.

242. Story - That portion of a building included between the surface of any floor and the surface of any floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above it shall be the story.

243. Story, Half - That portion of a building under a sloping gable, hip or gambrel roof, the wall plates on at least two opposite exterior walls of which are not more than three feet above the floor level of such half-story.

244. Street - For the purposes of the Westfield - Washington Township Comprehensive Zoning Ordinance, the word "street" means a right-of-way designated for use by motor vehicles.

245. Structural Alternation - Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any other substantial change in the exterior walls or the roof.

246. Structure - Anything constructed or erected which requires location on the ground or attachment of something having location on the ground.

247. Subdivider - Any person engaged in developing or improving a tract of land which complies with the definition of a subdivision as defined in this Ordinance.

248. Subdivision - A division of land into two or more parcels, sites or lots any one of which is less than five acres in area for the purpose of immediate or future transfer or ownership. The improvement of one or more parcels, sites or lots for residential, commercial or industrial structures involving the allocation of land for streets or easements for use of occupants or leaseholders and the extension and maintenance of public sewers, water or drainage shall be considered as a subdivision, provided, however, the division of land into parcels, sites or lots of more than five acres not involving any new streets or easements of access or the sale or exchange of any parcel, site or lot between adjoining property owners where such sale is not for the declared purpose of additional building sites shall not be considered, for the purpose of this ordinance, as a subdivision. Provide, further, that the division of land of not less than three acres along an existing road or street for the purpose of erecting a single family residence that does not require public sewers or water shall not be considered a subdivision.

249. Swimming Pool, Private - A swimming pool used only by the owners of the pool and friends as an accessory use at a private residence.

250. Teaching - The providing of tutoring assistance to individual students as well as the offering of private lessons in music, art or other areas of the fine arts.

251. Temporary. Temporary means a transitory use or structure which maybe established for a period of not more than 10 consecutive calendar days and not to exceed a period of time totaling 30 days within a calendar year.

252. Thoroughfare - Public right-of-way

253. Thoroughfare Plan - The Hamilton County Thoroughfare Plan adopted by reference by the Town of Westfield which sets forth the location, classification, and other information pertaining to existing and proposed streets in Washington Township. This Plan illustrates the legally established goals and objectives of the Town of Westfield as they pertain to public rights-of-way.

254. Topped – A method of pruning a tree whereby the vertical leader stems of the tree are removed.

255. Tourist Home - A building in which one but not more than five rooms are used to provide or offer overnight accommodations to transient guest for compensation.

256. Town - The Town of Westfield, Indiana.

257. Township - Washington Township, Hamilton County, Indiana.

258. Tree – A large, woody plant having one or several self-supporting stems or trunks and numerous branches.

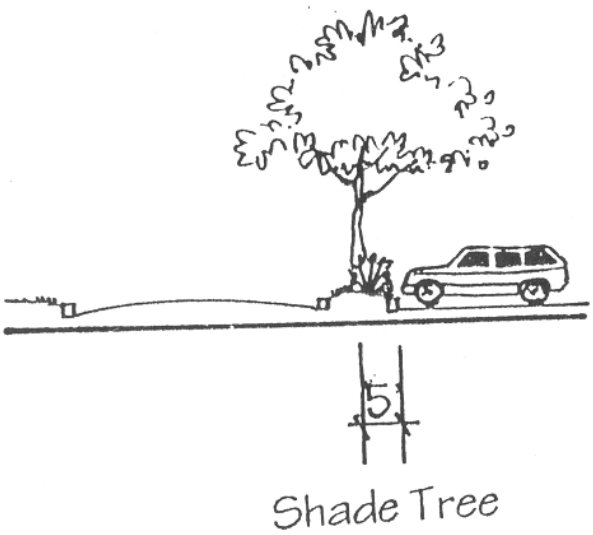
259. Tree, Ornamental – A small to medium sized tree, growing approximately 15 feet to 40 feet in height at maturity, planted for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage.

Ornamental Tree

260. Tree Protection – Measures taken to protect existing trees from damage or loss during and after construction, such as installing temporary fencing, maintaining existing grades within the dripline, and the use of tree wells (see *Tree Protection Area*).

261. Tree Protection Area – The area within the dripline of trees identified for preservation (see *Dripline*).

262. Tree, Shade – A large tree growing to over forty (40) feet in height at maturity, usually deciduous and planted to provide canopy cover shade (see *Deciduous*).



263. Tree Specimen, Significant – A tree noted for some desirable characteristic, such as flower, fruit, size, value to wildlife, uniqueness, or position in the landscape.

264. Tree, Street – A tree planted along the street right-of-way.

265. Tree Well – A retaining wall or structure that preserves the existing grade and growing conditions within the dripline of existing trees (see *Dripline*).

266. Trees, Dense – trees possessing extremely well developed branching systems, heavily clothed with foliage, with minimal negative space (see *Negative Space*).

267. Typing and Other Office Services - Office services such as report preparation, addressing envelopes, preparation of billings and other related office type services.

268. Upland Buffer – Land located within a riparian corridor (see *Riparian Corridor*).

269. Use - The employment or occupation of a building, structure or land for a person's service, benefit or enjoyment.

270. Variance - A modification of the specific requirements of this Ordinance granted by the Board in accordance with the terms of this Ordinance for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and district.

271. Vegetation, Native – Any plant species that is indigenous to all or part of Hamilton County, Indiana. Native vegetation does not include plant species that have been introduced by man.

272. Vegetative Screen – A visual barrier of vegetation with dense foliage used to block aesthetically intrusive land uses from view (see *Screen*).

273. Vibration - Oscillatory motion transmitted through the ground.

274. Vines – A woody plant that has a spreading pattern of growth typically used on the ground, on walls, and on trellises.

275. Vision Clearance on Corner Lots - A triangular space at the street corner of a corner lot, free from any kind of obstruction to vision between the heights of three and 12 feet above the established street grade. The street grade is measured at the intersection of the center lines of the intersecting street pavements, and the triangular space is determined by a diagonal line connecting two points measured 15 feet along each of the street property lines equidistant from the intersection of the property lines of the property lines extended, at the corner of the lot.

276. Wildlife Habitat, Significant – A geographic area which provides food, shelter, nesting sites, territory, and protection for important animal, insect, and/or plant species.

277. Window. Any single window pane or a series of adjacent window panes separated by mullion(s) of three (3) inches or less. Adjacent window panes set at different angles shall constitute separate windows regardless of the width of their mullion separation.

278. Wireless Communication Service Facilities - Antennas or antenna support structures for private or commercial mobile radio communications, broadcast radio or television; and associated equipment buildings, broadcasting studios, or radio or television business offices.

279. Yard - A space on the same lot with a principal building, open, unoccupied and unobstructed by structures, except as otherwise provided by this ordinance.

280. Yard, Front - A yard extending across the full width of the lot unoccupied other than by steps, walks, terraces, driveways, lamp posts and similar structures, the depth of which is the least distance between the front lot line and the building line

281. Yard, Rear - A yard extending across the full width of the lot between the rear of the principal building and the rear lot line unoccupied other than by accessory buildings which do not occupy more than 30 percent of the required space, and steps, walks, terraces, driveways, lamp posts and similar structures, the depth of which is the least distance between the rear lot line and the rear of such principal building.

282. Yard, Side - A yard between the principal building and the side lot line, extending from the front yard or from the front lot line where no front yard is required, to the rear yard. The width of the required side yard is measured horizontally at 90 with the side lot line, from the nearest part of the principal building, except in cases where irregular or pie shaped lots are located, then the width of the required side yard shall be an average of the width of the area between the side lot line and the principal building measured horizontally at 90 with the side lot line.

283. Yard Width and Depth - The shortest horizontal distance from a lot line to the main building.