



# HERON

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*City of Auburn - Planned Unit Development*

## **Definitions**

### **To Accompany All Guidance Documents**

**Adopted: January 1, 2018**

# Heron Lake Planned Unit Development

## Definitions - Introduction

The Heron Lake Planned Unit Development was enacted on June 20th, 2017 by the Common Council of the City of Auburn, Indiana, and recorded as Ordinance No. 2017-06 in the Office of the Recorder of DeKalb County, Indiana. Such Planned Unit Development and the real estate comprising it, including any future annexations of additional real estate into the same, shall be referred to hereinafter as the "Heron Lake PUD" and the ordinance enacting the same shall be referred to hereinafter as the "Heron Lake PUD Ordinance".

This document, hereinafter referred to as the "Definitions", contains terms and definitions to accompany the rules and regulations promulgated pursuant to Article V and Article VII, Section 19 of the Heron Lake Covenants . Those rules and regulations are adopted and promulgated to carry out the intent and purpose of the Heron Lake Covenants and, as set forth in the Heron Lake Covenants, shall be enforceable by Heron Development, LLC, or its successors, assigns, or designated representatives (collectively, the "Developer") in the same manner as the restrictions and covenants contained in the Heron Lake Covenants. Additionally, the Developer's remedies, including the imposition of liens, monetary fines, and penalties are as set forth in these rules and regulations and the Heron Lake Covenants as authorized by the Heron Lake Covenants



## Common Abbreviations:

ACC - Architectural Control Committee  
AI - Assessment Incentive  
HLPUD - Heron Lake Planned Unit Development  
HPM - Heron Property Management  
ID - Identification

## Definitions:

**Accessory Building** - A building detached from a primary building, or structure and customarily used with, and clearly incidental and subordinate to, the primary building, structure, or use, and ordinarily located on the same lot with that primary building, structure, or use.

**Accessory Dwelling Unit (ADU)** - An additional dwelling unit with separate cooking, sleeping, and sanitation (bathroom) facilities. An accessory dwelling unit is intended to be subordinate to a primary single family residential structure. Where permitted, only one freestanding or integrated accessory dwelling unit shall be allowed per property. Examples of an integrated accessory dwelling unit shall include no separate primary entrances, no separate utility metering, or internal access between the accessory dwelling unit and the rest of the residence.

**Access Ramp** - A ramp or similar structure that provides wheelchair or similar access to a building.

**Addition** - Any construction that involves an extension or increase in the square footage, size, or height of an existing building or structure.

**Advisor** - A Resident that is appointed at the sole discretion of the Developer to provide opinions and guidance on specific community related issues and applications.

**Adjacent** - Two or more lots whose external boundaries adjoin one another. For the purposes of the landscape and yard requirement standards, lots shall also be considered adjacent if separated by a strip of land of less than 25 feet in width, or a street right-of-way of 60 feet or less.

**Agricultural Building or Structure** - A building or structure designed primarily for agricultural purposes in which the majority of the structure is used for the storage or propagation of crops and/or materials used in the preparation of crops, or for storage, protection and maintenance of farm machinery and equipment, or for the housing or preparation of domestic farm animals for marketing, all primarily for the use of the owner or occupant.

**Alley** - Right-of-way other than a street, road, crosswalk or easement designed for the special accommodation of the property it reaches, usually as an access to the rear or side of lots.

**Apiculture** - The raising and care of bees (beekeeping); this definition shall also include the on-site sale of honey.

**Aquaculture** - The cultivation of aquatic animals and plants, especially fish, shellfish, and seaweed, in natural or controlled environments.

**Aquaponics** - A food production system that combines aquaculture with hydroponics in a constructed, recirculating system utilizing natural bacterial cycles to convert fish wastes to plant nutrients.

**Arbor** - A shade structure often covered with shrubs, vines, or branches.

**Accessory Buildings require ACC approval.**

**Those Residents who would desire to be Advisors are encouraged to contact the Developer for further information.**



**Architectural Control Committee (ACC)** - Developer designated committee body designated herein by the Developer to review plans and to grant or withhold certain approvals in connection with improvements and developments. The Architectural Control Committee shall be composed of three (3) members appointed by the Developer. Any vacancies from time to time shall be filled by the Developer. A shade structure often covered with shrubs, vines, or branches.

**Assessment Incentive (AI)** - An incentive to reduce the annual assessment or minimum square footage requirements by conforming to and scoring at established levels within the points based evaluation criteria for improvements and new home construction.

**Automobile** - A self-propelled, free moving vehicle with wheels, usually used to transport not more than 10 passengers and licensed by the appropriate state agency as a passenger vehicle (i.e. cars, pickup trucks, and motorcycles).

**Awning** - A cover that projects from a wall of a building over a window or entrance to provide weather protection and architectural spatial definition. The top surface of an awning is typically sloped. An awning may be fixed in place or retractable. An awning is completely supported by the building.

**Bed And Breakfast** - A house or portion of a house where short-term (up to 10 days) lodging rooms with or without meals are provided for compensation. The operator(s) shall live on the lot.

**Building** - An enclosed structure (typically having a roof supported by walls). A carport, deck, gazebo, and open porch shall not be considered buildings.

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

**Building, Nonconforming** - An existing building that was constructed in conformance with the applicable ordinance at the time of construction that fails to comply with the regulations set forth in this ordinance applicable to the district in which the building is located.

**Building, Primary** - A building constituting the primary use of a lot. In calculating the square footage of a primary building, all enclosed areas, including attics, basements, and attached garages, shall be included.

**Building, Residential** - A building in which all of the uses are to accommodate household living (e.g. single family, two family, or multiple family dwelling units) or a small group residential facility.

**Building Height** -The vertical distance measured from the ground level immediately adjacent to the primary front entrance to the highest point of the roof or structure.

**Building Line, Road** - A line with a fixed location generally parallel to the road yard line beyond which the foundation wall and/or any enclosed porch, vestibule, or other portion of a building shall not project.

**Building Line, Lake** - A line with a fixed location generally parallel to the lake yard line beyond which the foundation wall and/or any enclosed porch, vestibule, or other portion of a building shall not project.

**Building Setbacks** - Lines that are substantially parallel to the lot lines which define the minimum distances that buildings must be located from the lot lines.

**The ACC encourages the Residents and Owners to discuss the proposed improvements or building with the ACC prior to a formal application.**



**Candelas** - A unit of luminous intensity, which is the amount of luminous flux (total luminous power emitted from a source and expressed as lumens) per unit solid angle in a given direction.

**Canopy** - A fixed cover that projects from a wall of a building over a window or entrance to provide weather protection and architectural spatial definition. A canopy typically projects at a 90-degree (perpendicular) or similar angle. Freestanding canopies may also be permitted. A canopy may be completely supported by the building, or completely or partially supported by columns, poles, posts, or similar supports.

**Carport** - A structure or part of a structure used for the parking, storage, or keeping of vehicles by the owner or tenant of the lot as an accessory use to a permitted residential use, and that does not include a wall between the ground and the roof on at least one side that is not a vehicle entryway.

**Certificate of Occupancy** - A certificate issued by the Building Department or successor agency, allowing the occupancy or use of a building and certifying that the structure or use has been constructed and will be used in compliance with the applicable codes and ordinances.

**Certificate of Use** - A certificate issued by the Zoning Administrator certifying that a proposed or existing use is a permitted use in the zoning district where the use is located.

**Change of Use** - Any use that is a substantial change from the previous use of a building, structure, or land.

**Clubhouse** - A building that provides a meeting place for a club as a primary use.

**Common Area** - All real property owned by the Developer for the common use and enjoyment of the Owners and Operators of land within the Heron Lake PUD subject to the conditions, restrictions, rules, and regulations set forth.

**Community Facility** - Buildings, structures, or facilities owned, operated, or occupied by a non-profit, for-profit, or governmental entity to provide a service to the public, including broadcast studio, museum, neighborhood facility, planetarium, public transportation or similar public facility, radio station, television station, or zoo.

**Conditions** - Any terms of approval placed upon an application by the decision-making body.

**Deck** - An unroofed platform, either freestanding or attached to a building, which is supported by pillars or posts.

**Developer** - Heron Development, LLC an Indiana limited liability company, its grantees, successors or successors in interest, and any person, firm or corporation designated by it or its said successor or successor in interest to perform some or all of the operations of the Developer within the Heron Lake PUD. Sometimes commonly referred to as Heron Property Management (HPM).

**Double Frontage Lot** - A lot having frontage on two separate parallel or approximately parallel dedicated streets. (Also known as a "through lot".)

**Driveway** - An unobstructed paved or unpaved strip providing access to a vehicle parking space, loading space, or maneuvering facility.

**The Clubhouse near the Springs marina is the primary clubhouse for the entire Heron Lake PUD.**

**The Developer is also referred to as Heron Property Management (HPM).**

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**Dwelling** - Any building that is wholly or partly used or intended to be used for a residence by human occupants, including but not limited to the use of living, sleeping, cooking, and eating.

**Dwelling, Townhouse** - A single family dwelling unit with two (2) or more floors located on a separate lot or development site, with a private entrance and direct ground level access to the outdoors and a totally exposed front and rear wall to be used for access, light, and ventilation, and attached to one or more similar units. Townhouse dwellings are typically part of a structure whose dwelling units are attached in a linear arrangement with no other dwelling or use, or portion of another dwelling or use directly above or below the unit, and separated from adjoining unit(s) by a continuous wall.

**Easement** - recorded grant by a property owner to a third party, the general public, public utility or utilities, or a governmental or quasi-governmental entity permitting the use of land for a specifically stated purpose or purposes.

**Fence** - A free-standing, vertical barrier, constructed of any material other than vegetation, resting on or partially buried in the ground and rising above ground level, which supports no load other than its own weight, and is used for confinement, enclosure, partition, privacy, protection, or screening; excluding a single strand of rope, wire, or similar material between no more than two posts; parking lot wheel stops; and similar barriers/partitions that are less than 12 inches high.. The posts, concrete for the posts and attachment of the fence to the posts shall be contained within the lot where the fence is located. This definition shall include a freestanding wall.

**Fence, Open** - A fence that is less than 50% opaque when viewed perpendicularly to its vertical surface.

**Fence, Ornamental** - An open fence intended to partition or enclose a property or a portion of a property. Ornamental fences shall include, but not be limited to split rail, picket, wrought iron, and similar style open fences. Chain link fencing is not an ornamental fencing material.

**Fence, Privacy** - A solid fence erected or constructed to prevent views across the fence line.

**Fence, Solid** - A fence that is at least 85% opaque when viewed perpendicularly to its vertical surface.

**Fence or Wall Height** - The height of a fence or wall shall be measured as the vertical distance between finished grade on the highest side of the fence or wall to the top of the fence or wall.

**Fill** - Any organic material including but not limited to earth, clay, sand, wood chips, bark, or other organic material of any kind that is placed or stored upon the surface of the ground resulting in an increase in the natural surface elevation.

**Frontage** - The length of the property line of any parcel along each street that it borders.

**Full-Cutoff** - For purposes of lighting standards, a light fixture that prevents distribution of light above a horizontal lane through the lowest point of the bulb or lens, diffuser, reflective passing enclosure, or other parts intended to distribute light.

**Garage, Residential** - A detached accessory structure or portion of a primary building used for personal storage, the storage of motor vehicles and other similar accessory residential uses.

**The townhouse PUD region  
is The Reserva.**



**Garbage** - Animal or vegetable waste resulting from the handling, preparation, cooking, and consumption of food; or other business or household waste materials.

**Gazebo** - A freestanding, roofed, usually open-sided structure providing seating or an area for gathering.

**Glare** - A situation created when illumination sources shine with visibly harsh, uncomfortably bright light that: causes discomfort; distracts attention; or leads to reduction or loss of visibility or visual performances (up to and including situations of blinding glare, as defined in the Illuminating Engineering Society of North America's current Lighting Handbook). These situations are typically caused by insufficiently shielded light sources, or high luminance (luminance that is sufficiently greater than the luminance to which the eyes are adapted).

**Gross Floor Area** - The total floor area of all stories of a building or buildings, measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage (including basements), but not including any uncovered or unenclosed porches, patios, or decks.

**Ground Floor Area** - The gross floor area of a building exclusive of basements and floors above the ground floor.

**Hedge** - A linear arrangement of plants grown closely together to create the effect of a solid, continuous barrier that divides one space from another.

**Heron Lake PUD** - The Heron Lake Planned Unit Development (PUD) was enacted on June 20th, 2017 by the Common Council of the City of Auburn, Indiana, and recorded as Ordinance No. 2017-06 in the Office of the Recorder of DeKalb County, Indiana. Such Planned Unit Development and the real estate comprising it, including any future annexations of additional real estate into the same, shall be referred to as the "Heron Lake PUD".

**Heron Lake PUD Ordinance** - The ordinance enacting the Heron Lake PUD.

**Island** - The PUD Region containing temporary docking, support buildings, trail, and event support vehicle access for the use of Residents and those renting the four season pavilion. Aside from boat access, two bridges comprise remaining access points.

**Holiday Decorations** - Ornamental materials that are incidental and commonly associated with any national, local or religious holiday.

**Home Business** - An accessory use of a dwelling unit, or a use of a structure accessory to a dwelling unit, where business activities are conducted which do not change the residential character of the structure or property, or adversely impact adjacent properties. A home business would typically be more intensive than a home occupation, due to factors such as outside employees working at the dwelling unit, clients or customers coming to the dwelling unit, or on-site retail sales. To allow for possible mixing of uses in rural and residential areas, outside employees shall be permitted; however, only one (1) outside employee shall be permitted to work at the home. Clients or customers shall be permitted to come to the home, and on-site sales of items either produced or value added on the property, along with accessory retail sales, shall be permitted. A home business shall be permitted in conjunction with a single family or two family dwelling unit where the business owner lives, and shall be conducted entirely within a primary or accessory structure. If conducted within the dwelling unit (primary structure), the gross square floor area used for the home business shall be less than 50% of the area of the primary structure. If conducted out of an accessory structure, the area used for the home business shall not exceed

**The Island may be reserved for events at the four season pavilion or other gatherings. But otherwise it is a community amenity for all Residents to enjoy.**

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the square footage of the primary structure. Permitted home businesses shall include, but not be limited to, professional offices, personal service uses such as barber shops and beauty/nail salons, and teaching/tutoring/music lessons.

**Home Enterprise** - A use of a single family property, where business activities are conducted. Home enterprises are intended to permit higher intensity uses, including uses which produce or repair a product, but which do not adversely impact adjacent properties. Home enterprises may include assembly, contracting, fabricating, manufacturing, processing, or repair activities (excluding auto repair). A home enterprise shall be permitted in conjunction with a single family dwelling unit where the business owner lives. The gross floor area of the home enterprise shall not exceed eight thousand (8,000) square feet. To allow for the mixing of uses in rural areas, outside employees shall be permitted to work at the home enterprise, clients or customers shall be permitted to come to the property, and on-site retail sales of items either produced or value-added on the property, along with accessory retail sales, shall be permitted.

**Identification** - The various tags, cards, stickers, or similar that are issued by the Developer upon receipt of assessments, fees, or dues. There are three main categories: Vehicle, Watercraft, and Beach Objects.

### **Junk Material**

Materials, including but not limited to the following:

1. automobile or machinery equipment or parts, including used automobile tires;
2. building/infrastructure construction materials;
3. cloth and clothing;
4. construction materials;
5. electronics or furniture;
6. garbage, refuse, trash, or debris;
7. manufactured clay and porcelain products;
8. manufactured plastic products;
9. manufactured rubber products;
10. motor vehicles, or motor vehicle equipment or parts;
11. paper and paper products;
12. recyclable products of all kinds;
13. scrap metal;
14. wood and wood products; and
15. wrecked and/or dismantled automobiles and machinery.

**Lake** - The private body of water and immediately adjoining and surrounding land depicted in the Heron Lake PUD filing.

**Lake Rules** - The "Heron Lake & Site - Uses, Rules, Regulations, & Guidelines" document. Being the rules and regulations document promulgated pursuant to Article II and Article III, Section 19 of the Heron Lake Covenants. This Lake Rules document is intended to: assure personal and group safety, provide consideration for the usage rights of all Residents, and to provide the means for all reasonable and appropriate maintenance of Developer property and equipment. Hard and electronic copies may be acquired at the Developer office.

**Land Surveyor** - A surveyor who is licensed in compliance with the laws of the State of Indiana.

**Landscape Buffer** - A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.

**Landscape Elements** - Annual plants, benches, chairs, perennial plants,

**Don't forget that you can't launch a boat or access the marinas without an ID!**

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planters, shrubs, statuaries, trees, yard ornaments, and similar elements.

**Landscape Planting Area** - An area designed for landscape plantings that meets all applicable width and/or square footage requirements as set forth in this ordinance.

**Landscape Screening** - The method by which a view onto one site from another site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, mounding, or other features.

**Live-Work Unit** - A dwelling unit containing a living and working space that is intended to function as business workspace with a residential use occupied by the business owner or operator. The unit typically has a workspace on the main floor of the unit and the majority of the residence located either on the upper floor if there are two floors, or to the back of the unit if there is only one floor.

**Lot** - A piece of land of specific shape and dimension; it may be a single platted lot or a single parcel. The word "lot" shall include the words "lot, platted" and "parcel."

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

**Lot, Lakefront** - A lot which directly abuts the Lake parcel.

**Lot Area, Net** - The total horizontal area included within the area defined by the rear, side, and front lot or proposed front street line. No alley, public way, public land, or area proposed for a future street purpose is included in the net area of a lot.

**Lot Coverage** - That portion of a lot that is covered by buildings.

**Lot Depth** - The average horizontal distance between the road and rear or lake lot lines.

**Lot Width** - The dimension of a lot, measured between side lot lines on the building line in either the road or lake yard. For lots with curved road building lines, the lot width shall be the dimension of the lot as measured along a straight line that is tangent to the midpoint or approximate midpoint of the curve of the building line. Irregular geometry within the lot may allow for this dimension to be controlled via a perpendicularity constraint with side lot lines.

**Lot Width, Minimum** - The least permissible width of a lot as measured in the "Lot Width" criteria.

**Lot Line** - Lines bounding a lot.

**Lot Line, Lake** - The lot line directly abutting the Lake parcel. The lake lot line is also referred to as the lakefront line.

**Lot Line, Road** - The line running along the road frontage right of way of the lot. The road lot line is also referred to as the front lot line.

**Lot Line, Rear** - The lot line generally opposite road lot line for non lake lots.

**Lot Line, Side** - Any lot line other than a road lot line, lake lot line, or a rear lot line. A side lot line separating the lot from a non-public street is a side street line.

**Lumens** - The luminous flux emitted per unit solid angle from a uniform point



source whose luminous intensity is 1 candela.

**Marina** - The PUD Region containing boat slips, support buildings, and parking for the use of Residents. Contains boat slips and docking facilities that may be rented by Residents or Tenants.

**Minimum Building Elevation** - The lowest opening on any building or structure as determined by the stormwater authority based on local stormwater management requirements specific to a Development Plan or Subdivision Plat.

**Mirrored Glass** - Glass with a high exterior light reflectance level (typically over 50%).

**Mitigation** - The avoidance, elimination, minimization, reduction, or compensation for the adverse effects of a proposed action.

**Mixed-Use Building** - A building containing more than one type of use, such as governmental, institutional, office, personal service, retail, and residential; including a mix of residential and non-residential uses.

**Mixed-Use Development** - The practice of allowing more than one type of use in a building or set of buildings.

**Model Home** - A single family (attached), single family (detached), or two family dwelling unit used for a temporary period of time for display purposes as an example of dwelling units available or to be available for sale or rental in an approved Major or Minor Subdivision or other residential development. Model homes may also include sales or rental offices.

**Model Unit** - A townhouse (apartment or condominium) dwelling unit used for a temporary period of time for display purposes as an example of dwelling units available or to be available for sale or rental in a townhouse dwelling complex. Model units may also include sales or rental offices.

**Monument** - A permanent marker, used to identify the boundary lines of any lot, parcel, tract, street lines, or survey control points.

**Motor Vehicle** - A boat/watercraft, bus, truck, tractor, trailers, semi-trailer, recreational vehicle, or similar vehicle drawn or propelled by mechanical power, and farm implements whether self-propelled or designed to be pulled, pushed or carried by another motor vehicle or automobile.

**Motor Vehicle, Inoperable** - An automobile or motor vehicle which cannot be driven on a public street for reasons including, but not limited to, being abandoned, wrecked, in a state of disrepair, or otherwise incapable of moving under its own power.

**Mounting Height, Light** - The mounting height of a light fixture shall be defined as the vertical distance between the adjacent grade and the top of the lighting fixture (luminaire).

**Name Plate** - An accessory sign containing only the name of the occupant of a dwelling and an occupation permitted in that zoning district.

**Nature Preserve** - An area intended to remain in a predominantly natural or undeveloped state to provide resource protection and passive recreational opportunities.

**Neighborhood Center** - A facility operated by a recognized neighborhood association and typically includes administrative office activities for the

**There are three marina facilities on-site. Typically your nearest marina is the location that you would be able to rent a slip depending on availability.**



association as well as low intensity community services. Activities shall not include commercial or uses that create land use conflicts within a residential neighborhood.

**Neighborhood Facility** - A facility intended to serve or accommodate the needs of a specific segment of a community or area. Neighborhood facilities shall include, but not be limited to, a branch YMCA or YWCA; a Boys and Girls Club; or a Boy Scout or Girl Scout facility.

**Nits** - A photometric unit defined as cd/m<sup>2</sup> (candelas per square meter).

**Nonconforming Building/Structure** - An existing building or structure that was constructed in conformance with the applicable ordinance at the time of construction that fails to comply with the requirements set forth in this ordinance applicable to the district in which the building or structure is located.

**Nonconforming Use** - A use of land, or of a building or structure, that lawfully existed prior to the effective date of this ordinance that fails to comply with the requirements set forth in this ordinance applicable to the district in which the use is located.

**Outdoor Storage** - The keeping of goods, materials or equipment in a location not enclosed by walls and a roof.

**Operator** - Any person, including tenants, operating a commercial enterprise within the Heron Lake PUD.

**Owner** - The record owner, whether one or more persons or entities, of a fee simple title to any Lot which is a part of the plat, including contract purchasers, excluding those having such interest merely as security for the performance of an obligation.

**Parcel** - An individual unplatted piece of land, that was either: created by a deed recorded prior to the effective date of this ordinance in compliance with the Subdivision Control Ordinance in effect at the time of recordation; or created by a Plan Commission-approved Development Plan. When a piece of land is titled in the name of the same landowner, but is divided by an improved public right of way, waters of the United States, or waters of the State of Indiana, then that piece of land shall be deemed to be more than one parcel.

**Park or Recreation Area (Public)** - A natural, landscaped, or developed area, which may include buildings, structures, or athletic fields, provided by a unit of government to meet the active and/or passive recreational needs of the public.

**Park or Recreation Area (Private)** - A natural, landscaped, or developed area, which may include buildings, structures, or athletic fields, owned or controlled and used by private or semi-public persons, entities, or groups for active and/or passive recreational purposes.

**Parking Area** - A public or private area designed and used for the temporary parking of automobiles or motor vehicles, including parking lots and driveways.

**Parking Space (Off-Street)** - A space other than on a street, passageway, or alley designed for use or used for the temporary parking of a motor vehicle, including driveways and garages on private residential property.

**Parking Structure** - A structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building, including parking garages and deck parking.

**The Park and/or Recreation Areas within the Heron Lake PUD are all private.**



**Patio** - A slab on grade located in the road, rear, or side yard of a property.

**Pavilion** - Those buildings located within the Marina and Recreation Spaces placed for the enjoyment of and support of activities by the Residents. May be open or enclosed, typically with bathroom facilities. May only be reserved for specific gatherings or activities by Residents.

**Pedestrian Oriented** - Areas that accommodate pedestrians in a manner that is safe, functional, and aesthetically pleasing. Pedestrian oriented areas generally separate pedestrian and auto traffic, as well as offer designs that are more humanscaled.

**Person** - An individual, firm, company, corporation, limited liability company, partnership, limited partnership, joint venture, trust, or any other incorporated or unincorporated associations or organizations, including the respective agents of such persons.

**Plat** - The drawing on which a plan of subdivision is presented to the Plan Commission (or an approved committee of the Commission) for approval, showing the length, width, and size of each lot, and public ways or places. A plat must be properly approved and recorded to be of effect.

**Play Equipment** - Accessory structures and uses, used for recreation and play, including jungle gyms, play houses, play sets/structures/equipment, skateboard halfpipes, swing sets, trampolines, tree houses, sandboxes, and other similar uses.

**Porch, Open** - A roofed structure attached to a building and open on two or more sides. A screened in porch shall not be considered open.

**Portable Storage Container** - A semi-trailer, truck box or other similar container placed on a property for use as accessory storage. Dumpsters or roll-off containers used for the temporary storage of solid waste shall not be included under this definition.

**Professional Engineer** - An engineer who is licensed in compliance with the laws of the State of Indiana.

**Public Sewer Facility** - A sewage or storm water collection and disposal/dispersal system operated by an entity regulated by the Indiana Utility Regulatory Commission (IURC). This shall not include a package treatment or similar private sewer facility

**Public Utility** - A firm, corporation, municipal department or board duly authorized to furnish, or furnishing under regulation to the public, electricity, gas, steam, communication, transportation, drainage, sewer and/or water.

**Public Water Facility** - A water supply system operated by an entity regulated by the Indiana Utility Regulatory Commission (IURC).

**PUD Region** - See Region, PUD

**Recreation Facility** - A private or non-prpofit indoor establishment that is maintained or operated for the amusement, patronage, or recreation of the general public, members, or paying customers, including , bowling alleys, tennis clubs, skating rinks, swimming pools, and other similar uses.

**Recreation Area** - Private or non-profit recreation uses. Structures are typically required by or are part of the primary use of the use. Recreation areas shall include campgrounds, driving ranges, golf courses, swimming pools, swimming beaches, volleyball or tennis courts, and similar uses. This

**The sanitary and water facilities at the Heron Lake PUD are provided by the City of Auburn.**



use shall not include public parks or public recreation areas.

**Recreation, General** - A commercial use that provides indoor or outdoor amusement, entertainment, recreation, or sport for consumers, including amusement park, athletic field, arena, batting cages, betting or other gambling facility, country club, entertainment facility, golf course (miniature), golf driving range, go-kart facility, haunted house, recreation uses, riding stable, skating rink, stadium/race track, swim club, tennis club, and theater.

**Recreation/Tourism, Limited** - A commercial use that provides indoor amusement, entertainment, recreation, or sport for consumers, including arcade, billiard or pool hall, bingo establishment, bowling alley, dinner theater, entertainment facility, haunted house, hotel, motel, skating rink, swim club, tennis club, and theater.

**Recreation Uses, Outdoor** - Outdoor recreation uses may include athletic fields, riding stables, swimming pools, tennis courts, and similar uses.

**Region, PUD** - Those distinct use areas set aside within the Heron Lake PUD ordinance. Namely: Bluffs, Circle, Community, Estates, Island, Marina, Meadows, Parkspace, Private Lake, Reserva, Springs, and Vineyards.

**Resident(s)** - Any Owner or Operator who is currently satisfying said Owner or Operator's obligations in full for the fees and assessments set forth in the Heron Lake PUD ordinance.

**Restrictions** - Refers to the Dedication and Declaration of Protective Restrictions, Covenants, Limitations, Easements and Approvals Impressed Upon the Real Estate Comprising the Heron Lake PUD.

**Retaining Wall** - Any fence or wall built or designed to retain or restrain lateral forces of soil or other materials.

**Right-of-Way** - A dedicated strip of land that may be occupied or may be intended to be occupied by transportation facilities, public utilities, or other public uses.

**Security Fence** - A fence erected as a barrier to persons, animals, or vehicles entering or leaving the enclosed area.

**Setback** - The distance on a lot measured from the lot line that must remain open, unoccupied and unobstructed by structures, except as otherwise provided or permitted.

**Shed** - An outbuilding or other structure that is accessory to a principal use on the same lot.

**Solar Panel** - A single panel or combination of panels or elements that does or will use direct sunlight as a source of energy for purposes such as heating or cooling of a structure, heating or pumping of water, and generating electricity. Solar panels include both photovoltaic and hot water devices.

**Special Event** - Short term events connected to activities such as business openings or special sales; civic, education, philanthropic, religious institution, or similar group fund drive, campaign, or other activity; fairs, carnivals, circuses, or festivals.

**Storage Shed** - An accessory structure to a residential use used for the storage of household recreational or yard equipment, gardening materials, tools, and household similar items, but excluding portable storage containers,



shipping containers, truck bodies, and other abandoned vehicles or portions of vehicles.

**Story** - That portion of a building included between the surface of any floor and the surface of the floor next above, or if there is no floor above it, then the space between any floor and the ceiling next above it; also any portion of a building used for human occupancy between the topmost floor and the roof. A basement shall not be counted as a story unless the height of the surface of the first floor above the average elevation of the finished lot grade at the front of the building exceeds four (4) feet.

**Story-Half** - A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of that story.

**Street** - A dedicated, constructed public right-of-way primarily for purposes of vehicular travel, including the pavement, median, curb, and/or shoulder.

**Structure** - Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include arbors, awnings, billboards, buildings, canopies, carports, decks, fences, gazebos, loading docks, manufactured homes, porches, storage tanks, satellite dishes, swimming pools, and walls. The term does not include construction or features such as driveways; earth berms or mounds; on-grade patios; parking areas; ponds or detention areas; sidewalks; sanitary or hazardous waste landfill disposal areas; sand, gravel, stone, or other similar natural material extraction overburden mounds; vegetation; or similar natural features and/or man-made construction.

**Swimming Pool** - Any constructed or portable structure designed or constructed to be filled with water and intended to be used for swimming or similar purposes, which is both over twenty-four (24) inches in depth and over two hundred fifty (250) square feet in size regardless of whether the structure currently contains water or is empty.

**Temporary Use** - A temporary or seasonal use intended to occupy a lot, tract, or development site for up to seven (7) days (or as otherwise specified herein) per event.

**Tenant** - Those parties that rent, lease, or operate facilities owned by others within the Heron Lake PUD. May or may not be classified as a Resident.

**Top Roof Line** - The principal top edge of the roof of a building.

**Tourist Home or Tourist House** - A house or structure in which rooms, in total or in part, are available for rent by transient occupants.

**Townhouse Complex** - A grouping of at least two (2) freestanding townhouse structures.

**Townhouse Structure** - A structure containing three (3) or more townhouse dwelling units.

**Tract** - An area, parcel, site, piece of land, or property.

**Trash** - Combustible waste materials, excluding garbage, but including the residue from the burning of coal, coke, wood, and other combustible materials; boxes, cans, cartons, crockery, excelsior, glass, leather, metals, mineral matter, paper, rags, rubber, tires, vegetative matter, wood, and other similar materials.



**Trellis** - A structure of open latticework, typically used as a support for vines and other plants.

**Unlicensed Motor Vehicles** - A motor vehicle without proper, current license plates, registration and/or inspection certificate to be lawfully operated on public ways.

**Unrelated Persons** - Two (2) or more persons occupying a single dwelling unit who are not related by blood, marriage or adoption.

**Use** - The purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

**Use, Nonresidential** - A commercial, industrial, or institutional use, as opposed to a single family, two family, multiple family, or other residential use.

**Use, Primary** - The predominant use of any lot, tract, development site, building, or structure permitted as a matter of right under the applicable zoning district, or by the approval of a special use, conditional use, or by use variance. Unless otherwise prohibited by this chapter more than one primary use may exist on or within building(s) or structure(s) or on a lot, tract, or development site provided there is compliance with all other applicable ordinance provisions.

**Utility Fixture, Accessory** - An accessory fixture or use of building or lot for utility purposes, including heating units, air conditioning units, back-up generators, heat pumps, meter propane/oil tanks, onsite sewage system or septic tank covers, pumps, inspection pipes, utility connection enclosure boxes, or well heads.

**Violation** - The failure of a structure or other development to be fully compliant with an ordinance.

**Waiver** - An adjustment to an ordinance standard or a complete removal of an ordinance requirement.

**Wall** - The vertical exterior surface of a building or structure.

**Watercraft** - Any boat or vessel that is used upon, under, or a combination of uses in water. Typically powered upon or under the water by either the occupants or an internal source, such as a motor.

**Wind Energy Conversion System (WECS)** - The equipment that converts and then stores or transfers energy from the wind into usable forms of energy, including any base, blade, foundation, generator, nacelle, rotor, transformer, turbine, vane, wind tower, wire, or other component used in the system. In the case of multiple wind energy conversion systems, this shall also include the collection, transmission lines, and any related accessory use, building, or structure.

**Window** - An opening constructed in a building wall that functions to admit light or air, typically framed and spanned in glass.

**Vacation Home or Vacation House** - See Tourist Home or Tourist House.

**Yard** - A space on the same lot with a main building, open, unoccupied and unobstructed by structures, except as otherwise provided.

**Yard, Road** - A yard extending across the full width of the lot, the depth of which is the least distance between the street right-of-way line and the building line.

**The sanitary and water facilities at the Heron Lake PUD are provided by the City of Auburn.**



**Yard, Internal Side** - On a corner lot, the side yard that does not abut a street right-of-way.

**Yard Light** - A fixture intended to provide illumination to a certain area or a portion of a lot

**Yard, Lake** - A yard extending across the full width of the lot between the rear of the primary building or structure and the lake lot line, the depth of which is the least distance between the lake lot line and the rear of the primary building or structure.

**Yard, Rear** - A yard extending across the full width of the lot between the rear of the primary building or structure and the rear lot line, the depth of which is the least distance between the rear lot line and the rear of the primary building or structure.

**Yard, Side** - A yard between the primary building or structure and the side lot line, extending from the front yard or front lot line where no front yard is required, to the rear yard. The width of the required side yard is measured horizontally, at ninety (90) degrees with the side lot line, from the nearest point of the side lot line to the nearest part of the primary building or structure.

