THE AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

AGENDA

January 21, 2020
3:30 p.m.
Fourth-Floor Council Chambers
County-City Building

EXECUTIVE SESSION:

A. Election of Officers
B. Appointment of Executive Committee
C. Appointment of Commission Member to the Area Board of Zoning Appeals

PUBLIC HEARINGS

A. Rezonings

1. A combined public hearing on a proposed ordinance of GEK HOLDINGS LLC to zone from B: Business District to R-2: Residential District and seeking the following variance(s): 1) from the maximum gross density of 12 dwelling units per acre to 12.7, property located at 53600 GENERATIONS DR, St. Joseph County - APC #2916-19

2. A proposed ordinance of RG HOMES LLC to zone from R: Single Family District to C: Commercial District, property located at 61203 US 31 HWY, St. Joseph County - APC #2917-19

B. Text Amendments


3. An Ordinance amending and supplementing Title XV, Land Usage, Chapter 154, Planning and Zoning, of the St. Joseph County Code, as amended, to adopt Sections 154.520 through 154.522 Agritourism and amend Section 154.091 Permitted Uses in the A: Agricultural District and Section 154.106 Permitted Uses in the R: Single Family District - APC #2920-20

ITEMS NOT REQUIRING A PUBLIC HEARING

A. Miscellaneous

1. Findings of fact for granting variances for property located at 19880 State Line Road and Vacant Property Adjacent to the East Abutting Michigan Street - APC #2915-19

B. Executive Director's Report

C. Minutes

1. Approval of the Minutes from the October 15, 2019 meeting.

2. Approval of the Minutes from the December 17, 2019 meeting.

D. Adjournment

The Title VI Coordinator has made available at this meeting/hearing a voluntary Public Involvement Survey to collect demographic data to monitor and demonstrate St. Joseph County’s compliance with its non-discrimination obligations under Title VI and Federal Regulation 23CFR 200.9(b)(4), and more importantly, ensure that affected communities and interested persons are provided equal access to public involvement. Compliance is voluntary. However, in order to demonstrate compliance with the federal regulation, the information requested must be documented when provided. It will not be used for any other purpose, except to show that those who are affected or have an interest in proceedings or the proposed project have been given an opportunity to provide input throughout the process.
Staff Report

APC # 2916-19
Owner: GEK HOLDINGS LLC
Location: 53600 GENERATIONS DR
Jurisdiction: St. Joseph County
Public Hearing Date: 1/21/2020

Requested Action:
The petitioner is requesting a zone change from B: Business District to R-2: Residential District and one variance from the development standards.

Land Uses and Zoning:
- On site: On site is a vacant wooded lot.
- North: To the north is the Indiana Toll Road.
- East: To the east are single-family homes zoned R: Single Family District.
- South: To the south is an assisted living facility zoned R: Single Family District and businesses and offices zoned B: Business District.
- West: To the west are the ABC57 Studios zoned I: Industrial District.

District Uses and Development Standards:
The R-2 District is established to protect, promote and maintain the development of a wide range of housing opportunities ranging from single family dwellings to multifamily complexes as well as provide for other limited residential, public and institutional uses that are compatible with residential development, all in accordance with the comprehensive plan.

Site Plan Description:
The site plan shows the construction of a multifamily building consisting of 122 units. Adequate off-street bicycle and vehicle parking is provided with some garage spaces. A note states that the landscaping will comply with the Zoning Ordinance and will be addressed during the plan review process.

Zoning and Land Use History and Trends:
The site was rezoned from R-2: Residential District to B: Business District in 2014.

Traffic and Transportation Considerations:
Generations Drive is two lanes.

Utilities:
The site is served by municipal water and sewer.

Agency Comments:
The County Engineer noted that this site will have to complete the sidewalk that exists on their side of Generations Drive as part of the plan review process. APC staff would like to note that because of this requirement, the petitioners will need to connect their main entrance to the sidewalk that will be required. The St. Joseph County Health Department noted that this site is in the Douglas Road Landfill Administrative Control Area.

Commitments:
The petitioner is not proposing any written commitments.
Criteria to be considered in reviewing rezoning requests, per IC 36-7-4-603:

1. Comprehensive Plan:
   Policy Plan:
   The petition is consistent with the Comprehensive Plan for South Bend and St. Joseph County, Indiana (2002), Goal 3, Objective D: Encourage population growth within existing urban service areas; and Goal 3, Objective C, Policy v, Residential developments should be designed to include adequate open spaces in either private yards or common areas to partially provide for residents' open space and recreational needs.

   Land Use Plan:
   The Future Land Use Plan does not mention this specific site.

   Plan Implementation/Other Plans:
   There are no other plan in effect for this area.

2. Current Conditions and Character:
   The Generations Drive loop features a mix of businesses, offices and multifamily residential uses.

3. Most Desirable Use:
   The most desirable use would be a dense development that takes advantage of the availability of water and sewer and provides adequate facilities to meet its residents needs.

4. Conservation of Property Values:
   Because the development will meet the development standards in regards to landscaping, and off-street bicycle and car parking, and by locating the dense multifamily building farther from the single-family homes, property values should not adversely be affected.

5. Responsible Development and Growth:
   It is responsible development and growth to allow for dense development when water and sewer is available.

Combined Public Hearing
This is a combined public hearing. The Commission will forward the rezoning to the County Council with or without a recommendation and approve or deny the variances.

The petitioner is seeking the following variance(s):
1) from the maximum gross density of 12 dwelling units per acre to 12.7

State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. The standards and their justifications are as follows:
(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community;
   Approving the variance to exceed the maximum density will benefit the public health, safety, morals and general welfare of the community by allowing dense development to occur where existing services are provided and no additional burden will be placed on the community.
(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
The use and value of the adjacent properties will not adversely be affected by the approval of this variance because all landscaping development standards will be met and a majority of the site will remain as open space.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property
The strict application of the this Chapter restricts the density of the project when it is appropriate to allow dense developments when located on municipal water and sewer. Because this project will provide a sidewalk and meet the minimum required bicycle parking which provides the community with the opportunity for alternative means of transportation the approval of this variance is consistent with the Comprehensive Plan for South Bend and St. Joseph County, Indiana (2002), Goal 3, Objective C, Policy iv: Confer a density bonus to residential projects that include significant public recreational facilities or other public facilities that benefit the entire neighborhood.

Staff Comments:
The staff has no additional comments at this time.

Recommendation:
Based on the information available prior to the public hearing, the staff recommends sending this rezoning to the County Council with a favorable recommendation. The staff recommends approval of the variance.

Analysis:
Rezoning this site to R-2: Residential District is consistent with the mix of uses along Generations Drive and will allow for denser development which is appropriate when municipal water and sewer is available.
Rezoning from: ST. JOSEPH COUNTY B: BUSINESS DISTRICT
TO R-2: RESIDENTIAL DISTRICT

MASTER ZONING KEY
- COUNTY "R" SINGLE FAMILY DISTRICT
- COUNTY "B" BUSINESS DISTRICT
- COUNTY "C" COMMERCIAL DISTRICT
- COUNTY "I" INDUSTRIAL DISTRICT

1 inch = 200 feet
APC # 2916-19
PETITION FOR ZONE MAP AMENDMENT
Unincorporated St. Joseph County

I (we) the undersigned make application to the St. Joseph County Council to amend the zoning ordinance as herein requested.

1) The property sought to be rezoned is located at:
   53600 Generations Drive
   South Bend, IN 46635

2) The property Tax Key Number(s) is/are: 71-04-29-401-002.000-003

3) Legal Description: Lot 24A in National Center for Senior Living Section Six, as per plat thereof recorded June 2, 2000, as Instrument Number 0026453, in the Office of the Recorder of St. Joseph County, Indiana.

4) Total Site Area: 9.44

5) Name and address of property owner(s) of the petition site:
   GEK Holdings, LLC.
   17901 Turners Drive
   South Bend, IN 46635

   Name and address of additional property owners, if applicable:

6) Name and address of contingent purchaser(s), if applicable:
   Lancaster Land, L.P
   348 Harris Hill Rd
   Williamsville, NY 14221
   734-346-0246
   bernat@clovergroup.com

   Name and address of additional property owners, if applicable:

7) It is desired and requested that this property be rezoned:
   From: B BUSINESS DISTRICT Additional zoning district, if applicable
   To: R-2 RESIDENTIAL DISTRICT

8) This rezoning is requested to allow the following use(s): Senior independent living

9) Provide a brief and descriptive narrative of the proposed project:
   A market rate senior independent living development, consisting of 119 residential units, 40 garages, and on-site, in-building storage units. An independent living experience for persons over 55 years of age who do not require assistance for daily living. The facility will include a common area for gathering and group activities on the first floor, a waiting area/library on the first floor and game rooms for common use on the second and third floor. There is an outdoor patio area for common use as well. Each unit is independent with a kitchen and laundry. There is no communal/commercial kitchen in the building. There is an on-site building manager/leasing agent and there is building maintenance staff.

IF VARIANCE(S) ARE BEING REQUESTED (if not, please skip to next section):

-FILED-
NOV 19 2019
AREA PLAN COMMISSION
Application #2916-19
1) Density and Required Bicycle Parking

2) A statement on how each of the following standards for the granting of variances is met:

(a) The approval will not be injurious to the public health, safety, morals and general welfare of the community: The proposed development is located in the Medical Education Subdivision with several other multi-family and senior care uses. The proposed density of the project will not be injurious to the surrounding property or cause any additional safety or welfare concerns. Providing market rate senior housing alternatives meet the needs of many County residents. Additionally, due to the advanced age of residents within the proposed development, bicycle parking would not meet the needs of the community in this location. The lack of bicycle parking at this age restricted community will not detract from the goals of the Area Plan Commission in creating accessibility in the region.

(b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and: There are several buildings within this subdivision that are equal height or larger than the proposed development. The proposed development provides housing alternatives for seniors to age in place in St. Joseph County and even be near medical offices and treatment centers within the subdivision. Additionally, as many of the properties within the subdivision are geared toward seniors and the property is located in the rear of a cul-de-sac the lack of bicycle parking will not impact the ability to connect within the community.

(c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: The current zoning allows for 12 units per acre or a total of 113 units on the 9.44 acre property. The request is to increase the allowable density to 13 units per acre to allow a total of 119 units on the 9.44 acre property. The increase in density does not change the size or height of the building. The required bicycle parking would create detract from additional parking that can be provided on site. The majority of tenants and visitors are of advanced age and do not typically utilize bicycles for transportation. Additional parking beyond the 1:1 required will be created to allow for visitors and guest to park at the building with ease.

IF A SPECIAL USE IS BEING REQUESTED, (if not, please skip to next section):
1) The Special Use(s) being requested: Insert text

2) A statement on how each of the following standards for the granting of a Special Use is met:

(a) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare: Please explain how your Special Use petition addresses this criteria

(b) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein: Please explain how your Special Use petition addresses this criteria

(c) The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein; and: Please explain how your Special Use petition addresses this criteria

(d) The proposed use is compatible with the recommendations of the Comprehensive Plan. Please explain how your Special Use petition addresses this criteria

* In the case of a Special Use, the petitioner shall be held to the representations made on the Preliminary Site Plan included with this petition.

CONTACT PERSON:
Beth Ernst
348 Harris Hill Road
Williamsville, NY 14221

FILED -
NOV 19 2019
AREA PLAN COMMISSION
Application # 2910-19
BY SIGNING THIS PETITION, THE PETITIONERS/PROPERTY OWNERS OF THE ABOVE-DESCRIBED REAL ESTATE AUTHORIZE THAT THE CONTACT PERSON LISTED ABOVE MAY REPRESENT THIS PETITION BEFORE THE AREA PLAN COMMISSION AND COUNTY COUNCIL AND TO ANSWER ANY AND ALL QUESTIONS THEREON.

Signature(s) of all property owner(s):

[Signatures]

-FILED-

NOV 19 2019

AREA PLAN COMMISSION
Application # 2019-19
PROPOSED ZONING: R2 - RESIDENTIAL DISTRICT

REQUIRED PROVIDED

LOT SIZE (MIN) 5 ACRES (MULTI-FAMILY) 9.585 ACRES
LOT WIDTH 200' BUILDING SETBACKS:  
FRONT (MIN) 25.0' 103.96'
SIDE YARD 10.0' 73.26'
REAR YARD 40.0' 124.0'
BUILDING HEIGHT (MAX) 40' MAX. 33.0' +/−
MAXIMUM GROSS DENSITY 12 UNITS/ACRE 12.7 UNITS/ACRE - VARIANCE REQUIRED

BUILDING COVERAGE 20% MAX. 14.40%
LIVABLE OPEN SPACE 52% MIN. 70.00%
PARKING: REQUIRED PROVIDED
1 SPACE PER DWELLING UNIT 1.02 SPACES PER DWELLING UNIT
122 SPACES 124 SPACES (INCLUDING 40 GARAGES)
BICYCLE PARKING 1 PER 10 PARKING SPACES 0
124/10 = 14 SPACES VARIANCE REQUIRED

SITE DATA

GENERAL DEVELOPMENT STANDARDS

CURRENT ZONING: B - COUNTY BUSINESS DISTRICT

BUILDING GROSS FLOOR AREA: FIRST FLOOR = 44,593 SF, TOTAL = 133,779 SF

LOT 24A 9.585 ACRES

INDIANA EAST - WEST TOLL ROAD (80 - 90)
Requested Action:
The petitioner is requesting a zone change from R: Single Family District to C: Commercial District.

Land Uses and Zoning:
On site: On site currently is a single-family home, detached garage, and an informal parking lot that serves the offices on the adjacent parcel.
North: The the north are single-family homes zone R: Single Family District. To the northeast is a historic office building zoned C Commercial in the City of South Bend.
East: To the east, across State Road 931, are single-family homes zoned Suburban Neighborhood 1 and a business zoned C Commercial all within the City of South Bend.
South: To the south are single-family homes zoned R: Single Family District.
West: To the west is US Highway 31.

District Uses and Development Standards:
The C: Commercial District is established to provide a location for those retail sales and service functions whose operations are typically characterized by: outdoor display or sales of merchandise; major repair of motor vehicles; commercial amusement and recreational activities; or, activities or operations conducted in structures which are not completely enclosed. The types of uses found in the C: Commercial District are often brightly lighted and noisy. Permitted uses contained in this district are such that this district may be used to form a grouping of similar uses along certain portions of major commercial thoroughfares. Special attention should be paid to buffering whenever this district is located adjacent to any residential district or residential uses.

Site Plan Description:
The site plan shows the residence and accessory building to remain. Five self-storage buildings will be added to the site. The provided landscaping exceeds the minimum that is required. Adequate off-street parking is provided.

Zoning and Land Use History and Trends:
The parcel in the northeast corner of this lot was rezoned to OB Office Buffer and annexed into the City of South Bend in 2004.

Traffic and Transportation Considerations:
State Road 931 is a four lane highway.

Utilities:
The site will be served by municipal water and sewer.

Agency Comments:
The County Engineer noted that drainage calculations will need to be provided.
The St. Joseph County Health Department noted that if the site is currently on well and septic and this site will utilize municipal utilities in the future, abandonment details will need to be added to the plan.

**Commitments:**
The petitioner is not proposing any written commitments.

**Criteria to be considered in reviewing rezoning requests, per IC 36-7-4-603:**

1. **Comprehensive Plan:**
   - **Policy Plan:**
     - The petition is consistent with Goal 2, Objective B: Locate employment uses in such a manner that conflicts with residential land uses are minimized and Goal 2, Objective C, Policy ix: Satellite business centers shall be located on major automobile and public transportation routes, particularly at the intersections of major arterial roadways.

2. **Current Conditions and Character:**
   - The State Road 931 Corridor features single family uses, but with the proximity to Kern Road and its intersection with US Highway 31 it has developed with a mix of heavy commercial uses including a gas station.

3. **Most Desirable Use:**
   - The most desirable use of the property is dense development that takes advantage of the municipal water and sewer available, but also respects the residential uses to the north and south.

4. **Conservation of Property Values:**
   - Because no variances are being requested and dense screening is provided abutting the residential properties to the north and south, property values should not adversely be affected.

5. **Responsible Development and Growth:**
   - It is responsible development and growth to locate commercial uses on major corridors and in close proximity to major intersections, especially when municipal utilities are available.

**Staff Comments:**
The staff has no additional comments at this time.

**Recommendation:**
Based on the information available prior to the public hearing, the staff recommends sending this rezoning petition to the County Council with a favorable recommendation.

**Analysis:**
Rezoning this site will allow for commercial development along a major corridor where municipal utilizes are available.
Rezoning from: ST. JOSEPH COUNTY R: SINGLE FAMILY DISTRICT
TO C: COMMERCIAL DISTRICT

MASTER ZONING KEY
- COUNTY "R" SINGLE FAMILY DISTRICT
- COUNTY "B" BUSINESS DISTRICT
- SOUTH BEND

1 inch = 200 feet
APC # 2917-19
PETITION FOR ZONE MAP AMENDMENT
Unincorporated St. Joseph County

I (we) the undersigned make application to the St. Joseph County Council to amend the zoning ordinance as herein requested.

1) The property sought to be rezoned is located at:
   Address: 61203 S.R. 931 South
   South Bend, Indiana 46614

2) The property Tax Key Number(s) is/are: 001-1051-1360

3) Legal Description: A PART OF THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 36 NORTH, RANGE 2 EAST, CENTRE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA WHICH BEING DESCRIBED AS:
   COMMENCING AT THE INTERSECTION OF THE CENTERLINES OF KERN ROAD AND STATE ROAD 931;
   THENCE SOUTHWESTERLY ALONG THE CENTERLINE OF SAID STATE ROAD 931, A DISTANCE OF 950.00
   FEET MORE OR LESS; THENCE NORTHWES TERLY PERPENDICULAR TO SAID STATE ROAD 931
   CENTERLINE, A DISTANCE OF 50.00 FEET MORE OR LESS TO THE WEST RIGHT-OF-WAY LINE OF STATE
   ROAD 931 AND THE POINT OF BEGINNING; THENCE SOUTHWESTERLY ALONG SAID WEST RIGHT-OF-
   WAY LINE, A DISTANCE OF 137.76 FEET MORE OR LESS; THENCE WEST, A DISTANCE OF 773.99 FEET
   MORE OR LESS TO THE EAST RIGHT-OF-WAY LINE OF THE U.S. 31 BYPASS; THENCE NORTHEASTERLY
   ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 375.47 FEET MORE OR LESS TO THE SOUTH
   LINE OF LOT 2 OF "R.D. MINOR SUBDIVISION" AS RECORDED IN THE OFFICE OF THE ST. JOSEPH
   COUNTY, INDIANA RECORDER; THENCE ALONG SAID SOUTH LOT LINE AND ITS' EASTERLY EXTENSION,
   A DISTANCE OF 409.33 FEET MORE OR LESS; THENCE SOUTH, A DISTANCE OF 121.63 FEET MORE OR
   LESS; THENCE SOUTHEASTERLY, A DISTANCE OF 210.93 FEET MORE OR LESS TO SAID WEST RIGHT-
   OF-WAY LINE OF STATE ROAD 931 AND THE POINT OF BEGINNING.
   CONTAINING 4.44 ACRES MORE OR LESS.
   SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, EASEMENTS, AND RESTRICTIONS OF RECORD.

4) Total Site Area: 4.44 Acres +/-

5) Name and address of property owner(s) of the petition site:
   Name: RG Homes, LLC
   Address: 21979 Roosevelt Road
   City, State Zip Code: South Bend, Indiana 46614
   Phone number with Area Code: 574-876-7751
   E-Mail Address: N/A

   Name and address of additional property owners, if applicable:

6) Name and address of contingent purchaser(s), if applicable:
   Name: N/A
   Address
   City, State Zip Code
   Phone number with Area Code
   E-Mail Address

   Name and address of additional property owners, if applicable:

7) It is desired and requested that this property be rezoned:
   From: R SINGLE FAMILY DISTRICT
   To: C COMMERCIAL DISTRICT
   Additional zoning district, if applicable

8) This rezoning is requested to allow the following use(s): Storage facility with accessory residential.

9) Provide a brief and descriptive narrative of the proposed project:
The petitioner desires to build a mini-storage facility on the southern portion of the site as shown along with building a larger storage building on the northern portion of the site, east of the existing home which will store RV vehicles and classic cars for clients. The existing home will be used for a residence.

IF VARIANCE(S) ARE BEING REQUESTED (if not, please skip to next section):

1) List each variance being requested. Contact Commission Staff if you need assistance.

2) A statement on how each of the following standards for the granting of variances is met:

(a) The approval will not be injurious to the public health, safety, morals and general welfare of the community: Please explain how your variance petition addresses this criteria

(b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and: Please explain how your variance petition addresses this criteria

(c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: Please explain how your variance petition addresses this criteria

IF A SPECIAL USE IS BEING REQUESTED, (if not, please skip to next section):

1) The Special Use(s) being requested: Insert text

2) A statement on how each of the following standards for the granting of a Special Use is met:

(a) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare: Please explain how your Special Use petition addresses this criteria

(b) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein: Please explain how your Special Use petition addresses this criteria

(c) The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein; and: Please explain how your Special Use petition addresses this criteria

(d) The proposed use is compatible with the recommendations of the Comprehensive Plan. Please explain how your Special Use petition addresses this criteria

* In the case of a Special Use, the petitioner shall be held to the representations made on the Preliminary Site Plan included with this petition.

CONTACT PERSON:
Name: Michael Dauch-Danch, Harner & Associates, Inc.
Address: 1643 Commerce Drive
City, State Zip Code: South Bend, Indiana 46628
Phone number with Area Code: 574-234-4003
E-Mail Address: mdanch@danchharner.com

BY SIGNING THIS PETITION, THE PETITIONERS/PROPERTY OWNERS OF THE ABOVE-DESCRIBED REAL ESTATE AUTHORIZE THAT THE CONTACT PERSON LISTED ABOVE MAY REPRESENT THIS PETITION BEFORE THE AREA PLAN COMMISSION AND COUNTY COUNCIL AND TO ANSWER ANY AND ALL QUESTIONS THEREON.
BY SIGNING THIS PETITION, THE PETITIONERS/PROPERTY OWNERS OF THE ABOVE-DESCRIBED REAL ESTATE AUTHORIZE THAT THE CONTACT PERSON LISTED ABOVE MAY REPRESENT THIS PETITION BEFORE THE AREA PLAN COMMISSION AND COUNTY COUNCIL AND TO ANSWER ANY AND ALL QUESTIONS THEREON.

[Signature of all property owner(s)]

-FILED-

DEC 02 2019

AREA PLAN COMMISSION
Application # 2417-19
Requested Action:

An Ordinance initiated by the Area Plan Commission of St. Joseph County amending Chapter 154, Planning and Zoning of the St. Joseph County Code to permit and establish regulations for solar energy systems.

Staff Comments:

Currently, the St. Joseph County Zoning Ordinance doesn't directly address solar energy systems (SES) which greatly limits its application within the County. Building-mounted SES and accessory use Ground-mounted SES is only permitted as an interpretation by the Zoning Administrator. To do a standalone Ground-mounted SES project, a rezoning to the I: Industrial District would be required. In 2018 the County Commissioners issued a statement with the goal that the County would take steps to achieve a high ranking in the Depart of Energy SolSmart program which nationally ranks municipalities and jurisdictions based on their solar-friendliness. Because land use regulations are the major factor in how these projects come to be developed, the Area Plan Commission has taken it upon themselves to achieve the goal of the County Commissioners and allow St. Joseph County to rank as one of the highest counties in the nation in the SolSmart program. The major changes of this ordinance are as follows:

- Establishes solar energy systems as a permitted accessory use and does not include their size in the maximum allowed size for accessory structures, allowing systems that meet the needs of the associated use.
- Special Regulations for Wind Energy Conversion Systems title is amended to Renewable Energy Systems which will include Solar Energy Systems.
- Definitions and classifications are established as follows:
  - SES is either Building-mounted or Ground-mounted.
  - Building-mounted SES is further classified as façade-mounted or roof-mounted.
  - Ground-mounted SES is further classified as small-scale (less than or equal to 40,000 square feet) or large-scale (greater than 40,000 square feet).
- Building-mounted SES is established as a permitted accessory use in all districts.
- Provisions are established that allow façade-mounted SES to project into a required setback by 3 feet and roof-mounted SES may encroach into the maximum building height by 5 feet in residential districts and 10 feet in all other districts. This allows for the installation of Building-mounted SES if the structure already is at the minimum setback or maximum height.
- Small-scale Ground-mounted SES is a permitted primary or accessory use in all districts. Large-scale Ground-mounted SES is a permitted use in the A:
Agricultural, I: Industrial, U: University Districts and a special use in all other districts.

- Ground-mounted SES have a maximum height of 22 feet and must meet all required setbacks.
- Ground-mounted SES is exempt from all required landscaping except for a new landscaping requirement of 2 square feet of native grass and wildflower planting for every 1 square foot of panels. This is intended to make these projects harmonious to agricultural uses by promoting pollinators, preventing erosion, restoring soil nutrients, and making them aesthetically pleasing.
- Provisions are added for the removal of SES projects.

Policy Plan:
This Ordinance is consistent with the Comprehensive Plan for South Bend and St. Joseph County, Indiana (2002), Goal 1: Alleviate and minimize the loss of agricultural land; Goal 4: Preserve and protect the natural environment; Goal 4, Objective C: Conserve open space and protect natural and scenic resources; and Goal 5, Objective A: Provide utility services to support both existing and future residents and businesses.

Recommendation:
Based on the information available prior to the public hearing, the staff recommends sending this Ordinance to the County Council with a favorable recommendation.

Analysis:
This Ordinance will substantially make solar development easier but at the same time be done in a manner that is harmonious with the uses, especially the agricultural uses, of St. Joseph County. The regulations found in this ordinance are best practices that recognize the unique needs of solar energy projects and establish uses to allow this essential form of renewable energy. This ordinance will allow St. Joseph County to achieve Gold Status, the highest rank, in the SolSmart program which will show solar developers across the country that St. Joseph County is one of the best places in the nation to develop solar projects.
BILL NO. _________________

ORDINANCE NO.____________________


PETITIONER: Area Plan Commission

WHEREAS, The County Council of St. Joseph County, Indiana, adopted a new zoning ordinance for St. Joseph County that went into effect on June 13, 2005;

WHEREAS, the ordinance has been in use since that time, and it has been determined that certain changes are necessary to revise and clarify various sections of the ordinance;

WHEREAS, advances in solar energy technology has made this alternative form of energy available in more parts of the Country and to more people of economic means;

WHEREAS, because the St. Joseph County Zoning Ordinance doesn’t address solar energy, property must be rezoned to the I: Industrial District to permit this use which could lead to unnecessary rezoning where the district is not appropriate;

WHEREAS, this ordinance is necessary to create reasonable regulations to make this use compatible and harmonious with all of St. Joseph County, Indiana, especially its agricultural uses; and

WHEREAS, actions made by the Area Plan Commission over the past year to make solar permitted and regulations that promote the best solar development, including this ordinance, will allow St. Joseph County, Indiana to achieve SolSmart Gold Status, letting installers and residents across the country know that St. Joseph County is the highest level of solar friendliness.

IT IS HEREBY ORDAINED BY THE COUNTY COUNCIL OF ST. JOSEPH COUNTY, INDIANA, THAT:
SECTION 1.

Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Section 154.070 Accessory Uses, Buildings and Structures as amended, is hereby further amended and supplemented as follows:

154.070 ACCESSORY USES, BUILDINGS AND STRUCTURES.

(A) Primary Accessory Uses, Buildings and Structures.

(4) By way of example only, some typical accessory uses, buildings and structures are:

    (a) In Agricultural Districts: barns; grain silos; fences; solar panels; and, storage buildings.

    (b) In Residential Districts: garages; carports; porches; decks; awnings; canopies; mini-barns; storage sheds; patios; outdoor fireplaces; bathhouses; cabanas; children’s playhouses; swings; game courts, including tennis or basketball courts; fences; parking areas; signs; swimming pools; hot tubs; radio sending and receiving antennas; satellite dish antennas; solar panels; and, storage buildings.

    (c) In Business / Commercial Districts: garages; storage sheds or buildings; fences; trash containers; recycling containers; drive through facilities; solar panels; gasoline pump islands and canopies.

    (d) In Industrial Districts: garages; storage sheds or buildings; fences; trash containers; solar panels; and, recycling containers.

(C) Additional Development Standards for Accessory Uses, Buildings or Structures.

(1) Residential Districts – Accessory uses, buildings or structures permitted in any Residential District or as an accessory use, building or structure to any residential use in any other district established by this Chapter shall also comply with the following additional development standards:

    (g) Renewable energy systems. See §§ 154.505 through 154.516.

    (h)  

(2) Business/commercial districts and industrial districts. Accessory uses, buildings or structures permitted in any Business / Commercial District or any Industrial District shall also comply with the following additional development standards:

    (h) Renewable energy systems. See §§ 154.505 through 154.516.
SECTION 2.

Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Section 154.091 Permitted Uses in the A: Agricultural District as amended, is hereby further amended and supplemented as follows:

154.091 PERMITTED USES

(A) Primary uses.

(12) Renewable energy systems. See §§ 154.505 through 154.516;

(B) Special uses.

(16) Renewable energy systems. See §§ 154.505 through 154.516;

(20) Wind energy facility, per the requirements of §§ 154.505 through 154.510

(C) Accessory uses.

(8) Small wind energy conversion system, per the requirements of §§ 154.505 through 154.510. Renewable energy systems. See §§ 154.505 through 154.516.

SECTION 3.

Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Section 154.106 Permitted Uses in the R: Single Family District as amended, is hereby further amended and supplemented as follows:

154.106 PERMITTED USES

(A) Primary uses.

(11) Renewable energy systems. See §§ 154.505 through 154.516;

(B) Special uses.

(16) Renewable energy systems. See §§ 154.505 through 154.516;

(18) Wind energy facility, per the requirements of §§ 154.505 through 154.510

(C) Accessory uses.
(8) Small wind energy conversion system, per the requirements of §§ 154.505 through 154.510. Renewable energy systems. See §§ 154.505 through 154.516.

SECTION 4.

Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Section 154.121 Permitted Uses in the R-2: Residential District as amended, is hereby further amended and supplemented as follows:

154.121 PERMITTED USES

(A) Primary uses.

(8) Religious uses.

(11) Renewable energy systems. See §§ 154.505 through 154.516;

(B) Special uses.

(4) Renewable energy systems. See §§ 154.505 through 154.516;

(C) Accessory uses.

(3) Small wind energy conversion system, per the requirements of §§ 154.505 through 154.510. Renewable energy systems. See §§ 154.505 through 154.516.

SECTION 5.

Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Section 154.136 Permitted Uses in the O/B: Office/Buffer District as amended, is hereby further amended and supplemented as follows:

154.136 PERMITTED USES

(A) Primary uses.

(5) Renewable energy systems. See §§ 154.505 through 154.516;

(B) Special uses.

(2) Renewable energy systems. See §§ 154.505 through 154.516;

(C) Accessory uses.

(5) Small wind energy conversion system, per the requirements of §§ 154.505 through 154.510. Renewable energy systems. See §§ 154.505 through 154.516.
SECTION 6.

Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Section 154.151 Permitted Uses in the O: Office District as amended, is hereby further amended and supplemented as follows:

154.151 PERMITTED USES

(A) *Primary uses.*

(13) Renewable energy systems. See §§ 154.505 through 154.516;

(B) *Special uses.*

(2) Renewable energy systems. See §§ 154.505 through 154.516;

(C) *Accessory uses.*

(5) Small wind energy conversion system, per the requirements of §§ 154.505 through 154.510. Renewable energy systems. See §§ 154.505 through 154.516.

SECTION 7.

Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Section 154.166 Permitted Uses in the B: Business District as amended, is hereby further amended and supplemented as follows:

154.166 PERMITTED USES

(A) *Primary uses.*

(57) Renewable energy systems. See §§ 154.505 through 154.516;

(B) *Special uses.*

(5) Renewable energy systems. See §§ 154.505 through 154.516;

(C) *Accessory uses.*

(2) Small wind energy conversion system, per the requirements of §§ 154.505 through 154.510. Renewable energy systems. See §§ 154.505 through 154.516.
SECTION 8.
Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Section 154.181 Permitted Uses in the C: Commercial District as amended, is hereby further amended and supplemented as follows:

154.181 PERMITTED USES

(A)  Primary uses.

(64) Renewable energy systems. See §§ 154.505 through 154.516;

(B)  Special uses.

(14) Renewable energy systems. See §§ 154.505 through 154.516;

(15) Wind energy facility, per the requirements of See §§ 154.505 through 154.510;

(C)  Accessory uses.

(2) Small wind energy conversion system, per the requirements of §§ 154.505 through 154.510. Renewable energy systems. See §§ 154.505 through 154.516.

SECTION 9.
Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Section 154.211 Permitted Uses in the I: Industrial District as amended, is hereby further amended and supplemented as follows:

154.211 PERMITTED USES

(A)  Primary uses.

(13) Electric power generating facilities, public, subject to the following development standards:
   (b) For renewable power generation energy systems, see §§ 154.505 to 154.510 154.516;

(B)  Special uses.

(6) Electric power generating facilities, private, subject to the following development standards:
   (b) For renewable power generation energy systems, see §§ 154.505 to 154.510 154.516;

(21) Wind energy facility, per the requirements of §§ 154.505 through 154.510
(C) Accessory uses.

(2) Small wind energy conversion system, per the requirements of §§ 154.505 through 154.510; Renewable energy systems. See §§ 154.505 through 154.516.

SECTION 9.

Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Section 154.276 Permitted Uses in the U: University District as amended, is hereby further amended and supplemented as follows:

154.276 PERMITTED USES

(A) Primary uses.

(6) Renewable energy systems. See §§ 154.505 through 154.516;

(B) Special uses.

(4) Wind energy farms per the requirements of §§ 154.505 through 154.510; (Ord. 69-09, §§ 9, 10, passed 8-11-2009) and Renewable energy systems. See §§ 154.505 through 154.516;

(C) Accessory uses.

(5) Small wind energy conversion system, per the requirements of §§ 154.505 through 154.510; and Renewable energy systems. See §§ 154.505 through 154.516; and
SECTION 10.

Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Sections 154.505 through 154.506 Special Regulations for Wind Energy Conversion Systems as amended, is hereby further amended and supplemented as follows:

**SPECIAL REGULATIONS FOR WIND ENERGY CONVERSION SYSTEMS RENEWABLE ENERGY SYSTEMS**

154.505 WIND ENERGY CONVERSION SYSTEMS; INTENT

154.506 WIND ENERGY CONVERSION SYSTEMS; GENERAL

(B) *Districts permitted.* A SWECS is permitted in all zoning districts as an accessory use; a WEF is permitted as a Special Use in designated zoning districts. SWECS and WEF shall be permitted in accordance with the following table:

<table>
<thead>
<tr>
<th>District</th>
<th>SWECS</th>
<th>WEF</th>
</tr>
</thead>
<tbody>
<tr>
<td>A: Agricultural</td>
<td>Accs.</td>
<td>SU</td>
</tr>
<tr>
<td>R: Single Family</td>
<td>Accs.</td>
<td>SU</td>
</tr>
<tr>
<td>R-2: Residential</td>
<td>Accs.</td>
<td>-</td>
</tr>
<tr>
<td>O/B: Office/Buffer</td>
<td>Accs.</td>
<td>-</td>
</tr>
<tr>
<td>O: Office</td>
<td>Accs.</td>
<td>-</td>
</tr>
<tr>
<td>B: Business</td>
<td>Accs.</td>
<td>-</td>
</tr>
<tr>
<td>C: Commercial</td>
<td>Accs.</td>
<td>SU</td>
</tr>
<tr>
<td>I: Industrial</td>
<td>Accs.</td>
<td>SU</td>
</tr>
<tr>
<td>U: University</td>
<td>Accs.</td>
<td>SU</td>
</tr>
</tbody>
</table>
SECTION 11.

Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, as amended, is hereby further amended and supplemented as follows to add Sections 154.511 – 154.516 Solar Energy Systems:

**154.511 SOLAR ENERGY SYSTEMS (“SES”); INTENT**

This subchapter provides for the implementation of solar energy systems, which convert the power of the sun into the generation of electricity. St. Joseph County finds that it is in the public interest to encourage the use and development of renewable energy systems that enhance energy conservation efforts and promote sustainable development. As such, the County supports the use of solar energy collection systems and in no way are these regulations intended to severely limit the siting of solar energy systems. These regulations consider the unique needs of solar energy systems and provide for the most efficient use of this renewable energy system. These sections are also intended to protect the character of residential neighborhoods and commercial corridors. Solar energy systems should be sited and constructed in a way that is harmonious and even benefit the agricultural uses in the County.

**154.512 SOLAR ENERGY SYSTEMS (“SES”); APPLICABILITY**

All new development or additions to existing developments within unincorporated areas of St. Joseph County shall site, construct, install, and decommission any solar energy system (“SES”) as required by this subchapter.

**154.513 SOLAR ENERGY SYSTEMS (“SES”); GENERAL**

(A) *Classification.* Solar energy systems (“SES”) shall be classified as either a Building-mounted SES or Ground-mounted SES.

(1) Building-mounted SES is a solar energy system that is structurally mounted to a building or structure. Building-mounted SES shall be further classified as follows:

(a) Roof-mounted SES is a Building-mounted SES that is structurally mounted and solely supported by the roof of a building or structure; or

(b) Façade-mounted SES is a Building-mounted SES that is structurally mounted and solely supported by the façade of a building or structure.

(2) Ground-mounted SES is a solar energy system that is structurally mounted to the ground. Ground-mounted SES shall be further classified as follows:

(a) Small-scale SES is a Ground-mounted SES that occupies less than or equal to 40,000 square feet; or

(b) Large-scale SES is a Ground-mounted SES that occupies more than 40,000 square feet.
(B) **Districts permitted.** SES shall be permitted in accordance with the following table:

<table>
<thead>
<tr>
<th>District</th>
<th>Lot Size</th>
<th>Building-mounted SES</th>
<th>Ground-mounted SES</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Accs. - Accessory Use</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>P - Primary Use</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>SU - Special Use</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Small-scale SES</td>
<td>Large-scale SES1</td>
</tr>
<tr>
<td>A: Agricultural</td>
<td>Any</td>
<td>Accs.</td>
<td>P</td>
</tr>
<tr>
<td></td>
<td>5 acres or more</td>
<td>Accs.</td>
<td>P</td>
</tr>
<tr>
<td>R-2: Residential</td>
<td>Less than 5 acres</td>
<td>Accs.</td>
<td>Accs.</td>
</tr>
<tr>
<td></td>
<td>5 acres or more</td>
<td>Accs.</td>
<td>P</td>
</tr>
<tr>
<td>O/B: Office/Buffer</td>
<td>Any</td>
<td>Accs.</td>
<td>Accs.</td>
</tr>
<tr>
<td>O: Office</td>
<td>Any</td>
<td>Accs.</td>
<td>Accs.</td>
</tr>
<tr>
<td>B: Business</td>
<td>Any</td>
<td>Accs.</td>
<td>Accs.</td>
</tr>
<tr>
<td>C: Commercial</td>
<td>Any</td>
<td>Accs.</td>
<td>P</td>
</tr>
<tr>
<td>I: Industrial</td>
<td>Any</td>
<td>Accs.</td>
<td>P</td>
</tr>
<tr>
<td>U: University</td>
<td>Any</td>
<td>Accs.</td>
<td>P</td>
</tr>
</tbody>
</table>

*1Preferred siting.* Large-scale Ground-mounted SES shall be a permitted use on any brownfield, sites on the Superfund National Priorities List, above a parking lot, and former landfills.

(C) **Building permit.** A building permit is required for the installation of all SES.

(D) **Compliance with other laws and ordinances.** All SES shall comply with all Federal, State and local laws and ordinances not in conflict with this Division, including but not limited to building codes, fire codes, placement in floodplains and historic preservation districts.

(E) **Compliance with Federal Aviation Agency (FAA) regulations.** SES must comply with any applicable FAA regulations, including any necessary approvals for installations close to airports.

(F) **Signs.** No signs, unless listed as Exempt Signs in § 154.373, shall be placed on SES structures.
(G) **Method of Measurement.** SES are measured in the following manner:

1. **Area** – The area of the SES shall be determined by the total surface area of all the panels located on a lot.
2. **Height** – The height of the SES shall be calculated as the distance from grade or roof to the top of the solar panel at its greatest incline.
3. **Projection** – The projection of a Façade-mounted SES is measured from the façade to the outside edge of the SES that is perpendicular to the ground.
4. **Setback** – Setbacks for Ground-mounted SES shall be measured from the property line to the edge of the SES panels.

(H) **Historic Districts.** All SES within a local historic district or local landmark require a Certificate of Appropriateness from the Historic Preservation Commission.

(I) **Septic field.** Ground-mounted SES shall not be located over a septic field, unless approval is granted from the St. Joseph County Health Department.

**154.514 BUILDING-MOUNTED SOLAR ENERGY SYSTEMS (“SES”); DEVELOPMENT STANDARDS**

(A) **Height.** Roof-mounted SES may exceed the maximum allowed building height of the building or structure on which it is located by five (5) feet in residential districts and ten (10) feet in all other districts.

(B) **Projection.** Façade-mounted SES may project off a building façade up to three (3) feet into the required setback.

(C) **Legal nonconforming.** Building-Mounted SES may be installed on:

1. Legally established nonconforming buildings as long as the installation of the SES does not increase the nonconformity, except for the allowances in height and projection as outlined above; or
2. Accessory to legally established nonconforming uses as long as the installation of the SES does not increase the nonconformity.

(D) **Safety and Emergency Access.** Building-mounted SES shall be located in such a manner as to ensure emergency access to the roof, provide pathways to specific areas of the roof, provide for smoke ventilation opportunities, and provide emergency access to the roof.
mounted SES shall be located in accordance with the Indiana Fire Code and enforced by the City of South Bend / St. Joseph County Building Department.

154.515 GROUND-MOUNTED SOLAR ENERGY SYSTEMS (“SES”); DEVELOPMENT STANDARDS

(A) Accessory buildings. Ground-mounted SES shall not be calculated in the maximum area of accessory buildings.

(B) Maximum height. Ground-mounted SES shall not be taller than twenty-two (22) feet above grade.

(C) Minimum setback. Ground-mounted SES shall meet the required setbacks of the district in which they are located. Setbacks shall be the same as what is required for accessory buildings.

(D) Maximum lot coverage. Ground-mounted SES shall not be calculated in the floor area ratio of the district in which they are located.

(E) Landscaping required. Accessory use SES for residential uses shall be exempt from all required landscaping. All other SES shall be exempt from any required landscaping except for the following:

(1) Pollinator-friendly seed mixes and native plants are required around the SES at a rate of two (2) square feet of plantings for every one (1) square foot of solar panels. For reference, best practices, and maintenance information see Technical Guide: Establishment and Maintenance of Pollinator-Friendly Solar Projects (2020) – Northern Indiana – Michiana Area Council of Governments, as amended.

(2) The Zoning Administrator may approve the redistribution of the required landscaping to other locations on the site.

(F) Power lines. Power transmission lines, not including lines that connect one panel to another or from the project to the main transmission lines, from Ground-mounted SES must be underground and must be completely shielded against shock hazard.

(G) Pavement. Driveways shall be paved with hard surfaced with asphalt, concrete, pervious pavement, pavers or other material to provide a durable, dust-free surface which meets
the minimum specifications prescribed by the County Engineer for the first 50’ from the edge of pavement. Interior access drives, and interior access driveways are not required to be paved.

(H) Off-street parking. Parking areas are exempt from the off-street parking regulations in §§ 154.415 through 154.423, but must still meet the required setbacks in the underlying zoning district and the landscaping requirements contained in this section.

154.516 ABANDONMENT AND REMOVAL OF GROUND-MOUNTED SOLAR ENERGY SYSTEMS

(A) Decommissioning and removal. Any Ground-mounted SES which has reached the end of its useful life or has been abandoned shall be removed by the owner. The owner or operator shall physically remove the installation no more than 120 days after the date of discontinued operations, or by a timeframe determined by the Zoning Administrator for extenuating circumstances. For large-scale SES, decommissioning shall consist of:

(1) Physical removal of all SES, structures, and equipment from the site;

(2) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations; and

(3) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Zoning Administrator may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

(B) Abandonment. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the Ground-mounted SES shall be considered abandoned when it fails to operate for more than one year without the written consent of the Zoning Administrator.

(C) Right to remove. If the owner or operator of the SES fails to remove the installation in accordance with the requirements of this section within 90 days of abandonment or the proposed date of decommissioning, the County retains the right, after the receipt of an appropriate court order, to enter and remove an abandoned, hazardous, or decommissioned Ground-mounted SES. As a condition of issuance of an Improvement Location Permit, the applicant and landowner shall agree to allow entry to remove an abandoned, hazardous, or decommissioned installation.

SECTION 12.
Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Section 154.636 Definitions, as amended, is hereby further amended and supplemented as follows:

154.636 DEFINITIONS
SOLAR ENERGY SYSTEM (SES). An energy system that uses the power of the sun to capture, store, and transmit energy.

SECTION 13.
This ordinance shall be in full force and effect from and after its enactment and publication as required by law, and full execution of any conditions of Commitments placed upon the approval.

_______________________________
MEMBER, ST. JOSEPH COUNTY COUNCIL
Requested Action:

An Ordinance initiated by the Area Plan Commission of St. Joseph County amending Chapter 154, Planning and Zoning of the St. Joseph County Code to replace and update Sign Regulations.

Staff Comments:

This Ordinance proposes to replace the existing Sign Regulations for unincorporated St. Joseph County. The current Sign Regulations includes unnecessary information, outdated and confusing regulations, generous allowances, no method of measurement, and one zoning district that has no standards at all. With this replacement, all of these issues will be addressed. Unnecessary information about permitting and building codes is removed because this is addressed by the Building Department. Text is paired with graphs and illustrations which makes this Ordinance easier to understand and more pleasing to read. Modern sign technology is recognized and regulations added to make these compatible with nearby residential uses. Generous sign size and height allowances are scaled back. Method of measurement is added so users and staff know how to measure the signs that are proposed. Standards are added to the U: University District where none existed before. These regulations have been taken from the newly adopted City of South Bend Zoning Ordinance which has been extensively researched and reviewed by sign professionals. This will create a unique opportunity to have consistent sign design throughout the majority of the County and also make it easier on users by essentially only have to learn one Ordinance. Adaptations have been made that address the unique characteristics of the County. Some major changes:

- A complete reformatting and reorganization of Sign Regulations, all the definitions are included before each section so it is clear exactly what sign type this section applies to, and additions of graphic elements.
- Permit requirements and building code information is removed.
- Exempt maintenance now allows an awning to be removed to replace the surface.
- Language is added to protect required landscaping from damage to increase visibility of a sign.
- Flashing signs are now prohibited.
- Standard size menu boards are now exempt.
- Works of art are now exempt when on a side or rear façade, exempting them from meeting the maximum building sign size which limited works of art to 5% of the façade.
- Sign brightness must be turned down at night.
• Electronic message centers (EMCs) are now addressed. They must feature auto-dimming capabilities, only feature static images, and must be turned off between 11pm and 6am if within 200 feet of a residential use.
• New sign types are allowed or specifically addressed including suspended signs, three-dimensional signs, multi-tenant signs, and indirect business signs.
• Indirect business signs allow establishments to have a freestanding sign when they don't have direct street frontage.
• Some sizes and heights are reduced to better meet the intent of this section. For example, you are no longer allowed to have a 55' tall sign in the R: Single Family District.
• Signs are no longer required to have 10 feet of clearance if located within 25 feet of the edge of the pavement which will help decrease the cost of signs and encourages the use of generally more aesthetically pleasing monument signs instead of pole signs.
• Increased size and height are allowed at sites that abut limited access highways or have long street frontages.
• Regulations based on content have been removed to ensure the Ordinance is compliant with Supreme Court cases regarding free speech.
• Outdoor advertising signs, commonly known as billboards, are now required to be of steel construction and a statement has been added to ensure that these signs can't be placed in violation of the Highways Beautification Act, as amended (1965).

Policy Plan:
This Ordinance is consistent with the Comprehensive Plan for South Bend and St. Joseph County, Indiana (2002), Goal 2, Objective B: Locate employment uses in such a manner that conflicts with residential land uses are minimized; Goal 2, Objective C: Develop quality business areas to meet the retail and service needs of the planning area; and Goal 2, Objective C, Policy ii: Promote the upgrading, rejuvenation, and beautification of all functional, existing commercial centers.

Recommendation:
Based on the information available prior to the public hearing, the staff recommends sending this Ordinance to the County Council with a favorable recommendation.

Analysis:
This Ordinance will replace one of the most used, but most confusing sections of the Zoning Ordinance making sign permitting easier for both the user and staff. The new and updated regulations will promote creative, safe, and aesthetically pleasing sign design that meets the needs of St. Joseph County. Addressing specific sign types, including a method of measurement, allowing new types of signs will encourage creativity in sign design.
ORDINANCE NO.____________________


PETITIONER: Area Plan Commission

WHEREAS, The County Council of St. Joseph County, Indiana, adopted a new zoning ordinance for St. Joseph County that went into effect on June 13, 2005;

WHEREAS, the Ordinance has been in use since that time, and it has been determined that certain changes are necessary to revise and clarify various sections of the Ordinance;

WHEREAS, signs are recognized as being an essential part of the built environment to provide information, advertise, and direct;

WHEREAS, this ordinance should encourage creative and imaginative design and use of signs in order to create a more attractive economic and business climate that will foster and improve the economic vitality of the community by enhancing and protecting the physical appearance of the community; and

WHEREAS, in order to accomplish this purpose, it is necessary to regulate the size, location, construction, and manner of display of signs as set forth in this subchapter.

IT IS HEREBY ORDAINED BY THE COUNTY COUNCIL OF ST. JOSEPH COUNTY, INDIANA, THAT:

SECTION 1.

Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Section 154.002 Interpretation, as amended, is hereby further amended and supplemented as follows:
154.002 INTERPRETATION.

(F) Illustrations, diagrams, and flowcharts are included in this Ordinance to illustrate the intent and requirements of the text. In the case of a conflict between the text and any illustrations, diagram, or flowchart, the text controls.

SECTION 2.

Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Section 154.070 General Regulations, as amended, is hereby further amended and supplemented as follows:

154.070 ACCESSORY USES, BUILDINGS AND STRUCTURES.

(C) Additional Development Standards for Accessory Uses, Buildings or Structures.

(1) Residential Districts – Accessory uses, buildings or structures permitted in any Residential District or as an accessory use, building or structure to any residential use in any other district established by this Chapter shall also comply with the following additional development standards:

   (h) Signs. Shall comply with §§ 154.370 through 154.381.

(2) Business/commercial districts and industrial districts. Accessory uses, buildings or structures permitted in any Business / Commercial District or any Industrial District shall also comply with the following additional development standards:

   (c) Signs. Shall comply with §§ 154.370 through 154.381.

SECTION 3.

Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Section 154.072 Home Occupations, as amended, is hereby further amended and supplemented as follows:

154.072 HOME OCCUPATIONS.

(A) Development Standards. Home occupations shall be permitted for any residential use subject to the following development standards:

   (2) There shall be no change in the outside appearance of the building premises and no sign or display is to be used which indicates the building is being used for anything other than a dwelling or residential accessory structure other than signs as permitted in §§ 154.370 through 154.381.

SECTION 4.

Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Section 154.092 General Development Standards in the A: Agricultural District as amended, is hereby further amended and supplemented as follows:
154.092  GENERAL DEVELOPMENT STANDARDS.

(F)  **Lighting.** See §§ 154.350 through 154.355.

(G)  **Signs.** See §§ 154.370 through 154.400.

(H)  **Parking.** See § 154.415 through 154.423.

(I)  **Loading.** See §§ 154.435 through 154.442.

(J)  to (L)

(K)  to (M)

(F)  **Use of yards:** All minimum yards shall be landscaped in compliance with the requirements for perimeter yard landscaping as set forth in § 154.330 through 154.339 and shall be maintained as open space free from buildings or structures except where expressly permitted below:

1.  **Minimum front yard.** Minimum front yards may include: driveways, sidewalks, greenways, fences, and signs as regulated by §§ 154.370 through 154.381.

2.  **Minimum side or rear yards.** Minimum side or rear yards may include interior access driveways, sidewalks, greenways, and fences.

(G)  **Landscaping.** See §§ 154.330 through 154.339.

(H)  **Lighting.** See §§ 154.350 through 154.355.

(I)  **Signs.** See §§ 154.370 through 154.381.

(J)  **Off-Street Parking.** See §§ 154.415 through 154.423.

(K)  **Off-Street Loading.** See §§ 154.435 through 154.442

SECTION 5.

Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Section 154.107 General Development Standards in the R: Single Family District as amended, is hereby further amended and supplemented as follows:

154.107  GENERAL DEVELOPMENT STANDARDS.

(D)  to (E)

(E)  to (F)

(F)  to (G)
Use of yards: All minimum yards shall be landscaped in compliance with the requirements for perimeter yard landscaping as set forth in § 154.330 through 154.339 and shall be maintained as open space free from buildings or structures except where expressly permitted below:

1. Minimum front yard. Minimum front yards may include: driveways, sidewalks, greenways, fences, and signs as regulated by §§ 154.370 through 154.381.

2. Minimum side yards. Minimum side yards may include interior access driveways, sidewalks, greenways, and fences.

3. Minimum rear yards. Minimum rear yards may include: parking areas and interior access drives provided that they be located no closer than 20 feet to a rear lot line; interior access driveways, sidewalks, greenways, and fences.

SECTION 6.

Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Section 154.122 General Development Standards in the R-2: Single Family District as amended, is hereby further amended and supplemented as follows:

154.122 GENERAL DEVELOPMENT STANDARDS.

Signs: See §§ 154.370 through 154.381.

Off-Street Parking: See § 154.415 through 154.423.

Off-Street Loading. See §§ 154.435 through 154.442
Use of yards: All minimum yards shall be landscaped in compliance with the requirements for perimeter yard landscaping as set forth in § 154.330 through 154.339 and shall be maintained as open space free from buildings or structures except where expressly permitted below:

1. **Minimum front yard.** Minimum front yards may include: driveways, sidewalks, greenways, fences, and signs as regulated by §§ 154.370 through 154.381.

2. **Minimum side yards.** Minimum side yards may include interior access driveways, sidewalks, greenways, and fences.

3. **Minimum rear yards.** Minimum rear yards may include: parking areas or interior access drives provided that they be located no closer than 20 feet to a rear lot line; interior access driveways, sidewalks, greenways, or fences.

4. **Preliminary or sketch plan.** A preliminary or sketch plan shall be submitted with the rezoning petition to indicate the petitioner’s intent relative to the general land use and circulation arrangement and shall also show the following:
   
   (a) A typical lotting arrangement along a street, with general dimensions;
   
   (b) Tabulated data stating acreage of site, number of lots, density (gross and net), percentage of land in livable open space, percent of building coverage;
   
   (c) Dimensioned cross-section of the entrance roads;
   
   (d) Location of adjacent streets and sanitary and storm sewers within one mile;
   
   (e) Any other pertinent data as required by the Area Plan Commission.

5. **Improvement location permit.** In addition to the requirements specified in § 154.596, all applications for an improvement location permit for a multi-family development shall include the following information:

   (a) The proposed title of the project and the name of the engineer, architect, or landscape architect, and the developer;
   
   (b) North point, scale and date;
   
   (c) Existing zoning and zoning district boundaries;
   
   (d) The boundaries of the property involved, all existing easements, section lines, and property lines, existing streets, buildings, watercourses, waterways or lakes, and other existing physical features in or adjoining the project;
(e) — Topography of the project area;

(f) — The location and sizes of sanitary and storm sewers, water mains, culverts, and other underground structures in or near the projects;

(g) — The location, dimensions, and character of construction of proposed streets, alleys, driveways, curb cuts, entrances and exits, loading areas, parking areas (including numbers of parking and loading spaces), outdoor lighting system, storm drainage and sanitary facilities;

(h) — The location and dimensions of proposed lots, setback lines, and easements;

(i) — Location of all proposed buildings and structures together with their height, with respect to each other and to lot lines;

(j) — Location, height, and material of all fences, walls, screen planting, and landscaping;

(k) — Location and character of proposed uses;

(l) — Location, character, size and height and orientation of proposed signs; and,

(m) — A tabulation of gross number of acres in the project with percentage of building area and percentage of ground coverage with impervious materials, buildings, etc.

SECTION 7.

Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Section 154.137 General Development Standards in the O/B: Office/Buffer District as amended, is hereby further amended and supplemented as follows:

154.137 GENERAL DEVELOPMENT STANDARDS.

(D) Use of yards. All minimum yards shall be landscaped in compliance with the requirements for perimeter yard landscaping as set forth in §§ 154.330 through 154.339 and shall be maintained as open space remain free from buildings or structures except where expressly permitted below:

(1) Minimum front yards. Minimum front yards may include parking areas, interior access drives, or and interior access driveways, provided that no portion of such area may be located closer to the right-of-way than 15 feet; driveways, greenways, sidewalks, fences, and or signs as regulated by §§ 154.370 through 154.400 154.381, and shall be otherwise maintained as open space free from buildings or structures;
(2) **Minimum side yards.** Minimum side yards may include: interior access driveways, *greenways, sidewalks, and fences*, walkways, pedestrian ways connecting to an abutting lot, and shall be otherwise maintained as open space free from buildings or structures.

(3) **Minimum rear yards.** Minimum rear yards may include: parking areas, *loading areas*, and interior access drives, provided that no portion of such area may be located closer than 20 feet to a rear lot line; or, interior access driveways, *greenways, sidewalks, and fences*, walkways or, pedestrian ways connecting to an abutting lot and shall be otherwise maintained as open space free from buildings or structures.

(H) **Signs:** See §§ 154.370 through 154.400 154.381.

(K) **General requirements.**

(1) **Indoor operations.** All activities associated with permitted uses, except for off-street parking, maneuvering or loading, trash containers, and renewable energy systems shall be conducted within completely enclosed buildings.

SECTION 8.

Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Section 154.152 General Development Standards in the O: Office District as amended, is hereby further amended and supplemented as follows:

154.152 GENERAL DEVELOPMENT STANDARDS.

(D) **Use of yards.** All minimum yards shall be landscaped in compliance with the requirements for perimeter yard landscaping as set forth in §§ 154.330 through 154.339 and shall be maintained as open space remain free from buildings or structures except where expressly permitted below:

(1) **Minimum front yards.** Minimum front yards may include: parking areas, interior access drives, or and interior access driveways, provided that no portion of such area may be located no closer to the right-of-way than 15 feet; driveways, *greenways, sidewalks, fences, and signs* as regulated by §§ 154.370 through 154.400 154.381, and shall be otherwise maintained as open space free from buildings or structures;

(2) **Minimum side yards.** Minimum side yards may include: interior access driveways, *greenways, sidewalks, and fences*, walkways, pedestrian ways connecting to an abutting lot, and shall be otherwise maintained as open space free from buildings or structures.

(3) **Minimum rear yards.** Minimum rear yards may include: parking areas, *loading areas*, and interior access drives, provided that no portion of such area may be located closer than 20 feet to a rear lot line; or, interior access driveways, *greenways, sidewalks, and fences*, walkways or, pedestrian ways connecting to an abutting lot and shall be otherwise maintained as open space free from buildings or structures.

(H) **Signs:** See §§ 154.370 through 154.400 154.381.
(K) General requirements.

(1) Indoor operations. All activities associated with permitted uses, except for off-street parking, maneuvering or loading, trash containers, and renewable energy systems shall be conducted within completely enclosed buildings.

SECTION 9.

Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Section 154.167 General Development Standards in the B: Business District as amended, is hereby further amended and supplemented as follows:

154.167 GENERAL DEVELOPMENT STANDARDS.

(D) Use of yards: All minimum yards shall be landscaped in compliance with the requirements for perimeter yard landscaping as set forth in § 154.330 through 154.339 and shall be maintained as open space remain free from buildings or structures except where expressly permitted below:

(1) Minimum front yards across from agricultural, business/commercial or industrial districts:

(a) Along limited access highways may include: parking areas, loading areas, interior access drives, or interior access driveways, provided that no portion of such area may be located closer to the right of way than 15 feet; or, signs as regulated by §§ 154.370 through 154.400, and shall be otherwise maintained as open space free from buildings or structures;

(b) Along all other streets may include: parking areas, interior access drives, or interior access driveways provided that no portion of such areas may be located closer to the right of way than 15 feet; driveways; or, signs as regulated by §§ 154.370 through 154.400, and shall otherwise be maintained as open space free from buildings or structures;

(c) All front yards may include: fuel, air, and water pumps in conjunction with automobile service stations located within the required front yard or side yard adjoining a street but no closer than 15 feet to any right of way line. A free standing canopy in conjunction with an automobile service station may also be located within the required front yard provided that the supports are no closer than 15 feet to any right of way and further provided that the outer edge of the canopy shall be set back at least five feet from the front lot line or side lot line adjoining a street.

(2) Minimum front yards across from a residential district or residential use. Minimum front yards across from a residential district or residential use may include: driveways; or, signs as regulated by §§ 154.370 through 154.400, and shall otherwise be maintained as open space free from buildings or structures;
(3) **Minimum side and rear yards.** Minimum side and rear yards may include: parking areas, loading areas, interior access drives, interior access driveways, walkways; or, pedestrian ways;

(4) **Minimum side and rear yards abutting a residential district or residential use.** Minimum side and rear yards abutting a residential district or residential use may include interior access driveways, walkways; or, pedestrian ways connecting to adjoining lots or developments provided that the remainder of said yards shall be maintained as open space free from buildings or structures.

(1) **Minimum front yards.** Minimum front yards may include:

   (a) Along limited access highways may include: loading areas located no closer to the right-of-way than 15 feet;

   (b) All front yards may include: parking areas, interior access drives, interior access driveways, and fuel pumps, air pumps, water pumps, and freestanding canopies in conjunction with automobile service stations located no closer to the right-of-way than 15 feet; driveways, greenways, sidewalks, fences, or signs as regulated by §§ 154.370 through 154.381.

(2) **Minimum front yards across from a residential district or residential use.** Minimum front yards across from a residential district or residential use may include: driveways, greenways, sidewalks, fences, and signs as regulated by §§ 154.370 through 154.381.

(3) **Minimum side and rear yards.** Minimum side and rear yards may include: interior access drives, interior access driveways, greenways, sidewalks, and fences.

(4) **Minimum side and rear yards abutting a residential district or residential use.** Minimum side and rear yards abutting a residential district or residential use may include interior access driveways, greenways, sidewalks, and fences.

(I) Signs. See §§ 154.370 through 154.400 154.381.

(L) General requirements.

(2) All business, servicing, or processing, except for off-street parking or loading, trash containers, and renewable energy systems shall be conducted within completely enclosed buildings.

SECTION 10.

Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Section 154.181 through 154.182 Permitted Uses and General Development Standards in the C: Commercial District as amended, is hereby further amended and supplemented as follows:

154.181 PERMITTED USES.

(B) Special uses.
(11) Off-track para-mutual wagering facility, approved hotels, casinos, or buildings wherein gambling games are conducted, provided that the following development standards are complied with (In the case of conflicting regulations, the more restrictive shall apply.):

(e) In addition to the sign regulations set out in §§ 154.370 through 154.400, only the following signs shall be permitted (In case of conflicting regulations, the more restrictive shall apply.):

1. All signs permitted in the R: Single Family District;
2. One on-premise, freestanding monument type sign per primary building provided that:
   a. The sign does not exceed 64 square feet in area;
   b. The top of the sign does not exceed four feet above ground; and
   e. The sign meets the setback requirements § 154.380;
3. One marquee or canopy sign per primary building provided that:
   a. The sign does not exceed 64 square feet in area; and
   b. The sign meets the requirements of § 154.381.
4. Fascia signs provided that the signs do not exceed 64 square feet in area; and
5. The total size of all the signs shall not exceed 128 square feet.

154.182 GENERAL DEVELOPMENT STANDARDS.

(D) Use of yards. All minimum yards shall be landscaped in compliance with the requirements for perimeter yard landscaping as set forth in §§ 154.330 through 154.339 and shall be maintained as open space remain free from buildings or structures except where expressly permitted below:

1. Minimum front yards across from agricultural, business / commercial or industrial districts:
   a. Along limited access highways may include: parking areas, loading areas, interior access drives, or interior access driveways, provided that no portion of such area may be located closer to the right of way than 15 feet; or, signs as regulated by §§ 154.370 through 154.400, and shall be otherwise maintained as open space free from buildings or structures;
   b. Along all other streets may include: parking areas, interior access drives, or interior access driveways provided that no portion of such areas may be located closer
(c) All front yards may include: fuel, air, and water pumps in conjunction with automobile service stations located within the required front yard or side yard adjoining a street but no closer than 15 feet to any right-of-way line. A free-standing canopy in conjunction with an automobile service station may also be located within the required front yard provided that the supports are no closer than 15 feet to any right-of-way and further provided that the outer edge of the canopy shall be set back at least five feet from the front lot line or side lot line adjoining a street.

(2) Minimum front yards across from a residential district or residential use. Minimum front yards across from a residential district or residential use may include: driveways; or, signs as regulated by §§ 154.370 through 154.400, and shall otherwise be maintained as open space free from buildings or structures;

(3) Minimum side and rear yards. Minimum side and rear yards may include: parking areas, loading areas, interior access drives, interior access driveways, walkways; or, pedestrian ways; and

(4) Minimum side and rear abutting a residential district or residential use. Minimum side and rear abutting a residential district or residential use may include interior access driveways, walkways; or, pedestrian ways connecting to adjoining lots or developments provided that the remainder of said yards shall be maintained as open space free from buildings or structures.

(1) Minimum front yards. Minimum front yards may include:

(a) Along limited access highways may include: loading areas located no closer to the right-of-way than 15 feet;

(b) All front yards may include: parking areas, interior access drives, interior access driveways, and fuel pumps, air pumps, water pumps, and freestanding canopies in conjunction with automobile service stations located no closer to the right-of-way than 15 feet; driveways, greenways, sidewalks, fences, or signs as regulated by §§ 154.370 through 154.381.

(2) Minimum front yards across from a residential district or residential use. Minimum front yards across from a residential district or residential use may include: driveways, greenways, sidewalks, fences, and signs as regulated by §§ 154.370 through 154.381.

(3) Minimum side and rear yards. Minimum side and rear yards may include: interior access drives, interior access driveways, greenways, sidewalks, and fences.

(4) Minimum side and rear yards abutting a residential district or residential use. Minimum side and rear yards abutting a residential district or residential use may include interior access driveways, greenways, sidewalks, and fences.

(I) Signs. See §§ 154.370 through 154.400 154.381.
(L) General requirements.

(2) All business, storage, servicing, or processing shall be conducted within completely enclosed buildings, with the following exceptions:

   (d) Off-street parking and loading;

   (e) Trash containers; and

   (f) Renewable energy systems.

SECTION 11.

Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Section 154.212 General Development Standards in the I: Industrial District as amended, is hereby further amended and supplemented as follows:

154.212 GENERAL DEVELOPMENT STANDARDS.

(C) Use of yards. All minimum yards shall be landscaped in compliance with the requirements for perimeter yard landscaping as set forth in §§ 154.330 through 154.339 and shall be maintained as open space, remain free from buildings or structures except where expressly permitted below:

(1) Minimum front yards across from agricultural, business / commercial or industrial districts:

   (a) Along limited access highways. May include: parking areas, loading areas, interior access drives, interior access driveways, provided that no portion of such area may be located closer to the right-of-way than fifteen (15) feet; pedestrian ways; or signs as regulated by §§ 154.370 through 154.400, and shall be otherwise maintained as open space free from buildings or structures;

   (b) Along all other streets. May include: parking areas, interior access drives, or interior access driveways provided that no portion of such areas may be located closer to the right-of-way than fifteen (15) feet; driveways; pedestrian ways; or, signs as regulated by §§ 154.370 through 154.400, and shall otherwise be maintained as open space free from buildings or structures;

   (c) All front yards. May include: fuel, air, and water pumps in conjunction with automobile service stations located within the required front yard or side yard adjoining a street but no closer than fifteen (15) feet to any right-of-way line.

(2) Minimum side and rear yards. Minimum side and rear yards may include: parking areas, loading areas, interior access drives, interior access driveways; or, pedestrian ways;
(3) Minimum front yards across from a residential district or residential use. May include: driveways; pedestrian ways; or, signs as regulated by §§ 154.370 through 154.400, and shall otherwise be maintained as open space free from buildings or structures;

(4) Minimum side and rear abutting a residential district or residential use. May include interior access driveways; or, pedestrian ways provided that the remainder of said yards shall be maintained as open space free from buildings or structures.

(1) Minimum front yards. Minimum front yards may include:

(a) Along limited access highways may include: loading areas located no closer to the right-of-way than 15 feet;

(b) All front yards may include: parking areas, interior access drives, interior access driveways, and fuel pumps, air pumps, water pumps, and freestanding canopies in conjunction with automobile service stations located no closer to the right-of-way than 15 feet; driveways, greenways, sidewalks, fences, or signs as regulated by §§ 154.370 through 154.381.

(2) Minimum front yards across from a residential district or residential use. Minimum front yards across from a residential district or residential use may include: driveways, greenways, sidewalks, fences, and signs as regulated by §§ 154.370 through 154.381.

(3) Minimum side and rear yards. Minimum side and rear yards may include: interior access drives, interior access driveways, greenways, sidewalks, and fences.

(4) Minimum side and rear yards abutting a residential district or residential use. Minimum side and rear yards abutting a residential district or residential use may include interior access driveways, greenways, sidewalks, and fences.

(G) Signs. See §§ 154.370 through 154.400.

(L) Outdoor storage and operations.

(2) Operations. All operations, servicing and processing located within five-hundred (500) feet of a residential district boundary (except permitted outdoor outside storage, trash containers, renewable energy systems, off-street parking and off-street loading) shall be conducted within completely enclosed buildings.

SECTION 12.

Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Section 154.277 General Development Standards in the U: University District as amended, is hereby further amended and supplemented as follows:

154.277 GENERAL DEVELOPMENT STANDARDS.

(D) Use of yards. All yards shall be landscaped in compliance with the requirements for perimeter yard landscaping as set forth in §§ 154.330 through 154.339 and shall be
maintained as open space remain free from buildings or structures except where expressly permitted below:

(1) **Minimum front yards:**

(a) Along limited access highways. May include: parking areas, loading areas, interior access drives, or interior access driveways, provided that no portion of such area may be located closer to the right-of-way than 25 feet; or signs as regulated by §§ 154.370 through 154.400, and shall otherwise be maintained as open space free from buildings or structures;

(b) Along all other streets. May include: parking areas, provided that no portion of the parking area may be located closer to the right-of-way than 15 feet; driveways, or signs as regulated by §§ 154.370 through 154.400, and shall otherwise be maintained as open space free from buildings or structures;

(2) **Minimum front yards across from a residential district or residential use.** May include: driveways; or, signs as regulated by §§ 154.370 through 154.400, and shall otherwise be maintained as open space free from buildings or structures;

(3) **Minimum side yards and rear yards.** May include: interior access drives, interior access driveways, located no closer to the right-of-way than 15 feet; driveways, greenways, sidewalks, fences, or signs as regulated by §§ 154.370 through 154.381.

(4) **Minimum side and rear yards abutting a residential district or residential use.** Shall be maintained as open space free from buildings or structures.

(1) **Minimum front yards.** Minimum front yards may include:

(a) Along limited access highways may include: loading areas located no closer to the right-of-way than 15 feet;

(b) All front yards may include: parking areas, interior access drives, and interior access driveways, located no closer to the right-of-way than 15 feet; driveways, greenways, sidewalks, fences, or signs as regulated by §§ 154.370 through 154.381.

(2) **Minimum front yards across from a residential district or residential use.** Minimum front yards across from a residential district or residential use may include: driveways, greenways, sidewalks, fences, and signs as regulated by §§ 154.370 through 154.381.

(3) **Minimum side and rear yards.** Minimum side and rear yards may include: interior access drives, interior access driveways, greenways, sidewalks, and fences.

(4) **Minimum side and rear yards abutting a residential district or residential use.** Minimum side and rear yards abutting a residential district or residential use may include interior access driveways, greenways, sidewalks, and fences.

(H) **Signs.** See §§ 154.370 through 154.400 154.381.
(I) **Off-Street Parking.** See § 154.415 through 154.423 regarding design and construction of parking areas.

(J) **Off-Street Loading.** See §§ 154.435 through 154.442 regarding design and construction of loading areas.

SECTION 13.

Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Sections 154.370 to 154.400 Sign Regulations, as amended, is hereby repealed and replaced with Sections 154.370 to 154.381 Sign Regulations as follows:

**SIGN REGULATIONS**

**154.370 INTENT.**

It is recognized that certain uses located in appropriately zoned districts need and have a right to advertise through the use of sign displays. It is the intent of this chapter to encourage creative and imaginative design and use of signs in order to create a more attractive economic and business climate. It is further the intent of this chapter to foster and improve the economic vitality of the community by enhancing and protecting the physical appearance of the community. In order to accomplish this purpose, it is necessary to regulate the size, location, construction, and manner of display of signs as set forth in this subchapter.

**154.371 APPLICABILITY.**

All new, reconstructed, altered, or relocated signs must comply with the standards of this section.

**154.372 GENERAL REGULATIONS.**

(A) **Permit required.** All sign types described in this section, require a permit before they may be constructed, reconstructed, altered, or relocated, except those listed as Exempt Signs in § 154.373, and as outlined below:

(1) **Exempt maintenance.** Painting, cleaning, refacing, or other normal maintenance and repair of a sign does not require a permit, provided that no change is made to any structural component of the sign. For awning signs, removal of the frame for resurfacing shall be considered normal maintenance provided the existing frame is reutilized and the sign complies with all other regulations of this section.

(2) **Signs in the right-of-way.** Any sign that encroaches into a public right-of-way requires approval from the County Engineer.

(B) **Minimum maintenance.** All signs shall be maintained in good repair and in operable condition. Painted faces or structural members shall be repainted whenever peeling or
fading occurs. Neon tubes, lamps, ballasts, and transformers shall be kept in a good state of repair and safe condition. The County may order the removal of any sign which becomes a public hazard due to lack of maintenance or repair or which becomes insecure, in danger of falling, or otherwise unsafe.

(C) Nonconforming Signs. A nonconforming sign that was legally established and maintained in compliance with the provisions of all applicable laws in effect at the time of original installation, but that does not now comply with the provisions of this Ordinance, shall be deemed to be legal nonconforming and may be repaired or altered in accordance with § 154.055. All other signs which do not conform with said provisions of this chapter shall be deemed to be illegal nonconforming signs.

(D) Removal of Freestanding Signs. Notwithstanding anything contained in § 154.055 to the contrary, freestanding on-premise signs and sign structures, shall be subject to the following removal provisions:

(1) When the building on the premise is removed, any sign and sign structure located on the lot and accessory to such building shall also be removed at the same time; and

(2) When a legally established nonconforming building, or any activity, business, commodity, or service on the premise, suffers a partial destruction in excess of the value specified in § 154.055 of this Ordinance and such building, or activity, must be removed and brought into compliance with the terms of this Ordinance, any sign or sign structure located on the lot shall also be brought into compliance with the terms of this Ordinance.

(E) Cutting of Trees or Shrubs. No person shall damage, trim, destroy, or remove any required trees, shrubs, or other vegetation for the purpose of increasing or enhancing the visibility of any sign.

(F) Location. Signs shall be installed subject to the following provisions:

(1) Each permanent sign, except for off-premise signs and multi-tenant signs, must be located on the same site as the subject of the sign.

(2) Freestanding signs shall have a minimum front yard setback of ten (10) feet, except limited access highways which shall have a minimum front yard setback of fifty (50) feet.

(3) Freestanding signs shall have minimum side and rear yard setbacks the same as required for accessory structures.

(4) No sign, other than signs placed by agencies of government with appropriate jurisdiction, or a sign whose placement is authorized by such agencies, may be erected or placed on public property, including rights-of-way.

(5) No signs may be installed in a way that obstructs free and clear vision, Clear Sight Area per § 154.078, or free use of any public right-of-way, intersection, ingress or
egress point, transit stop, parking space, drive aisle, driveway, building entrance, fire escape, or accessibility ramp.

(6) No sign may obstruct or substantially interfere with any window, door, fire escape, stairway, ladder, or opening intended to provide ingress or egress to any building.

(G) **Illumination.** Illuminated signs are subject to the following provisions:

(1) External illumination shall be shielded so that it illuminates only the sign surface and does not shine on, cause glare to, or otherwise impair the vision of the driver of any motor vehicle traveling on a public right-of-way.

(2) Colored light must not be used at a location or in a manner that could be confused with a traffic control device.

(3) Signs that are illuminated at night may not exceed a maximum luminance level of 750 nits, regardless of the method of illumination. All illuminated signs must comply with the luminance level at least one-half hour before Apparent Sunset, as determined by the National Oceanic and Atmospheric Administration (NOAA). At Apparent Sunrise, as determined by NOAA, signs may resume luminance levels appropriate for daylight conditions.

(H) **Changeable Copy Signs.** A changeable copy sign is a sign on which the message changes either automatically through electrical means or manually through the placement of letters or symbols on a panel mounted in or on a track system. Changeable copy signs include electronic message centers (EMC).

(1) Changeable copy signs may be used as part of either a freestanding sign or building sign. Only one changeable copy sign is allowed per establishment.

(2) The changeable copy portion of a sign shall not exceed forty (40) percent of the sign surface area of any permitted sign type.

(3) **Electronic Message Centers (EMC).** An electronic message center is a changeable copy sign that uses computer generated graphics or other electronic means of changing messages. EMCs, which shall also comply with the following regulations:

(a) EMC signs shall have automatic dimming controls, either by photocell or via software settings, in order to bring EMC lighting level at night into compliance with this section;

(b) EMC signs located within two-hundred (200) feet of a parcel used for residential purposes shall not be illuminated between the hours of 11pm and 6am;

(c) All message shall be static and displayed for a minimum of 8 seconds;

(d) Any change in an electronic message must be instantaneous without fading in, dropping in, spinning, rotating, or similar moving copy changes;
(e) Full motion video or film display via an electronic file imported into the EMC software or streamed in real time into the EMC is prohibited; and

(f) Any EMC sign that is malfunctioning must be turned off.

154.373 EXEMPT SIGNS.

The following signs do not require a sign permit if they meet the following conditions:

(A) Address sign. A sign that identifies the address of a lot, structure, or establishment, provided it does not exceed two square feet in area for a property with only a residential use or four square feet in area for a property with non-residential uses.

(B) Authorized sign. Public signs and notices erected, authorized, or mandated by governmental authority under any law, statute, or ordinance.

(C) Architectural features. Signs which are architecturally integral to the building and only indicate the name of the building, date of erection, monumental citation, commemorative tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum, or other permanent type construction and made an integral part of the building.

(D) Flags. Non-commercial flags.

(E) Fuel pump signs. A fuel pump sign that is attached to a fuel pump may not exceed two square feet in area per pump. Operational and payment instructions on the face of the pump are exempt from this limitation.

(F) Holiday displays. Displays which contain no commercial message, are primarily decorative in nature, and are clearly incidental and commonly associated with any national or religious holiday, and which are erected not more than 30 days prior to the start of the holiday and removed no more than 15 days after the holiday.

(G) Incidental signs. Non-illuminated signs not exceeding two square feet, provided there is no more than two per street frontage per lot. Incidental signs may include, but are not limited to: signs advertising a political candidate; garage sale; home improvement/remodeling; business hours of operation; and seasonal/holiday signs.

(H) Menu boards. A menu board is a permanently mounted sign displaying the items for sale at a drive-through establishment. Menu boards are exempt if they meet the following conditions:

(1) Menu boards shall only be permitted in conjunction with a permitted drive-through use;

(2) A maximum of two menu boards is permitted per drive-through lane; and
(3) A menu board may not exceed forty-eight (48) square feet in area and eight (8) feet in height above grade.

(I) Parking lot directional and information sign. Incidental parking signs that provide additional direction or information, such as signs marking entrances and exits, parking areas, circulation direction, restroom, and pick-up or delivery areas, may be on a building or freestanding and are exempt if they meet the following conditions:

(1) No more than two (2) signs per driveway or one (1) sign per critical turning point;

(2) In the R, R-2, OB, O, and U Districts, signs shall not exceed four (4) square feet in surface area and four (4) feet in height;

(3) In the A, B, and C Districts, signs shall not exceed six (6) square feet in surface area and four (4) feet in height;

(4) In the I District, signs shall not exceed eight (8) square feet in surface area and four (6) feet in height; and

(5) All signs shall be non-illuminated.

(J) Sidewalk signs. A sidewalk sign includes two-sided, portable signs that are placed outside of an establishment, constructed in the form of an “A” or a similar tent-like shape, or attached to a post with a heavy base in the form of an inverted “T”, and intended to be viewed from the sidewalk at close range, are exempt if they meet the following conditions:

(1) A maximum of one sidewalk sign is permitted per establishment per street frontage;

(2) Sidewalk signs shall not exceed ten (10) square feet in sign surface area per side and four (4) feet in height above grade;

(3) A sidewalk sign may be placed outdoors on the premises or a public sidewalk during business hours only, and must be stored indoors at all other times;

(4) The sign must not interfere with the ingress and egress points and must maintain a minimum of five (5) feet of sidewalk clearance at all times;

(5) A sidewalk sign may not be illuminated or contain any electronic components; and

(6) A sidewalk sign may not be placed outdoors when high winds, heavy rain, or heavy snow conditions are present and may not interfere with any snow removal operations.

(K) Tombstones.
(L) **Window signs.** One window sign per non-residential use provided it does not exceed four (4) square feet and is non-illuminated.

(M) **Works of art.** Three-dimensional works of art and two-dimensional works of art which are not used for advertising or promotion of a business, product, service, or commercial activity. Two-dimensional works of art shall not be located on the front façade of a building.

### 154.374 PROHIBITED SIGNS.

These signs, as well as any sign type not expressly allowed by this Ordinance, are prohibited:

(A) Signs which interfere with, obstruct the view of, imitate, copy, purport to be, or may be confused with any authorized official sign, traffic sign, traffic signal, or traffic control device.

(B) Signs on portable trailer frames; and signs attached to or painted on a vehicle parked and visible from the public right-of-way, provided however, a vehicle which is used in the normal day-to-day operation of a business use shall not be considered a portable sign if the vehicle is parked beside or behind the building in which the use is located, or if the sign on the vehicle contains less than nine (9) square feet in sign surface area.

(C) Signs or devices motivated by wind, thermal changes, or other environmental input, such as spinners, pinwheels, unsecured banner, pennant, streamers, balloons, air-inflated signs, or other wind-blown devices or displays that are designed to inform or attract attention, except for flags that conform with § 154.378.

(D) Signs attached to trees, street lights, or utility poles.

(E) Signs that bear or contain statements, words or pictures of an obscene, pornographic, immoral character, or which contain advertising matter which is untruthful or will offend public morals or decency.

(F) Any rotating beam, beacon, intermittent light, lights of changing colors, or degrees of intensity, or flashing illumination in connection with any sign surface, except as part of an electronic message center sign.

(G) Signs that feature facial recognition technology or any device that is used to obtain biometric data.
154.375 SIGN MEASUREMENT.

(A) *Sign surface area.* Sign surface area shall be measured as follows:

1. **Signs on a background.** The entire area of the framework or background of the sign is calculated as sign area, including any material or color forming the sign face or background used to differentiate the sign from the structure against which it is placed.

2. **Signs with a base.** The base of a monument sign does not count as sign area if it is less than three (3) feet in height, provided the material used is masonry or consistent with the primary building material.

3. **Individually mounted letters or features.** The sign area is calculated as the total area of each rectangle that encompasses each word or graphic element. Sign area does not include any supporting framework or bracing, unless such framework is part of the message or sign face.

4. **Signs on an awning.** The area of awning sign is calculated by drawing the smallest possible rectangle that encompasses each word or graphic element on the awning.

5. **Signs with poles or brackets.** For signs that include a pole, pole cover, or bracket, the portion of the structure that is not an integral part of the display area shall not be included in the overall calculation of sign area provided no pole or pole cover exceed two (2) feet in width.

6. **Two or more faces.** If the sign has two or more face, the area of all faces is included in determining the area of the sign. However, if two sign faces are placed back to back, or at an angle no greater than
fifteen (15) degrees from one another so that both faces cannot be viewed from any point at the same time, the sign surface area shall be calculated by the measurement of one of the sign faces. In addition, except for off-premise signs, such sign faces that are part of the same sign structure shall not be more than forty-two inches apart.

(7) Three-dimensional, free-form, or sculptural (non-planer). The sign area is calculated as fifty (50) percent of the sum of the area of the four vertical sides of the smallest cube that would encompass the sign.

(8) Landscape wall or fence sign. The sign area of a sign face located on an ornamental, decorative fence, or masonry wall shall be limited to the area of the sign face only if the fence or wall has a length of at least three (3) times the width of the sign or message element. If a fence or wall is less than three (3) times the width of the sign or message element, the fence or wall shall the display used to differentiate the sign from the backdrop, and the entire area of the fence or wall shall be considered part of the sign surface area.

(9) Signs at a building corner. In the case of a building sign located on the corner of a building and oriented toward the intersection of two or more streets, such building sign shall count half its sign area toward the maximum permitted sign surface area for each street frontage.

(B) Sign height. Sign height is measured as the vertical distance from the street grade at the base of the sign or sign structure, to the highest point of the sign or sign structure.
(C) **Vertical clearance.** For signs attached to a structure, vertical clearance is measured as the vertical distance from the grade level to the lowest point of the sign.

(D) When calculating the area of a façade upon which a building sign may be placed, the following standards apply:

1. The area of the façade shall be the actual surface area of the façade of the building or tenant space located above grade and beneath the top of the wall, not including the roof. Façade area shall include any two-dimensional area of the building elevation from which the façade, or portion thereof, may be viewed; and

2. The calculation of façade area is determined independently for each façade.

**154.376 ON-PREMISE SIGNS. GENERALLY.**

(A) **Definition.** An on-premise sign is a sign erected, maintained, or used for the purpose of the display of messages relating to the use of, products sold on, or the sale or lease of, the property on which it is displayed.
154.377 ON-PREMISE SIGNS; BUILDING.

<table>
<thead>
<tr>
<th>Use</th>
<th>Orientation</th>
<th>Maximum Sign Surface Area</th>
<th>Maximum Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 or fewer dwelling units</td>
<td>Any</td>
<td>2 square feet</td>
<td>1</td>
</tr>
<tr>
<td>5 or more dwelling units</td>
<td>Any</td>
<td>32 square feet</td>
<td></td>
</tr>
<tr>
<td>Home Occupation</td>
<td>Any</td>
<td>2 square feet</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>District</th>
<th>Orientation</th>
<th>Maximum Sign Surface Area (Total of All Signs)</th>
<th>Maximum Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>A, R, R-2, OB, O</td>
<td>Street or Parking Area</td>
<td>5% of façade area</td>
<td>Unlimited</td>
</tr>
<tr>
<td>Other</td>
<td>3% of façade area</td>
<td>Unlimited</td>
<td></td>
</tr>
<tr>
<td>B, C, I, or U</td>
<td>Street or Parking Area</td>
<td>10% of façade area</td>
<td>Unlimited</td>
</tr>
<tr>
<td>Other</td>
<td>3% of façade area</td>
<td>Unlimited</td>
<td></td>
</tr>
</tbody>
</table>
(A) **Definition.** A building sign is any sign attached to or supported by a building. Building signs include, but are not limited to awning or canopy signs, projecting signs, roof signs, suspended signs, walls signs, and window signs.

(B) **Number and area.** The number and sign surface area of building signs shall comply with the standards in Table 154-S1: Building Sign Standards and meet any of the following standards specific to the applicable sign type. The sign surface area of building signs is the sum of the sign surface area of all signs on the façade.

(C) **Awning or canopy signs.** A sign or graphic printed on or in some fashion attached directly to the material of an awning or canopy, subject to the following standards:

1. A maximum of one sign is permitted per awning or canopy surface. Only awnings and canopies on the ground story may contain signs; and

2. The sign surface area shall not exceed fifty (50) percent of the awning or canopy surface on which it is displayed.

(D) **Projecting signs.** A two-sided or three-dimension sign that is affixed to a wall and project more than eighteen (18) inches beyond the exterior wall of a building, subject to the following standards:

1. Projecting signs shall have a vertical clearance of at least eight (8) feet above a sidewalk or fifteen (15) feet above a driveway;

2. Projecting signs shall not extend more than six (6) feet from the building face except a projecting marquee sign may extend to within eighteen (18) inches of a curb face;

3. Projecting signs shall not extend more than four (4) feet above the building roof line on a flat roof or above the eave line for pitched roofs;

4. A maximum of one projecting sign is permitted per establishment per frontage; and
Projecting signs shall have a minimum of fifteen (15) feet between other projecting signs.

(E) Roof signs. A sign mounted on the roof or the uppermost architectural band of a building, subject to the following standards:

1. Roof signs are only permitted in the A, C, I, or U Districts;

2. A maximum of one roof sign is permitted per building;

3. Roof signs shall not be more than seventy-five (75) percent of the building width at the roof level and fifteen (15) feet in height;

4. Roof signs must not extend below the upper lintel of windows of the highest story of a building;

5. Roof signs may only be internally illuminated; and

6. Roof signs must consist of individual alphanumeric character of graphic elements.

(F) Suspended signs. A sign that is suspended, hung, or connected to the underside of a horizontal surface and intended to be viewed from the sidewalk at close range, subject to the following standards:

1. A maximum of one suspended sign is permitted per ground floor establishment per frontage;

2. Suspended signs shall have a maximum sign surface area of six (6) square feet; and

3. Suspended signs shall have a vertical clearance of at least eight (8) feet above the finished grade below it.
(G) **Wall signs.** Any sign attached to, applied to, or mounted on the wall of a building or structure, with the face of the sign parallel to that of the wall, subject to the following standards:

1. Wall signs shall not project more than eighteen (18) inches from the wall;
2. Wall signs shall not be more than eighty (80) percent of the building façade width; and
3. No wall sign may extend above the window sills of the second story, unless the establishment extends to the second story above. No portion of a wall sign may extend above the roofline or parapet wall of a building with a flat roof or above the lower eave of a building with a pitched roof.

(H) **Window signs.** A sign that is attached to, placed upon, printed on the interior or exterior of a window or door of a building, or displayed within the interior and clearly intended for public recognition outside the building, subject to the following standards:

1. Window signs shall not exceed twenty-five (25) percent of the area of the window. In the case of multi-pane windows, the surface area of the window shall be the combined surface area of the individual panes; and
2. Window signs attached to the glass shall have a clear background.
## 154.378 ON-PREMISE SIGNS; FREESTANDING.

<table>
<thead>
<tr>
<th>Table 154-S2: Freestanding Sign Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential Uses</strong></td>
</tr>
<tr>
<td>Use</td>
</tr>
<tr>
<td>4 or fewer dwelling units</td>
</tr>
<tr>
<td>5 or more dwelling units</td>
</tr>
<tr>
<td>Home Occupation</td>
</tr>
<tr>
<td><strong>Non-Residential Uses</strong></td>
</tr>
<tr>
<td>District</td>
</tr>
<tr>
<td>A, R, R-2, OB, O</td>
</tr>
<tr>
<td>U</td>
</tr>
<tr>
<td>B, C, I</td>
</tr>
</tbody>
</table>

\(^1\) If lot frontage is greater than 200 feet, signs may increase to 64 square feet in sign surface area and up to 8 feet in height.

\(^2\) Sign height may increase to 25 feet for multi-tenant signs. Sign height may increase to 35 feet when oriented to a limited access highway.

\(^3\) For multi-tenant signs, the sign area may be increased to 140 square feet for sites with less than 500 feet of frontage. Sign surface area may be increased to 300 square feet for site with more than 500 feet of frontage.

\(^4\) If lot frontage is greater than 500 feet, then additional signs are allowed at a rate of one sign for every 500 feet of additional frontage, or portion thereof. Total sign area may be combined into one larger sign or divided between multiple signs with a minimum separation of 100 feet between signs.
(A) **Definition.** A freestanding sign is a sign that is attached to, erected on, or supported by some structure that is not itself an integral part of or attached to a building. Freestanding signs include, but are not limited to: pylon, pole, pole with cladding, monument, yard signs and signs posted on a decorative fence or non-building wall.

(B) **Number and area.** The number, sign surface area, and height of freestanding signs shall comply with the standards in Table 154-S2: Freestanding Sign Standards and meet any of the following standards specific to the applicable sign type.

(C) **Separation of signs.** Freestanding signs shall have a separation of at least one-hundred (100) feet.

(D) **Monument signs.** A sign that is constructed in or on the ground surface with its sign display surface attached to a pedestal base or wall, subject to the following standards:

1. The sign must be attached to a pedestal that is integral to the sign structure, or integral with a perimeter wall or fence; and
2. The sign base must be at least seventy-five (75) percent of the width of the widest part of the sign.

(E) **Pole signs.** A sign that is supported by one or more poles that are anchored in the ground and intended to be viewed from a distance, subject to the following standards:

1. The lowest portion of the sign display shall have a vertical clearance of at least seven (7) feet above the grade below; and
2. Pole signs are permitted only for lots where the front building façade is located more than twenty-five (25) feet away from the front lot line. Pole signs must be setback at least twenty-five (25) feet from the front lot line.
(F) Yard signs. A two-sided sign that is mounted to or suspended by supporting posts or brackets and intended to be viewed at close range, subject to the following standards:

(1) A yard sign may be mounted onto a double set of posts or suspended from a single post in an L-shape configuration; and

(2) The sign display shall have a vertical clearance of at least twelve (12) inches above the grade below the sign.

(G) Multi-tenant signs. A multi-tenant sign is a sign that advertises three or more establishments within a building or series of buildings in an integrated center, subject to the following standards:

(1) Multi-tenant signs are only permitted in the B, C and I Districts;

(2) Any business that is displayed on a multi-tenant sign shall not be entitled to its own freestanding sign;

(3) Multi-tenant signs shall be permitted at a rate of one (1) multi-tenant sign for every five-hundred (500) feet of street frontage, provided that:

(a) the minimum separation between multi-tenant signs on a single development site, regardless of the street frontage to which the multi-tenant sign is oriented, shall be one-hundred (100) feet; and

(b) the minimum separation between multi-tenant signs oriented toward the same street frontage shall be three-hundred (300) feet.
154.379 TEMPORARY SIGNS.

Temporary signs are allowed in all districts and shall meet the standards in Table 154-S3: Temporary Signs below, and are subject to the following provisions:

(A) A temporary sign shall be located in compliance with all regulations for a permanent sign; and

(B) A temporary sign shall not be illuminated.

**Table 154-S3: Temporary Signs**

<table>
<thead>
<tr>
<th>Temporary Sign Type</th>
<th>Maximum Number of Signs (Per Street Frontage)</th>
<th>Maximum Sign Surface Area</th>
<th>Maximum Sign Height</th>
<th>Maximum Duration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction Signs</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fence of Wall Wrap Sign</td>
<td>2</td>
<td>64 square feet for every 200 feet of street frontage or portion thereof.</td>
<td>8 feet</td>
<td>May be installed only after the approval of a building permit, and must be removed within 30 days of issuance of a certificate of occupancy or expiration of a building permit.</td>
</tr>
<tr>
<td>Construction Signs (All Other)</td>
<td></td>
<td>64 square feet max per street frontage</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Multiple Lot Developments (For Sale, Lease, or Rent Signs)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>32 square feet</td>
<td>8 feet</td>
<td>May be installed after secondary plat approval is issued and must be removed when 75% of lots in the subdivision have received a Certificate of Occupancy.</td>
</tr>
<tr>
<td>Single Lot Developments (For Sale, Lease, or Rent Signs)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Districts</td>
<td>1</td>
<td>6 square feet</td>
<td>6 feet</td>
<td>May be installed at the time the property is listed for sale or lease, and must be removed upon final close of the sale or lease.</td>
</tr>
<tr>
<td>All Other Districts</td>
<td></td>
<td>32 square feet</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Temporary Use or Event</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Districts</td>
<td>2</td>
<td>24 square feet max per street frontage</td>
<td>6 feet</td>
<td>30 days and no more than 4 times a year.</td>
</tr>
<tr>
<td>All Other Districts</td>
<td></td>
<td>48 square feet max per street frontage</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
154.380 USE-SPECIFIC SIGNS.

(A) Definition. A use-specific sign is a sign erected, maintained, or used for the display of messages relating to a specific use or group of uses, as allowed in this chapter. For the purposes of this ordinance, a use specific sign is neither on-premise or off-premise. Use-specific signs include freestanding canopy signs and place identification signs.

(B) Freestanding canopy sign. A freestanding canopy sign is a sign that is applied to, painted on, or mounted to a canopy structure that is not attached to a building. Freestanding canopies are typically associated with a gasoline station, car wash, and bank or A.T.M. drive-through. Freestanding canopy signs are subject to the following provisions:

1. Freestanding canopy signs shall not exceed twenty-five (25) percent of the surface area of the façade of the canopy;
2. Illuminated freestanding canopy signs are only allowed in the B, C, I and U Districts;
3. The number and sign surface area of use-specific signs do not count toward the on-premise maximum standards; and
4. Freestanding canopy signs shall have a maximum projection of twelve (12) inches above the canopy.

(C) Place identification sign. A place identification sign is a sign that only indicates the name of a recorded, platted residential subdivision, recognized neighborhood association, office or industrial park, education or medical campus, or other recognized place. Place identification signs are subject to the following provisions:

1. Place identification signs shall be limited to freestanding monument signs;
2. One place identification sign shall be permitted per quadrant of an intersection;
3. A place identification sign shall not exceed thirty-two (32) square feet each or eight (8) feet in height; and
4. All place identification signs shall be constructed of ornamental metal, masonry, or other permanent material.
154.381 OFF-PREMISE SIGNS

(A) **Definition.** An off-premise sign is a sign erected, maintained, or used for the purpose of the display of messages relating to the activity, business, or products sold at a location other than the premises on which the sign is located. Off-premises signs may be either freestanding or wall signs.

(B) **Districts Permitted.** Off-premise signs shall only be permitted in a B, C or I District.

(C) **Advertising signs.** An advertising sign is a sign displaying advertisements that are meant to be viewed at a distance, typically oriented to a limited access highway or major arterial street. Advertising signs are subject to the following provisions:

1. **Compliance with the Highway Beautification Act.** Advertising signs shall be located in compliance with the *Highway Beautification Act* (23 U.S. Code § 131, *Control of Outdoor Advertising*), as amended, and all of the standards of this Ordinance, whichever is stricter.

2. **Sign surface area.** Sign surface area for advertising signs shall be as follows:

   (a) Advertising signs facing a limited access highway or arterial roadway shall have a maximum sign surface area of six-hundred-seventy-two (672) square feet; and

   (b) Advertising signs oriented toward all other streets shall have a maximum sign surface area of three-hundred (300) square feet; and

   (c) Temporary extensions or embellishments integrally incorporated into the sign surface of an advertising sign facing a limited access highway or arterial roadway may be allowed a maximum of an additional two-hundred (200) square feet in sign surface area, subject to the following development standards:

      1. The temporary extensions or embellishments shall not have a vertical dimension more than four (4) feet in height above and one (1) foot below the main portion of the advertising sign; and

      2. The temporary extensions or embellishments shall not have a horizontal dimension more than one (1) foot beyond the sides of the main portion of the advertising sign.

3. **Concealment of sign supports.** The backs of advertising signs shall be concealed by another sign surface, screened by suitable architectural treatment, or painted to blend with the natural surroundings, so that the supports, tie rods, bracing or framework which supports the sign surface is screened from view;
(4) **Empty displays prohibited.** Empty sign surfaces, or signs without a display or message covering the entire sign surface, shall be prohibited. This regulation shall apply individually to each display surface;

(5) **Maximum height.** The maximum height of an advertising sign shall not exceed thirty-five (35) feet above grade;

(6) **Minimum setbacks.** The minimum setback for advertising signs shall be as follows:

   (a) **Limited access highway.** The minimum front setback shall be fifty (50) feet from the right-of-way;

   (b) **All other streets.** The minimum front setback shall be the same as required for any primary building or structure; and

   (c) **Side and rear setback.** The minimum side and rear setback shall be the same as required for any primary building or structure.

(7) **Placement limitations along limited access highways.** No advertising sign shall be located within five-hundred (500) feet of an interchange, at-grade intersection, or rest area on any limited access highway. The method of measurement of the location restrictions along a limited access highway shall be along the centerline of the limited access highway or street, measured from the nearest point of the intersection of the centerline of the exit/entrance ramp or intersection street and the right hand lane of the main traveled way of the limited access highway closest to the off-premise sign;

(8) **Distance from certain districts or uses.** Distance between advertising signs and certain districts or uses shall be as follows:

   (a) **Linear spacing.** The minimum distance between an advertising sign and a R, R-2, or O/B District, Historic Preservation district, designated historic landmark, park and open space, trail, residential use, religious institution, school, or river shall be two-hundred (200) feet. Linear spacing regarding this standard is measured along the centerline of the right-of-way to which the advertising sign is oriented, from the point in the centerline closest to the leading edge of the advertising sign to the point in the centerline nearest the district boundary or lot line of a use specified herein;

   (b) **Radial spacing.** The minimum distance between an advertising sign and a R, R-2, or O/B District, Historic Preservation district, designated historic landmark, park and open space, trail, residential use, religious institution, school, or river shall be one-hundred (100) feet measured perpendicular from the nearest edge of the sign to the nearest district boundary or lot line of an applicable use; and

   (b) **Jurisdictional boundaries.** Required separation distances for advertising signs located within unincorporated St. Joseph County shall also be maintained from advertising signs located in adjacent municipalities or jurisdictional areas.
(9) *Distance between advertising signs.* Distance between advertising signs shall be as follows:

(a) *Linear spacing.* The minimum separation between advertising signs located along and oriented toward the same limited access highway shall be one-thousand (1,000) feet. The minimum separation between advertising signs located along and oriented toward the same street shall be seven-hundred-fifty (750) feet. Linear spacing regarding this standard is measured along the centerline of the limited access highway or street to which the sign is oriented, from the point in the centerline closest to the leading edge of the sign;

(b) *Radial spacing.* An advertising sign shall not be located closer than three-hundred (300) feet in any direction from any other advertising sign;

(10) *Construction materials.* The supports, uprights, bracing, and framework of an advertising sign shall be of steel construction.

(D) *Indirect business identification signs.* An indirect business identification sign is a freestanding sign that is associated with an activity, business, or building located within a shopping, entertainment, or business complex but with no direct street frontage. Indirect business identification signs are only permitted when the business it is advertising is not listed or cannot be added to a multi-tenant sign. Indirect business identification signs are subject to the following development standards:

(1) *Location.* Indirect business signs shall be located within five-hundred (500) feet of the main entrance to the associated establishment or building;

(2) *Sign type.* Indirect business identification signs shall be a freestanding monument sign;

(3) *Sign height and surface area.* The sign surface area and height of indirect business identification signs shall comply with Table 154-S2 for on-premise signs and meet the standards specific to freestanding signs within the applicable zoning district. Indirect business identification signs do not count against the on-premise maximum sign area or number of signs for the lot on which it is located; and

(4) *Distance between indirect business identification signs.* The minimum separation between an indirect business identification sign and any other freestanding signs on a lot, regardless of the orientation, shall be one-hundred (100) feet.
SECTION 13.

Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Section 154.636 Definitions, as amended, is hereby further amended and supplemented as follows:

154.636 DEFINITIONS

COPY AREA. The sum of the area of the words or numbers included in the sign copy, inclusive of logos, trademarks, or other advertising symbols, but exclusive of pictorials, supergraphics, or purely decorative, non-advertising displays.

DISPLAY AREA. The total area upon which sign copy may be placed. In computing the total DISPLAY AREA of a sign, mathematical formulas for geometric shapes formed by straight lines drawn closest to the extremities of the sign, excluding any structural members or embellishments, shall be used.

EMBELLISHMENT. An addition to the display area on which a continuation of an advertising message may be placed. Such addition shall not be a continuous border which would constitute an increase in the display area. Standard bases and standard trim shall not be considered EMBELLISHMENTS.

MARQUEE SIGN OR CANOPY SIGN. A sign attached or applied above or below a marquee, canopy, awning, or other roof-like structure.

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

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

(1) Major categories. For the purpose of this chapter, uses of SIGNS shall be identified as follows:

(a) COMMEMORATIVE, HISTORICAL, OR MEMORIAL SIGN. A sign, marker, or plaque erected by an authorized body for purposes of identifying a commemoration, designated historic landmark, or memorial.

(b) DEVELOPMENT SIGN. A temporary construction sign denoting the architect, engineer, contractor, subcontractor, financier, or sponsor of a development and designating the future occupant or use of the development.

(c) DIRECTIONAL SIGN. A sign of eight square feet or less containing information relative to the location, distance to, entrance and exit from structures, sites or land use activities.
(d) **INSTITUTIONAL BULLETIN.** A sign of any governmental agency, religious group, hospital, or school, located on the premises and bearing only information related to the activities conducted on the premises, persons involved, or other such information.

(e) **ON-PREMISE IDENTIFICATION SIGN.** A sign which identifies or advertises the profession, land use activity, individual, product, or service occupying or available on the premises.

(f) **OUTDOOR ADVERTISING SIGN.** An off-premises sign which directs attention to businesses, products, services or establishments not usually conducted on the premises on which the sign is located and which, for the purposes of this chapter, shall be considered a principal use.

(g) **PUBLIC INFORMATION SIGN.** A sign containing emergency or legal notices and regulatory information, erected by a unit of government or any of its agencies or departments.

(h) **REAL ESTATE SIGN.** A sign advertising the fact that the premises on which it is located is for sale, lease or rent.

(i) **TEMPORARY SIGN.** A display, informational sign, banner, or other advertising device with or without a structural frame, not permanently attached to a building, structure, or the ground, and intended for a limited period of display, including decorative displays for holidays or public demonstrations.

(2) **Structural types.** For purposes of this chapter, signs shall be classified according to their structural type:

(a) **FACIA SIGN.** A single-face sign which is in any manner attached or affixed to an exterior wall of a building or structure or mounted above or below a canopy and which projects not more than 18 inches from and does not extend more than six inches above the parapet line, eaves, or building facade. Individual letters, in addition to the “box-type” sign, may also be installed as a facia sign.

(b) **FLASHING SIGN.** An illuminated sign on which the artificial light is not maintained stationary or constant in intensity or color.

(c) **FR EE STANDING SIGN.** A sign supported by one or more uprights, poles, columns, or braces placed in or upon the ground surface and not attached to any building or structure.

(d) **ILLUMINATED SIGN.** A sign illuminated by gas, electricity, or other artificial light, including reflective or phosphorescent light.

(e) **MARQUEE OR CANOPY SIGN.** A sign attached or applied above or below a marquee, canopy, awning or other roof-like structure.
(f) **MOBILE SIGN.** A sign permanently mounted on a chassis and parked on the premises, usually on a temporary basis.

(g) **MULTI-FACE SIGN.** A sign, more than one side of which is visible. A “V-type” sign shall be considered a multi-face sign, provided the least angle of intersection does not exceed ninety (90) degrees.

(h) **PORTABLE SIGN.** A freestanding sign not permanently anchored or secured to either a building or the ground.

(i) **PROJECTING SIGN.** A multi-face sign, end-mounted to an exterior wall of a building or structure, and which projects out from the wall more than eighteen (18) inches.

(j) **ROOF-MOUNTED SIGN.** A sign erected wholly upon or over a roof of any building.

(k) **SINGLE-FACE SIGN.** A sign, only one side of which is visible.

**SIGN.** Any object, device, display, structure, fixture, placard, announcement, declaration, demonstrations, or insignia, or part thereof, used to draw attention; provide direction, information, identification; or advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including word, letters, figures, design, symbols, fixtures, colors, illumination.

**SECTION 14.**

This ordinance shall be in full force and effect from and after its enactment and publication as required by law, and full execution of any conditions of Commitments placed upon the approval.

__________________________________________

MEMBER, ST. JOSEPH COUNTY COUNCIL
<table>
<thead>
<tr>
<th>Ordinance Section</th>
<th>Proposed Title</th>
<th>Item</th>
<th>Current Standard</th>
<th>Proposed Standard</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>154.370</td>
<td>Intent</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>No change.</td>
</tr>
<tr>
<td>154.371</td>
<td>Applicability</td>
<td>-</td>
<td>-</td>
<td>Title changed to Applicability to make it consistent with other sections of the ordinance. Simplified language.</td>
<td></td>
</tr>
<tr>
<td>All Sections</td>
<td>Definitions</td>
<td>Located in 154.636 Definitions.</td>
<td>Definitions are now at the start of each new section or sign type so its clear what everything means without having to go to the Definitions section.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>154.372</td>
<td>Permit; Exemptions</td>
<td>-</td>
<td>-</td>
<td>Section replaced by new 154.373.</td>
<td></td>
</tr>
<tr>
<td>154.373</td>
<td>Permit; Application; Contents</td>
<td>-</td>
<td>-</td>
<td>Removed.</td>
<td></td>
</tr>
<tr>
<td>154.374</td>
<td>Permit; Application; Approval or Denial</td>
<td>-</td>
<td>-</td>
<td>Removed.</td>
<td></td>
</tr>
<tr>
<td>154.375</td>
<td>Permit; Application; Renewal</td>
<td>-</td>
<td>-</td>
<td>Removed.</td>
<td></td>
</tr>
<tr>
<td>154.376</td>
<td>Permit; Application; Temporary Signs</td>
<td>-</td>
<td>-</td>
<td>Removed. Covered under 154.379.</td>
<td></td>
</tr>
<tr>
<td>154.377</td>
<td>Permit; Appeal Action</td>
<td>-</td>
<td>-</td>
<td>Removed.</td>
<td></td>
</tr>
<tr>
<td>154.378</td>
<td>Construction Specifications</td>
<td>-</td>
<td>-</td>
<td>Removed.</td>
<td></td>
</tr>
<tr>
<td>154.372(A)(2)</td>
<td>Exempt maintenance.</td>
<td>Doesn't allow for removal of awning to be resurfaced.</td>
<td>Allows for the removal of awning to be resurfaced if they use the existing frame and it complies with the ordinance.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>154.372(A)(3)</td>
<td>Signs in the right-of-way.</td>
<td>Prohibited.</td>
<td>Permitted only when approved by the County Engineer.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>154.372(D)</td>
<td>Removal of freestanding signs.</td>
<td>No current standards.</td>
<td>Requires removal of signs when a building is removed. Requires removal of nonconforming signs when the associated use is removed.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>154.372(E)</td>
<td>Cutting of trees or shrubs.</td>
<td>No current standards.</td>
<td>Prohibits trimming and removal of any required landscaping to increase sign visibility.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>154.372(F)(1)</td>
<td>Location.</td>
<td>Mentioned by interpretation in 154.079.</td>
<td>Makes it clear that signs must be located on the same site as the associated use. Exempts multi-tenant and off-premises signs from this requirement.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>154.372(F)(2)</td>
<td>Location.</td>
<td>5 feet</td>
<td>10 feet, 50 feet along limited access highways</td>
<td></td>
<td></td>
</tr>
<tr>
<td>154.372(F)(3)</td>
<td>Location.</td>
<td>-</td>
<td>Current standard but clarifies that they have a minimum setback the same as accessory buildings.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>154.372(F)(5) and (6)</td>
<td>Location standards that protect the use of the site, right-of-way, and buildings.</td>
<td>No current standards.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>154.384</td>
<td>Illuminted Signs</td>
<td>-</td>
<td>-</td>
<td>Section replaced by new 154.372(G), 154.384(B) is covered in prohibited signs.</td>
<td></td>
</tr>
<tr>
<td>Code</td>
<td>Description</td>
<td>Current Standard</td>
<td>Notes</td>
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<tr>
<td>154.387</td>
<td>Flashing Signs</td>
<td>Allowed with conditions.</td>
<td>Prohibited.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>154.388</td>
<td>Slow-Speed Revolving Signs</td>
<td>Included in 154.372(H). This form of sign has generally been replaced with electronic message centers.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>154.372(G)</td>
<td>Illumination.</td>
<td>Current standard makes the intent more clear. Requires illumination to be reduced to 750 nits at night.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>154.372(H)</td>
<td>No current standards except for 154.388.</td>
<td>No current standard.</td>
<td>Changeable copy signs are required to be a part of a permitted sign. Only one changeable copy per establishment.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>154.372(H)(1)</td>
<td>No current standard.</td>
<td>Maximum changeable copy area of 40%.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>154.372(H)(2)</td>
<td>No current standard.</td>
<td>If the sign doesn't change more than once every 24 hours it is not considered a changeable copy sign.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>154.372(H)(3)</td>
<td>No current standard.</td>
<td>Specific regulations are added for electronic message centers (EMCs).</td>
<td></td>
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</tr>
<tr>
<td>154.372(H)(4)</td>
<td>No current standard.</td>
<td>EMCs are required to have autodimming hardware or software.</td>
<td></td>
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<tr>
<td>154.372(H)(5)</td>
<td>No current standard.</td>
<td>EMCs within 200 feet of a residential use shall not be illuminated between 11pm and 6am.</td>
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<td></td>
<td></td>
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<tr>
<td>154.372(H)(6)</td>
<td>No current standard.</td>
<td>Each message on an EMC shall be static and displayed for a minimum of 8 seconds.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>154.372(H)(7)</td>
<td>No current standard.</td>
<td>Each change in message on an EMC must be instant with no transition effects.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>154.372(H)(8)</td>
<td>No current standard.</td>
<td>Full motion video on EMCs is prohibited.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>154.372(H)(9)</td>
<td>No current standard.</td>
<td>Malfunctioning EMCs must be turned off.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>154.372(H)(10)</td>
<td>No current standard.</td>
<td>Maintenance or change of copy covered under exempt maintenance. Temporary signs listed are covered in 154.379. Political campaign signs removed because it is unconstitutional and would be regulated as a temporary sign in 154.379. Directional signs now have standards. Sidewalk signs and tombstones are added as exempt. Window signs under 4 sq. ft. and are non-illuminated are exempt.</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

**Exempt Signs**

- Maintenance or change of copy covered under exempt maintenance. Temporary signs listed are covered in 154.379. Political campaign signs removed because it is unconstitutional and would be regulated as a temporary sign in 154.379. Directional signs now have standards. Sidewalk signs and tombstones are added as exempt. Window signs under 4 sq. ft. and are non-illuminated are exempt.
<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>154.373(M)</td>
<td>Works of art.</td>
<td>Regulated the same as a building sign which would limit their size to 5% of the façade and are not exempt.</td>
</tr>
<tr>
<td>154.374</td>
<td>Prohibited Signs</td>
<td>Elaborates on existing standards. Added signs that feature facial recognition technology or any technology to obtain biometric data as prohibited.</td>
</tr>
<tr>
<td>154.375</td>
<td>Sign Measurement</td>
<td>New section that includes graphics and clearer definitions on how to calculate sign surface area. Includes how to measure 3D signs. Replaces current definitions of these measurements.</td>
</tr>
<tr>
<td>154.389</td>
<td>Area of Embellishments</td>
<td>Area of embellishments shall not exceed 15% of the display area of the sign. Removed</td>
</tr>
<tr>
<td>154.390</td>
<td>Permitted Signs in the A: Agricultural District</td>
<td>Replaced by 154.376-154.378</td>
</tr>
<tr>
<td>154.391</td>
<td>Permitted Signs in the O/B: Office/Buffer District</td>
<td>Replaced by 154.376-154.378</td>
</tr>
<tr>
<td>154.392</td>
<td>Signs Expressly Prohibited from the O/B: Office District</td>
<td>Replaced by 154.376-154.378</td>
</tr>
<tr>
<td>154.393</td>
<td>Permitted Signs in E: Business, C: Commercial, and I: Industrial District</td>
<td>Replaced by 154.376-154.378</td>
</tr>
<tr>
<td>154.376-154.378</td>
<td>On-Premise Signs; Building</td>
<td>Some regulations divided up by sign type and some regulations in the specific districts. Different uses and districts have different standards for the same kind of signs. Standards are consolidated into either building or freestanding signs. The first page of each section, building or freestanding, clearly shows how large, tall and the number that are permitted. Then the ordinance breaks down the different conditions for each sign type (wall, roof, monument, etc.) This is the most common sign type which generally means a sign for what is on the site.</td>
</tr>
<tr>
<td>154.376</td>
<td>On-Premise Signs; Building</td>
<td>Regulations found in multiple different sections of the ordinance. Sizes are determined by type in multiple sections and further regulations are in the districts themselves. Some districts have a maximum size no matter how large the building and other districts have a percentage of the facades. All regulations regarding building signs are found in this section. Regulations are consistent and sensible. Calling out specific sign types it makes it clear that these different kind of signs are allowed which will encourage creativity in sign design.</td>
</tr>
<tr>
<td><strong>On-Premise Signs; Building</strong></td>
<td><strong>Table 154-S1, Residential Uses</strong></td>
<td></td>
</tr>
<tr>
<td>-------------------------------</td>
<td>-----------------------------------</td>
<td></td>
</tr>
<tr>
<td><strong>Size</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A/R/R-2 Districts</td>
<td>Real Estate Development - 32 sq. ft.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Special Uses - 32 sq. ft.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Nursing Homes - 64 sq. ft.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Churches - 64 sq. ft.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Schools - 64 sq. ft.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Institutional Uses - 64 sq. ft.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Directional - 4 sq. ft.</td>
<td></td>
</tr>
<tr>
<td>Residential Uses</td>
<td>4 or fewer dwelling units - 2 sq. ft.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>5 or more dwelling units - 32 sq. ft.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Home Occupations - 2 sq. ft.</td>
<td></td>
</tr>
<tr>
<td>Simplifying the sizes in for a residential use makes it very clear to homeowners the sizes of signs they are allowed to have. Different uses should not have different sizes because the character is in the district itself.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Number</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>R/R-2/O/B/O/U Districts</td>
<td>1 per entrance 16 sq. ft. maximum</td>
</tr>
<tr>
<td></td>
<td>1 per awning or canopy 50% of canopy maximum</td>
</tr>
<tr>
<td></td>
<td>Allows for signs that are proportional to the size of the awning or canopy instead of a one-size-fits all sign size.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Types Allowed</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A/R/R-2 Districts</td>
<td>Awning or Canopy</td>
</tr>
<tr>
<td></td>
<td>projecting</td>
</tr>
<tr>
<td></td>
<td>suspended</td>
</tr>
<tr>
<td></td>
<td>wall</td>
</tr>
<tr>
<td></td>
<td>Currently, permits are unable to be issued for signs in the U District because no regulations exist.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>On-Premise Signs; Building</strong></th>
<th><strong>Table 154-S1, Non-Residential Uses</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Size</strong></td>
<td></td>
</tr>
<tr>
<td>A/R/R-2 Districts</td>
<td>Real Estate Development - 32 sq. ft.</td>
</tr>
<tr>
<td></td>
<td>Special Uses - 32 sq. ft.</td>
</tr>
<tr>
<td></td>
<td>Nursing Homes - 64 sq. ft.</td>
</tr>
<tr>
<td></td>
<td>Churches - 64 sq. ft.</td>
</tr>
<tr>
<td></td>
<td>Schools - 64 sq. ft.</td>
</tr>
<tr>
<td></td>
<td>Institutional Uses - 64 sq. ft.</td>
</tr>
<tr>
<td></td>
<td>Directional - 4 sq. ft.</td>
</tr>
<tr>
<td>A/R/R-2 Districts</td>
<td>Street or Parking Area Orientation</td>
</tr>
<tr>
<td></td>
<td>9% of façade area</td>
</tr>
<tr>
<td></td>
<td>Other</td>
</tr>
<tr>
<td></td>
<td>3% of façade area</td>
</tr>
<tr>
<td>Currently, permits are unable to be issued for signs in the U District because no regulations exist.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Number</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A/B/C/I Districts</td>
<td>2 square feet for every 1 foot of street frontage, no maximum</td>
</tr>
<tr>
<td></td>
<td>No current standard in U.</td>
</tr>
<tr>
<td></td>
<td>Currently, permits are unable to be issued for signs in the U District because no regulations exist.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Types Allowed</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A/B/C/I/U Districts</td>
<td>Street or Parking Area Orientation</td>
</tr>
<tr>
<td></td>
<td>10% of façade area</td>
</tr>
<tr>
<td></td>
<td>Other</td>
</tr>
<tr>
<td></td>
<td>3% of façade area</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>On-Premise Signs; Building</strong></th>
<th><strong>On-Premise Signs; Building</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Number</strong></td>
<td><strong>Table 154-S1, Residential Uses</strong></td>
</tr>
<tr>
<td>-------------------------------</td>
<td>-----------------------------------</td>
</tr>
<tr>
<td>On-Premise Signs; Building</td>
<td>1 per entrance 16 sq. ft. maximum</td>
</tr>
<tr>
<td></td>
<td>1 per awning or canopy 50% of canopy maximum</td>
</tr>
<tr>
<td></td>
<td>Allows for signs that are proportional to the size of the awning or canopy instead of a one-size-fits all sign size.</td>
</tr>
</tbody>
</table>

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<tr>
<th><strong>Types Allowed</strong></th>
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<tbody>
<tr>
<td>On-Premise Signs; Building</td>
<td>Awning or Canopy</td>
</tr>
<tr>
<td></td>
<td>projecting</td>
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<td>wall</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>On-Premise Signs; Building</strong></th>
<th><strong>Table 154-S1, Non-Residential Uses</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Number</strong></td>
<td></td>
</tr>
<tr>
<td>On-Premise Signs; Building</td>
<td>1 per use per frontage 10' minimum clearance</td>
</tr>
<tr>
<td></td>
<td>No minimum spacing between signs</td>
</tr>
<tr>
<td></td>
<td>1 per establishment per frontage 8' minimum clearance</td>
</tr>
<tr>
<td></td>
<td>15' minimum spacing between signs</td>
</tr>
<tr>
<td>Same number of signs allowed but reduces the minimum clearance. Minimum spacing will prevent signs from blocking each other.</td>
<td></td>
</tr>
<tr>
<td>Section</td>
<td>Type</td>
</tr>
<tr>
<td>---------</td>
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</tr>
<tr>
<td>154.377(E)</td>
<td>On-Premise Signs; Building</td>
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<tr>
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<tr>
<td>154.377(F)</td>
<td>On-Premise Signs; Building</td>
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<tr>
<td>154.377(G)</td>
<td>On-Premise Signs; Building</td>
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<tr>
<td>154.377(H)</td>
<td>On-Premise Signs; Building</td>
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<table>
<thead>
<tr>
<th>Section</th>
<th>Type</th>
<th>Height</th>
<th>Size</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>On-Premise Signs; Freestanding</td>
<td>A/R/R-2 Districts</td>
<td>Residential Uses</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>25-55’</td>
<td>4’ for Directional</td>
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<td>4 or fewer dwelling units - 4’</td>
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<td>5 or more dwelling units - 6’</td>
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<td>Home Occupations - 4’</td>
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<td>OB/O Districts</td>
<td>Residential Uses</td>
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<td>5’</td>
<td>2.5’ for Directional</td>
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<td>4 or fewer dwelling units - 2 sq. ft.</td>
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<td>5 or more dwelling units - 32 sq. ft.</td>
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<td>Home Occupations - 2 sq. ft.</td>
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<td>B/C/I Districts</td>
<td>Residential Uses</td>
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<td>25-55’</td>
<td>85’ along Limited Access Highways</td>
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<td>4’ for Directional</td>
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<td>U District</td>
<td>No current standard.</td>
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<td>U District</td>
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<td>8’</td>
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<td>OB/O Districts</td>
<td>Residential Uses</td>
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<td>4 or fewer dwelling units - 2 sq. ft.</td>
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<td>5 or more dwelling units - 32 sq. ft.</td>
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<td>Home Occupations - 2 sq. ft.</td>
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<td>B/C/I Districts</td>
<td>25-55’</td>
<td>85’ along Limited Access Highways</td>
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<tr>
<td>OB/O Districts</td>
<td>5’</td>
<td>2.5’ for Directional</td>
<td>4’ for Directional</td>
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<td>U District</td>
<td>No current standard.</td>
<td>U District</td>
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<tr>
<td>Currently, permits are unable to be issued for signs in the U District because no regulations exist. 8’ maximum height will encourage the use of monument signs.</td>
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<tr>
<td>On-Premise Signs; Freestanding, Table 154-S2, Non-Residential Uses</td>
<td>Size</td>
<td>A/R/R-2 Districts</td>
<td>OB/O Districts</td>
<td>B/C/I Districts</td>
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<td>Real Estate Development - 32 sq. ft.</td>
<td>32 sq. ft. (64 sq. ft. if lot frontage 200' or more)</td>
<td>32 sq. ft. (64 sq. ft. if lot frontage 200' or more)</td>
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<td>Special Uses - 32 sq. ft.</td>
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<td>Churches - 64 sq. ft.</td>
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<td>Schools - 64 sq. ft.</td>
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<td>Institutional Uses - 64 sq. ft.</td>
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<td>Directional - 4 sq. ft.</td>
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<td>OB/O Districts</td>
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<td>State/Fed Highway - 48 sq. ft.</td>
<td>32 sq. ft. (64 sq. ft. if lot frontage 200' or more)</td>
<td>100 sq. ft./140 sq. ft. for multi-tenant (if lot frontage is less than 500')</td>
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<td></td>
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<td>All other roads - 32 sq. ft.</td>
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<td>300 sq. ft. (multi-tenant if lot frontage is 500' or more)</td>
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<td>Directional - 2 sq. ft.</td>
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<td>B/C/I Districts</td>
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<td></td>
<td></td>
<td>2 square feet for every 1 foot of street frontage, no maximum</td>
<td>1 per street frontage (+1 for every 500' of street frontage)</td>
<td>1 per street frontage (+1 for every 500' of street frontage)</td>
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<td>OB/O Districts</td>
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<td>U District</td>
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<td>No current standard.</td>
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<td>U District</td>
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<td>No current standard.</td>
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<td>U District</td>
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<td>Unlimited</td>
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| 154.378(C) | On-Premise Signs; Freestanding | Separation | No current standard. | 100' between freestanding signs | Will help mitigate sign clutter and make signs easier to read by not blocking other signs. |
| 154.378(D) | On-Premise Signs; Freestanding | Monument Signs | No current standard. | Standards are put in place that define what a monument sign is and encourage good sign design. | Calling out specific sign types it makes it clear that these different kind of signs are allowed which will encourage creativity in sign design. |
| 154.378(E) | On-Premise Signs; Freestanding | Pole Signs | | 25' setback, 7' minimum clearance from grade | This will encourage the use of monument signs. The reduction of minimum clearance will make signs less expensive but because of the setback won't be a visibility issue. |
| 154.378(F) | On-Premise Signs; Freestanding | Yard Signs | No current standards. | Standards are put in place that define what a yard sign is and encourage good sign design. | Calling out specific sign types it makes it clear that these different kind of signs are allowed which will encourage creativity in sign design. |
| 154.378(G) | On-Premise Signs; Freestanding | Multi-tenant Signs | No current standards. | Standards are put in place that define what a multi-tenant sign is and encourage good sign design. Multi-tenant signs are only allowed in the B, C, and I Districts. Businesses with a sign on a multi-tenant sign are not allowed their own freestanding sign which will help reduce sign clutter. | Calling out specific sign types it makes it clear that these different kind of signs are allowed which will encourage creativity in sign design. |
| 154.379 | Temporary Signs | | 1 per street frontage Maximum 50 sq. ft. 30 day maximum | Different types of temporary signs are recognized and appropriate sizes, number, and time limits are applied. | Calling out specific sign types it makes it clear that these different kind of signs are allowed which will encourage creativity in sign design. |
| 154.380 | Use-Specific | | No current standards. | Regulations are added for freestanding canopy signs and place identification signs. Freestanding canopy signs are what is normally associated with gas station canopies, drive-throughs and drive up ATMs. Place identification signs are for subdivisions, industrial parks, neighborhoods, or other recognized place. | Calling out specific sign types it makes it clear that these different kind of signs are allowed which will encourage creativity in sign design. These are common sign types we see but how to permit them and what is allowed is not clear. |
| 154.394(D) | Permitted Signs in B: Business, C: Commercial, and I: Industrial District | | | | |
| 154.381 | Off-Premise Signs | | Only allowed in B/C/I Districts. | | |
| 154.381(C) | Off-Premise Signs | Advertising Signs (Billboards) | Statement is added to ensure compliance with the Highway Beautification Act Concealment of sign supports is expanded on Empty displays are prohibited 500' distance from intersections is added Trails are added to 154.381(C)(8) Minimum spacing is also measured from off-premise signs within other jurisdictions Off-premise signs are now required to have steel construction 50' front setback is added Rear setback is added and is same as the underlying zoning district | All other regulations for off-premise signs remain the same. |
| 154.381(D) | Off-Premise Signs | Indirect Business Identification Sign | New sign type that allows business without direct street frontage to have a freestanding sign when located within 500' of the establishment entrance. | | |
Requested Action:
An Ordinance initiated by the Area Plan Commission of St. Joseph County amending Chapter 154, Planning and Zoning of the St. Joseph County Code to permit and establish regulations for agritourism uses.

Staff Comments:
St. Joseph County has seen a lot of pressure in the past few years to allow for uses in the agricultural district such as event spaces, wedding barns, u-pick operations, farmers markets, and many other uses which collectively falls into what is termed Agritourism. Our current ordinance doesn't allow these kinds of uses without rezoning to C: Commercial District or to a PUD Planned Unit Development. These cumbersome solutions deteriorate the character established in the A: Agricultural District. Agritourism can provide multiple benefits to farmers such as increased and diversified income, educational opportunities, and increased respect for agriculture. Because of these benefits and the increased pressure from the market, our ordinance must adapt to allow for implementation of these agritourism uses in a way that benefits the agricultural uses while also protecting the agricultural character established in St. Joseph County. The major changes are as follows:

- Roadside stand regulations are updated removing the maximum size of the stand and minimum parking area size. A provision prohibiting on-street parking is added.
- Agritourism is a new section that establishes an intent to guide future regulations and provides a list of example uses. The Zoning Administrator has the authority to interpret other agritourism uses that are not listed to help protect the longevity and adaptability of this section.
- Agritourism uses are only permitted when accessory to agricultural uses.
- Agritourism, when accessory to agricultural uses, is permitted in the A: Agricultural District and requires a special use in the R: Single Family District.
- Landscaping is only required in the front yard and to screen portable bathrooms, if provided.
- Parking and drives are not required to be paved or stripped, but must meet all other requirements of the parking regulations, including minimum spaces.
- On-street parking is prohibited.
- Hours of operation, except for lodging are established as 7:00am to 12:00am.

Policy Plan:
This Ordinance is consistent with the Comprehensive Plan for South Bend and St. Joseph County, Indiana (2002), Goal 1: Alleviate and minimize the loss of agricultural land; Goal 2: Encourage the economic development of the County and its municipalities; and
Goal 3, Objective A: Promote the development and/or maintenance of community and neighborhood character.

**Recommendation:**
Based on the information available prior to the public hearing, the staff recommends sending this Ordinance to the County Council with a favorable recommendation.

**Analysis:**
This ordinance will allow for a unique use that compliments and enhances the agricultural character of St. Joseph County. These regulations are intended to compliment and preserve agricultural uses in St. Joseph County, provide opportunities for unique experiences that promote agriculture, and recognize the importance agriculture in our economy.

PETITIONER: Area Plan Commission

WHEREAS, The County Council of St. Joseph County, Indiana, adopted a new zoning ordinance for St. Joseph County that went into effect on June 13, 2005;

WHEREAS, the ordinance has been in use since that time, and it has been determined that certain changes are necessary to revise and clarify various sections of the ordinance;

WHEREAS, agritourism presents a unique opportunity to combine aspects of tourism and agriculture to provide a number of financial, educational, and social benefits to tourists, producers, and communities;

WHEREAS, this opportunity should be embraced to enhance the economy and showcase the agricultural resources of St. Joseph County.

IT IS HEREBY ORDAINED BY THE COUNTY COUNCIL OF ST. JOSEPH COUNTY, INDIANA, THAT:

SECTION 1.
Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Section 154.091 Permitted Uses in the A: Agricultural District, as amended, is hereby further amended and supplemented as follows:

154.091 PERMITTED USES.

(B) Special uses.

(2) Agriculturally based meeting hall;
(17)—Nurseries, Retail, subject to the following development standard: the majority of the products to be sold are produced on the property;

(C) **Accessory uses.**

(1) **Roadside stand**, subject to the following development standards:

(a) The stand shall be erected solely for the purpose of displaying and selling agricultural products, the majority of which were produced on the premises;

(b) The maximum area of the structure shall be two hundred (200) square feet;

(c) There shall not be more than one (1) such stand per lot;

(d) The structure shall be located a minimum of fifty (50) feet from an adjacent property line, and

(e) A minimum of one thousand (1,000) square feet shall be provided for off-street parking.

(1) **Agritourism**, accessory to an agricultural use. See §§ 154.520 through 154.522;

(9) **Roadside stand**, subject to the following development standards:

(a) The stand shall be erected solely for the purposes of displaying and selling agricultural products, the majority of which were produced on the premises;

(b) There shall not be more than one (1) roadside stand per lot; and

(c) On-street parking is prohibited.

SECTION 2.

Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Section 154.106 Permitted Uses in the R: Single Family District, as amended, is hereby further amended and supplemented as follows:

154.106 **PERMITTED USES.**

(C) **Accessory uses.**

(1) **Roadside stands** are also permitted as an accessory use to agriculture, subject to the following development standards:

(a) The stand shall be erected solely for the purpose of displaying and selling agricultural products, the majority of which were produced on the premises;
(b) The maximum area of the stand shall be two hundred (200) square feet;

(c) There shall not be more than one (1) such stand per lot;

(d) The stand shall be located a minimum of fifty (50) feet from an adjacent property line; and

(e) A minimum of one thousand (1,000) square feet shall be provided for off-street parking.

(1) Agritourism, accessory to an agricultural use. See §§ 154.520 through 154.522;

(9) Roadside stand, subject to the following development standards:
   
   (a) The stand shall be erected solely for the purposes of displaying and selling agricultural products, the majority of which were produced on the premises;

   (b) There shall not be more than one (1) roadside stand per lot; and

   (c) On-street parking is prohibited.

SECTION 3.

Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, as amended, is hereby further amended and supplemented as follows to adopt Sections 154.520 to 154.522 Agritourism

AGRITOURISM

154.520 INTENT

These regulations are intended to allow agritourism uses in St. Joseph County while maintaining the rural character and preserving farmland of the County and protecting the health, safety and welfare of the citizens. Agritourism presents a unique opportunity to combine aspects of tourism and agriculture to provide a number of financial, educational and social benefits to tourists, producers and communities. Agritourism gives producers an opportunity to generate additional income and an avenue for direct marketing to consumers. It enhances the tourism industry by increasing the volume of visitors to an area and the length of their stay. This section will permit this growing tourism industry in a way that corresponds with the values and needs of the residents of St. Joseph County.

154.521 AGRITOURISM; GENERAL

(A) Agritourism uses. By way of example only, some typical agritourism uses are: farm markets; u-pick operations; Christmas tree farms; wineries and tasting rooms; breweries
and tasting rooms; local product retail operations; corn mazes; agriculturally related educational and learning experiences; event spaces; nurseries; lodging; and any other use meeting the intent of this Section as determined by the Zoning Administrator.

154.522 AGRITOURISM; DEVELOPMENT STANDARDS

(A) *Districts permitted.* Agritourism uses are permitted in the following zoning districts:

1. *A: Agricultural District.* Agritourism, accessory to an agricultural use, is a permitted accessory use in the A: Agricultural District.

2. *R: Single Family District.* Agritourism, accessory to an agricultural use, is an accessory use in the R: Single Family District that also requires a special use.

(B) *Traffic management.* Access to lots which feature agritourism uses shall comply with the following traffic management development standards:

1. Lots which feature an agritourism use must be located on a paved road;

2. Driveways must be paved for the first 50’ from their access to the public or private street; and

3. Acceleration lanes, deceleration lanes and passing blisters must be provided to access the site.

(C) *Landscaping.* Agritourism uses are exempt from all required landscaping except for the following:

1. Landscaping of required front yards; and

2. Portable bathrooms must be screened from view from the public right-of-way.

(D) *Off-street parking and drives.* Parking areas, driveways, and interior access drives are not required to be paved or include lines and curbs but must otherwise meet the requirements in §§ 154.415 through 154.423.

(E) *On-street parking.* On-street parking for agritourism uses is prohibited.

(F) *Hours of Operations.* Agritourism uses, except lodging, shall only be operational through the hours of 7:00am and 12:00am.

(G) *Signs.* See §§ 154.370 through 154.381
SECTION 4.
This ordinance shall be in full force and effect from and after its enactment and publication as required by law, and full execution of any conditions of Commitments placed upon the approval.

____________________________

MEMBER, ST. JOSEPH COUNTY COUNCIL
requested action:
An ordinance initiated by the area plan commission of St. Joseph County amending various sections of Chapter 154, Planning and Zoning of the St. Joseph County Code.

staff comments:
The purpose of this ordinance is to fix organization problems and update language to meet the intent of the Zoning Ordinance and the goals of the Comprehensive Plan. This ordinance also revises regulations to make them compliant with Indiana state law. These changes are important to make our Zoning Ordinance clear for the public and meet the intent of how these regulations were meant to be applied. The major changes are as follows:

- Accessory buildings are added to reconstruction, remodeling or enlargement of a legally established nonconforming single family dwelling or two family dwelling which clarifies that like your home, accessory building can be reconstructed if destroyed.
- Accessory uses, buildings or structures are now allowed on a lot without a primary structure when its on a lot which abuts the associated use and is under the same ownership.
- Accessory building sizes for lots over 5 acres are changed from unlimited to 2 times the square footage of the ground floor of the primary structure. Agricultural uses are still allowed unlimited accessory building sizes which was the intent of that regulation.
- Trailers, Mobile Homes and Tents is moved into the General Regulations and renamed Recreational Vehicles, Trailers, Mobile Homes and Tents. The temporary uses in that section are incorporated into Temporary Use, Buildings and Structures.
- Language is changed to allow any type of dwelling unit as a temporary dwelling. Currently only a mobile home is permitted as a temporary dwelling.
- Parks are added as either a primary use or special use in all districts. This replaces the recreational uses currently found in some districts.
- Short-term rentals replaces bed and breakfasts. They are allowed in all districts when owner-occupied which brings our Zoning Ordinance into compliance with Indiana state law.
- Highway maintenance shops and yards is added as a special use in the A: Agricultural District.
- Veterinary clinics and hospitals is added as a permitted use in all office and commercial districts. Currently this is only a permitted use in the A: Agricultural District and I: Industrial District.
- Garages and parking for vehicles over one-and-a-half-ton capacity is added as a special use to the C: Commercial District.
- Convention halls and meeting halls is added as a primary use in the I: Industrial District.
- Required bicycle parking is now measured by the number of vehicle parking spaces provided instead of required. This is necessary to require bicycle parking when no minimum parking spaces are required.
- The Historic Preservation Commission is granted authority as to enforce the Zoning Ordinance.
- Definitions are simplified when applicable. Removed duplicate or unused definitions.
- Building height is now measured from grade instead of curb level. This change is necessary to apply the maximum building height as intended.
- Grade is now measured as the average of the finished surface of the ground 5 feet from the building, structure, or proposed location. Currently there is no limit on how far out the average goes and this makes it clear exactly how that average is calculated.
- Definitions for owner occupied and short-term rentals are added.

**Policy Plan:**
This Ordinance generally achieves the policies in the Comprehensive Plan for South Bend and St. Joseph County, Indiana (2002) by updating our regulations to be clearer, applied correctly, and logical and will ultimately make the Zoning Ordinance easier to use and encourage economic development.

**Recommendation:**
Based on the information available prior to the public hearing, the staff recommends sending this Ordinance to the County Council with a favorable recommendation.

**Analysis:**
Every step must be taken to constantly adapt the Zoning Ordinance to meet its intent and the objectives of the Comprehensive Plan. A clear and sensible Zoning Ordinance is needed to make them easy to follow and achieve the desired outcomes for all of St. Joseph County.

PETITIONER: Area Plan Commission

WHEREAS, The County Council of St. Joseph County, Indiana, adopted a new zoning ordinance for St. Joseph County that went into effect on June 13, 2005, and

WHEREAS, the Ordinance has been in use since that time, and it has been determined that certain changes are necessary to revise and clarify various sections of the Ordinance;

IT IS HEREBY ORDAINED BY THE COUNTY COUNCIL OF ST. JOSEPH COUNTY, INDIANA, THAT:

SECTION 1.

Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Sections 154.007 through 154.014 Provisions of Common Applicability, as amended, is hereby further amended and supplemented as follows:

154.007  TRAILERS, MOBILE HOMES AND TENTS.

(A) Trailers and mobile homes shall not be permitted in any district as accessory buildings.

(B) Mobile homes shall not be parked or stored, except in a permitted trailer sales establishment, or occupied for dwelling purposes or lodging purposes except in an approved mobile home park or in a tourist camp.

(C) Recreational vehicles / camping or travel trailers shall be subject to the following development standards:

   (I) Stored on real estate occupied by the owner of the trailer;
(2) Shall be located:

1. inside a permanent, fully enclosed structure;

2. behind the front building line; or,

3. between the front building line and minimum front yard, screened from view from the right-of-way with Type 2: full screening landscaping as defined in Section 154.331.

(3) Shall not be located in any minimum yard.

(4) Secured and no time used for a dwelling unit, extra bedroom, playroom or storage place for items not normally contained in the trailer when in use.

(D) A recreational vehicle and camping or travel trailer, belonging to a guest of the occupant of a dwelling in an agricultural district or residential district, may be parked and occupied for lodging purposes on the same lot as the dwelling but not for more than seventy-two (72) hours in a thirty-day (30) period.

(E) Trailers or mobile homes may be used as temporary offices or storage space incidental to construction of a building development for a period of time such construction is actively undertaken, provided the trailer or mobile home is located on the same lot as the building development.
(F)—Tents shall not be erected, used or maintained for dwelling, lodging, or other purposes, except that permits may be issued for the erection and use of tents for a specific period of time for purposes such as temporary carnivals, churches, voluntary organizations such as Boy Scouts and Girl Scouts, eleemosynary uses, tourist camps, or revival meetings, and when the use of tents is not detrimental to the public health, safety, morals, comforts, convenience, or general welfare of the people of St. Joseph County, provided, however, that said tents or operations are in conformance with all other ordinances and codes of St. Joseph County. (Ord. No. 91-07)

(G)—Trailers which are owned and maintained by governmental agencies or by private or public health or medical institutions, libraries and educational institutions, and which are used primarily for research, demonstration, survey, public health and educational uses shall be exempted from the restrictive provisions of this Chapter.

(H)—(1)—Mobile homes shall be permitted as an accessory dwelling for a care giver / care receiver shall be a conditional use in all districts subject to the following requirements:

(a)—Such dwellings shall represent no more than a second dwelling on the lot;

(b)—Such dwellings shall be occupied by a family who either:

1. provides not less than weekly assistance to the family residing a dwelling unit permitted in the district; or;

2. receives not less than weekly assistance from the family residing in a dwelling unit permitted in the district;

(2)—A certification from a medical doctor shall be provided stating:

(a)—that the family to receive the assistance is in need of such assistance; and,

(b)—the frequency of the assistance needed.

(3)—Such dwellings shall be for a limited period of time not to exceed three (3) years in duration from the date of approval.

(I)—Mobile homes may be used as temporary dwellings for a period of time not to exceed six (6) months on any lot where the primary dwelling was damaged or destroyed by fire or other natural disaster; provided the owner: has requested a permit for such temporary use within three (3) month of the occurrence of the damage or destruction; and, intends to begin reconstruction of a permanent dwelling as soon as practicable.

(J)—Mobile homes may be used as temporary dwelling in any Agricultural or Residential District for a period of time not to exceed six (6) months on a lot where a permit has been issued for the construction of a permanent primary dwelling.
(K) Mobile offices may be used as temporary office or business locations for a period of time not to exceed six (6) months where additional office or business space is required due to a temporary need or while construction of permanent office or business facilities is being undertaken. Where a permanent building already exists on a lot, such temporary office shall be located behind the established front building line of the existing building.

154.008 to 154.007
154.009 to 154.008
154.010 to 154.009
154.011 to 154.010
154.012 to 154.011
154.013 to 154.012
154.014 to 154.013

SECTION 2.

Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Section 154.057 Reconstruction, Remodeling or Enlargement of a Legally Established Nonconforming Single Family Dwelling or Two Family Dwelling, as amended, is hereby further amended and supplemented as follows:

**154.057 RECONSTRUCTION, REMODELING OR ENLARGEMENT OF A LEGALLY ESTABLISHED NONCONFORMING SINGLE FAMILY DWELLING OR TWO FAMILY DWELLING.**

Notwithstanding any provision of this Chapter to the contrary, any legally established nonconforming single family dwelling or two family dwelling, and accessory buildings may be:

SECTION 3.

Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Section 154.070 Accessory Uses, Buildings and Structures, as amended, is hereby further amended and supplemented as follows:

**154.070 ACCESSORY USES, BUILDINGS AND STRUCTURES.**

(A) **Permitted Accessory Uses, Buildings and Structures.**

(3) Accessory uses, buildings or structures shall not be established on a lot prior to the establishment of the primary use on the lot, unless the lot abuts the associated primary use and is under the same ownership.
(C) Additional Development Standards for Accessory Uses, Buildings or Structures.

(1) Residential Districts – Accessory uses, buildings or structures permitted in any Residential District or as an accessory use, building or structure to any residential use in any other district established by this Chapter shall also comply with the following additional development standards:

(a) Accessory Buildings.

1. Accessory buildings in residential districts will have maximum heights and sizes according to the following table:

<table>
<thead>
<tr>
<th>Lot Size</th>
<th>Maximum Area of All Detached Accessory Buildings</th>
<th>Maximum Height</th>
<th>Maximum Area</th>
<th>Maximum Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 1 acre</td>
<td>1x the square footage of the ground floor of the primary structure or 960 sq. ft., whichever is greater.</td>
<td>19 feet</td>
<td>Less than or equal to the main floor area of the primary building.</td>
<td>Maximum height of the applicable zoning district.</td>
</tr>
<tr>
<td>1 to less than 3 acres</td>
<td>1.5x the square footage of the ground floor of the primary structure.</td>
<td>22 feet</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 to less than 5 acres</td>
<td>2x the square footage of the ground floor of the primary structure.</td>
<td>24 feet</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5 acres or more, Agricultural uses</td>
<td>Unlimited</td>
<td>Unlimited</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5 acres or more, All other uses</td>
<td>2x the square footage of the ground floor of the primary structure.</td>
<td>24 feet</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

SECTION 4.

Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Section 154.071 Temporary Uses, Buildings and Structures, as amended, is hereby further amended and supplemented as follows:

154.071 TEMPORARY USES, BUILDINGS AND STRUCTURES.
A) **Permits Required.** An improvement location permit is required for any temporary use, building or structure, unless otherwise stated. Building permits are required for any temporary building or structure. A temporary use, building or structure which is in compliance with the provisions of this chapter, shall be allowed on a lot in any district. A temporary use, structure or building which will be converted into a permanent primary or accessory use after the cessation of the temporary use shall be required to obtain an improvement location permit prior to the establishment of the use or the construction of any structure or building. A temporary use, structure or building which will be removed from the site upon cessation of the temporary use shall comply with the regulations contained in this chapter and shall obtain an improvement location permit.

B) **Permitted temporary uses, buildings and structures.** By way of example only, permitted temporary uses, buildings and structures include:

1. In residential districts: construction trailers, sales offices (either freestanding or in portions of model homes), and garage and yard sales, temporary dwelling units and signs as regulated in §§ 154.370 through 154.381.

2. In business/commercial districts and industrial districts: construction trailers, sales offices, mobile offices, and temporary seasonal retail sales and signs as regulated in §§ 154.370 through 154.381.

3. In agricultural districts: construction trailers, garage and yard sales, temporary dwelling units and signs as regulated in §§ 154.370 through 154.381.

F) **Additional regulations for temporary seasonal retail sales uses in the B: Business, C: Commercial, or I: Industrial Districts.** Temporary seasonal retail sales in commercial and industrial districts. Any temporary seasonal retail sales use, structure or building in the B: Business, C: Commercial, or I: Industrial Districts shall also comply with the following regulations:

4. Signs for the temporary seasonal retail sales shall comply with the provisions of §§ 154.370 through 154.400 154.381 regarding temporary signs; and

G) **Additional development standards for Temporary construction trailers or sales offices in residential districts.**

H) **Regulations for garage sales/yard sales.** Garage and yard sales. Notwithstanding any regulations above to the contrary, a garage sale may be conducted on a premises which includes a dwelling unit subject to the following regulations:

4. Garage/yard sale signs shall comply with the applicable provisions of § 154.376 §§ 154.370 through 154.381:
(I) **Temporary dwelling unit for a care giver / care receiver.**

(1) Temporary dwelling units for a care giver / care receiver shall be a conditional use in all districts subject to the following requirements:

(a) Only one temporary dwelling unit is allowed;

(b) Such dwelling shall be limited for a period of time not to exceed three (3) years from the date of approval;

(c) Such dwellings shall be occupied by who either provides or receives not less than weekly assistance to or from the occupants of the primary dwelling unit; and

(d) A certification from a medical doctor shall be provided stating the need of such assistance and the frequency required.

(J) **Temporary dwelling unit when constructing a new home.** Temporary dwelling units may be used when constructing a new home for a period of time not to exceed six (6) months where a permit has been issued for the construction of a permanent primary dwelling.

(K) **Temporary dwelling unit when constructing a home destroyed by natural disaster.** Temporary dwelling units may be used when constructing a new home for a period of time not to exceed six (6) months on any lot where the primary dwelling was damaged or destroyed by fire or other natural disaster. A permit for construction for a permanent primary dwelling unit shall be requested within three (3) months of the occurrence of the damage or destruction and intends to begin reconstruction of a permanent dwelling as soon as practicable.

(L) **Temporary office or business.** Temporary office or business locations shall be permitted for a period of time not to exceed six (6) months where additional office or business space is required due to a temporary need or while construction of permanent office or business facilities is being undertaken. Where a permanent building already exists on a lot, such temporary office shall be located behind the established front building line of the existing building.

**SECTION 5.**

Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, as amended, is hereby further amended and supplemented by adding Section 154.079 Trailers, Mobile Homes and Tents:

**154.079 RECREATIONAL VEHICLES, TRAILERS, MOBILE HOMES AND TENTS.**

(A) Mobile homes shall not be parked, stored, or occupied for dwelling purposes or lodging purposes except as an approved temporary use.

(B) Trailers and mobile homes shall not be permitted in any district as accessory buildings except as an approved temporary use.
Recreational vehicles shall be subject to the following development standards:

1. Stored on real estate occupied by the owner of the trailer;
2. Shall be located:
   a. inside a permanent, fully enclosed structure;
   b. behind the front building line; or,
   c. between the front building line and minimum front yard, screened from view from the right-of-way with Type 2: full screening landscaping as defined in Section 154.331.
3. Shall not be located in any minimum yard.
4. Secured and no time used for a dwelling unit, extra bedroom, playroom or storage place for items not normally contained in the recreational vehicle when in use.

A recreational vehicle belonging to a guest of the occupant of a dwelling in an agricultural district or residential district, may be parked and occupied for lodging purposes on the same lot as the dwelling but not for more than seventy-two (72) hours in a thirty-day (30) period.

Tents shall not be erected, used or maintained for dwelling, lodging, or other purposes, except that permits may be issued for the erection and use of tents for a specific period of time for purposes such as temporary carnivals, churches, voluntary organizations such as Boy Scouts and Girl Scouts, eleemosynary uses, tourist camps, or revival meetings, provided.
however, that said tents or operations are in conformance with all other ordinances and codes of St. Joseph County.

   (G) Trailers which are owned and maintained by governmental agencies or by private or public health or medical institutions, libraries and educational institutions, and which are used primarily for research, demonstration, survey, public health and educational uses shall be exempted from the restrictive provisions of this Chapter.

SECTION 6

Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Section 154.091 Permitted Uses in the A: Agricultural District, as amended, is hereby further amended and supplemented as follows:

154.091 PERMITTED USES.

   (A) Primary uses.

    (9) Private park – passive;
    (9) to (10) Public park, playground and recreational facility – active or passive;
    (10) to (11)
    (11) to (12)
    (12) Short-term rental, owner occupied;
    (13) to (14)
    (14) Veterinary clinic and hospitals; and
    (15) to (16)
    (16) to (17)

   (B) Special uses.

    (3) to (2)
    (4) Bed and breakfast
    (5) to (3)
    (6) to (4)
    (7) to (5)
    (8) to (6)
    (9) to (7)
    (10) to (8)
    (11) to (9)
(10) Highway maintenance shops and yards

(12) to (11)

(13) to (12)

(14) to (13)

(14) Private park – active;

(16) Recreational Uses—the following outdoor recreation uses shall be subject to a development standard that the lot be no less than ten (10) acres in area:

(a) Boy and girl scout camps and lodges;

(b) Equestrian sports;

(c) Horse show and hunter trails;

(d) Stable (may include ancillary sales), provided that such use shall be accessory to an otherwise permitted use;

(e) Dog shows and field trails;

(f) Archery ranges;

(g) Fishing ponds;

(h) Campgrounds (seasonal);

(i) Soccer fields;

(j) Picnic grounds and parks;

(k) Skeet and trap shooting range—provided that satisfactory evidence is presented to the Board of Zoning Appeals and the Legislative Body that adequate precautions will be taken to safeguard the public from dangers of firearms or other weapons used herein and provided further the development shall be in conformance with the following additional development standards:

1. The facilities for such use may be located not less than two-hundred (200) feet from a lot line adjoining a public right-of-way and not less than five-hundred (500) feet from an interior lot line;

2. A continuous evergreen planting screen shall be provided along any property line adjoining a federal or state highway, such screen plantings shall be no less than fifteen (15) feet apart or less than four (4) feet in height;

3. The use of small bore and high caliber firearms is prohibited; and,
4. No such use shall be permitted within the urbanized area of the county, as defined by the Bureau of the Census;

(l) Accessory uses, buildings, or structures, such as off-street parking and loading spaces, administration, maintenance and club house buildings;

(m) Any other outdoor recreational use not specified above shall be reviewed by the Board of Zoning Appeals and the Legislative Body to assure that the proposed use represents a desired development for St. Joseph County and such use shall be subject to any conditions as may be deemed necessary by the Board of Zoning Appeals to recommend and the Legislative Body to impose upon said use:

(18) to (17)

(18) Shooting ranges;

(24) to (20)

SECTION 7.

Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Section 154.106 Permitted Uses in the R: Single Family District, as amended, is hereby further amended and supplemented as follows:

154.106 PERMITTED USES.

(A) Primary uses.

(8) Private park – passive;

(8) to (9) Parks, playgrounds and recreation areas (publicly owned or operated)

Public park – active or passive;

(9) to (10)

(10) to (12)

(11) to (13)

(12) to (14)

(15) Short-term rental, owner occupied.

(B) Special uses.

(3) Bed and breakfast

(4) to (3)

(5) to (4)

(6) to (5)
Recreational uses. The following outdoor recreation uses shall be subject to a development standard that the lot be no less than ten (10) acres in area:

- Boy and girl scout camps and lodges;
- Equestrian sports;
- Horse shows and hunter trails;
- Stable (may include ancillary sales), provided that such use shall be accessory to an otherwise permitted use;
- Dog shows and field trails;
- Conservation club;
- Archery ranges;
- Fishing ponds;
- Swimming club;
- Tennis clubs;
- Picnic grounds and parks;
- Hunt club and/or gun club – provided that satisfactory evidence is presented to the Board of Zoning Appeals and the Legislative Body that adequate precautions will be taken to safeguard the public from dangers of firearms and other weapons used therein and provided further that such use shall not be located within the urbanized area of the county, as defined by the Bureau of the Census.
(m)–Skeet and trap shooting range—provided that satisfactory evidence is presented to the Board of Zoning Appeals and the Legislative Body that adequate precautions will be taken to safeguard the public from dangers of firearms or other weapons used herein and provided further the development shall be in conformance with the following development standards:

1. The facilities for such use may be located not less than two-hundred (200) feet from a lot line adjoining a public right-of-way and not less than five-hundred (500) feet from an interior lot line;

2. A continuous evergreen planting screen shall be provided along any property line adjoining a federal or state highway, such screen plantings shall be no less than fifteen (15) feet apart or less than four (4) feet in height;

3. The use of small-bore and high-caliber firearms is prohibited; and,

4. No such use shall be permitted within the urbanized area of the county, as defined by the Bureau of the Census.

SECTION 8.

Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Section 154.121 Permitted Uses in the R-2: Residential District, as amended, is hereby further amended and supplemented as follows:

154.121 PERMITTED USES.

(A) Primary uses.

(8) to (10)

(8) Private park – passive;

(9) Public park – active or passive;

(12) Short-term rental, owner occupied.

(B) Special uses.

(1) Bed and breakfast

(2) to (1)

(3) to (2)

(3) Private park – active;

(4) to (5)
SECTION 9.
Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Section 154.136 Permitted Uses in the O/B: Office/Buffer District, as amended, is hereby further amended and supplemented as follows:

154.136 PERMITTED USES.

(A) Primary uses.

(2) Police or fire station;

(3) Private park – passive;

(4) Public park – active or passive;

(6) Short-term rental, owner occupied;

(7) Veterinary clinic and hospitals.

(B) Special uses.

(1) Private park – active;

(2) to (3)

(E) Controlled uses. See §§ 154.475 through 154.478.

SECTION 10.
Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Section 154.151 Permitted Uses in the O: Office District, as amended, is hereby further amended and supplemented as follows:

154.151 PERMITTED USES.

(A) Primary uses. The following uses shall be permitted primary uses subject to a use provision that the maximum floor area of any new building, except a police or fire Station, shall be limited to a maximum of 8,000 square feet, including space within the primary building used for an accessory use or off-street parking or loading. New buildings larger than 8,000 square feet are not a permitted use in the O: Office District. For the purpose of this section, that portion of a basement used solely for storage, parking of vehicles, or maintenance of mechanical equipment shall not be included in calculating the square footage of the building.

(A) Primary uses.

(10) to (12)

(10) Private park – passive;

(11) Public park – active or passive;
(14) Short-term rental, owner occupied;

(15) Veterinary clinic and hospitals.

(B) Special uses.

(1) Private park – active;

(2) to (3)

(E) Controlled uses. See §§ 154.475 through 154.478.

SECTION 11.

Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Section 154.166 Permitted Uses in the B: Business District, as amended, is hereby further amended and supplemented as follows:

154.166 PERMITTED USES.

(A) Primary uses.

(53) to (55)

(54) to (56)

(53) Private park – active or passive;

(54) Public park – active or passive;

(55) to (58)

(56) to (59)

(57) to (60)

(58) to (61)

(59) to (62)

(60) to (64)

(61) to (65)

(62) to (66)

(63) to (67)

(63) Short-term rental, owner occupied
(64) to (68)
(65) to (69)
(66) to (70)
(67) to (71)
(68) to (72)
(69) to (73)
(70) to (74)
(71) to (75)

(76) Veterinary clinic and hospitals;
(72) to (77)
(73) to (78)

(B) Special uses.

(1) Bed and breakfast;
(2) to (1)
(3) to (2)
(4) to (3)
(5) Parks;
(6) to (4)
(7) to (6)

(E) Controlled uses. See §§ 154.475 through 154.478.

SECTION 12.

Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Section 154.181 Permitted Uses in the C: Commercial District, as amended, is hereby further amended and supplemented as follows:

154.181 PERMITTED USES.

(A) Primary uses.

(11) Bed and breakfast
(12) to (11)
(13) to (12)
(14) to (13)
(15) to (14)
(16) to (15)
(17) to (16)
(18) to (17)
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(60) to (59)
(61) to (60)
(62) to (61)
(63) to (62)
(64) to (63)

(B) *Special uses.*

(6) to (7)
(6) Garages, for storage, repair, and servicing of motor vehicles of over one and one-half tons capacity, including body repair, painting, and engine rebuilding:

(7) to (8)

(8) to (9)

(9) to (10)

(10) to (11)

(11) to (12)

(12) to (15)

(13) to (16)

(13) Parking lots for storage of motor vehicles over one and one-half tons capacity:

(14) to (17)

(16) to (18)

(E) Controlled uses. See §§ 154.475 through 154.478.

SECTION 13.

Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Section 154.211 Permitted Uses in the I: Industrial District, as amended, is hereby further amended and supplemented as follows:

154.211 PERMITTED USES.

(A) Primary uses.

(9a) Convention halls and meeting halls:

(39) to (40)

(39) Short-term rental, owner occupied:

(40) to (41)

(41) to (42)

(B) Special uses.

(22) to (21)

(E) Controlled uses. See §§ 154.475 through 154.478.
SECTION 14.

Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Section 154.421 Required Bicycle Parking, as amended, is hereby further amended and supplemented as follows:

154.421 REQUIRED BICYCLE PARKING.

(C) Minimum spaces required. One (1) bicycle parking space for every ten (10) required provided vehicle parking spaces rounded up to the nearest whole number. No more than sixteen (16) bicycle parking spaces shall be required.

SECTION 15.

Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Section 154.615 Authority, as amended, is hereby further amended and supplemented as follows:

154.615 AUTHORITY.

The Area Plan Commission, Historic Preservation Commission, and the Building Department of St. Joseph County are hereby designated to enforce the terms and provisions of this chapter in accordance with Indiana law.

SECTION 16.

Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Section 154.636 Definitions, as amended, is hereby further amended and supplemented as follows:

154.636 DEFINITIONS.

ACCESSORY BUILDING or ACCESSORY USE. A building or use which:

(1) Is subordinate to and serves a principal building or principal use;

(2) Is subordinate in area, extent, or purpose to the principal building or principal use served;

(3) Contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served; and,

(4) Is located on the same lot as the principal building or principal use served with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same lot with the building or use served.

ACCESSORY BUILDING, STRUCTURE OR USE. A subordinate structure, building, or use that is customarily associated with, and is appropriately and clearly incidental and subordinate in use, size, area, and height, to the primary structure building, or use, and is located on the same lot as the primary building, structure, or use, unless otherwise permitted by this Ordinance.
BED AND BREAKFAST. The commercial leasing of bedroom(s) for guest(s) within a private, owner-occupied, single family dwelling unit or two family dwelling unit. Such leasing provides temporary accommodations, typically including a morning meal, to overnight guests for a fee. Such leasing may also provide for the temporary accommodation of daytime meetings or receptions for guests for a fee. Such leasing caters largely to tourists and the traveling public. See SHORT TERM RENTAL.

BUILDING, ACCESSORY. A subordinate building or portion of a principal building, the use of which is incidental to that of the principal building and customary in connection with that use. See ACCESSORY BUILDING, STRUCTURE OR USE.

BUILDING HEIGHT. The vertical distance from GRADE the curb level to the highest point of the building or structure, under side of the ceiling beams in the case of a flat roof to the deck line of a mansard roof and to the mean level of the underside of the rafters between the eaves and the ridge of a gable, hip, or gambrel roof. Chimneys, spires, towers, elevator penthouses, tanks and similar projections other than signs shall not be included in calculating the height.

DWELLING, MANUFACTURED HOME. A dwelling unit which is fabricated in one or more modules at a location other than the home site, by assembly-line type production techniques or by other construction methods unique to an off-site manufacturing process and which bears a seal certifying that it was built in compliance with the National Manufactured Housing Construction and Safety Standards Code.

DWELLING, MOBILE. See MOBILE HOME.

DWELLING, MODULAR. See MODULAR HOME.

DWELLING, MULTI-FAMILY. A building consisting of three or more dwelling units, including condominiums, with varying arrangements of entrances and party walls.

DWELLING, SINGLE-FAMILY. An individual, detached building containing one (1) dwelling unit which is either: (Ord. 68-09)

(1)—Built in compliance with the Indiana One- and Two-Family Dwelling Code and the St. Joseph County, Indiana Building Code;

(2)—A modular dwelling; or,

(3)—A manufactured home dwelling.

DWELLING, TWO-FAMILY. A building consisting of two dwelling units which may be either attached side by side or one above the other, and each dwelling unit having a separate or combined entrance.

DWELLING UNIT. A room or group of rooms designed and equipped exclusively for use as living quarters for only one family and its household employees, including provisions for sleeping, lawful cooking, and sanitary facilities. The term shall include mobile dwellings,
modular dwellings and manufactured dwellings but shall not include recreational vehicles. Dwelling units are further classified as follows:

(1) **MANUFACTURED HOME.** A dwelling unit which is fabricated in one or more modules at a location other than the home site, by assembly-line type production techniques or by other construction methods unique to an off-site manufacturing process and which bears a seal certifying that it was built in compliance with the National Manufactured Housing Construction and Safety Standards Code.

(2) **MOBILE HOME.** Any vehicle or portable structure designed for long term occupancy, containing sleeping accommodations, a flush toilet, a bathtub or shower, kitchen facilities, and plumbing and electrical connections providing for attachment to outside systems; designed to be transported after fabrication on its own wheels, flatbed truck, or other trailer or detachable wheels; which, when arriving at the site where it is to be occupied as a complete dwelling unit, including major appliances, and ready for occupancy except for minor and incidental unpacking and assembly operation, is located on foundation supports, and is connected to external utilities and electrical system. Mobile home does not include Modular Homes or Manufactured Homes, Type A.

(3) **MODULAR HOME.** A dwelling unit, designed and built in a factory, for installation or assembly at the building site, and which bears a seal certifying that it was built in compliance with I.C. 16-41-27-1 et seq.

(4) **MULTI-FAMILY DWELLING.** A building consisting of three or more dwelling units, including condominiums, with varying arrangements of entrances and party walls.

(5) **SINGLE-FAMILY DWELLING.** An individual, detached building containing one (1) dwelling unit which is either built in compliance with the Indiana One- and Two-Family Dwelling Code and the St. Joseph County, Indiana Building Code, a modular dwelling, or a manufactured dwelling.

(6) **TWO-FAMILY DWELLING.** A building consisting of two dwelling units which may be either attached side by side or one above the other, and each dwelling unit having a separate or combined entrance.

**HOME OCCUPATION (IN AN AGRICULTURAL DISTRICT).** Any use, including a residential home occupation, conducted entirely within the dwelling units or accessory building, carried on only by the occupants thereof, and which is clearly incidental and secondary to the agricultural character of the site.

**GRADE.** The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure; five (5) feet from the building, structure, or proposed location.

**MOBILE HOME.** Any vehicle or portable structure designed for long term occupancy, containing sleeping accommodations, a flush toilet, a bathtub or shower, kitchen facilities, and plumbing and electrical connections providing for attachment to outside systems; designed to be transported after fabrication on its own wheels, flatbed truck, or other trailer or detachable
wheels; which, when arriving at the site where it is to be occupied as a complete dwelling unit, including major appliances, and ready for occupancy except for minor and incidental unpacking and assembly operation, is located on foundation supports, and is connected to external utilities and electrical system. **MOBILE HOME** does not include Modular Homes or Manufactured Homes, Type A.

**MODULAR HOME.** A dwelling unit, designed and built in a factory, for installation or assembly at the building site, and which bears a seal certifying that it was built in compliance with I.C. 16-41-27-1 et seq.

**NONCONFORMING BUILDING OR STRUCTURE.** A building or structure which does not comply with all of the regulations of this chapter governing form, architecture, or placement for the zoning district in which such building or structure is located or is designed or intended for a nonconforming use.

(1) Does not comply with all of the regulations of this chapter or of any amendment hereto governing bulk for the zoning district in which such building or structure is located; or

(2) Is designed or intended for a nonconforming use.

**OWNER OCCUPIED.** Property that is the owner’s primary residence.

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

**SHORT-TERM RENTAL.** The rental of a single-family home or a dwelling unit for terms of less than thirty (30) days at a time. The term includes a detached accessory structure, including a guest house, or other living quarter that is intended for human habitation.

**RELIGIOUS USE.** A building or portion thereof used to conduct religious services on a regular basis. A facility devoted primarily to the purpose of divine worship. Includes related accessory uses, which are subordinate to and commonly associated with the religious institution use, such as schools and instructional facilities, daycare centers, and social uses.

**ZONING BOARD.** See **BOARD OF ZONING APPEALS**.

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**SECTION 17.**

This ordinance shall be in full force and effect from and after its enactment and publication as required by law, and full execution of any conditions of Commitments placed upon the approval.
FINDINGS OF FACT

APC# 2915-19
DOSTER REAL ESTATE LLC
St. Joseph County

On Tuesday, December 17, 2019, the Area Plan Commission took the following actions on the variances from the Development Standards of the St. Joseph County Zoning Ordinance:

**APPROVED** 1) from the required perimeter landscaping to what is show on the site plan
**APPROVED** 2) from the required foundation landscaping to what is shown on the site plan
**APPROVED** 3) from the required off-street parking landscape islands to none
**APPROVED** 4) from the required parking area screening to none

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community.
   Approving the variances will not be injurious to the public health, safety, morals and general welfare of the community. Developing a native grass and wildflower habitat along the trail corridor is consistent with Goal 5, Objective B, Policy i: Continue the development of linear parks and greenways within the community; and Goal 4, Objective C: Conserve open space and protect natural and scenic resources.

(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
   Approving the landscaping variances to what is shown on the site plan protects the residential properties to the southeast and users of the trail.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property.
   Because of close proximity of the existing structures to the streets and trail, it is difficult to practically meet the requirements of this ordinance. Approval of the variances allow landscaping that meets the intent of the ordinance, while taking into account the unique conditions on the site.

The Minutes of the December 17, 2019 meeting of the Area Plan Commission are hereby incorporated by reference herein.

Adopted by the Area Plan Commission of St. Joseph County, Indiana, on this 21st day of January, 2020.

_________________________________________, President
Area Plan Commission of
St. Joseph County, Indiana

ATTEST:

Lawrence P. Magliozzi, Secretary
PUBLIC HEARING - 3:30 P.M.

1. REZONINGS:

   A. A combined public hearing on a proposed ordinance of ELMER R GRABER REV
      TRUST to zone from B: Business District and R: Single Family District to B: Business
      District and seeking the following variance(s): 1) from the required front perimeter
      landscaping to none; 2) from the required side and rear perimeter landscaping to the
      existing trees in the tree save area shown on the plan; 3) from the minimum required front
      setback for parking of 15' to 2'; 4) from the minimum required parking drive width of 24'
      to 18', property located at 51340 BITTERSWEET RD, St. Joseph County - APC# 2912-19.

   (Audio Position: 1:17)

JORDAN WYATT: The petitioner is requesting a zone change from B: Business District and R:
Single Family District to B: Business District and four variances from the development
standards. On site currently is a former insurance business with a parking lot and accessory
structure. To the north are single-family homes zoned R: Single Family District. To the east are
single-family homes zoned R: Single Family District. To the south is a vacant parcel zoned O/B:
Office/Buffer District. To the west, across Bittersweet, are commercial and industrial properties
zoned I: Industrial District. The B: Business District is established to provide for businesses
which provide for the full range of convenience uses necessary to meet the daily needs of
residential neighborhoods. Permitted uses within the B: Business Districts are regulated in
character to assure harmonious development with the nearby residential districts served. The site
plan shows the existing structures and parking lot to remain. Future development will need to meet the development standards of the B: Business District. This site was rezoned to B: Business District in 1982. The properties to the south were rezoned to O/B: Office/Buffer District in 1988. Bittersweet Road is two lanes. The site will be served by municipal sewer and private well. The County Engineer stated that the sign that is located in the County right-of-way needs to be moved onto their property. The petitioner is not proposing any written commitments. The petition is consistent with Goal 2, Objective C, Policy ii: Promote the upgrading, rejuvenation, and beautification of all existing commercial centers. The Future Land Use map highlights this area for residential growth. There are no other plans in effect for this area. The current conditions along Bittersweet Road feature a mix of commercial and industrial uses. The most desirable use for this property would be one that continues the low-intensity commercial uses intended in the original rezoning. Keeping the petition area limited to the original area of the 1982 rezoning should have no affect on the adjacent property values. It is responsible development and growth to allow the reuse of a currently vacant property. This site is being rezoned to remove the site plan that was approved when it was rezoned in 1982. The site plan restricts the site to only be used for an insurance office. Based on information available prior to the public hearing, the staff recommends sending this rezoning petition to the County Council with a favorable recommendation. The staff recommends denial of the front perimeter landscaping variance. The staff also recommends the front setback variance for the parking lot be amended to 11’, which would require the petitioner to eliminate the one parking space nearest to the road. Rezoning this site will allow continued use of this site for commercial purposes to provide the service needs for the surrounding community. Denying the variance for the front perimeter landscaping would help beautify this highly commercialized corridor and get this property closer in conformance with the current regulations. Requiring the removal of the parking space closest to the right-of-way will allow for the safe use of Bittersweet now and in the future, and allow for clear visibility.

PETITIONER

Terry Lang of Lang, Feeney, & Associates located at 715 S. Michigan St. presented on behalf of the petitioner.

IN FAVOR

There was no one present to speak in favor of this petition.

REMONSTRANCE

There was no one present to speak in remonstrance of this petition.

After due consideration, the following action was taken:
Upon a motion by Elizabeth Maradik, being seconded by Adam DeVon and unanimously carried, a proposed ordinance of ELMER R GRABER REV TRUST to zone from B: Business District and R: Single Family District to B: Business District, property located at 51340 BITTERSWEET RD, St. Joseph County, is sent to the County Council with a FAVORABLE recommendation. Rezoning this site will allow continued use of this site for commercial purposes to provide the service needs for the surrounding community. Denying the variance for the front perimeter landscaping would help beautify this highly commercialized corridor and get this property closer in conformance with the current regulations. Requiring the removal of the parking space closest to the right-of-way will allow for the safe use of Bittersweet now and in the future, and allow for clear visibility.

Upon a motion by Dan Brewer, being seconded by Adam DeVon and carried, the variances 1) from the required front perimeter landscaping to none, 2) from the required side and rear perimeter landscaping to the existing trees in the tree save area shown on the site plan, 3) from the minimum required front setback for parking of 15' to 2', and 4) from the minimum required parking drive width of 24' to 18' was denied, property located at 51340 BITTERSWEET RD, St. Joseph County.

Upon a motion by John DeLee, being seconded by Elizabeth Maradik and unanimously carried, the variances 2) from the required side and rear perimeter landscaping to the existing trees in the tree save area shown on the site plan, 3) from the minimum required front setback for parking of 15' to 11', and 4) from the minimum required parking drive width of 24' to 18' were approved; and 1) from the required front perimeter landscaping to none was denied, property located at 51340 BITTERSWEET RD, St. Joseph County.

2. TEXT AMENDMENTS:

A. An Ordinance initiated by the Area Plan Commission, repealing and replacing the following provisions of the South Bend Municipal Code, namely Chapter 21, Articles 1 through 14 and the exhibits thereto, excluding Article 13, with that Article being renumbered, with the inclusion of a new zoning map, all of which shall be entitled "The City of South Bend Zoning Ordinance" - APC# 2913-19.  

SHAWN KLEIN: This ordinance proposes to repeal and replace the following provisions of the South Bend Municipal Code, namely Chapter 21, Articles 1 through 14 and the exhibits thereto, excluding Article 13, with that Article being renumbered, with the inclusion of a new zoning map, all of which shall be entitled "The City of South Bend Zoning Ordinance" The adoption of a new City of South Bend Zoning Ordinance is one of the many steps being taken as South Bend forms its own plan commission. The new zoning ordinance features a user-friendly design with numerous graphic elements that will make these regulations easier to understand and more accessible to the citizens of South Bend. The new ordinance has 8 standard districts and 4 special districts – S1 Suburban Neighborhood 1, S2 Suburban Neighborhood 2, U1 Urban Neighborhood
1, U2 Urban Neighborhood 2, U3 Urban Neighborhood 3, UF Urban Flex, NC Neighborhood Center, DT Downtown, OS Open Space, U University, C Commercial, I Industrial. The allowed uses in each district are substantially similar to the correlating existing district. Ancillary Dwellings are added as a permitted use in all districts provided certain conditions are met. Other added uses include agriculture, artisan industrial, and solar farm. Solar panels are explicitly listed as an accessory use. Landscaping requirements have been simplified, removing some requirements for buffers between similar districts, and modifies street tree requirements in all districts. A tree conservation provision has been included to protect the urban canopy. A new sign section features multiple positive changes, both visually and in its regulations. This new sign section provides for new sign types, such as roof signs, simplifies regulations, and introduces new standards to electronic message centers that will reduce their impact on residential properties. Lighting controls will help reduce light pollution from businesses into surrounding properties. Minimum parking requirements have been reduced, but design and layout standards for provided parking have been updated and strengthened. Districts also feature building standards. These new requirements will push for better architectural design and quality of place. Building standards do not apply to single- or two-family dwellings, accessory dwellings, and accessory buildings.

PETITIONER

Tim Corchran, Angela Smith, and Michael Divita of the Department of Community Investment, with the office located at 227 West Jefferson Blvd South Bend, IN 46601-14th floor, presented the petition.

IN FAVOR

There was no one present to speak in favor of this petition.

REMONSTRANCE

There was no one present to speak in remonstrance of this petition.

After due consideration, the following action was taken:

Upon a motion by Dan Brewer, being seconded by John R. McNamara and unanimously carried, an Ordinance initiated by the Area Plan Commission, repealing and replacing the following provisions of the South Bend Municipal Code, namely Chapter 21, Articles 1 through 14 and the exhibits thereto, excluding Article 13, with that Article being renumbered, with the inclusion of a new zoning map, all of which shall be entitled "The City of South Bend Zoning Ordinance", is sent to the Common Council with a FAVORABLE recommendation. This new zoning ordinance will help foster a stronger quality of place and architectural form in the City of South Bend. Current development practices and demands are reflected in the changes throughout the regulations featured in
this ordinance. The simple language and graphic focus will help make this ordinance accessible to all citizens of South Bend.

ITEMS NOT REQUIRING A PUBLIC HEARING

1. Miscellaneous:

A  Findings of fact for granting variances for property located at 629, 705, and 713 Notre Dame Avenue, City of South Bend - APC #2891-19  

After careful consideration, the following action was taken:

Upon a motion by Dan Brewer, being seconded by Robert Hawley and unanimously carried, the Findings of Fact for granting variance for property located at 629, 705, and 713 Notre Dame Avenue, City of South Bend were approved.

B  Findings of fact for granting variances for property located at the corner of Eddy Street and Howard Street, City of South Bend - APC #2899-19  

After careful consideration, the following action was taken:

Upon a motion by Dan Brewer, being seconded by Robert Howley and unanimously carried, the Findings of Fact for granting variances for property located at the corner of Eddy Street and Howard Street, City of South Bend were approved.

2. Executive Director's Report:  

LARRY MAGLIOZZI presented stating that the Area Board of Zoning Appeals is reorganizing and creating new positions due to South Bend leaving. County Commissioners get one appointed position, County Council gets a third appointed position, and Towns collectively get one appointed position. Second, in regards to the Indiana Enterprise Center, no resolution is to be made until Larry approves the public process.

3. Minutes:

None for consideration at this time.

4. Adjournment: 4:21 p.m.
PRESIDENT OF THE COMMISSION

LAWRENCE P. MAGLIOZZI,
SECRETARY OF THE COMMISSION
THE AREA PLAN COMMISSION OF
ST. JOSEPH COUNTY, INDIANA

MINUTES

December 17, 2019
3:30 p.m.
Council Chambers, 4th Floor
County-City Building, South Bend, IN

MEMBERS PRESENT: MEMBERS ABSENT: ALSO PRESENT:
Dan Brewer Greg Burris Jordan Wyatt
John DeLee Velvet Canada Lawrence P. Magliozzi
Adam DeVon Oliver Davis Ryan Fellows
Harry Dudeck
Robert Hawley Shawn Klein
John Leszczynski Mitch Heppenheimer, Counsel
Martin Madigan Samantha Keultjes
Elizabeth Maradik
John R. McNamara
Dr. Jerry Thacker

PUBLIC HEARING - 3:30 P.M.

1. REZONINGS:

A A combined public hearing on a proposed ordinance of DOSTER REAL ESTATE LLC
and KANDO PROPERTIES LLC to zone from R: Single Family District and I: Industrial
District to I: Industrial District and seeking the following variance(s): 1) from the
required perimeter landscaping to what is show on the site plan; 2) from the required
foundation landscaping to what is shown on the site plan; 3) from the required off-street
parking landscape islands to none; 4) from the required parking area screening to none,
property located at 19880 STATE LINE RD AND VACANT LAND ADJACENT TO
THE EAST ABUTTING MICHIGAN ST, St. Joseph County - APC# 2915-19.

(Jordan Wyatt: The petitioner is requesting a zone change from R: Single Family District
and I: Industrial District to I: Industrial District and four variances from the development
standards. On site currently is a plastics facility and a solar energy system installer. The Indiana
Michigan River Valley Trail runs between the two industrial facilities. To the north is the State
of Michigan. To the east businesses zoned C: Commercial District. To the south are single-
family homes zoned R: Single Family District. To the southwest are single-family homes zoned
R: Single Family District. To the northwest are businesses zoned I: Industrial District. The I:
Industrial District is established to provide for development of industrial uses. Permitted uses in
this district tend to generate heavy traffic, require extensive community facilities, and may
require substantial screening to protect the surrounding properties from potential negative

(Audio Position: 1:45)
impacts. The permitted uses provided for in this district should be separated from residential districts with adequate setbacks and screening. The site plan shows the business on the east side of the trail expanding to the south. A new loading area is on the south side of this building. A new crossing will go across the trail to connect the businesses. The existing crossing will be blocked from vehicular traffic and used for pedestrians and bicycles. Native plant habitat runs the length of the trail on both sides. The site plan meets the required landscaping around the residential properties to the southeast. The western portion of the site was zoned to M: Manufacturing District, which is now I: Industrial District, in 2001. The State Road 933 Corridor was rezoned to C: Commercial District in the immediate area in 1984. State Line Road is two lanes. Michigan Street is two lanes. The Indiana Michigan River Valley Trail bisects the petition site. The site is served by private well and municipal sewer. St. Joseph County Parks would like to see the screening required along the entire length of the trail replaced with native grasses and wildflowers along the entire trail. A double row of evergreen trees is what is required, but tree root systems could damage the trail. The developer will need to improve any St. Joseph County Road that will be used to access the site from 933. The road(s) will need to be improved to County Standards with a minimum width of 18 feet. The intersections for these roads will need to be able to accommodate the truck traffic turning movements. All parcels being rezoned will need to meet the current drainage requirements.

PETITIONER

DEBRA HUGHES of Marbach, Brady & Weaver located at 3220 Southview Drive presented on behalf of the petitioner.

IN FAVOR

There was no one present to speak in favor of this petition.

REMONSTRANCE

JUDTIH RUBLESKE, residing at 515 S. Meade St. spoke in remonstrance of this petition, asking additional questions.

REBUTTAL

JAMES DOSTER of Doster Real Estate LLC located at 19880 State Line Rd presented the rebuttal.

After due consideration, the following action was taken:

Upon a motion by John R. McNamara, being seconded by Harry Dudeck and unanimously carried, a proposed ordinance of DOSTER REAL ESTATE LLC to zone from R: Single Family District and I: Industrial District to I: Industrial District, property
located at 19880 STATE LINE RD AND VACANT LAND ADJACENT TO THE EAST ABUTTING MICHIGAN ST, St. Joseph County, is sent to the County Council with a FAVORABLE recommendation. This rezoning would allow for the expansion of an existing business to help meet their service needs. Approving the variances will allow for landscaping in a way that fits the unique characteristics of this site and development to occur in a way that is harmonious with the adjacent residential properties and support the use of St. Joseph County's trail systems.

Upon a motion by John R. McNamara, being seconded by Adam DeVon and unanimously carried, the variance(s) 1) from the required perimeter landscaping to what is shown on the site plan; 2) from the required foundation landscaping to what is shown on the site plan; 3) from the required off-street parking landscape islands to none and 4) from the required parking area screening to none property located at 19880 STATE LINE RD AND VACANT LAND ADJACENT TO THE EAST ABUTTING MICHIGAN ST, St. Joseph County, were approved.

ITEMS NOT REQUIRING A PUBLIC HEARING

1. Miscellaneous:

      (Audio Position: 15:00)

      After careful consideration, the following action was taken:

      Upon a motion by Daniel Brewer, being seconded by John McNamara and unanimously carried, Resolution No. 254-19 was approved.

      (Audio Position: 24:45)

      After careful consideration, the following action was taken:

      Upon a motion by John McNarmara, being seconded by Daniel Brewer and unanimously carried, Resolution No. 255-19 was approved.

   C. Withdraw of APC #2888-18  
      (Audio Position: 25:56)

      After careful consideration, the following action was taken:

      Upon a motion by John McNamara, being seconded by Robert Hawley and unanimously carried, APC #2888-18 was withdrawn.
D. Findings of Fact for granting variances for property located at 601 and 605 Eddy Street, City of South Bend – APC #2914-19

After careful consideration, the following action was taken:

Upon a motion by John McNamara, being seconded by Daniel Brewer and unanimously carried, the Findings of Fact for property located at 601 and 605 Eddy Street were approved.

2. Executive Director's Report:

LARRY MAGLIOZZI presented a few housekeeping items stating that there will be a refresher course for the new Area Plan Commission responsibilities in January. He also stated that the Area Plan Commission will need to elect officers and the Executive Committee in January. In addition, Larry summarized the upcoming Text Amendments and presented certificates of appreciation for the members that are no longer on the Area Plan Commission.

3. Minutes:

A. Approval of minutes from the November 19, 2019 APC meeting.

After careful consideration, the following action was taken:

Upon a motion by John McNamara, being seconded by John DeLee and unanimously carried, the minutes from the November 19, 2019 APC Meeting were approved.

4. Adjournment: 4:01 p.m.

___________________________________________
PRESIDENT OF THE COMMISSION

___________________________________________
LAWRENCE P. MAGLIOZZI,
SECRETARY OF THE COMMISSION