

GENERAL REGULATIONS

154.070 ACCESSORY USES, BUILDINGS AND STRUCTURES.

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

(1) Accessory uses, buildings or structures shall be permitted in all districts, provided, however, that the primary use which is supported by the accessory use, building or structure is a permitted use within the district to which a lot is zoned.

(2) Accessory uses, buildings or structures shall be permitted for any legally established residential use in any non-residential district and shall comply with the provisions of Chapter 154.070 (C) (1). (*Ord. 64-13, 10/8/13*)

(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. (*Ord. 19-20, 2/18/20*)

(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. (*Ord. 17-20, 2/18/20*)

(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. (*Ord. 17-20, 2/18/20*)

(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. (*Ord. 17-20, 2/18/20*)

(d) In Industrial Districts: garages; storage sheds or buildings; fences; trash containers; solar panels; and, recycling containers. (*Ord. 17-20, 2/18/20*)

(B) *Development Standards for Accessory Uses, Buildings or Structures in All Districts.*

(1) Accessory uses, buildings or structures shall comply with all development standards of the applicable district unless an exception is specifically provided for in this Chapter.

(2) No accessory building, structure, or use shall encroach upon that side yard of a corner lot which is adjacent to the street, upon that side yard of a reversed corner lot which is adjacent to the street, upon that part of a rear yard of a through lot which is within the required setback from the street.

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(3) Accessory uses, buildings or structures shall not encroach upon any platted easements unless specifically authorized by the terms of the easement or by written consent of the agency in whose favor the easement is granted.

(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. (Ord. 35-19, 3/12/19)*

1. Accessory buildings in residential districts will have maximum heights and sizes according to the following table: *(Ord. 19-20, 2/18/20)*

Table 154-GR1 Maximum Height and Size of Accessory Structure in Residential Districts				
	Detached		Attached	
Lot Size	Maximum Area of All Detached Accessory Buildings	Maximum Height	Maximum Area	Maximum Height
Less than 1 acre	1x the square footage of the ground floor of the primary structure or 960sq. ft., whichever is greater.	19 feet	Less than or equal to the main floor area of the primary building	Maximum height of the applicable zoning district
1 to less than 3 acres	1.5x the square footage of the ground floor of the primary structure	22 feet		
3 to less than 5 acres	2x the square footage of the ground floor of the primary structure	24 feet		
5 acres or more, Agricultural uses	Unlimited	Unlimited		
5 acres or more, All other uses	2x the square footage of the ground floor of the primary structure.	24 feet		

2. Accessory buildings must meet the required front and side setback and be no less than eight (8) feet from the rear property line.

(b) *Swimming Pools or Hot Tubs.*

1. A swimming pool or hot tub shall not be located in any minimum front yard, minimum side yard or minimum rear yard for an accessory building.
2. The swimming pool or hot tub, either above or below ground, shall comply with the applicable requirements of the Indiana Swimming Pool Code (675 IAC 20).
3. No pool or hot tub shall be erected or constructed unless adequate distance from overhead electrical wires is provided in accordance with the National Safety Code and the National Electrical Code, current editions.
4. Abandoned or unused swimming pools or hot tubs, situated on a premise which are not occupied for periods of thirty (30) days or more, shall be drained or equipped with a cover adequate to prevent persons, children or animals from danger or harm.
5. All swimming pools or hot tubs, including associated decking and aprons over 30" above grade, shall be included in the calculation of maximum lot coverage.

(c) *Stoops, Patios, Porches, Gazebos and Decks.*

1. Stoops, patios, porches, gazebos and decks over 30" above grade or which include a roof or roof-like structure (e.g., trellis, arbor, etc.) shall comply with all minimum yards and building setback, and maximum building height regulations of the applicable district for accessory structures.
2. Notwithstanding anything in this Chapter to the contrary, stoops, patios, porches and decks less than 30" above grade and which do not include a roof or roof-like structure may be located in a:
 - a. Minimum front yard, provided however, such stoop, patio, porch or deck shall not encroach more than ten (10) feet into such minimum front yard; or,
 - b. Minimum side yard or minimum rear yard.

(d) *Fences (including but not limited to chain link, solid, shadow-box, stockade, architectural screen, lattice-work or masonry).*

1. *Individual lots; front yards.* Fences located in a minimum front yard or in the buildable area of a lot located between the front line of the primary building and the minimum front yard shall not exceed:
 - a. Thirty-six (36) inches in height above grade, if the open space percentage of the fence is equal to or less than seventy (70) percent; or,
 - b. Forty-eight (48) inches in height above grade if the open space percentage of the fence is greater than seventy (70) percent.

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2. *Corner lots; front yards.* In the case of a corner lot containing 9,000 square feet or less, one (1) front yard, as determined by the Zoning Administrator, may be treated as a side yard for the purpose of regulating fences in front yards on individual lots.

3. *Subdivision frontage.* Fences shall not exceed six (6) feet in height above grade when located along a perimeter street of a recorded, platted residential subdivision where individual lots do not have direct access to said perimeter street.

4. *All other fences.* Fences located elsewhere on a lot shall not exceed:

a. Six (6) feet in height above grade, if the open space percentage of the fence is equal to or less than seventy (70) percent; or,

b. Eight (8) feet in height above grade if the open space percentage of the fence is greater than seventy (70) percent.

5. *Clear sight.* Fences provided for in (C)(1)(d)2 and (C)(1)(d)3. above shall also comply with § 154.078.

6. *Security fencing.* Fences, including but not limited to barbed wire, electric, razor wire or other types of security wire fencing:

a. Shall only be permitted for non-residential uses such as but not limited to: agricultural uses; heating, ventilating and air-conditioning equipment; public and private communication facilities such as wireless, radio and television communication towers; restricted public access areas such as airports, sewer and water treatment facilities; public safety facilities; utility sites such as water, sewer, electric and gas main facilities.

b. The Zoning Administrator shall have the authority to determine the extent and location of such fences. (*Ord. 91-07, 10/9/07*)

(e) *Grade Level Improvements.* Grade level improvements which do not include a foundation shall be permitted as follows:

1. In a minimum front yard – walkways and driveways.

2. In a minimum side yard or minimum rear yard – walkways, and interior access drives.

(f) *Game Courts.* Game courts shall be located in compliance with the setback regulations for an accessory building.

(g) *Renewable Energy Systems.* See §§ 154.505 through 154.516. (*Ord. 17-20, 2/18/20*)

(h) *Signs.* Shall comply with §§ 154.370 through 154.380. (*Ord. 52-20, 8/25/20*)

(i) *Trash Containers.* Any trash container exceeding thirty-six (36) cubic feet in capacity shall:

1. Be screened on at least three sides by a building wall or a solid-walled enclosure, not less than six (6) feet in height nor more than ten (10) feet in height above grade, equipped with an opaque screen gate;

2. Not be located between the front façade of the primary building and the front lot line; and,

3. Not be located in any minimum front yard, minimum side yard or minimum rear yard.

(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:

(a) *Fences (including chain link, solid, architectural screen, lattice-work or masonry).*

1. Located in a minimum front yard or in the buildable area of a lot located between the front line of the primary building and the minimum front yard shall not exceed:

a. Thirty-six (36) inches in height above grade, if the open space percentage of the fence is equal to or less than seventy (70) percent; or,

b. Forty-eight (48) inches in height above grade if the open space percentage of the fence is greater than seventy (70) percent.

2. Shall not exceed eight (8) feet in height above grade in a required side yard or a required rear yard;

3. Shall not include any barbed, electric, razor or other similar types of security wire when located in a minimum front yard or between the front façade of the primary building and the required front yard; and,

4. Shall comply with § 154.078.

(b) *Trash containers.* Trash containers exceeding thirty-six (36) cubic feet shall:

1. Be screened on at least three (3) sides by a building wall or a solid-walled enclosure, not less than six (6) feet in height nor more than ten (10) feet in height above grade, equipped with an opaque screen gate;

2. Not be located between the front façade of the primary building and the front lot line; and,

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3. Not be located in any minimum front yard, minimum side yard, or minimum rear yard.



Solid Walled Trash Enclosure with Optional Foundation Plantings

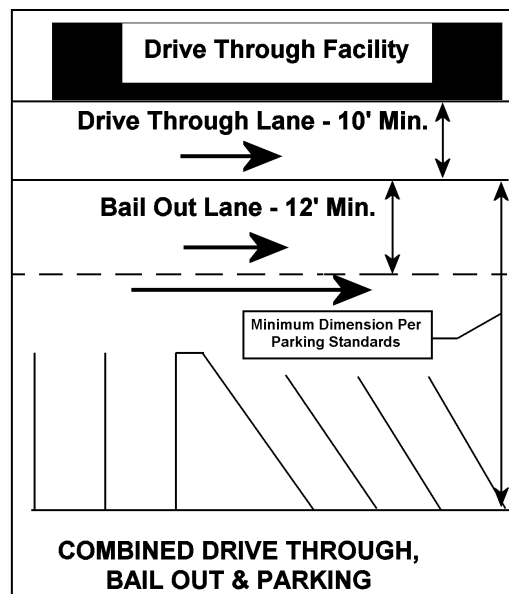
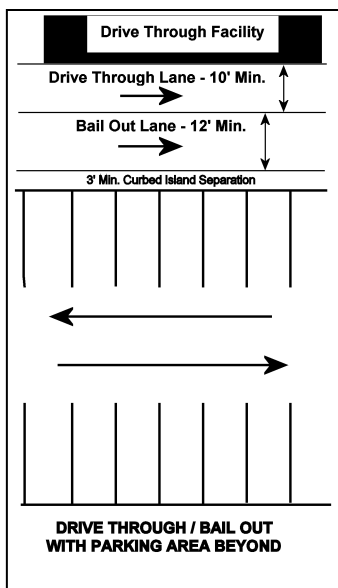


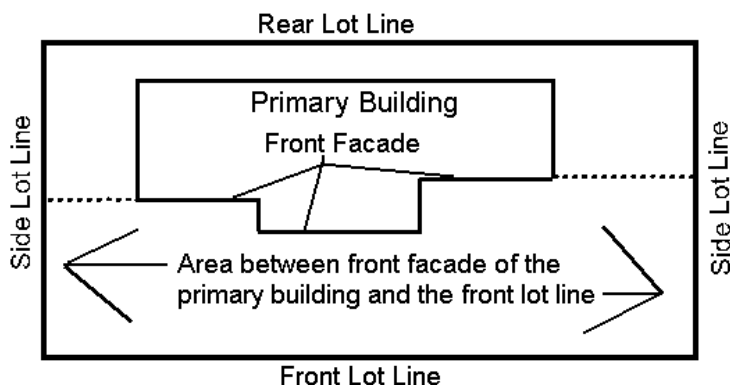
Solid Walled Trash Enclosure with Opaque Screen Gate

- (c) *Signs.* Shall comply with §§ 154.370 through 154.380. (Ord. 52-20, 8/25/20)
- (d) *Parking Areas.* Shall comply with the provisions of §§ 154.415 through 154.423.
- (e) *Loading Areas.* Shall comply with the provision of §§ 154.435 through 154.442.
- (f) *Drive through facilities.* Shall be so designed that:

1. Drive through lanes do not conflict with the safe and efficient flow of traffic into and out of required parking spaces or loading spaces;

2. Drive through lanes have a "bail out" capability for all vehicles which have entered the drive through lane;





3. The minimum drive through facility standards include:

a. A drive through lane with a minimum width of ten (10) feet measured from the furthest point of projection of a drive through facility from the building or structure; and,

b. A "bail out" lane with a minimum width of twelve (12) feet measured from and running parallel to the full length of the drive through lane;

4. If a "bail out" lane also serves as an interior access drive providing access to parking spaces, the "bail out" lane / interior access drive shall be limited to a one-way traffic pattern following the direction of the drive through lane;

5. If a parking area is developed beyond the "bail out" lane, the parking area shall be separated from the "bail out" lane by a curbed island having a minimum width of three (3) feet;

6. Provide at least five (5) waiting spaces prior to the first occurrence of any ordering, pick-up or service facility; and,

7. Provide sufficient room for at least one (1) waiting space after exiting the last pick-up or service facility.

(g) *Gasoline Dispensers and Pump Island Canopies*. Gasoline dispensers and pump island canopies shall:

1. Not be located within any minimum front yard, side yard or rear yard, unless specifically authorized in the "Use of Yards" sub-Section of the applicable district; and,

2. Shall be provided with adequate on-site maneuverability so as to avoid any interference with through traffic on any public right-of-way.

(h) *Renewable Energy Systems*. See §§ 154.505 through 154.516. (Ord. 17-20, 2/18/20)

(Ord. 51-05, § 8.01.04A, 5/10/05; Ord. 91-07, § 2, 10/9/07) Penalty, see § 154.999

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. (Ord. 19-20, 2/18/20)

(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), garage and yard sales, temporary dwelling units and signs as regulated in §§ 154.370 through 154.381. (Ord. 19-20, 2/18/20)

(2) In business/commercial districts and industrial districts: construction trailers, sales offices, mobile offices, temporary seasonal retail sales and signs as regulated in §§ 154.370 through 154.381. (Ord. 19-20, 2/18/20)

(3) In agricultural districts: construction trailers, garage and yard sales, temporary dwelling units and signs as regulated in §§ 154.370 through 154.381. (Ord. 19-20, 2/18/20)

(C) *Duration.* Except as specifically provided otherwise in this chapter, a temporary use, building or structure shall be permitted for a period not to exceed one (1) year. Except as specifically provided otherwise in this chapter, the improvement location permit, if required, may be renewed one (1) or more times by the Zoning Administrator, for good cause shown, for an additional period(s) not to exceed a total of three (3) years beyond the original expiration date.

(D) *Compliance with development standards.* Any temporary use, building or structure shall comply with all applicable development standards and setback requirements in the district in which the temporary use, building or structure is located. Temporary construction trailers, temporary freestanding sales offices, and other temporary uses which shall not be converted into a permanent primary or accessory use, shall be exempt from the requirement to provide a hard-surfaced parking area.

(E) *Cessation of use.* All buildings, structures or debris associated with the temporary use shall be removed from the site immediately upon completion or cessation of the temporary use or expiration of the time period set forth above.

(F) *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: (Ord. 76-19, 9/10/2019; Ord. 19-20, 2/18/20)

(1) The use or structure shall comply with all setback requirements applicable to off-street parking spaces on the site;

(2) A minimum of three (3) off-street parking spaces shall be provided on-site for the temporary seasonal retail sales use;

(3) The location of the temporary seasonal retail sales use and its required amount of parking spaces shall not interfere with any required parking spaces or safe and efficient flow of vehicular and pedestrian traffic around the parking area for the permanent primary use of the site;

(4) Signs for the temporary seasonal retail sales shall comply with the provisions of §§ 154.370 through 154.380 regarding temporary signs; and (*Ord. 19-20, 2/18/20*)

(5) Notwithstanding the provisions above to the contrary, seasonal retail sales uses shall not exceed forty-five (45) consecutive days per occurrence nor a total of one-hundred and twenty (120) days during any calendar year.

(G) *Temporary construction trailers or sales offices in residential districts. (Ord. 19-20, 2/18/20)*

(1) Under-skirting shall be installed around the entire perimeter of the building or structure;

(2) In the case of a new subdivision, shall be located on an approved lot, as shown on the primary plat;

(3) In the case of a single lot development, shall be located on the lot in compliance with all minimum yard and setback requirements;

(4) In the case of a redevelopment project, shall be located on the lot, plot, tract or parcel of such redevelopment project in compliance with all minimum yard and setback requirements; and,

(5) Shall serve only lots or dwelling units within the primary plat, single lot development or redevelopment project.

(H) *Garage sales and yard sales.* Notwithstanding any regulations above to the contrary, a garage sale may be conducted on a premise which includes a dwelling unit subject to the following regulations: (*Ord. 19-20, 2/18/20*)

(1) A garage sale/yard sale may be conducted three (3) times each calendar year per lot and shall not exceed three (3) consecutive days in duration;

(2) A garage sale/yard sale shall only be conducted during the hours from sunrise to sunset;

(3) All personal property exhibited outdoors during a garage sale/yard sale shall be placed within a building or structure or otherwise removed from the premises immediately following the end of the garage sale;

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(4) Garage/yard sale signs shall comply with the applicable provisions of §§ 154.370 through 154.380; (*Ord. 19-20, 2/18/20*)

(5) Nothing in this chapter shall be construed to prohibit one (1) or more owners or occupants from conducting a combined garage sale on one (1) of the lots owned or occupied by the participants, provided that all other provisions of this section are complied with;

(6) A garage sale/yard sale or garage sale sign shall be exempt from the requirement of this chapter to obtain an improvement location permit for a temporary use; and,

(7) Personal property exhibited outdoors during a garage sale/yard sale may be located in a minimum front yard, minimum side yard or minimum rear yard, provided, however, such personal property shall not be located in any public right-of-way.

(I) *Temporary dwelling unit for a care giver / care receiver. (Ord. 19-20, 2/18/20)*

(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. (*Ord. 19-20, 2/18/20*)

(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. (*Ord. 19-20, 2/18/20*)

(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. (*Ord. 19-20, 2/18/20*)

154.072 HOME OCCUPATIONS.

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

- (1) There shall be no outside storage;
- (2) There shall be no change in the outside appearance of the building or 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 154.380; (*Ord. 62-19; 7/9/19; Ord. 52-20; 8/25/20*)
- (3) All activities related to the home occupation shall be conducted within the dwelling unit or a permitted accessory structure and no equipment or process shall be used which creates noise, vibration, glare, fumes, odor or electrical interference outside the dwelling unit or accessory building in an amount greater than present under normal circumstances; (*Ord. 62-19; 7/9/19*)
- (4) No commercial or industrial grade equipment shall be installed (i.e. equipment which is not routinely marketed to consumers). No more than one commercial vehicle shall be stored and utilized for activities related to the home occupation. The commercial vehicle must be in compliance with Section 154.620 (C)(1) of this ordinance; (*Ord. 62-19; 7/9/19*)
- (5) No person is to be employed other than a member of the family residing on the premises; (*Ord. 62-19; 7/9/19*)
- (6) Deliveries and out-going shipments related to the home occupation shall not be transported on vehicles larger than those customarily used for delivery to a residence; (*Ord. 62-19; 7/9/19*)
- (7) The home occupation shall serve no more than 2 on premise customers at a time, including those waiting for service. (*Ord. 62-19; 7/9/19*)

(B) *Permitted Home Occupations.* By way of example only, the following uses, when conducted in compliance with the above development standards, qualify as permitted home occupations:

- (1) Artist or musician studio;
- (2) Food preparation, not including on premise consumption, subject to County Health Department standards;
- (3) Technological services and internet commerce;
- (4) Tailoring or sewing;
- (5) Personal office;

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(6) Teaching, tutoring or training, such as but not limited to academic subjects, art, dance, musical instruments, or athletics;

(7) Professional service, such as but not limited to: accountant, insurance agent and photographer;

(8) Barber or cosmetologist, limited to (1) chair;

(9) Other uses that comply with the intent and conditions set forth above in this Section, as determined by the Zoning Administrator.

(Ord. 62-19; 7/9/19)

(C) *Prohibited Home Occupations.* The following uses, by the nature of the investment or operation involved, have a pronounced tendency, once started, to rapidly increase beyond the limits specified above for home occupations and thereby impair the use, value and quiet enjoyment of adjacent residential properties. Therefore, the uses specified below and other similar or comparable uses shall not be permitted as home occupations:

(1) Automobile, vehicle, lawn mower, and large appliance repair or service;

(2) Medical or dental office or clinic;

(3) Freight, trucking, or shipping;

(4) Painting of vehicles, trailers, boats, etc.;

(5) Restaurants, eating or drinking establishments;

(6) Tool or equipment rentals;

(7) Tooling, welding, or machine shop;

(8) Any use not in compliance with the intent and conditions set forth in this Section, as determined by the Zoning Administrator.

(Ord. 62-19; 7/9/19)

154.073 PERFORMANCE STANDARDS.

(A) *Scope and Applicability.* All uses in existence prior to the effective date of this chapter or established after the effective date of this chapter in any business/commercial District or Industrial District shall comply with the performance standards of the applicable county, state or federal regulations pertaining to: vibration; smoke, dust and particulate matter; noxious matter; odor; noise; heat; glare; or, waste, and shall be subject to enforcement action by the applicable county, state or federal agency responsible for monitoring and enforcing such regulations.

(B) *Performance Standards.*

(1) *Noise.* No use shall produce noise levels in such a manner at any point beyond a lot line as to endanger the public health, safety or welfare or cause injury to property. Operational or production noise shall be muffled so as not to be come detrimental due to intermittence, beat frequency, shrillness or vibration.

(2) *Vibration.* No use shall cause earth-borne vibration or concussions detectible at any point beyond a lot line without the aid of instruments.

(3) *Smoke, dust and particulate matter.* Smoke, dust and particulate matter and any other airborne material shall not exceed the limits established by the Indiana Department of Environmental Management Rules regarding fugitive dust.

(4) *Toxic and noxious matter.* No use shall, at any time, cause the discharge of toxic, noxious or corrosive matter or fumes or gases at any point beyond a lot line in such concentrations as to be detrimental to or endanger the public health, safety, comfort, or welfare or cause injury or damage to property or business.

(5) *Odorous matter.* No use, activity or operation shall cause, at any time, the discharge of odorous matter in such concentrations as to be readily detectable without the use of instruments at any point beyond a lot line.

(6) *Heat.* No use shall produce heat in such a manner as to create a public nuisance or hazard from any point beyond a lot line.

(7) *Glare.* No use shall produce light or glare so as to create a nuisance or hazard perceptible from any point beyond a lot line.

(8) *Waste.* No use shall accumulate within the lot or discharge beyond any lot line any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the St. Joseph County Health Department, the Indiana Board of Health, or the Stream Pollution Control Board of the State of Indiana, in such a manner as to endanger the public health, safety, or welfare or cause injury to property or business.

(Ord. 51-05, § 8.01.04D, 5/10/05) Penalty, see § 154.999

154.074 ZONING VIOLATIONS.

The following shall be deemed violations of this Chapter and shall be enforceable by St. Joseph County as set forth in §§ 154.615 through 154.620:

(A) *In residential districts.*

(1) *Use.* The conduct of any activity in a residential district that is not specifically enumerated as a permitted primary use or accessory use in that district, and which activity has not been legally established by a currently valid variance, special use or other approval grant.

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(2) *Development standards.* Failure to comply with district development standards, including but not limited to landscaping, paving of parking areas, minimum parking space requirements, trash dumpster enclosure, fencing or screening requirements.

(3) *Approvals.* The failure to comply with the terms, provisions or conditions of: a grant of variance or special use; an approval of a development plan; or, other approval grant authorized by this ordinance.

(4) *Large Vehicles.*

(a) No tractor, trailer, tractor-trailer combination, or vehicle (including but not limited to a tow truck, dump truck, flatbed truck, semi-trailer, and the like) equal to or in excess of one and one half (1 ½) tons capacity, or which has a bed more than eight (8) feet long, may be parked upon any land or premises in any Residential District. However, the foregoing shall not apply to:

1. School buses used for the transportation of school children to and from school or to and from a school sponsored activity; or,
2. Any vehicle used for personal transportation to and from work.

(b) Nothing in this section is intended to affect the already regulated parking on designated snow routes during a snow emergency, or other areas in which parking is regulated by duly authorized signs.

(5) *Parking of vehicles; general.*

(A) Notwithstanding anything in this chapter to the contrary, the parking of any motor vehicles of any size or nature for any period of time on a lot of record without a primary building also being located on said lot of record shall be a zoning violation.

(B) If a primary building exists on a lot of record, parking on said lot of record shall be accessory to the use of the primary building located on said lot of record.

(B) *In business/commercial districts.*

(1) The conduct of any activity in a business / commercial district that is not specifically enumerated as a permitted primary use or accessory use in that district, and which activity has not been legally established by a currently valid variance, special use or other approval grant;

(2) Failure to comply with district development standards, including but not limited to landscaping, paving of parking areas, minimum parking space requirements, trash dumpster enclosure, fencing or screening requirements; or,

(3) The failure to comply with the terms, provisions or conditions of: a grant of variance or special use; an approval of a conditional use district; or, other approval grant authorized by this chapter.

(Ord. 51-05, § 8.01.04E, 5/10/05) Penalty, see § 154.999

154.075 ADDITIONAL DEVELOPMENT STANDARDS.

(A) *Additions along a legally established nonconforming setback.*

(1) The minimum front yard, minimum side yard or minimum rear yard for any legally established nonconforming building having a setback which is less than that which is required by this chapter shall be allowed to expand one (1) or more times along such legally established nonconforming setback provided the applicant can demonstrate that:

(a) All other applicable development standards, except the one (1) legally established nonconforming building setback to be expanded upon, are in compliance with the requirements of the district;

(b) A minimum of two (2) of the other applicable development standards will be brought into compliance with the requirements of the district; or,

(c) A minimum of four (4) of the other applicable development standards will be reduced as to their extent of non-conformity by the maximum extent feasible given site constraints and such that, in the determination of the Zoning Administrator, conditions on the lot will be improved.

(2) For the purposes of this division, other applicable development standards shall include the following divisions of each district: maximum building height; landscaping; lighting; signs; parking; loading; greenway connection; and, outdoor operations.

(3) The provisions of this division shall not be applicable to any lot in a business/commercial district or any industrial district which abuts a residential district along a side lot line or a rear lot line.

(B) *Additional front setback provisions.*

(1) *Public Streets.* In the case where the thoroughfare plan does not include a proposed right-of-way, or where the existing right-of-way is greater than the proposed right-of-way, the existing right-of-way line shall be used for setback measurement.

(2) *Public streets and private streets.*

(a) The minimum front yard and minimum building setback from the right-of-way line of a private street shall be the same as for a local public street in the district.

(b) The setback provisions of this chapter are subject to the following modification. In any block in any district contained in this chapter in which an existing front yard setback is established by existing, legally established buildings or structures on more than sixty percent (60%) of the total number of lots within the same block face fronting on the same public street, the minimum required front yard setback for any new building, structure or addition along such block face shall be the average of such established front yards if such dimension is less than the minimum front yard setback established by this chapter.

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(C) *Obstructions.* The following shall not be considered to be obstructions when located in the required yards specified:

(1) *In all yards.* Open terraces not over thirty (30) inches above the average level of the adjoining ground, but not including a permanently roofed-over terrace or porch; awnings and canopies; steps four (4) feet or less above grade which are necessary for access to a permitted building or for access to a lot from a street or alley; chimneys projecting eighteen (18) inches or less into the yard; arbors and trellises, flag poles, and trees and shrubs;

(2) *In front yards and side yards adjoining a street.* One story bay windows, overhanging eaves and gutters projecting three (3) feet or less into the required yard; fences or walls not to exceed six (6) feet in height in agricultural districts; and, in residential districts, fences not to exceed four (4) feet in height provided such fence is composed of at least seventy-five (75) percent open space to permit the unobstructed passage of light, air and vision through such space. A side yard adjoining a street shall be considered a front yard, and on corner lots, no fence, wall, hedge, or other shrubbery, shall be erected, constructed, grown or maintained to a height exceeding thirty (30) inches above the grade of the adjoining streets on that portion of the required yards situated within thirty-five (35) feet of a lot corner formed by the intersection of any two (2) street right-of-way lines.

(3) *In rear yards.* Enclosed, attached, or detached off-street parking spaces; open off-street parking spaces; private swimming pools; tennis courts, recreational and laundry-drying equipment; sheds, tool rooms, or similar buildings or structures customarily accessory to the principal use; balconies; breezeways and open porches; one-story bay windows projecting three (3) feet or less into the yard; over-hanging eaves and gutters projecting three (3) feet or less into the yard; and open or solid fences or walls not to exceed six (6) feet in height, except in manufacturing districts the height may be increased.

(4) *In side yards.* Overhanging eaves and gutters projecting eighteen (18) inches or less into the yard; open accessory off-street parking spaces; and open or solid fences not to exceed six (6) feet in height, except in industrial and manufacturing districts the height may be increased.

(D) *Exemption to front yard setback and lot area requirements in the event of right-of-way conveyance.* The setback and lot area requirements set forth in this chapter shall not be applicable to existing structures which are located on parcels of which a portion thereof has been conveyed to a unit of government for additional public right-of-way. In such cases, the required front yard setback shall be the distance from the closest structure, which was in existence prior to such conveyance, upon such property to the newly established right-of-way line; provided, however, that nothing contained in this section is intended to, nor shall be construed to render any building or other structure located, or to be located within the county, which is or would be in violation of the setback and yard size requirements of this chapter prior to the conveyance of a portion of the property upon which such building or structure is located, in compliance with such setback and yard size requirements by reason of this section, and amendment, to the ordinance codified in this chapter.

(E) *Rear yard setback exception.* In the event of irregular shaped lots where the rear lot line does not run parallel or generally parallel with the front lot line, the rear yard setback shall be the average measurement of each corner of a wall or wall segment located closest to said rear lot line.

(F) *Additional standards of manufactured home dwellings, type A.*

(1) *General requirements.* All manufactured home dwellings, type A, shall:

- (a) Be constructed after January 1, 1981;
- (b) Have more than nine hundred and fifty (950) square feet of occupied space and is composed of more than one (1) section;
- (c) Be placed onto a permanent underfloor foundation in accordance with approved installation standards, as specified below;
- (d) Be placed into a permanent perimeter enclosure, in accordance with approved installation standards, as specified below;
- (e) Have wheels, axles, and hitch mechanisms removed;
- (f) Have siding material of a type customarily used on site constructed homes, as specified below; and,
- (g) Have roofing material of a type customarily used on site constructed homes, as specified below.

(2) *Installation standards.*

(a) *Permanent perimeter enclosure.* A manufactured home dwelling, Type A, must be set onto an excavated area with crawl space walls or basement walls constructed in accordance with the terms of the One and Two-Family Dwelling Code. The space between the floor joists of the homes and the excavated under-floor grade shall be completely enclosed with the permanent perimeter enclosure, except for required openings.

(b) *Support system (foundation).* All load-bearing foundations shall be installed in conformance with the regulations in the One and Two-Family Dwelling Code and with the manufacturer's installation specifications.

(3) *Siding standards.* The following siding materials are approved for usage on Manufactured Home Dwellings, Type A:

- (a) Residential horizontal aluminum lap siding.
- (b) Residential horizontal vinyl lap siding.
- (c) Cedar or other wood siding.
- (d) Wood grain, weather resistant, press board siding.
- (e) Stucco siding.
- (f) Brick or stone siding.

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(4) Roofing standards. The following materials are approved for usage on Manufactured home dwellings, type A:

- (a) Asbestos shingles on a roof pitched according to the design specifications of the shingles.
- (b) Fiberglass shingles on a roof pitched according to the design specifications of the shingles.
- (c) Shake shingles on a roof pitched according to the design specifications of the shingles.
- (d) Asphalt shingles on a roof pitched according to the design specifications of the shingles.
- (e) Slate materials on a roof pitched according to the design specifications of the materials.
- (f) Tile materials on a roof pitched according to the design specifications of the materials.

(Ord. 51-05, § 8.01.04F, 5/10/05) Penalty, see § 154.999

154.076 REQUIREMENTS FOR ALL PRIVATE STREETS AND PRIVATE ALLEYS.

All private streets and private alleys, when specifically authorized for use by St. Joseph County through grant of a variance, plat or subdivision waiver, shall be developed to the following standards:

(A) *Pavement width for private streets.* Minimum pavement width for that portion of a private street available for through traffic (i.e., exclusive of parking spaces):

<i>Residential Districts</i>	
One-way traffic	12 feet
Two-way traffic	24 feet
<i>Business/Commercial Districts or Industrial Districts</i>	
One-way traffic	18 feet
Two-way traffic	36 feet

(B) *Pavement width for private alleys.* Minimum pavement width for that portion of a private alley available for through traffic (i.e., exclusive of parking spaces):

Residential districts	12 feet
Business/commercial districts or industrial districts	16 feet

(C) *Depth and materials.* Minimum pavement depth and materials for that portion of a private street or private alley available for through traffic as noted above, shall be as required by St. Joseph County for public streets or public alleys. Curb sections shall be as required by St. Joseph County for public streets or public alleys.

(D) *Emergency vehicles.* The geometric design of private streets or private alleys shall provide for the through movement or turn-around of emergency vehicles. Turn-around design may include cul-de-sac, hammerhead or other design approved by the County Engineer.

(E) *Maintenance/services.* Prior to the issuance of an improvement location permit or obtaining secondary plat approval, the developer or subdivider shall file documentary assurances with the Board of Commissioners that all lots served by the private streets or private alleys shall be provided with the following services: regular trash pick-up; leaf pick-up; snow removal; daily mail delivery service; roadway maintenance and repair, including, but not limited to, driving surface, roadway subgrade, subsurface drainage, roadside drainage, curbs, sidewalks, street lights, street name signs, traffic control signs, and traffic control signals; and, powers to enforce speed control and parking regulations. Such services shall be provided in accordance with the specifications approved by the Board of Commissioners, which shall include the establishment of a maintenance fund or escrow account by the developer or subdivider, which may be supplemented by regular or special assessments against each lot owner provided such assessments are at reasonable and non-discriminatory rate of charge. Such documentary assurances shall be incorporated into the applicable final plat that is recorded in the Office of the Recorder of St. Joseph County, Indiana, or otherwise provided for through legally binding perpetual agreements as approved by the Board of Commissioners.

(Ord. 51-05, § 8.01.04G, 5/10/05) Penalty, see § 154.999

154.077 EXEMPTION FOR ANTI-TERRORISM DEVICES AND PORTABLE TOWERS.

Sensors and special devices specifically designed to monitor air quality and to alert governmental authorities of biological, chemical or nuclear attack(s) shall be allowed on any building or structure, including telecommunications towers, subject to the final review of the Zoning Administrator. Integrated portable tower systems, which are specifically designed to monitor air quality and which may alert governmental authorities of biological, chemical or nuclear attack(s) may be permitted on an emergency basis, subject to the final review of the Zoning Administrator with regard to location(s) and duration.

(Ord. 51-05, § 8.01.04H, 5/10/05)

154.078 CLEAR SIGHT AREA REQUIREMENTS.

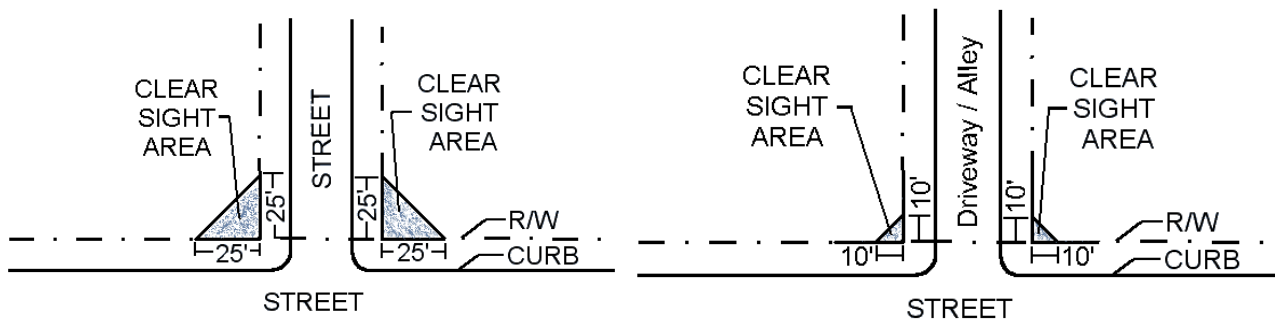
(A) No building, structure or improvement, including landscaping, shall be erected, placed, planted or maintained so as to interfere with a clear sight area located between the heights of three (3) feet and ten (10) feet above the crown of a street, driveway or alley.

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(B) A clear sight area shall be established for all streets, whether public or private, in one of the following manners:

(1) At the intersection of streets, clear sight areas are formed at each corner by the street right-of-way lines and a line connecting points on the right-of-way lines located twenty-five (25) feet away from the intersection of such street right-of-way lines. In the case of a round or corner-cut right-of-way, the measurement shall be taken from the intersection of the right-of-way lines extended; or,

(2) At the intersection of a street with a driveway or alley, clear sight areas shall be formed by the intersection of the street right-of-way line and the driveway surface edge or the right-of-way of the alley and a line connecting points ten (10) feet from the intersection of such street right-of-way line and the driveway surface edge or alley right-of-way.



(Ord. 51-05, § 8.01.04I, 5/10/05) Penalty, see § 154.999

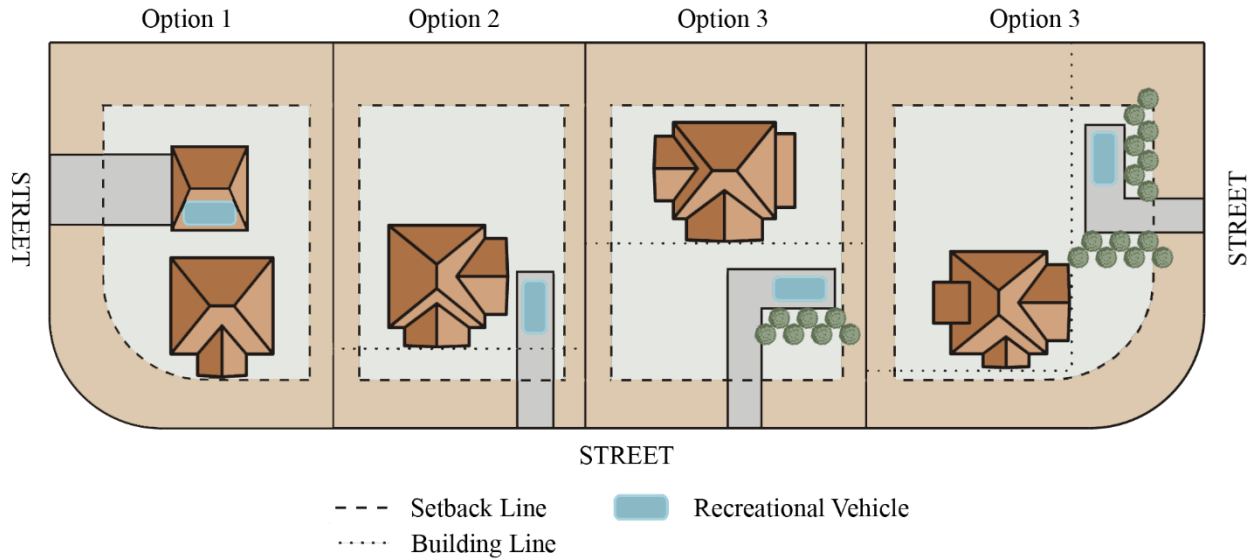
154.079 RECREATIONAL VEHICLES, TRAILERS, MOBILE HOMES AND TENTS.

(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.

(C) 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.

(D) 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.

(E) 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.

(F) 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.

(Ord. 19-20, 2/13/20)