

## A: AGRICULTURAL DISTRICT

### 154.090 INTENT.

The A: Agricultural Districts are established to allow Agricultural Uses in accordance with the Comprehensive Plan, to preserve prime agriculture land, to conserve the desirable characteristics of the land, and to protect rural/agricultural areas from the encroachment of scatter urban-type uses and the detrimental economic impacts of urban sprawl. Areas zoned to the A: Agricultural District are those areas being used for agricultural activities, flood plain, natural areas and other rural uses, located beyond the periphery of the incorporated municipalities where intensive urban or suburban uses are not anticipated.

(Ord. 51-05, § 8.02.01, passed 5-10-2005)

### 154.091 PERMITTED USES.

(A) *Primary uses.*

- (1) Agricultural uses, including the principal dwelling unit;
- (2) Cemetery (Note: Grave sites shall comply with the development standards applicable to minimum yards);
- (3) Concentrated animal feeding operation (CAFO), including the principal dwelling unit, provided however, that the provisions of Chapter 116, Concentrated Animal Feeding Operations, are met and a permit is obtained from the Indiana Department of Environmental Management and the St. Joseph County Health Department; (Ord. 68-09, passed 8-11-2009)
- (4) Confined feeding operation (CFO) including the principal dwelling unit; provided, however, that provisions of the use are: (Ord. 68-09, passed 8-11-2009)
  - (a) Lot shall not be less than twenty (20) acres in area.
  - (b) No confined feeding operation shall be located any closer than a one-half (1/2) mile radius from:
    1. The corporate limits of a city or town; or,
    2. The boundary of any residential zoning district;
- (5) Convent, monastery, parsonage or rectory;
- (6) Dwelling, Single-family; (Ord. 68-09, passed 8-11-2009)

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- (7) Golf Courses;
- (8) Libraries and community centers when affiliated with a public or governmental agency;
- (9) Public park, playground and recreational facility;
- (10) Religious use;
- (11) Schools; elementary, junior high, high;
- (12) Utility substation, radio and television transmitting or relay station and antenna towers, subject to the following development standards:
  - (1) The lot shall not exceed five (5) acres in area;
  - (2) There shall be no outside storage, including vehicles; and,
  - (3) The facilities shall be unmanned.
- (13) Veterinary clinic; and
- (14) Wireless Telecommunication Facilities, per the requirements of § 154.4573(C)(1)(a).

(B) *Special uses.*

- (1) Adult care facilities offering care for no more than five (5) adults on a parcel that meets the requirements of a legal lot of record;
- (2) Agriculturally based meeting hall;
- (3) Airport, heliport;
- (4) Bed and breakfast;
- (5) Boarding school;
- (6) Club, conservation, hunt and gun;

(7) Concentrated animal feeding operation (CAFO): upgrade/maintenance of existing concentrated animal feeding operations. A confined feeding operation, existing as a legally established non-conforming use that does not meet the requirements of Chapter 116, Concentrated Animal Feeding Operations may be allowed to upgrade or expand its facilities to provide a healthier, cleaner or more efficient operation provided that:

(a) The impact of the concentrated animal feeding operation on surrounding properties is lessened or remains the same; and

(b) Plans for the proposed expansion or upgrade are reviewed by the Area Plan Commission Staff, the County Building Commissioner, and the St. Joseph County Health Department to assure that the proposed operation is in conformance with the provisions and spirit of this chapter. Said plans shall be sufficiently detailed to allow such review; (Ord. 68-09, passed 8-11-2009)

(8) Confined feeding operations (CFO): upgrade/maintenance of existing confined feeding operations. A confined feeding operation, existing as a legally established non-conforming use closer than a one-half mile radius from the corporate limits of a city or town or the boundary of any residential zoning district, may be allowed to upgrade or expand its facilities to provide a healthier, cleaner or more efficient operation provided that:

(a) The impact of the confined feeding operation on surrounding properties is lessened or remains the same; and

(b) Plans for the proposed expansion or upgrade are reviewed by the Area Plan Commission Staff and the County Building Commissioner to assure that the proposed operation is in conformance with the provisions and spirit of this chapter. Said plans shall be sufficiently detailed to allow such review; (Ord. 68-09, passed 8-11-2009)

(9) Dwelling unit intended for temporary occupancy by farm labor, accessory to an agricultural use or confined feeding operation permitted under this Chapter;

(10) Gun shops and gunsmith shops, subject to the following development standards:

(a) No firearms or ammunition shall be sold in any gun sales or gunsmith shops within two-hundred (200) feet of any:

1. any public or parochial school for children in any grades from K through 12;
2. child care center; or,
3. child care ministry; and.

(b) The operator shall reside in the dwelling unit located on the property as their primary place of residence;

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(11) Home based business, including on-site sales of merchandise constructed on-site or which are incidental to services performed on-site;

(12) Land Reclamation;

(13) Mineral and material mining including but not limited to mining and hauling of sand gravel or other aggregate, and the processing thereof, subject to the following development standards:

(a) Such use shall be located on a lot not less than ten (10) acres in area having direct access to an improved public right-of-way;

(b) Such use shall be located a minimum of fifty (50) feet from an adjacent property line; provided, however, that when the adjacent property is also being mined, there shall be no side or rear yard requirement along the common property line; and, further provided, that where such an operation is located adjacent to a residential district or principal residential use, the side and rear yard requirement shall be increased to one hundred (100) feet;

(d) All roads and access drives within the site shall be treated and maintained so as to remain dust-free at all times;

(e) Asphalt producing, crushing, washing or similar processing operation, equipment, and facility shall be located so as to minimize noise, vibration and dust;

(f) If excavations are made to a water-producing depth, such depth shall not be greater than six feet below the low water mark, and the areas which are not permanently submerged shall be graded so as to eliminate the collection of stagnant water; and

(g) Prior to commencing such use, the owner shall execute an indemnity agreement in favor of the Board of County Commissioners for the purpose of assuring the restoration and reclamation of the site according to the following specifications and within a specified period of time, as established in the agreement:

1. A uniform contour which blends in with the topography of the surrounding area shall be established throughout the excavated area,

2. Soil suitable for growing vegetation shall be replaced over the slopes to a permanent uniform depth of not less than six inches, and

3. The excavated area shall be seeded, landscaped and maintained with perennial plant material until a permanent-type ground cover is established to prevent erosion;

(14) Police station, fire station or other emergency services;

(15) Recycling drop-off center, not accessory to churches schools or community centers, subject to the following development standards:

(a) The bins shall be constructed so as to prevent leakage and to provide protection from weather and moisture, and

(b) The center shall be screened by a decorative fence or masonry wall, evergreen hedge, earth berm, or any combination thereof from an adjoining residential use or residential district;

(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.

(17) Nurseries, Retail, subject to the following development standard: the majority of the products to be sold are produced on the property;

(18) Sanitary Landfill or Solid or Liquid Waste Disposal Facility, provided that no sanitary landfill, or solid or liquid waste disposal facility, shall be approved as a special use which does not meet the following minimum development standards, in addition to whatever additional requirements may be required in order for the Board of Zoning Appeals to make a favorable recommendation and for the legislative body make affirmative Findings of Fact as required by Article 10.03 of this Chapter:

(a) No such special use shall be operated on a site of less than forty (40) acres in area;

(b) No portion of such site within fifty (50) feet from adjacent property lines shall be utilized for such special use; provided, however, that where a residential district or principal residential use shares contiguous boundaries with the site of the special use at the time such special use is approved by the legislative body, no portion of such site within one hundred (100) feet of the boundary lines of such residential district or the property lines of such principal residential use shall be utilized for such special use.

(c) Drainage plans for such special use and the proposed site thereof shall have been approved by the County Engineer and the County Surveyor, and curb cuts within and upon such proposed site shall have been approved by the County Engineer.

(d) No sanitary landfill, or solid or liquid waste disposal facility, shall be approved as a special use which does not also qualify as an urban drain as defined in Article 12 of this chapter.

(e) No sanitary landfill, or solid or liquid waste disposal facility, shall be approved as a special use until the applicant therefore and the owner of the proposed site therefore shall execute an agreement in favor of St. Joseph County by the terms of which such applicant and owner shall agree to maintain the site until being utilized for the special use, and to

restore and reclaim the site within a time period specified in such agreement, following termination of such use, according to the following minimum specifications:

1. A uniform contour which blends in with the topography of the surrounding area shall be established and maintained throughout the area.

2. Impervious soil and soil suitable for growing vegetation, shall be replaced over the site to permanent uniform depths not less than that then required by applicable state standards and regulations.

3. The site shall be seeded, landscaped, and maintained with perennial plant material until a permanent type ground cover is established to prevent erosion.

(19) Utility Substation, radio and television transmitting or relay station and antenna towers, not meeting one or more requirements of division (A)(12) above;

(20) Wind Energy Facility, per the requirements of §§ 154.505 through 154.510; and

(21) Wireless Telecommunication Facilities, per the requirements of § 154.457(C)(1)(b).

(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.

(2) Swimming Pool;

(3) Kennel, subject to the following development standards:

(a) Such use, including outdoor pens and runs, shall be located a minimum of two hundred (200) feet from side and rear lot lines, provided, however, that where

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such a use is located adjacent to a residential district or principal residential use, side and rear yard requirements shall be increased to three hundred (300) feet; and,

(b) The sanitary system for such use shall be approved by the County Health Officer.

(4) Private Sewer System and Private Water System;

(5) Parish hall or fellowship hall, accessory to a religious use;

(6) Crematories, when accessory to a cemetery, and subject to the following development standard: lot area shall not less than ten (10) acres;

(7) Recycling drop-off center as an accessory use to churches, schools or community centers;

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

(D) *Temporary Uses.* See § 154.071.

(E) *Home Occupations.* See § 154.072.

(Ord. 51-05, § 8.02.01A, passed 5-10-2005; Ord. 91-07, § 3, passed 10-9-2007; Ord. 101-07, § 1, passed 11-13-2007; Ord. 68-09, § 3, passed 8-11-2009; Ord. 69-09, §§ 1, 2, passed 8-11-2009) Penalty, see § 154.999

**154.092 GENERAL DEVELOPMENT STANDARDS.**

(A) *Minimum lot area:*

Agricultural uses; single-family dwellings uses; golf course uses; nurseries, retail; club, conservation, hunt and gun uses; and kennels	Not less than 20 acres
All other uses	Not less than 1 acre, except as otherwise regulated in this chapter for a specific primary or special use



(B) *Minimum lot width:*

Lots less than twenty (20) acres in area	200 feet
Lots twenty (20) acres or more in area	600 feet

(C) *Minimum lot frontage:*

Lots less than twenty (20) acres in area	200 feet
Lots twenty (20) acres or more in area	600 feet

(D) *Minimum yards and building setback.* Yards shall be as follows, except when this chapter specifies a greater yard requirement for a particular permitted primary use, conditional use, special use or accessory use, the greater specified yard requirements shall control:

Front yard and building setback shall be determined as follows	
State or federal highway	40' from right-of-way
Subdivision streets	
40' right-of-way	25' from right-of-way
41' + right-of-way	35' from right-of-way
County roads/no subdivision	75' from centerline
Side yard and building setback	30' feet from lot line
Rear yard and building setback	30' feet from lot line

(E) *Maximum building height:* Unlimited.

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

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

(H) *Parking*: See § 154.415 through 154.422.

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

(J) *Greenway connection*. Schools, religious uses, businesses or other uses which encourage public access shall, if located on a lot or parcel which abuts any portion of a greenway designated on an officially adopted plan of the City of South Bend or St. Joseph County, provide a direct linkage from the project to such greenway.

(Ord. 51-05, § 8.02.01B, passed 5-10-2005) Penalty, see § 154.999

## DEFINITIONS

### 154.635 INTERPRETATION OF TERMS OR WORDS.

The language of this Chapter shall be interpreted in accordance with the following regulations:

(A) The word **PERSON** includes a firm, association, organization, partnership, trust, limited liability company, corporation, or other legal entity, as well as an individual;

(B) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular, in each case, if the context so requires;

(C) The word **SHALL** is mandatory, the word **MAY** is permissive;

(D) The words **USED** or **OCCUPIED** include the words **INTENDED**, **DESIGNED**, **CONSTRUCTED**, **MAINTAINED**, **ALTERED**, or **ARRANGED** to be used or occupied;

(E) The word **LOT** includes the words **PIECE**, **PLOT**, **TRACT**, or **PARCEL**;

(F) Where a regulation involves two or more items, conditions, provisions or events connected by the conjunction **AND**, **OR**, or **EITHER ... OR**, the conjunction shall be interpreted as follows:

(1) **AND** indicates that all the connected items, conditions, provisions or events shall apply.

(2) **OR** indicates that the connected items, conditions, provisions or events may apply singly or in any combination.

(3) **EITHER ... OR** indicates that all the connected items, conditions, provisions or events shall apply singly but not in combination.

(G) The terms **MORE INTENSE** and **LESS INTENSE** are terms used herein to describe relationships between particular districts. This relationship is based upon the uses permitted within each district. A **MORE INTENSE** district permits more uses or a greater density of uses than a **LESS INTENSE** district. District intensity groupings progress from agricultural, to residential, to commercial, to industrial districts, in the sequence listed within each group of districts from least intense to the most intense.

(H) Any words not defined shall be construed in their general accepted meanings as defined by *Webster's Dictionary*.

(Ord. 51-05, § 8.12, passed 5-10-2005)

**154.636 DEFINITIONS.**

The following terms or words used in the text of this chapter shall have the following meanings, unless a contrary meaning is: required by the context of a particular sentence or phrase; or, specifically prescribed in a particular sentence or phrase:

***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 MOBILE HOME FOR A CARE GIVER***. A dwelling authorized as a conditional use for an individual or family who provides weekly assistance to another individual or family.

***ACCESSORY MOBILE HOME FOR A CARE RECEIVER***. A dwelling authorized as a conditional use for an individual or family who receives weekly assistance from another individual or family.

***ADULT BOOKSTORE***. Any establishment having a significant portion of its stock in trade, books, magazines, other periodicals or any other publications which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, or an establishment which sells or displays a significant number of such books, magazines, other periodical's or other publications.

***ADULT BUSINESS***. Any adult bookstore, adult mini motion picture theater, adult motion picture theater, adult cabaret or massage establishment.

***ADULT CABARET***. Any establishment at which topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers perform or at which topless dancing, go-go dancing, exotic dancing, striptease, male or female impersonation or similar activities are performed.

***ADULT MINI MOTION PICTURE THEATER***. An enclosed building having a seating capacity of one hundred fifty or less persons used for presenting material distinguished or characterized by an emphasis upon matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

**ADULT MOTION PICTURE THEATER.** An enclosed building having a seating capacity of more than one hundred and fifty persons used for presenting material distinguished or characterized by an emphasis upon matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

**AGRICULTURE.** The science and art of agricultural pursuits, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, truck gardening and animal husbandry, but not including confined feeding operations.

**AIRCRAFT.** A contrivance, now known or hereafter invented, for use in or designed for navigation of or flight in the air.

**AIRPORT.** An area of land or water which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, including all necessary taxiways, pads, aircraft storage and tiedown areas, hangars, and other necessary buildings and open spaces.

**ALLEY.** A public right-of-way which normally affords a secondary means of access to abutting property.

**ALTERATION.** A change in size, shape, character, occupancy, or use of a building or structure.

**ANIMAL HOSPITAL.** A building or portion thereof designated or-used for the care, observation, or treatment of domestic animals.

**ANTENNA.** Any structure or device designed and used to:

- (1) Receive direct broadcast satellite service, including direct-to-home satellite services;
- (2) Receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services;
- (3) Receive television broadcast signals; or,
- (4) Collect or radiate electromagnetic waves, including both directional antennas, such as panel antenna, and dish antenna, and omni-directional antennas, such as whip antennas, but no including satellite earth stations.

**ANTENNA ARRAY.** A structure attached to a telecommunications tower that supports a telecommunications antenna.

**ANTENNA, DISH.** A dish shaped device which may be free standing or mounted on a building or structure and is designed to receive direct broadcast satellite service.

**ANTENNA, FLAGPOLE.** A telecommunications tower designed to appear and function as a large diameter flagpole where panel antenna are integrally designed into and located inside of a telecommunications tower and are not visible from the exterior. A flagpole antenna may or may not include flying of a flag. A **FLAGPOLE ANTENNA** may be ground mounted or roof-mounted.

**ANTENNA, NON-WHIP.** An antenna which is not a whip antenna, such as dish antennas, panel antennas, etc.

**ANTENNA, PANE:** A flat, rectangular antenna or antenna array designed to concentrate a radio signal in a particular area. Panel antenna are also known as directional antenna or sectored antenna.

**ANTENNA, RADIO/TELEVISION.** A wire or combination of wires and support structures designed for directly transmitting electric waves (broadcast radio or television) into space, or receiving them therefrom.

**ANTENNA, SLICK.** Panel antennas that are mounted directly to tapering monopole telecommunications tower where the furthest point of the panel antenna is no greater than eighteen (18) inches from the exterior of the tapering monopole telecommunications tower.

**ANTENNA, STEALTH.**

(1) An antenna or antenna array placed on or in an existing or proposed building, structure, or telecommunications tower and designed or placed in a manner intended to disguise, hide, or minimize the appearance of such antenna or antenna array.

(2) A *Stealth Antenna* may or may not have a secondary function (e.g., bell tower, church steeple, spire, flagpole, clock tower, cupola, etc.).

(3) **STEALTH ANTENNA** may include, but are not limited to:

(a) Flagpole antenna;

(b) Slick antenna; or,

(c) A surface-mount antenna with a color and appearance that is compatible with or blends with the color and materials of the surface of the building or structure to which the surface-mount antenna is attached.

**ANTENNA, TELECOMMUNICATION.** An antenna used to provide a telecommunications service.

**ANTENNA, WHIP.** An omni-directional dipole antenna of cylindrical shape which is no more than six inches in diameter.

**APPROVED HOTEL.** A hotel that contains at least 250 hotel rooms, or a lesser number established by the Indiana Gaming Commission; indoor public space used for exhibit space; meeting rooms; banquet rooms; restaurants; lobbies; lounges or bars; show theaters; parking areas; and shops where gambling games may be conducted Said definition shall also include the definition of **APPROVED HOTEL** as defined in Indiana Code Section 4-33-2-3, as it may be amended from time to time.

**AUTOMOBILE LAUNDRY.** A building or portion thereof containing facilities for washing more than two automobiles, using production line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices.

**AUTOMOBILE SERVICE STATION.** A building or portion thereof or premises used for dispensing, or offering for sale at retail, gasoline when stored only in underground tanks, kerosene, lubricating oil or grease for operation of automobiles, and where tires, batteries, and similar automobile accessories may be offered for sale on the premises at retail; including minor services and installations customarily incidental thereto; and facilities other than automobile laundry, for washing cars, only if enclosed in a building. Automobile service stations do not include open sales lots as defined in this chapter.

**AUTOMOBILE WRECKING YARD.**

- (1) An area of land where three or more:
  - (a) Unlicensed or inoperable motor vehicles or recreational vehicles;
  - (b) Inoperable machinery or equipment drawn or operated by attaching to motor vehicles;
  - (c) Inoperable mechanical units or farm equipment; or,
  - (d) Parts thereof, are stored in the open.
- (2) Any land, building or structure used for wrecking or storing of:
  - (a) Unlicensed or inoperable motor vehicles or recreational vehicles;
  - (b) Inoperable machinery or equipment drawn or operated by attaching to motor vehicles;
  - (c) Inoperable mechanical units or farm equipment; or,
  - (d) Parts thereof.

**AWNING.** A roof-life mechanism, retractable in operation, and covered with flexible, textured material, which projects from the wall of a building,

***BASEMENT.*** A portion of a building, all or in part below curb level as defined in this chapter.

***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.

***BINGO.*** Shall have a definition set forth in Indiana Code Section 4-32.2-2-3, and it and all other games of chance regulated by Indiana Code Section 4-32-1 are not considered gambling games addressed by this ordinance.

***BLOCK.*** A tract of land bounded by streets, or by a street or streets and any combination of boundary lines of public or institutionally owned lands, railroad rights-of-way, rivers and lakes and other lines of demarcation.

***BOARD OF ZONING APPEALS.*** The Area Board of Zoning Appeals of St. Joseph County, Indiana.

***BORROW PIT.*** A place or premises where dirt, soil, peat, sand, gravel, or other material is removed by excavation or otherwise, below the grade of surrounding land, for any purpose other than that necessary and incidental to grading or to building construction or operation on the premises.

***BUILDABLE AREA.*** For the purpose of measuring lot width, means the narrowest width within the thirty feet of lot depth immediately in back of the front yard setback line.

***BUILDING.*** A structure built for the shelter or enclosure of persons, animals, or property of any kind.

***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.

***BUILDING, COMPLETELY ENCLOSED.*** A building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

***BUILDING COVERAGE.*** The percent of the gross project area on or over which a building or structure stands.

***BUILDING, DETACHED.*** A building surrounded by open space on the same lot.

***BUILDING FAÇADE.*** That portion of any exterior elevation of a building extended from grade to the top of the parapet wall or eaves and the entire width of the building elevation, and which may also be referred to as the “building face”.



**BUILDING HEIGHT.** The vertical distance from the curb level to the highest point of the 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.

**BUILDING, PRINCIPAL.** A non-accessory building in which the principal use of the lot on which it is located is conducted.

**BUILDING, RESIDENTIAL.** A building which is arranged, designed, used or intended to be used for residential occupancy by one or more families or lodgers and which includes, but is not limited to, the following types:

- (1) Single-family detached dwellings;
- (2) Two-family dwellings; or,
- (3) Multiple-family dwellings.

**BULK.** The term used to indicate the size and setback of buildings or structures and the location of same with respect to one another and includes the following:

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

**BUSINESS.** An occupation, employment, or enterprise which occupies time, attention, labor and materials, or wherein merchandise is exhibited or sold, or where services are offered.

**CARPORT.** An open-sided, roofed automobile shelter, formed by extension of the roof from the side of a building.

**CASINO.** A building, facility or room where any gambling games as defined herein are conducted.

**CHILD CARE.** A service that provides for the care, health, safety and supervision of a child's social, emotional and educational growth. (For reference, see Indiana Code 12-7-2).

**CHILD CARE CENTER.**

- (1) A building where at least 17 children receive child care from a provider:
  - (a) While unattended by a parent, legal guardian, or custodian;
  - (b) For regular compensation; and,
  - (c) For more than four hours but less than 24 hours in each of ten consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.

(2) This term also applies to a building where child care is provided to less than 17 children if the provider has applied for a license under IC 12-17.2-4 and meets the requirements under IC 12-17.2-4. (For reference see Indiana Code 12-7-2.)

***CHILD CARE HOME.***

(1) A residential *structure* in which at least six children (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative) at any time receive child care from a provider:

- (a) While unattended by a parent, legal guardian, or custodian;
- (b) For regular compensation; and,
- (c) For more than four hours but less than 24 hours in each of ten consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.

(2) This term includes a Class I ***CHILD CARE HOME*** (that serves any combination of full-time and part-time children, not to exceed 12 at any one time) and a Class II ***CHILD CARE HOME*** (that serves more than 12 children but no more than any combination of 16 full-time and part-time children at any one time). (For reference see Indiana Code 12-7-2.)

***CHILD CARE MINISTRY.*** A child care center operated by and in connection with a *religious use* that is recognized as a religious organization exempt from federal income taxation under § 501 of the Internal Revenue Code. (For reference see Indiana Code 12-7-2.)

***CHILD CARING INSTITUTION.***

- (1) A residential facility;
- (2) That provides Child Care on a 24 hour basis for more than ten children; or
- (3) With a capacity of not more than ten children that does not meet the residential Structure requirements of a group home; or
- (4) An institution that:
  - (a) Operates under a license issued under IC 12-12.2;
  - (b) Provides for delivery of mental health services that are appropriate to the needs of the individual; and,
  - (c) Complies with the rules adopted under IC 4-22-2 by the Division of Family and Children. For reference see Indiana Code 12-7-2.)

***CHURCH.*** See ***RELIGIOUS USE.***

***CLINIC, MEDICAL OR DENTAL.*** A building or portion thereof, the principal use of which is for offices of an organization of specializing physicians or dentists or both.

***CLINIC, VETERINARY.*** A medical facility, including an animal hospital, for the treatment of animals.

***CLUB.*** A facility, the use of which is restricted to members and their guests.

**COLUMBARIUM.** A vault with niches for incinerary urns.

**COMMUNITY CENTER.** A public building including meeting rooms, recreational facilities, and kitchen facilities for the common use of the residents of the project area.

**CONCENTRATED ANIMAL FEEDING OPERATION (CAFO).** Any property or contiguous properties and all structures and animals contained thereon that are owned in whole or in part by the same person(s) which confines 1000 animal units for at least 45 days in a 12 month period where there is insufficient growing vegetation in the confinement area during the normal growing season to sustain the animals. Each of the number, types, and sizes of animals listed in divisions (1) through (13) below is defined to be 1000 animal units. Any combination of the animal numbers, types, and sizes shown below which equals or exceeds 1000 animal units shall constitute a **CAFO**. (Ord.68-09)

- (1) 700 mature dairy cows whether milked or dry;
- (2) 1,000 beef cattle or heifers;
- (3) 2,500 swine weighing more than 55 pounds;
- (4) 10,000 swine weighing less than 55 pounds;
- (5) 30,000 ducks (other than properties that use liquid manure systems);
- (6) 5,000 ducks (properties using liquid manure systems);
- (7) 30,000 chickens (properties using liquid manure handling systems);
- (8) 125,000 chickens except layers (other than properties using liquid manure handling systems);
- (9) 82,000 laying hens (other than properties using liquid manure handling systems);
- (10) 1,000 veal calves;
- (11) 500 horses;
- (12) 10,000 sheep or lambs; or
- (13) 55,000 turkeys.

**CONFINED FEEDING OPERATION (CFO).** The feeding of livestock, poultry, and/or small animals for commercial purposes, usually in lots, pens, sheds or buildings where food is supplied primarily by means other than grazing, foraging or other natural means. (Ord. 68-09)

**CONFORMING BUILDING OR CONFORMING STRUCTURE.** Any building or structure which:

- (1) Complies with all the regulations of this chapter or of any amendment hereto governing bulk for the zoning district in which such building or structure is located;
- (2) Is designed or intended for a conforming use, for example:
  - (a) An office building in a commercial or business district, or

- (b) A factory building in an industrial or manufacturing district.

**CONTROLLED USE.** Any use of property which is recognized as having serious objectionable characteristics, particularly when several of them are concentrated, which have or may have a deleterious effect upon adjacent areas, specifically including, but not necessarily limited to:

- (1) Adult bookstore;
- (2) Adult mini motion picture theater;
- (3) Adult motion picture theater;
- (4) Adult cabaret;
- (5) Establishment for the sale of beer or intoxicating beverages for consumption on the premises, excluding restaurants at which the serving of such beverages is incidental to the serving of food as the principal activity;
- (6) Pawnshop;
- (7) Pool or billiard hall;
- (8) Public dance hall;
- (9) Casinos, approved hotels, and all other areas where gambling games are conducted; or,
- (10) Off track, pari-mutual wagering facility.

**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.

**CURB LEVEL.** The level of the established curb in front of such building measured at the center of such front. Where no **CURB LEVEL** has been established, the pavement elevation at the street centerline similarly measured, or the mean elevation of the finished lot grade immediately adjacent to a building, shall be considered the **CURB LEVEL**.

**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.

**DISTRICT.** A portion of the unincorporated territory of the county within which certain uniform regulations and requirements, or various combinations thereof, apply under the provisions of this chapter.

**DRAIN, URBAN.** A drainage system which has been approved by the County Drainage Board as specified in I.C. 36-9-27 (Drainage Law), as amended.

**DRIVE-IN ESTABLISHMENT.** An establishment which accommodates on the lot its patrons' automobiles, from which the occupants may watch, purchase, etc.

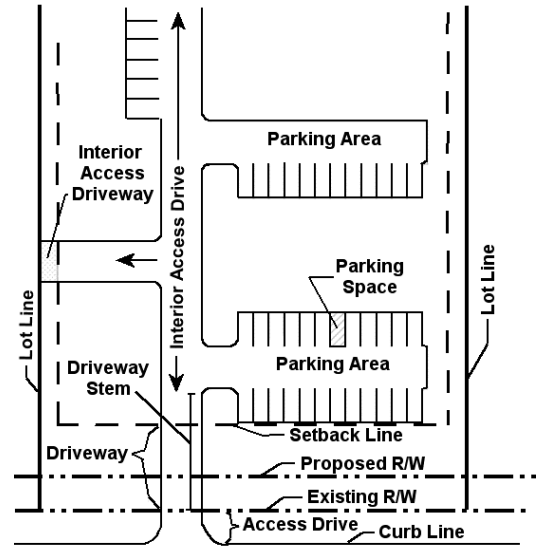
**DRIVE, INTERIOR ACCESS.** A way for internal vehicular movement in and around an individual lot or integrated center.

**DRIVE-THROUGH FACILITY.** A feature of an establishment which typically includes an opening in the exterior of the building, or the use of pneumatic dispatch or similar devices, which encourage or permit customers to receive goods or services while remaining in or on a motor vehicle.

**DRIVEWAY.** Access for vehicular egress/ingress between the right-of-way of a public street or private street and the minimum required setback line on a lot.

**DRIVEWAY, INTERIOR ACCESS.** A way for vehicular egress/ingress between the minimum required setback lines of separate lots or between lots within the boundaries of an integrated center.

**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.



Drives & Related Areas

**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.

***ELECTRIC DISTRIBUTION CENTER.*** A terminal at which electric energy is received from the transmission system and is delivered to the distribution system only.

***ELECTRIC POWER GENERATING PLANT.*** A power plant the purpose of which is to generate electric power for sale on the wholesale power market.

***ELECTRIC SUBSTATION.*** A terminal at which electric energy is received from the transmission system and is delivered to other elements of the transmission system and, generally, to the local distribution system.

***ELEEMOSYNARY INSTITUTION.*** A building or group of buildings devoted to and supported by charity.

***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***.

***EXTERIOR FEATURES.*** The arrangement and general design of a building, structure, or use, including the architectural style, scale, or form, architectural details such as windows, doors, light fixtures, fences, walls, steps, or other appurtenances, the color, type or texture of building materials, signs, natural features such as trees, rocks, or rock formations, or bodies of water.

***FAMILY.*** One or more persons related by blood, legal adoption or marriage, living and cooking together as a single housekeeping unit, exclusive of household servants; or, a number of persons, but not exceeding two persons who are not related by blood, legal adoption or marriage, living and cooking together as a single housekeeping unit, shall be deemed to constitute a ***FAMILY***. A person or persons residing with a ***FAMILY*** as hereinabove defined by reasons of placement by a publicly licensed placement agency shall be considered as members of that ***FAMILY***.

***FAMILY RESTAURANT WITH LOUNGE.*** See ***RESTAURANT, FAMILY, WITH LOUNGE***.

***FLOOR AREA.***

(1) ***FLOOR AREA*** for determining floor area ratio, is the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings.

(2) The ***FLOOR AREA*** of a building includes the basement floor area when more than one-half of the basement height is above the established curb level, elevator shafts, and stairwells at each floor, floor space used for mechanical equipment, (except equipment, open

or enclosed, located on the roof), penthouses, attic space having headroom of seven feet, ten inches or more, interior balconies and mezzanines, enclosed porches and floor area devoted to accessory uses. Floor area devoted to off-street parking or loading shall not be included in the **FLOOR AREA** of a building.

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

**FLOOR AREA OF A BUILDING.** For determining off-street parking and loading requirements, shall be the sum of the gross horizontal areas of the several floors of the building, or portions thereof, devoted to a specific use, including accessory storage areas located within selling or working space such as counters, racks, or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. Floor area shall not include:

(1) Floor area devoted primarily to storage purposes, except as otherwise noted herein;

(2) Floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space; or

(3) Basement floor area other than area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

**FLOOR AREA RATIO.** The floor area of the building or buildings on a lot divided by the area of such lot. Floor area ratio requirements, as set forth under each zoning district, shall determine the maximum floor area allowable for the building or buildings, including both principal and accessory buildings, in direct ratio to the gross lot area.

**FRONTAGE OF A BLOCK.** All of the property fronting on one side of a street, and as measured between side lot lines.

**FRONTAGE LOT.** All the property of such lots fronting on a street, and as measured between side lot lines.

**GAMBLING GAME.** Any of the activities governed by the Indiana Gaming Commission as a wagering device set forth in Indiana Code Section 4-33-2-9, as it may be amended from time to time.

**GARAGE, PRIVATE.** An accessory building or an accessory portion of the principal building, including a carport which is intended for and used for storing the private passenger vehicles of the family or families resident upon the premises, and in which no business, service, or industry connected directly or indirectly with the automotive vehicles is carried on; provided, that not more than one-half of the space may be rented for the private passenger vehicles of

persons not resident on the premises, except that all the space in a garage of one-car or two-car capacity may be so rented.

***GARAGE, PUBLIC.*** Any building where automotive vehicles are painted, repaired, rebuilt, reconstructed, or stored for compensation.

***GARAGE, STORAGE.*** A building or premises used for housing only of motor vehicles pursuant to previous arrangements and not by transients; and where no equipment or parts are sold and vehicles are not rebuilt, serviced, repaired, hired, or sold, except that fuel, grease, or oil may be dispensed within the building to vehicles stored therein.

***GRADE.*** The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

***GROSS DENSITY.*** The number of dwelling units permitted per acre of gross project area.

***GROUP RESIDENCE.*** A residential facility which, in addition to providing food and shelter, may also provide some combination of personal care, social services, counseling services or transportation to residents. ***GROUP RESIDENCES*** would include halfway houses, work release houses, student housing or any other similar form of residential facility for individuals who do not qualify as a family or any other form of residential facility expressly provided for in this ordinance. (Ord. No. 108-08)

***GUESTHOUSE.*** A detached accessory building located on the same lot as the principal building and containing living quarters for temporary non-paying guests.

***GUEST, PERMANENT.*** A person or persons who occupies or has the right to occupy accommodations in a lodging house, motel, hotel, or apartment hotel as his domicile and place of permanent residence.

***HISTORIC LANDMARK.*** A building, structure, object, district land use, area, or site of historical significance and designated as an historic landmark on the Historic Preservation Plan.

***HISTORIC PRESERVATION.*** The research, protection, maintenance, restoration, rehabilitation, reconstruction, or development of historic landmarks. For purposes of this Chapter, this definition shall apply to the preservation of exterior features only.

***HISTORIC PRESERVATION COMMISSION.*** The Historic Preservation Commission established under the provisions of this Chapter.

***HISTORIC PRESERVATION PLAN.*** A comprehensive plan, including maps, surveys, or studies, prepared by the ***HISTORIC PRESERVATION COMMISSION*** for the preservation of an historic landmark and subsequently approved by the Area Plan Commission and officially adopted by the Board of Commissioners of the County.



**HOME BASED BUSINESS.** A home occupation based in the primary residential structure or in an accessory structure, which shall not have more than two on-premise employees who are not members of the immediate family.

**HOME OCCUPATION.** Any occupation or profession carried on by a member of the immediate family residing on the premises, in connection with which:

- (1) There is used no sign or display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling;
- (2) There is no commodity sold upon the premises;
- (3) No person is employed other than a member of the immediate family residing on the premises; and
- (4) No mechanical or electrical equipment is used except such as is permissible for purely domestic and household purposes.

**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.

**HOTEL.** An establishment which is open to transient guests, in contradistinction to a Lodging house, and is commonly known as a hotel in the community in which it is located and which provides customary **HOTEL** services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service. See also **APPROVED HOTEL**.

**HOTEL, APARTMENT.** A hotel in which at least ninety percent of the hotel accommodations are occupied by permanent guests.

**INCOMPATIBLE USE.** A use or service which is incapable of direct association with certain other uses because it is contradictory, incongruous, or discordant.

**INDUSTRIAL PARK.** A planned development designed to accommodate a community of compatible and non-nuisance types of industry. **INDUSTRIAL PARKS** may be promoted or sponsored by private developers, community organizations, or governmental organizations.

**INTEGRATED CENTER.** A grouping of compatible commercial uses on a lot, under single ownership or unified control.

**JUNKYARD.** An open area where wastes or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. **JUNKYARD** includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings, nor does it include an establishment engaged only in the processing of scrap iron or other metals to be sold specifically for the manufacture of steel or metal alloys.

***KENNEL.*** Any premise or portions thereof on which more than four dogs, cats, or other household domestic animals over four months of age are kept, or on which more than two such animals are maintained, boarded, bred, or cared for, in return for remuneration, or are kept for the purpose of sale.

***LANDFILL, SANITARY.*** A controlled method for refuse disposal, regulated by the State of Indiana.

Land Reclamation: A controlled method of land restoration for depositing soil, concrete, cement, building debris and similar material.

***LEGISLATIVE BODY.*** The St. Joseph County Council.

***LIMITED ACCESS HIGHWAY.*** A traffic way, including freeways, expressways, and other arterial streets, in respect to which owners or occupants of abutting property or lands and other persons have no legal rights of access to or from the same, except at such points only and in such manner as may be determined by the public authority having jurisdiction over such traffic way.

***LIVEABLE OPEN SPACE.*** The gross project area, less the area allotted for building coverage and parking, and one-half the area allotted for covered open space, including patios and balconies.

***LOADING SPACE.*** An area whose use is for standing, loading or unloading of motor vehicles or trailers.

***LODGING HOUSE.*** A residential building, or portion thereof, other than a motel, apartment hotel, or hotel, containing lodging rooms for accommodation of five or more persons who are not members of the keeper's family and where lodging or meals or both are provided by prearrangement and for definite periods.

***LODGING ROOM.*** A room rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping accommodations shall be counted as one lodging room for the purposes of this Chapter.

***LOT.*** A zoning lot; except, when the context indicates a lot of record, ***LOT*** means a lot of record.

***LOT AREA. GROSS.*** The area of a horizontal plane bounded by the front, side and rear lot lines, but not including any area occupied by the waters of a duly recorded lake, river, or floodplain area.

***LOT, CORNER.*** A lot situated at the intersection of two streets, the interior angle of such intersection not exceeding 135 degrees.

**LOT DEPTH.** The mean horizontal distance between the front lot line and rear lot line of a lot, measured within the lot boundaries.

**LOT LINE, FRONT.** The boundary of a lot which is along an existing or dedicated public street or, where no public street exists, is along a public way. Where such public way is not a dedicated street, the right-of-way shall be sixty feet unless otherwise provided. The owner of a corner lot may select either street lot line as the front lot line.

**LOT LINE, REAR.** The boundary of a lot which is most distant from, and which is or is most nearly parallel to, the front lot line.

**LOT LINE, SIDE.** Any boundary of a lot which is not a front or rear lot line.

**LOT OF RECORD.** A lot which is part of a subdivision, the plat of which has been recorded in the office of the Recorder of Deeds of the county; or a parcel of land, the deed to which was recorded in the office of said Recorder prior to the adoption of the ordinance codified in this chapter.

**LOT, REVERSED CORNER.** A corner lot where the side lot line adjoining a street is substantially a continuation of the front lot line of an adjacent interior lot.

**LOT, THROUGH.** A lot having a frontage on two nonintersecting streets as distinguished from a corner lot. Both street lines shall be deemed front lot lines.

**LOT WIDTH.** The horizontal distance between the side lot lines of a lot, measured at the narrowest width within the first 30 feet of lot depth immediately in back of the required front yard setback line.

**LOT, ZONING.** A single tract of land located within a single block, which at the time of filing for a building permit is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or unified control. A **Zoning Lot** may or may not coincide with a lot of record.

**MANUFACTURED HOME.** See **DWELLING, MANUFACTURED HOME.**

**MANUFACTURING RETAILER.** A food sales and service establishment where food or beverage products are produced in a limited quantity (not industrial manufacturing) sufficient to support on-site sales as a primary or accessory portion of the on-site business, such as, but not limited to confectioners and brew pubs. (Ord. 42-13, § 5, passed 7-9-2013)

**MARQUEE OR CANOPY.** A roof-like structure of a permanent nature which projects from the wall of a building and may overhang into a required yard.

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

***MASSAGE ESTABLISHMENT.*** Any establishment, location or place where any person for any form of consideration whatsoever, engages in, conducts, carries on, or permits to be engaged in, conducted, or carried on, massages or baths.

***MET TOWER*** A meteorological tower used for the measurement of wind speed. (Ord. 69-09)

***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.

***MOBILE HOME LOT.*** A designated site within a mobile home park for the exclusive use of the occupants.

***MOBILE HOME PARK.*** A tract of land in single ownership which has been developed with all necessary facilities and services in accordance with a site development plan meeting all the requirements of this chapter and which is intended for the express purpose of providing a safe living environment for mobile home residents on a long term basis. It does not include a sales lot in which automobile or unoccupied mobile homes are parked for the purpose of inspection and/or sale.

***MOBILE HOME SUBDIVISION.*** A parcel of land developed under single ownership but where lots are sold for use of single-family dwellings and where either public utilities are provided, or utilities are provided by management for a service charge.

***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.

***MOTEL.*** An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single lot and designed for use by transient automobile tourists. A ***MOTEL*** furnishes customary hotel services such as maid service and laundering of linen, telephone and secretarial or desk service, and the use and upkeep of furniture. In a ***MOTEL***, less than 50% of the living and sleeping accommodations are occupied or designed for occupancy by persons other than transient automobile tourists.

***MOTOR FREIGHT TERMINAL.*** A building or area in which freight brought by motor truck is assembled and/or stored for routing in intrastate and interstate shipment by motor truck.

***MOTOR VEHICLE.*** A passenger vehicle, truck, truck-trailer, trailer, or semi-trailer propelled or drawn by mechanical power.

**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.

**NATIONAL MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS CODE.** Title VI of the 1974 Housing and Community Development Act (42 U.S.C. 5401 et seq. as amended (previously known as the Federal Mobile Home Construction and Safety Act), rules and regulations adopted there under (including information supplied by the home manufacturer, which has been stamped and approved by a Design Approval Primary Inspection Agency, an agent of the U. S. Department of Housing and Urban Development pursuant to HUD rules), and regulations and interpretations of said code by the Indiana Administrative Building Council; all of which became effective for mobile/manufactured home construction on June 15, 1976.

**NATURAL RESOURCES COMMISSION.** The Natural Resources Commission of the state.

**NEIGHBORHOOD DEVELOPMENT COMMITTEE.** An advisory committee to the Historic Preservation Commission established under the provisions of this chapter.

**NONCONFORMING BUILDING OR STRUCTURE.** A building or structure which:

- (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.

**NONCONFORMING USE.** A use of land, buildings, or structure which does not comply with all of the regulations of this chapter or of any amendment hereto governing use for the zoning district in which such use is located.

**NOXIOUS MATTER OR MATERIALS.** That which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being of individuals.

**OCCUPIED SPACE.** The total area of earth horizontally covered by the structure, excluding accessory structures, such as, but not limited to, garages, patios and porches.

**ONE AND TWO FAMILY DWELLING CODE.** The nationally-recognized model building code prepared by the Council of American Building Officials, adopted by the Indiana Administrative Building Council (ABC) as mandated through Public Law 360, Acts of 1971, and, which includes those supplements and amendments promulgated by the ABC.

**OPEN SALES LOT.** Land used or occupied for the purpose of buying or selling merchandise stored or displayed out-of-doors prior to sale. Such merchandise includes, but is not limited to, passenger cars, trucks, motor scooters, motorcycles, boats and monuments.

**PERFORMANCE STANDARDS.** A criterion established to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat generated by, or inherent by, uses of land or buildings.

**PERMANENT PERIMETER ENCLOSURE.** A permanent perimeter structural system completely enclosing the space between the floor joists of the home and the ground.

**PLANNED DEVELOPMENT.** A tract of land developed under single ownership or control, the development of which is unique and of a substantially different character than that of surrounding areas.

**PROPERTY LINES.** Those lines bounding a lot.

**PUBLIC.** As in public sewage systems or public water systems, implies the provisions of such service by a person, firm or corporation, or governmental unit as authorized by law.

**PUBLIC RIGHT-OF-WAY, IMPROVED.** A roadway classified by the County Engineering Department as bituminous concrete, cement concrete or brick.

**PUBLIC RIGHT-OF-WAY, MAJOR.** Any of the following:

(1) **ARTERIAL ROADWAY.** A roadway that provides for through traffic movements between areas within the county and through the county.

(2) **COLLECTOR ROADWAY.** A roadway which carries traffic from local roadways to arterial roadways and may include the principal entrance roadway of developments.

**PUBLIC RIGHT-OF-WAY, MINOR:** Any of the following:

(1) **LOCAL COLLECTOR.** A roadway which provides access between the major road system and the minor roads.

(2) **LOCAL ROADWAY.** A roadway, the primary function of which is to provide direct access to residential, commercial, industrial or other abutting real estate.

(3) **MARGINAL SERVICE ROAD.** A roadway which is parallel and adjacent to a major public right-of-way, and which provides access to abutting properties and protection from through traffic.

**PUBLIC WAY.** A sidewalk, alley, street, or limited access highway.

**RAILROAD RIGHT-OF-WAY.** A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.

**RECREATIONAL VEHICLE.** A vehicular-type portable structure without permanent foundation that can be towed, hauled or driven and primarily designed as a temporary living accommodation for recreational, camping and travel use, including, but not limited to: travel trailers, truck campers, camping trailers, self-propelled motor homes; personal watercrafts; and, boats.

**RECYCLING DROP-OFF CENTER.** A facility open to the public, where household recyclables are collected for transfer to a processing center or markets. Recyclables include glass, plastic, newspapers, other paper products, cans, cardboard, Styrofoam and other types of plastic, but shall not include hazardous waste or substances, motor oils, and fuels. A **RECYCLING DROP-OFF CENTER** may also include a facility for the collection of used clothing and household goods.

**RECYCLING PROCESSING CENTER.** A building or enclosed space used for the collection, processing, and storage of recyclable materials.

**RELIGIOUS USE.** A building or portion thereof used to conduct religious services on a regular basis.

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

**REST HOME or NURSING HOME.** A private home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders. Such home does not contain equipment for surgical care or for the treatment of disease or injury.

**RESTAURANT, DRIVE IN.** Any family restaurant or fast food restaurant designed to permit or facilitate the serving of food or beverages directly to, or permitted to be consumed by patrons in or on motor vehicles parking or stopped on the premises.

**RESTAURANT, DRIVE THROUGH.** Any family restaurant or fast food restaurant designed to permit or facilitate the serving of food or beverages directly to patrons in or on motor vehicles at a drive-through facility.

**RESTAURANT, FAMILY.** Any establishment whose main business function is the retail sale of food for consumption on the premises, and which does not have on the premises an area from which minors are excluded pursuant to I.C. 7.1-5-7-9, 7.1-5-7-10 and 7.1-5-7-11 or pursuant to any policy of the establishment.

**RESTAURANT, FAMILY, WITH LOUNGE.** Any family restaurant which has on the premises an area constituting not more than 25% of the gross floor area from which minors are excluded pursuant to I.C. 7.1-5-7-9, 7.1-5-7-10 and 7.1-5-7-11 or pursuant to any policy of the establishment.

**RESTAURANT, FAST FOOD.** An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building, on-premise or off-premise.

**ROADSIDE STAND.** A structure for the display and sale of agricultural products, with no space for customers within the structure itself.

**SANITARY LANDFILL.** A controlled method for refuse disposal regulated by the State of Indiana.

**SECTION (REGARDING MANUFACTURED HOMES).** A component of a Manufactured Home, Type A, which is at least 12 body feet in width and 30 body feet in length and does not by itself constitute a dwelling unit.

**SETBACK.** The area on a lot in which no permanent structure shall be constructed or located, except as otherwise provided in this chapter.

**SETBACK, FRONT YARD.** An area on a lot generally parallel to the street right-of-way line in which no part of a building, structure or use shall project, except as otherwise provided in this chapter.

**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 fascia sign.

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

(c) **FREESTANDING 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.

**SITE CONSTRUCTED HOME.** A home, primarily constructed on the site where it is to be occupied, meeting the building codes in effect at the time of construction.

**SMALL WIND ENERGY CONVERSION SYSTEM (SWECS):**

(1) A wind energy conversion system consisting of a wind turbine with its associated tower and control or conversion electronics, whose dual purpose is to:

(a) Primarily reduce on-site consumption of utility power, and

(b) Produce clean, on-site energy for uses such as but not limited to homes, farms, schools, and businesses. (Ord. 43-12, passed 5-15-2012)

(2) A **SMALL WIND ENERGY CONVERSION SYSTEM** can consist of a system either designed to be firmly anchored into the ground using a self-supporting tower, or firmly anchored to the sides or roof of the primary or accessory structure, or a combination thereof. (Ord. 69-09)

**SPECIFIED ANATOMICAL AREAS.** Less than completely covered:

(1) Human genitals or pubic region;

(2) Buttock;

(3) Female breast below a point immediately above the top of the areola; or,

(4) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES.** Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy, and fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

**STABLE.** A building structure, or portion thereof, in which horses or ponies are boarded or trained with or without remuneration.

**STORY.** That portion of a building included between the surface of any floor and the surface of the floor next above or, if there is no floor above, the space between the floor and the ceiling next above; a basement having more than one-half the clear floor-to-ceiling height above curb level shall be considered a **STORY**.

**STREET.** A partially or fully improved public right-of-way which affords the principal means of access to abutting property, not including driveways to buildings.

**STRUCTURAL ALTERATION.** A change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as the addition, removal, or alteration of bearing walls, columns, beams, girders, or foundations.

**STRUCTURE.** Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground.

**TELECOMMUNICATIONS.** The transmission between or among points specified by the user of information of the user's choosing, without change in the form or content of the information as sent and received.

**TELECOMMUNICATIONS ANTENNA.** See **ANTENNA**,  
**TELECOMMUNICATIONS.**

**TELECOMMUNICATIONS SERVICE.** The offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

**TELECOMMUNICATIONS TOWER.** A structure more than ten (10) feet tall, built primarily to support one or more telecommunications antennas.

**TENT.** A structure or enclosure, the roof and/or one-half or more of the sides of which are constructed of silk, cotton, canvas, fabric, or a similar light material.

**TOURIST CAMP.** A parcel or tract of land containing facilities for locating three or more trailers or mobile homes, and for use only by transients remaining less than one month, whether or not a charge is made. **TOURIST CAMP** does not include an open sales lot in which automobiles or unoccupied trailers are parked for the purposes of inspections or sale.

**TOURIST HOME.** A dwelling in which sleeping rooms are provided or offered to transient guests for compensation. **TOURIST HOME** does not include a hotel, apartment hotel or motel.

**TRAILER.** A vehicle, house car, camp car, or any portable or mobile vehicle on wheels, skids, rollers, or blocks, either self-propelled or by any other means, which is used or designed to be used for dwelling, lodging, commercial or agricultural purposes.

**TRAILER, CAMPING OR TRAVEL.** A trailer designed and constructed for temporary dwelling purposes which may or may not contain cooking, sanitary and electrical facilities, and which conforms to the state limitations on size for highway travel without special permits.

**URBAN DRAIN:** See **DRAIN, URBAN.**

**USE (OF PROPERTY).** The purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained; it includes any manner of performance of activity or operation with respect to the performance standards of this chapter.

**USE, CONDITIONAL.** A use which, by its nature and potential impact upon adjacent property, a substantial portion of the entire county or the county as a whole, requires review and approval by the Board of Zoning Appeals, or a use which is an activity, service or facility traditionally provided by local government, but which may be provided by private business or industry through a contractual or franchise agreement with local government. (Ord. 68-09)

**USE, PERMITTED PRIMARY.** A use which may be lawfully established in a particular district or districts; provided, it conforms with all requirements, regulations and performance standards, if any, of such district.

**USE, PRINCIPAL.** The main use of land or buildings as distinguished from a subordinate or accessory use. A principal use may be either permitted or special.

**USE, SPECIAL.** A use (either public or private) which, because of its unique characteristics, cannot be properly classified as a permitted primary use in any particular district or districts.

**UTILITY SUBSTATION.** A facility which provides the mechanical or electronic equipment of a utility.

**WAGERING, OFF-TRACK PARI-MUTUAL FACILITY.** A location, other than a racetrack, authorized by the Indiana Horse Racing Commission at which pari-mutual wagering is conducted.

**WASTE DISPOSAL FACILITY, SOLID OR LIQUID.** A controlled method for solid or liquid waste disposal as regulated by the State of Indiana.

**WHIP ANTENNA.** See **ANTENNA, WHIP.**

**WIND ENERGY CONVERSION SYSTEM.** Any combination of equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, turbine, vane, wire, or other component used in the system. A **WIND ENERGY CONVERSION SYSTEM** includes, but is not limited to, a small wind energy conversion system and a wind energy facility. (Ord. 69-09)

**WIND ENERGY FACILITY.** An electricity generating facility consisting of (1) one or more commercially-rated wind turbines under common ownership or operating control, and whose main purpose is to supply electricity to off-site customer(s), and includes but is not limited to substations, MET Towers, cables/wires and operations and maintenance buildings accessory to such facility. Also known as a **WIND FARM** or a **WIND POWER PLANT**". (Ord. 69-09)

**WIRELESS TELECOMMUNICATIONS FACILITY.** Any facility constructed by or constructed for use by a licensed wireless telecommunication service provider and which consists of the equipment and structures involved in the receiving and transmitting of electromagnetic waves associated with wireless telecommunication services.

**WHOLESALE ESTABLISHMENT.** A business establishment engaged in selling to retailers or jobbers rather than consumers.

**YARD FRONT.** A yard extending along the full length of the front lot line.

**YARD, INTERIOR SIDE.** A side yard which is located immediately adjacent to another lot or to an alley separating such side yard from another lot.

**YARD, REAR.** A yard extending along the full length of the rear lot line.

**YARD, SIDE.** A yard extending between a structure and the side lot line from the front yard to the rear yard.

**YARD, TRANSITIONAL.** A yard which must be provided on a lot in a commercial / business district or industrial district which adjoins a lot in a residential district.

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

**ZONING DISTRICT.** A section or sections of the unincorporated territory of the county for which the regulations and requirements governing use, lot and bulk of buildings and premises are uniform.

(Ord. 51-05, § 8.12, passed 5-10-2005; Ord. 108-08, § 2, passed 12-2-2008; Ord. 68-09, § 10, passed 8-11-2009; Ord. 69-09, § 18, passed 8-11-2009)