

R: SINGLE FAMILY DISTRICT

154.105 INTENT.

The R: Single Family Districts are established to protect, promote and maintain the development of single family dwellings as well as provide for other limited residential, public and institutional uses that are compatible with residential development located at the periphery of an urban area. (*Ord. 51-05, § 8.03.01A, passed 5-10-2005*)

154.106 PERMITTED USES.

(A) *Primary uses.*

- (1) Agriculture and related accessory uses, subject to the following development standard: lot shall not be less than five (5) acres in area;
- (2) Cemeteries;
- (3) Child care home (that is used as the primary residence of the person who operates the child care home);
- (4) Dwelling, single-family;
- (5) Golf courses, subject to the following development standard: lot shall be no less than 20 acres in area;
- (6) Libraries and community centers when affiliated with a public or governmental agency;
- (7) Meeting halls and offices for agricultural, horticultural, rural or conservation public agencies;
- (8) Parks, playgrounds and recreation areas (publicly owned or operated);
- (9) Religious uses;
- (10) Residential facility for the mentally ill;
- (11) Residential facility for the developmentally disabled;
- (12) Schools, non-boarding - nursery, elementary, junior high or high;

(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, subject to all general development standards of this division for single family residences;

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(2) Airports or heliports, public or private - aircraft landing fields, runways, flight strips and flying schools, together with hangars, terminal buildings and other auxiliary facilities;

(3) Bed and breakfast;

(4) Community centers, county-wide (public or semi-publicly owned or operated but not for profit), subject to the following development standards: lot shall be no less than 25 acres in area for such uses as: agricultural and horticultural fairs, and displays, shows and exhibits conducted by rural and agricultural organizations and other public or semi-public voluntary organizations such as Boy Scouts, Girl Scouts, Izaak Walton League and similar organizations; office and administration buildings of Federal, State or County agricultural agencies for the conduct of organized programs of public agencies and voluntary organizations - including dining halls, theaters, indoor demonstrations and organized activities; administration and maintenance buildings; heating plants; and, off-street parking and loading spaces, provided that no commercial race tracks shall be erected or operated;

(5) 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 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) There is no increase in the size and scope of the operation;

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

(c) 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*)

(6) Confined feeding operations: upgrade/maintenance of existing confined feeding operations. A confined feeding operation, existing as a legally established non-conforming use, may be allowed to upgrade its facilities to provide a healthier, cleaner or more efficient operation provided that:

(a) There is no increase in the size and scope of the operation;

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

(c) Plans for the proposed upgrade are reviewed and evaluated 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*)

(7) Dwelling, two family; (*Ord. 68-09, passed 8-11-2009*)

(8) Dwelling, three family; (*Ord. 68-09, passed 8-11-2009*)

(9) Dwelling, four family; (*Ord. 68-09, passed 8-11-2009*)

(10) Educational and institutional uses, including but not limited to:

(a) Schools, boarding - nursery, elementary, junior high, and high and accessory uses, buildings and structures;

(b) Convalescent, nursing, and rest homes and accessory uses, buildings and structures;

(c) Hospitals and sanitariums - and accessory uses, buildings and structures;

(d) Institutions for the care of the aged and for children and accessory uses, buildings and structures;

(e) Philanthropic and eleemosynary institutions - and accessory uses, buildings, and structures, but not including businesses sponsored by such institutions, except same building as such institution proper;

(f) Convents, seminaries, monasteries and nunneries;

(11) Group residences; (*Ord. No. 108-08, passed 12-2-2008*)

(12) 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. Public or parochial school for children in any grades from K through 12;

2. Child care center; or,

3. Child care ministry.

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

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(13) Kennels (on a lot not less than ten (10) acres in area) – subject to the following development standards: (*Ord. 68-09, passed 8-11-2009*)

(a) The 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 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; and

(c) Such use shall be accessory to a permitted primary use.

(14) 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) The 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) The 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;

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

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

(e) If excavations are made to a water-producing depth, such depth shall not be greater than six (6) 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

(f) 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.

(15) Public service uses.

- (a) Utility substation, radio and television transmitting or relay station and antenna towers;
- (b) Filtration Plant, pumping station and water reservoir, public or community;
- (c) Sewage treatment plant, public or community;
- (d) Railroad passenger station; and
- (e) Police or fire station.

(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 shows 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) Conservation club;
- (g) Archery ranges;
- (h) Fishing ponds;
- (i) Swimming club;
- (j) Tennis clubs;
- (k) Picnic grounds and parks;
- (l) Hunt club and/or gun club - provided that satisfactory evidence is presented to the Board of Zoning Appeals and the Legislative Body that adequate precautions will be taken to safeguard the public from dangers of firearms and other weapons used therein

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and provided further that such use shall not be located within the urbanized area of the county, as defined by the Bureau of the Census;

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

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

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

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

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

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

(o) 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) 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 developments standards in addition to whatever additional requirements maybe required in order for the Board of Zoning Appeals to make a favorable recommendation and for the legislative body to make affirmative Findings of Fact as required by §§ 154.555 through 154.565 of this chapter:

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

(b) No portion of such site within fifty (50) feet from adjacent property lines shall be utilized for such; provided, however, that where a residential district or principal residential use shares contiguous boundaries with the site of the use at the time such 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 use;

(c) Drainage plans for such use and the proposed site thereof shall have been approved by the County Engineer and the County Surveyor, and the 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 § 154.636 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 while 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.

(18) Wind energy facility, per the requirements of §§ 154.505 through 154.510; and. (*Ord. 69-09, passed 8-11-2009*)

(19) Wireless telecommunication facilities, per the requirements of § 154.457(C)(1)(c). (*Ord. No. 91-07, passed 10-9-2007, 68-09, passed 8-11-2009, 69-09, passed 8-11-2009*)

(C) *Accessory uses.* See § 154.070. Further, accessory uses, incidental to and on the same lot as a permitted principal use shall also be permitted, including the following:

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

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

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

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

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

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

(2) Uses customarily accessory to single-family dwelling uses such as:

(a) On residential lots with less than 5 acres, keeping of horses, other livestock and poultry, subject to the following development standards: (*Ord. No. 40-17, § 1, passed 6-13-2017*)

1. Buildings or structures for their shelter shall be located behind the rear building façade of the residential structure and not less than twenty (20) feet from the nearest residential dwelling, including the primary structure on the lot, and any side or rear lot lines;

2. Outdoor area used for pens and runs shall not be located over any septic field or drainage easement and shall comply with all required setbacks as established for an accessory building;

3. Any outdoor area used for pens or runs which are located closer than 20' from a side or rear lot line shall be screened from the affected lot line with a solid fence not less than six (6) feet in height or Type 2: full screening landscaping;

4. Non-Commercial Use Only – Unless otherwise permitted as an agricultural use on a lot exceeding five (5) acres, commercial activities are prohibited. Animals authorized under this section shall be kept as pets or for personal use, By-products, such as but not limited to eggs and manure, shall not be sold on the premises. There shall be no butchering of animals on the premises and

5. Adequate shelter and care shall be provided as regulated by the St. Joseph County Animal Control Ordinance.

(b) Laundry drying and playground equipment and apparatus;

(3) Uses customarily accessory to a residential development, including but not limited to common recreation facilities which are provided primarily for the use and enjoyment of the residents of the residential development, including but not limited to: community buildings; gazebo; tennis courts/basketball courts; tot lots; neighborhood parks; etc.;

(4) Uses customarily accessory to educational and recreational uses such as:

(a) Open and enclosed off-street parking spaces and off-street loading berths;

(b) Athletic fields and stadiums;

(c) Gymnasiums and auditoriums;

- courts;
- (d) Natatoriums, outdoor swimming pools and bathhouses, and tennis
 - (e) Playgrounds, including playground apparatus;
 - (f) Recreation or community center buildings, including the sale of food and non-alcoholic refreshments; and
 - (g) Temporary structures accessory to libraries and schools.
- (5) Uses customarily accessory to institutional uses such as:
- (a) Offices;
 - (b) Schools, non-boarding nursery, elementary, junior high, and high; and
 - (c) Convents, parsonages, rectories, parish houses, or parish hail.
- (6) Crematories, when accessory to a cemetery not less than 10 acres in area.;
- (7) Recycling drop-off center as an accessory use to churches, schools, libraries, or community centers; and
- (8) Small wind energy conversion system, per the requirements of §§ 154.505 through 154.510. (*Ord. 69-09, passed 8-11-2009*)

(D) *Temporary uses.* See § 154.071.

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

(*Ord. 51-05, § 8.03.01A, passed 5-10-2005; Ord. 91-07, § 4, passed 10-9-2007; Ord. 108-08, § 1, passed 12-2-2008; Ord. 68-09, § 4, passed 8-11-2009; Ord. 69-09, §§ 3, 4, passed 8-11-2009*)

Penalty, see § 154.999

154.107 GENERAL DEVELOPMENT STANDARDS.

- (A) *Lot area.* Lot area requirements shall be as follows:
- (1) Agricultural uses, not less than five (5) acres;
 - (2) All other nonresidential uses, not less than one (1) acre, except as otherwise regulated in this chapter for a specific permitted primary or special use;
 - (3) Single-family detached dwelling:

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(a) Not less than 21,780 square feet, or as may be required by the Indiana State Board of Health or the County Health Officer, whichever is larger, (Ord. No. 91-07, passed 10-9-2007)

(b) In a subdivision where all lots in the subdivision are served by a public or municipal sewerage system – not less than twelve thousand (12,000) square feet, or as may be required by the Indiana State Board of Health or the County Health Officer, whichever is larger;

(c) In a subdivision where all lots in the subdivision are served by public or municipal sewerage and water systems – nine thousand (9,000) square feet; and,

(d) In a subdivision platted after June 12, 2005, and where all lots in the subdivision are served by public or municipal sewerage and water systems – the greater of:

1. six thousand (6,000) square feet; or,

2. the minimum lot area requirement for the municipality which will provide the public or municipal sewerage and water systems, but, in no case, shall the required minimum lot area be greater than nine thousand (9,000) square feet.

(4) Two-family dwellings, three family dwellings or four family dwellings shall be located where:

(a) Lots are in a subdivision platted after June 12, 2005;

(b) All lots in the subdivision are served by public or municipal sewerage and water systems; and,

(c) A minimum lot area of six thousand (6,000) square feet is provided per dwelling unit.

(B) *Lot width.* Minimum lot width requirements, measured within the buildable area, shall be as follows:

For residential uses	
Lots without public or municipal water or sewerage system	100 feet
Lots with public or municipal sewerage system	75 feet
Lots with public water and sewerage system	60 feet
All other uses	Not less than 100 feet except as otherwise regulated in this chapter for a specific permitted or special use

(C) *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:

(1) *Front yard and building setback.*

State or federal highway	40 feet from right-of-way
Subdivision streets	
40 feet right-of-way	25 feet from right-of-way
41 feet right-of-way	35 feet from right-of-way
Cul-de-sac	25 feet from right-of-way (Ord. 91-07, § 5, passed 10-9-2007)
County roads/no subdivision	75 feet from centerline

(2) *Side yard and building setback; single family residential uses.*

Lots having an area of less than 12,000 square feet	2 side yards having a combined width of 16 feet, with no side yard less than 6 feet in width measured from the lot line
Lots having an area of 12,000 square feet or more	2 side yards having a combined width of 20 feet, with no side yard less than 8 feet in width measured from the lot line
A side yard adjoining a street shall meet the requirements of the front yard setback	As set out above; except on a corner lot of record, recorded prior to March 21, 1961, such a side yard may be reduced in width in order to maintain a buildable width of not less than thirty (30) feet but not reduced more than thirty (30) percent of the lot width

(3) *Side Yard and building setback; two family dwellings, three family dwellings, four family dwellings, and all other uses.* For two family dwellings, three family dwellings, four family dwellings, and all other uses, two (2) side yards, each twenty (20) feet in width and a side yard adjoining a street, thirty-five (35) feet, except where such side yard abuts upon a federal or state highway, in which case the side yard shall be not less than forty (40) feet.

(4) *Rear yard and building setback; 40' feet from lot line.*

(D) *Floor area ratio.* Floor area ratio shall not exceed 0.4.

(E) *Building height.* Building height shall not be more than two and one-half stories, or forty (40) feet, whichever is lower, except for libraries, religious uses and schools.

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

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

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

(I) *Parking*. See § 154.415 through 154.422.

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

(K) *Greenway connection*. Residential developments, 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, § 8.03.01B, passed 5-10-2005; Ord. 91-07, § 5, passed 10-9-2007*)

Penalty, see § 154.999