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**Airport Zoning Ordinance**

**ARTICLE 6: ZONING**

## **Article 6: Zoning**

### **6-1: General**

#### **6-1-1: Short Title**

This Article 6, and ordinances supplemental or amendatory thereto, shall be known, and may be cited hereafter, as the Zoning Ordinance of Starke County, Indiana.

#### **6-1-2: Identification**

Wherever the word "County" appears in this Article 6, it shall be deemed to refer to the County of Starke, State of Indiana.

#### **6-1-3: Interpretation**

In interpreting and applying the provisions of this Article 6, they shall be held to be the minimum requirements for the promotion of public health, safety, comfort, morals, convenience, and general welfare.

#### **6-1-4: Non-interference with Greater Restrictions Otherwise Imposed**

It is not intended by this Article 6 to interfere with, abrogate, or annul any easements, covenants, or other agreements between parties, nor to interfere with, or abrogate or annul any ordinances, other than expressly repealed hereby, rules, regulations, or permits previously adopted or issued, and not in conflict with any of the provisions of this Article 6, or which shall be adopted or provided, except, that where this Article 6 imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or requires larger open spaces or greater lot area per family, than are required by or imposed by such easements, covenants, or agreements between parties, or by such ordinances, rules, regulations, or permits, the provisions of this Article 6 shall control.

**6-2: District and Zone Maps**

**6-2-1: Districts**

A. Starke County is hereby divided into eight (8) districts in order to carry out the purpose and intent of this Article 6.

B. The districts shall be known and designated throughout this Article 6 as follows:

Designation:	Name of District
1. "A" _____	Agricultural
2. "R-1" _____	Residential - 1st Class
3. "R-2" _____	Residential - 2nd Class
4. "R-3" _____	Residential - 3rd Class
5. "LB" _____	Local Business
6. "GB" _____	General Business
7. "LI" _____	Light Industrial
8. "I" _____	Heavy Industrial

**6-2-2: Zone Maps**

A. The Zone Maps, dated November 2, 1964, are hereby declared to be a part of this Article 6.

B. The Zone Maps show the area included in the above classified districts.

C. Notations, references, indications, and other matters shown on the Zone Maps are as much a part of this Article 6 as if they were fully described in the text of this Article 6.

D. Two copies of said Zone Maps and amendments thereto shall be filed in the Office of the County Recorder of the County of Starke, Indiana.

### **6-2-3: Determination and Interpretation of District Boundaries**

A. In determining the boundaries of districts, and establishing the regulations applicable to each district, due and careful consideration has been given to existing conditions, the character of buildings erected in each district the most desirable use for which the land in each district may be adapted, and the conservation of property values throughout the county.

B. Where uncertainty exists as to the exact boundaries of any district as shown on the zone maps, the following rules shall apply:

1. Unless otherwise indicated, the district boundary lines are land lines, the nearest right-of-way lines of roads, streets, alleys, railroads, and other similar established lines or such lines extended.

2. In un-subdivided areas, or where a district boundary subdivides a lot, the exact location of the boundary shall be determined by the footage indicated on the Zone Map or as established by description set forth in subsequent amendments to this Article 6.

3. In the case of further uncertainty, the Board of Zoning Appeals shall interpret the intent of the Zone Maps as to the location of the boundary question.

### **6-2-4: Procedure Relating to Disannexed or Vacated Areas**

A. Territory which may hereafter be disannexed from a town or city shall remain as zoned by such town or city unless changed by amendment of this Article 6.

B. Whenever any road, alley, public way, railroad right-of-way, waterway, or other similar area is vacated by proper authority, the districts adjoining each side of such road, alley, public way, railroad right-of-way, waterway, or similar areas, shall be extended automatically to the center of such vacation and all area included in the vacation shall then and thenceforth be subject to all appropriate regulations of the extended districts.

## **6-3: General Provisions - Specifications**

### **6-3-1: Use**

No building or land shall be used and no building shall be erected, reconstructed, or structurally altered, which is arranged, intended, or designed to be used for any purpose other than a use which is permitted and specified in a district in which such building or land is located.

### **6-3-2: Height**

No building shall be erected, reconstructed, or structurally altered to exceed in height the limits established and specified for the use and the district in which such building is located.

### **6-3-3: Yards, Lot Area, and Size of Building**

No building shall be erected, reconstructed, or structurally altered in any manner which will encroach upon, or reduce in any manner, the yards, lot area per family, ground floor area of residential buildings, or lot coverage regulations, established and specified for the use and the district in which such building is located.

### **6-3-4: Lots**

Every building hereafter erected shall be located on a lot which fronts on an improved street or road.

### **6-3-5: Vehicle Parking Space: Loading and Unloading Berths**

Every building hereafter erected shall provide off-street parking space for motor vehicles and loading and unloading berths as specified hereinafter for the use to which such building is to be devoted.

### **6-3-6: Specifications**

A. The following specifications are hereby declared to be a part of this Article 6.

#### **1. Specification A - Definitions**

2. Specification B - Agricultural Uses
3. Specification C - Residential Uses
4. Specification D - Commercial Uses
5. Specification E - Industrial Uses
6. Specification F - Contingent Uses
7. Specification G - Conditional Uses
8. Specification H - Vehicle Parking Lot
9. Specification I - Unit Development Plan
10. Specification J - Signs

B. Specifications B to G inclusive, and J, show the district or districts in which the use, which is the subject of the specification, is permitted, and delineates the specifications for the following, and applicable to the particular use in each district where such use is authorized:

1. Lot Area per Family
2. Width of Lot
3. Height of Building
4. Vehicle Parking Space
5. Front, Side, Rear, and Other Yards
6. Lot Coverage
7. Size of Building
8. Vision Clearance

## 9. Accessory Buildings and Uses

C. In general, the specifications indicate that the following principal types of land uses are permitted in:

### 1. "A" Districts

- a. Agricultural uses of all types
- b. Single-family dwellings
- c. Two-family dwellings
- d. Group houses and garden apartments
- e. Mobile homes
- f. special uses indicated in Specifications F to I inclusive.

### 2. "R-1" Districts

- a. Single-family dwellings
- b. Special uses indicated in Specification F

### 3. "R-2" Districts

- a. Single-family dwellings
- b. Two-Family dwellings
- c. Group houses and garden apartments
- d. Special uses as indicated in Specifications F to I inclusive

### 4. "R-3" Districts

- a. All uses as indicated for "R-2" Districts

5. "LB" Districts

- a. All uses as indicated for "R-2" Districts
- b. Local business uses

6. "GB" Districts

- a. All uses as indicated for "LB" Districts
- b. General business uses
- c. Limited industrial uses

7. "LI" Districts

- a. All uses as indicated for "GB" Districts
- b. Light industrial uses

8. "I" Districts

- a. All uses as indicated for "LI" Districts
- b. Heavy industrial uses

D. Each use permitted must meet the specific requirements as listed in the specifications applicable to such use.

**6-3-7: Easements for Road Access to Interior Lots**

Whenever land fronting on a road is divided and sold leaving an interior lot or lots, the owner of the land being sold must create a fifty (50) foot easement to the interior lot at 1,000 foot intervals along the affected road.

### **6-3-8: Garage Placement**

All dwellings shall have a turn around for a vehicle to back into, so the vehicle can pull onto the road hood first.

### **6-3-9: Undersized Lot**

On an undersized lot in any type zoning, an applicant may reconstruct the same ground floor coverage for dwelling unit(s) as was removed as long as one (1) year has not passed since the dwelling unit was removed and it meets all other requirements in the Starke County Z-1 Zoning Ordinance.

## **6-4: Nonconforming Use Specifications**

### **6-4-1: Continuation Thereof and Reconstruction**

The lawful use of a building or premises, existing at the time of passage of this Article 6, may be continued although such use does not conform to all the provisions of this Article 6, except as hereinafter provided.

### **6-4-2: Extension**

A. A nonconforming use may be extended throughout a building provided no structural alterations are made therein, except those required by law.

B. Additions to non-conforming structures may be permitted provided the intended use of such additions shall meet all ordinance requirements.

### **6-4-3: Change**

A. A non-conforming use may be changed to another nonconforming use of the same or greater restrictions, provided no structural changes are made in the building.

B. Whenever a non-conforming use has been changed to a conforming use or to a use permitted in a district of greater restrictions, it shall not thereafter be changed to a nonconforming use or a less restricted one.

### **6-4-4: Erection and Re-erection of Buildings**

No building shall be erected upon any premises devoted to a nonconforming use, and no building located upon any such premises, which has been damaged by fire or other causes to the extent of more than seventy-five (75) percent of its appraised valuation, shall be repaired or rebuilt, except in conformity with regulations of this Article 6.

#### **6-4-5: Temporary Permits**

The Zoning Administrator may authorize, by written permit, in a residential district for a period of not more than one (1) year from the date of such permit, a temporary building for commercial or industrial use incidental to the residential construction and development of said district.

#### **6-4-6: Right to Construct if Permit Issued**

Nothing herein shall require any change in the plans, construction, or designated use of a building for which a building permit has been heretofore issued and the construction of which has been diligently prosecuted within ninety (90) days of the date of such permit and which entire building shall be completed according to such plans, as filed within three (3) years from the date of passage of this Article 6.

#### **6-4-7: Use to Conform after Discontinuance**

In the event that the use of any building or premises is discontinued for a period of one (1) year, the use of same shall thereafter require the Zoning Administrator's approval and shall conform to the uses permitted in the district in which it is located.

#### **6-4-8: Discontinuance of Nonconforming Use of Land or Advertising Structures**

The lawful use of land for open storage purposes, or any advertising structure not attached to a building, which does not conform to the provisions of this Article 6, shall be discontinued within five (5) years from the date of passage of this Article 6.

#### **6-4-9: Nonconforming Use Created by Amendment**

These provisions apply in the same manner to a use which may become a nonconforming use due to a later amendment to this Article 6.

## **6-5: Administration**

### **6-5-1: Enforcement by Whom:**

The Zoning Administrator of the County of Starke is hereby designated and authorized to enforce this Article 6.

### **6-5-2: Improvement Location Permit and Plats**

A. Within the jurisdiction area of the County of Starke, Indiana, no structure, improvement, or use of land, may be altered, changed, placed, erected, or located on platted or unplatted lands, unless the structure, improvement, or use, and its location, conform with the master plan and ordinance of the County of Starke, and an Improvement Location Permit for such structure, improvement, or use has been issued.

B. The Zoning Administrator of the County of Starke shall issue an Improvement Location Permit, upon written application when the proposed structure, improvement, or use, and its location conform in all respects to the Master Plan of the County of Starke

C. Every application for an Improvement Location Permit shall be accompanied by a site plan, showing the location of the structure, improvement, or use to be altered, changed, placed, erected, or located, the dimensions of the lot to be improved, the size of yards and open spaces, existing and proposed streets and alleys adjoining or within the lot, and the manner in which the location is to be improved. Application for an Improvement Location Permit for new construction of a principal building shall be accompanied by a fee, and application for an Improvement Location Permit for an accessory building or for alteration of an existing building shall be accompanied by a fee.

D. There will be no fee requirement for permits issued for agricultural structures when such uses are for agricultural purposes.

E. A preliminary inspection fee shall be charged by the Zoning Administrator for each inspection required prior to issuance of permit.

F. Work for which a permit is issued shall begin within three months from date of approval and continue diligently until completion unless otherwise specified on the application and approved by the Zoning Administrator. Unwarranted failure to accomplish this shall result in revocation of permit to be renewed at the discretion of said Administrator. There shall be a renewal fee.

G. Applicant shall assume full responsibility for posting permit poster supplied, in a prominent location on the premises, fully conspicuous from the street, which shall be maintained in such location during entire period of excavation, erection, construction, placement, or other improvement.

H. The Zoning Administrator may approve temporary occupancy for a maximum of one year, by an owner or his family, for periodic use of any building during construction for which permit has been issued, provided that construction continue diligently toward completion of the entire project approved. Such temporary approval shall not constitute in any interpretation whatsoever an approval for final and permanent occupancy.

I. Any decision of the Zoning Administrator of the County of Starke concerning the issuance of an Improvement Location Permit may be appealed to the County Board of Zoning Appeals by any person claiming to be adversely affected by such decision.

## **LOCATION IMPROVEMENT PERMIT FEES**

Effective as of July 25, 2016

### **Permit Fees:**

Permit fees apply to all new construction and all alterations, repairs, and remodeling.

No person, company, or corporation shall perform or cause to be performed any work on or in the unincorporated areas of Starke County without obtaining in advance a permit from the Plan Commission.

Where a person shall unlawfully proceed to do any work or construction without a required permit, the permit fees shall be **tripled** as a penalty. The payment of such penalty shall not release the person in default from any other penalties hereafter provided.

**6-5-3: Certificates of Occupancy**

A. A record of all Certificates of Occupancy shall be kept on file in the Office of the Zoning Administrator and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building or land affected.

B. No Improvement Location Permit shall be issued for excavation for or the erection, reconstruction or structural alteration of any building, before application has been made for Certificate of Occupancy.

**6-5-4: Location Improvement Permit and Other Fees Schedule**

**Location Improvement Permit**

**Starke County Plan Commission**

Effective as of July 25, 2016

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**New Single Family Dwelling** (Fees include one open deck when constructed with the new dwelling.) **Dwelling:** \$0.20 per square foot  
**Attached Garage:** \$50.00 (When constructed with new residence)

**Location Improvement Permit  
Starke County Plan Commission**

Effective as of July 25, 2016

<b>Multi-Family Units</b>	\$0.20 per square foot plus \$50.00 per unit over one unit
<b>Additions, Repairs, and Remodeling that include structural, electrical, or plumbing modifications such as:</b> Fire damage, storm-related damage, kitchen, or bathroom remodeling, total house renovation, converting garage or pole barns into living quarters and other related or similar repairs. No additional fee for adding an open deck at this time.	\$0.15 per square foot (Minimum \$100.00)
<b>Commercial/Industrial/CAFO/CFO</b> New construction, hotel-motel, additions, and remodeling (over 900 cubic feet need state approval [L x W x H]).	\$0.20 per square foot (Maximum \$5,000.00)
<b>Attached Garage (not built at the time of initial construction), detached garage, carport or accessory building, and agricultural structure or addition to garage.</b>	200 square feet or less \$25.00  Over 200 square feet - \$0.15 per square foot  (Minimum \$50.00 - Maximum \$250.00)
<b>Open Decks, Enclosed Decks, Porches</b>	\$50.00
<b>Roof- With Structural</b>	\$50.00
<b>Manufactured Home Placement</b>	\$0.20 per square foot

**Location Improvement Permit  
Starke County Plan Commission**

Effective as of July 25, 2016

<b>Temporary or Construction</b>	\$75.00
<b>Manufactured Home Placement:</b>	
Per 6-12-3-2-10, permit shall be issued to an applicant in the process of building a conventional home on a building lot only after a building permit for the dwelling has been issued. Per 6-12-3-3, temporary approval is not to exceed one (1) year while dwelling is being repaired, rebuilt, or constructed.	
<b>Demolition Permit: Dwelling &amp; Accessory Structures</b>	\$100.00 or \$50.00 if gas and/or electric has been disconnected for more than two (2) years
Requires two (2) inspections. Must have receipts for disposal of all materials, utilities capped, and marked and removal of concrete. Land must be brought up to grade and seeded. Asbestos/lead certification.	
<b>Swimming Pools: Above-Ground Pools over 100 Square Feet and In-Ground Pools</b>	\$50.00
<b>Communication Towers</b>	\$300.00
<b>Commercial or Utility WECS</b>	\$20,000.00 application fee for each phase and \$1,750.00 per tower
<b>Non-Commercial or Industrial WECS</b>	
<b>Residential WECS</b>	\$250.00 per tower
<b>Micro WECS</b>	\$100.00 per tower

**Location Improvement Permit  
Starke County Plan Commission**

Effective as of July 25, 2016

<b>Signs &amp; Billboards</b>	\$100.00
One-time fee for initial placement	
<b>Improvement Location Permit</b>	
<b>Renewal</b>	
Permits renewed within the 30-day grace period	\$25.00
Permits renewed after 30-day grace period	To be treated as a new permit
<b>No Permit Needed:</b> Roof sheeting and roof replacement with no structural changes; new driveways; door, storm door, window, or garage door replacement with no change in opening size or structural changes; painting and decorating inside or outside; gutter replacement; siding; and concrete or asphalt flatwork such as sidewalks, patios, or driveways; and all types of fences.	
<b>Failure to Obtain a Location Improvement Permit</b>	Cost of location improvement permit plus three times the cost of location improvement permit
<b>Inaccurate Location Improvement Permit</b>	Double the cost of a new location improvement permit
<b>Failure to Obtain Certificate of Occupancy</b>	Double the cost of the location improvement permit
<b>Failure to Request Required Inspection</b>	\$250.00
<b>Failure to Comply with Requirement for Use of Licensed Set Crew in Placement of Manufactured Housing</b>	\$2,000.00
<b>Violation of Stop Work Order</b>	\$1,000.00 per day



**Location Improvement Permit  
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**INSPECTION FEES:**

<b>Second and Additional Re- Inspection Fees</b>	\$50.00
<b>All Electrical &amp; Gas Upgrades or New Installations</b>	\$50.00
<b>Installation of Back-Up Generators All Sizes</b>	\$50.00
<b>Electrical Reconnect Inspection Fee</b>	\$50.00

**OTHER FEES:**

<b>Business Permits</b> One time only fee for new businesses	\$100.00
<b>Contractor Registration</b> Required for any person who engages in the business of general contracting, roofing, insulation, electrical, plumbing, sewage, masonry, well installation, heating, ventilation, air conditioning, excavating, septic installation, or other ancillary work related to construction.	\$50.00
<b>Annual Contractor Registration Renewal</b> Registration renewal will be on or before January 1st each year.	\$25.00 \$75.00 if not renewed by February 15th
<b>Failure to Obtain Contractor Registration</b>	\$500.00

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**Subdivision Request \$200.00 plus \$15.00 per lot Major/Minor**

<b>Petition to Vacate or Amend</b>	\$200.00
<b>Subdivision</b>	
<b>Petition to Rezone</b>	\$200.00
<b>Non-Commercial Dog Kennel</b> Animal shelters, humane societies, animal rescue operations (non- breeding), hobby breeders (those with more than twenty (20) dogs but less than twenty (20) unaltered female dogs that are at least twelve (12) months of age and anyone who breeds at least 75% of their dogs for sporting, service, or law enforcement/military purposes.) Kennel permits are required for any residence that has more than four (4) total dogs.	\$25.00 one time fee
<b>Commercial Dog Kennel</b> Kennels maintaining more than twenty (20) unaltered female dogs that are at least twelve (12) months of age.	<b>(Annual Fee)</b> \$75.00 for 21-50 dogs \$200.00 for 51-100 dogs \$300.00 for more than 100 dogs
<b>Board of Zoning Appeal</b>	\$200.00
<b>Non-Profit Organization</b>	\$15.00
<b>Copy of Ordinance of Discs</b>	\$10.00
<b>Copies</b>	\$0.10 per page

**Location Improvement Permit**  
**Starke County Plan Commission**  
Effective as of July 25, 2016

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**Violations, Fines, and Penalties**

The Starke County Plan Commission shall adopt a schedule of fines and penalties for violations of this ordinance. Such fines and penalties shall serve as a standardized method for assessments based on violations as determined by the Planning Administrator or his/her representative. The assessment of such fines and penalties will be utilized in lieu of court action for any violation of this ordinance. In the event that court action is necessary for enforcement of any provision of this ordinance, the fines and penalties as prescribed herein shall apply. Any payment of fines shall be paid to the Starke County Plan Commission. Specific fines and penalties are as described in the above portions of this document. In addition to the fines assessed above when there is a failure to pay or there is a continued violation, the individual will be subject to the provisions of this ordinance which allows the assessment of fines not to exceed \$2,500.00 plus attorney fees and costs of enforcement should such legal action be necessary for enforcement.

**Effective Date: July 25, 2016**

Grandfather provision has the intent that all inspections will take place at the level in which construction is currently in effect based on the inspection procedure adopted by the Plan Commission concerning the stage of construction.

**6-6: Board of Zoning Appeals**

**6-6-1: Establishment**

A Board of Zoning Appeals is hereby established in accordance with Chapter 174, Acts of 1974 of the Indiana General Assembly, and all Acts amendatory thereto.

### **6-6-2: Composition and Appointment**

The Board shall be composed of five (5) members, none of whom shall hold other elective or appointed office, except that two (2) shall be appointed from the County Plan Commission's citizen members. Two (2) of the five (5) members shall be appointed to serve four (4) years; one (1) for three (3) years; one for two (2) years; and one for one (1) year. Terms of these members shall expire in the first day of January in the year in which their original appointments terminate. Thereafter, as the terms expire, each new appointment shall be for a term of four (4) years.

### **6-6-3: Organization**

At the first meeting of each year, the Board shall elect a Chairman and a Vice-Chairman from among its members and it may appoint and fix the compensation of a secretary, and such employees as are necessary to the discharge of its duties, all in conformity to and compliance with salaries and compensations therefore fixed by the Board of County Commissioners.

### **6-6-4: Rules of Procedure**

The Board shall adopt rules and regulations as it may deem necessary to effectuate the provisions of this Article 6.

### **6-6-5: Meetings and Records**

All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, keep records of its examinations and other official actions, prepare findings, and record the vote of each member voting upon each question. All minutes and records shall be filed in the Office of the Board and shall be a public record.

### **6-6-6: Appeals From Zoning Administrator**

Any decision of the Zoning Administrator made in enforcement of this Article 6 may be appealed to the Board of Zoning Appeals within the time limit as established by that board, by any person claiming to be adversely affected by such decision.

### **6-6-7: Powers and Duties of the Board**

A. The Board shall have the following powers and it shall be its duty to:

1. Hear and determine appeals from and review any order, requirement, decision, or determination made by an administrative official or Board charged with the enforcement of this Article 6, except for the Plan Commission

2. Hear and decide on permits for conditional uses, development plans, or other uses upon which the Board is required to act under this Article 6.

3. Authorize upon appeal in specific cases such variances from the terms of this Article 6 as will not be contrary to the public interest, where owing to special conditions, fully demonstrated on the basis of the facts presented, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of this Article 6 shall be observed and substantial justice done.

B. In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination, appealed from as in its opinion ought to be done in the premises, and to that end shall have all the powers of the officer or Board from whom the appeal is taken.

### **6-6-8: Restrictions in Board Action**

A. Every decision of the Board shall be subject to review by certiorari.

B. No variance in the application of the provisions of this Article 6 shall be made by the Board relating to building, land, or premises now existing or to be constructed, unless after a public hearing; the Board shall find that such variance will not:

1. Alter the land use characteristic of the district.
2. Impair the adequate supply of light and air to adjacent property.
3. Increase the hazard from fire, flood, and other dangers to said property.
4. Diminish the marketable value of adjacent lands and buildings.

5. Increase the congestion in the public streets and roads.
6. Otherwise impair the public health, safety, convenience, comfort, or general welfare.

## **6-7: Amendments**

### **6-7-1: Amendments**

A. All amendments to this Article 6 shall be in conformance with the provisions of Chapter 174, Acts of 1947, General Assembly of Indiana, and all Acts amendatory thereto.

B. Any proposed amendment shall be submitted to the Plan Commission for report and recommendation prior to any action thereon by the Board of County Commissioners.

C. A fee as established by the Plan Commission to cover costs of notification or advertising of public hearings, shall be paid by petitioner or applicant upon submission of petition or application to the Commission for consideration of amendments to this Article 6.

D. If the Plan Commission does not approve the enactment of any proposed amendment, it shall become effective only by a two-thirds vote of the Board of County Commissioners.

## **6-8: Remedies and Penalties**

### **6-8-1: Remedies**

The County Plan Commission, the Board of Zoning Appeals, the Zoning Administrator, or any designated enforcement official, or any person or persons, firm or corporation jointly or severally aggrieved, may institute a suit for injunction in the Circuit Court of Starke County to restrain an individual or a governmental unit from violating the provisions of this Article 6. The County Plan Commission or the Board of Zoning Appeals may also institute a suit for mandatory injunction directing an individual, a corporation, or a governmental unit to remove a structure erected in violation of any provisions of this Article 6, or the requirements thereof, and such violation is hereby declared to be a common

nuisance and as such may be abated in such manner as nuisances are now or may hereafter be abated under existing law.

### **6-8-2: Penalties**

Any person or corporation who shall violate any of the provisions of this Article 6 or fail to comply therewith, or with any of the requirements thereof, or who shall build, reconstruct, or structurally alter any building in violation of any detailed statement or plan submitted and approved thereunder shall, for each and every violation or noncompliance, be guilty of a class C infraction and, upon conviction, shall be fined not less than ten (10.00) dollars, and not more than three hundred (300.00), each day that such violation or noncompliance shall be permitted to exist shall constitute a separate offense.

### **6-9: Validity**

#### **6-9-1: Invalidity of Portions**

Should any article, section, or provision of this Article 6 be declared, by a court of competent jurisdiction, to be invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof, other than the portions declared to be invalid.

#### **6-9-2: When Effective**

This Article 6 shall be in full effect from and after its passage and approval according to law.

### **6-10: Availability for Public Inspection**

#### **6-10-1: Duty of the County Recorder**

The County Recorder of the County of Starke, State of Indiana, is hereby directed to keep on file two copies of the zone maps referred to in 6-2-2, and of the specifications referred to in 6-3-6, and said maps and specifications shall be available for public inspection during all regular hours of the said County Recorder.

## **6-11: Litigation Against Officials**

### **6-11-1: Suits Resulting from Official Acts**

Whenever a member of the Plan Commission, Board of Zoning Appeals, or any representative of such Commission or Board shall be acting for the County of Starke, Indiana or in the discharge of his official duties under the Master Plan and Zoning Ordinance and shall, by reason of any official act done in the performance of such duty, be subjected to any suit, such suit shall be defended by the attorney for said Commission, Board, or County until the final termination of the proceedings thereunder, at the expense of the County of Starke, Indiana.

### **6-11-2: Medical Hardship**

A. The Starke County Zoning Ordinance, as amended, currently prevents two (2) principal dwellings on the same property in areas that are not zoned for multiple dwelling units on the same property.

B. There are situations where a parent, child, or other relative is medically disabled and unable to care for themselves and either a caregiver or the disabled person owns their own property.

C. In these situations, the Board of Zoning Appeals may, at their discretion, grant a medical hardship variance permit a second principal dwelling on the same property as the dwelling of the caregiver or disabled person without the applicant having to prove unnecessary hardship or practical difficulties.

D. However, before the BZA can grant a medical hardship variance, the applicant must present evidence satisfactory to the BZA proving the following:

1. That the person for whom the medical hardship variance is sought has a medical condition that prevents them from living outside a nursing home or other assisted living residence without help that the caregiver could not give if the caregiver did not live on the same property as the person for whom the medical hardship variance is sought.

2. That the need for variance must be shown to be still needed on an annual basis.

3. The one (1) of the dwellings will be removed, up to 180 days, from the property when the need for the variance has ended.

## **6-12: Specifications**

### **6-12-1: Specification A - Definitions**

For the purpose of this Article 6, certain terms and words used herein shall be interpreted and defined as follows:

A. Words in the present tense include the future and vice-versa; words in the singular number include the plural and vice-versa; the word “building” includes the word “structure” and vice-versa; the word “shall” is mandatory and not directory.

B. Where terms are not defined herein or in any other part of this Article 6, they shall have their ordinarily accepted meanings or such as the context may imply.

1. The Starke County Zoning Ordinance, as amended, currently prevents two principal dwellings on the same property in areas that are not zoned for multiple dwelling units on the same property.

2. There are situations where a parent, a child, or other relative is medically disabled and unable to care for themselves and either a caregiver or the disabled person owns their own property.

3. In these situations, the Board of Zoning Appeals may, at their discretion, grant a medical hardship variance permit a second principal dwelling on the same property as the dwelling of the caregiver or disabled person without the applicant having to prove unnecessary hardship or practical difficulties.

4. However, before the BZA can grant a medical hardship variance, the applicant must present evidence satisfactory to the BZA proving the following:

a. That the person for whom the medical hardship variance is sought has a medical condition that prevents them from living outside a nursing home or other assisted living residence without help that the caregiver could not give if the caregiver did not live on the same property as the person for whom the medical hardship variance is sought.

b. That the need for the variance must be shown to be still needed on an annual basis.

c. That one of the dwellings will be removed, up to 180 days, from the property when the need for the variance has ended.

### **Alphabetical Definition Listing**

1. **Accessory:** A use which is incidental to the main use of the principal building or premises.

2. **Agricultural:** All uses incidental to farming operations, such as tillage of soil, production, marketing of crops, livestock and poultry, storage of farm products, all accessory buildings, and land use incidental thereto. It is deemed under this Article 6 that such use shall not include the manufacture or processing of agricultural products.

3. **Alley:** A public throughfare, which affords only secondary means of vehicular access to abutting property, and less than thirty (30) feet in width.

4. **Apartment:** A single family housekeeping unit, located in a building containing three (3) or more such units, each independent of the others. One or more single family living units located in a building used primarily for commercial or some purpose other than residential, may also be terms as an apartment or apartments.

5. **Automotive wrecking yard or junk storage:** A tract of land or part thereof devoted to the storage, salvage, sale, or disposal of scrap vehicles and machinery, and parts thereof, including building and equipment incidental thereto.

6. **Basement:** A story partly underground, but having less than one-half of its clear height below, which unless subdivided into rooms and used for tenant purposes shall not be included as a story for the purpose of height measurements.

7. **Block:** Property having frontage on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intercepting or intersecting street and railroad right-of-way, waterway, or other barrier, provided the frontage is not more than 1200 feet in length nor less than 400 feet. When intersecting or intercepting streets, and railroads right-of-way, water-way, or

other barriers do not exist, the unit of six hundred and sixty (660) feet shall be used and may begin from a quarter section line and terminate each six hundred and sixty (660) feet unless intersected by a street.

8. **Board:** The Board of Zoning Appeals of Starke County, Indiana.

9. **Boarding House:** A building not open to transients, where lodging and/or meals are provided for three (3) or more, but not over thirty (30) persons regularly; a lodging house.

10. **Building:** A structure having a roof supported by columns or walls, for the shelter, support, enclosure or protection of persons, animals, chattels, or property. When separated by party walls, without openings through such walls, each portion of such a building shall be considered a separate structure.

11. **Building, Accessory:** A subordinate building, or a portion of a main building, which is located on the lot of the main building, the use of which is incidental to that of the main building shall not be used as a separate family dwelling.

12. **Building Area:** The maximum horizontal projected area of the principal and accessory building, excluding open steps or terraces, unenclosed porches not exceeding one story in height, or architectural appurtenances projecting not more than two (2) feet.

13. **Building, Front Line of:** The line of that face of the building nearest the front lot line.

14. **Building, Principal:** A building in which is conducted the main or principal use of the lot on which said building is situated. Where a substantial part of the wall of an accessory building is a part of the wall of the principal building or where an accessory building is attached to the main building in a substantial manner, by a roof such accessory building shall be counted as a part of the principal building.

15. **Building, Height of:** The vertical distance measured from the ground level to the highest point of the roof.

16. **Business:** The engaging in the purchase, sale, barter, or exchange of goods, wares, merchandise or services, the maintenance or operation of offices, or recreational and amusement enterprises for profit.

17. **Campground/Recreational Vehicle Park:** An area of tract or land where campsites are leased or rented and where provisions are made for ten (10) or more tents, recreational vehicles, park models, or vacation mobile homes, but not including occupancy in manufactured housing. A campground is established, operated, and maintained for recreational or tourist activities and designed for short-term occupancy away from established residences.

18. **Commercial:** See Business.

19. **Commission:** The Starke County Plan Commission.

20. **District:** A section of Starke County jurisdictional area for which uniform regulations governing the use, height, area, size, and intensity of use of buildings and land, and open spaces about buildings, are herein established.

21. **Dump or Sanitary Fill In:** Any premises used primarily for disposal by abandonment discarding, dumping, reduction, burial, incineration, or any other means and for whatever purpose, of garbage, trash, refuse, waste materials of any kind, junk, discarded machinery, vehicles or parts thereof, offal or dead animals.

22. **Dwelling:** A building or portion thereof, fifty (50) percent or more of which is used exclusively for residential occupancy and permanently affixed to the land on a solid foundation. The term "dwelling" shall not be deemed to include a motel, hotel, or auto court under this Article 6.

23. **Family:** A group of one or more persons occupying a building and living as a single housekeeping unit. No unrelated group living as a single housekeeping unit shall consist of more than six (6) persons, as distinguished from a group occupying a lodging house or hotel. A family shall be deemed to include servants for purposes of this Article 6.

24. **Garage, Private:** An accessory building with capacity for not more than three (3) motor vehicles for storage only, not more than one (1) of which may be a commercial vehicle of not more than three (3) tons capacity. Provided however, that a garage designed to house one (1) motor vehicle for each family housed in an apartment shall be classed as a private garage.

25. **Garage, Public:** Any building or premises, except those defined herein as a private garage, used for the storage, or care of motor vehicles, or where such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

26. **Ground Floor Area:** The square foot area of a residential building within its largest outside dimensions computed on a horizontal plane at the ground level, exclusive of open porches, breeze-ways, terraces, garages, exterior and interior stairways.

27. **Ground Level:** See — Lot, Ground Level.

28. **Hardship:** The existing condition of the land or premises which makes a literal enforcement of this Article 6 difficult or impossible for reasons other than financial plight. All cases of hardship shall be balanced favorably toward the public interest and the purpose and intent of the Starke County Master Plan and Zoning Ordinance.

29. **Highway:** For the purposes of this Article 6, the term “highway” shall refer to either a federal or state highway, or both.

30. **Home Occupation:** An occupation, carried on by a member of the family residing on the premises, in conjunction with which no commodity is sold or stock in trade is kept on the premises; no person is employed other than a member of said family; and no sign, other than a nameplate, not exceeding two square feet in area, is displayed and no change in the external appearance of the building shall be caused thereby.

31. **Hotel:** A building in which lodging is provided and offered to the public for compensation, and which is open to transient guest, in contradiction to a boarding or lodging house.

32. **Jurisdictional Area:** For planning and zoning, the unincorporated area of Starke County, Indiana.

33. **Kenel:** Any lot or premises on which four (4) or more dogs at least four (4) months of age are kept.

34. **Kenel, Commercial:** According to IC 15-21-1-4; means a person who maintains more than twenty (20) unaltered female dogs that are at least twelve (12) months of age.

**35. Kennel, Non-Commercial:** According to IC 15-2-1; includes all other kennels. Examples include: animal shelters, humane societies, animal rescue operations (as long as they do not breed dogs), hobby breeders (those with more than twenty (20) dogs but less than twenty (20) unaltered female dogs that are at least twelve (12) months of age), and anyone who breeds at least seventy-five (75) percent of their dogs for sporting, service, or law enforcement/military purposes.

**36. Kennel, Existing/Non-Commercial:** A kennel that has four or more dogs prior to the adoption of this ordinance and meets the criteria established in Section 3 of this ordinance.

**37. Service Dog:** A type of assistance dog specifically trained to help people who have disabilities. They shall be exempt from adding to the total number of dogs allowed.

**38. Loading & Unloading Berth:** An off-street parking area reserved for vehicular pick-up and delivery of commercial materials and merchandise. For purposes of this Article 6, such berth shall encompass a minimum area on the premises, sixty (60) feet in length and ten (10) feet in width.

**39. Lodge or Club:** An association of persons for some common purpose, but not including a group organized primarily, or which is actually engaged, to render a service which is customarily carried on as a business.

**40. Lodging House:** See Rooming House.

**41. Lot:** A parcel of land occupied or intended for occupancy by a use permitted in this Article 6, including one principal building and its accessory buildings, and the open space required by this Article 6, and having its principal frontage on a street, or an officially designated and approved place.

**42. Lot, Corner:** A lot abutting upon two (2) or more streets at their intersection.

**43. Lot Coverage:** The percentage of the lot area covered by the building area. An open deck is a structure, needs to meet setbacks, but is not considered Lot Coverage.

**44. Lot, Depth of:** The mean horizontal distance between the front line and the rear line of the lot, measured in the general direction of the side lot lines.

**45. Lot, Ground Level:** The percentage of the lot area covered by the building area. An open deck is a structure, needs to meet setbacks, but is not considered lot coverage.

**46. Lot, Interior:** A lot other than a Corner Lot or Through Lot.

**47. Lot Line, Front:** In case of an interior lot, a line separating the lot from the street or place; and in the case of a corner lot a line separating the narrowest street frontage of the lot from the street, except in cases where deed restrictions in effect specify another line as the front lot line.

**48. Lot Line, Rear:** A lot line which is opposite and most distant from the front lot line and, in the case of an irregular or triangular shaped lot, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.

**49. Lot Line, Side:** Any lot boundary line not a front lot line or a rear lot line.

**50. Lot Line, Through:** A lot having frontage on two streets at opposite ends of the lot.

**51. Lot, Width of:** The distance between the side lot lines at the front line of building measured at right angles to the depth of the lot.

**52. Mobile Home:** A mobile living unit usually transported on its own wheels and axles and designated for year-round occupancy, whether or not such wheels and axles have been removed. Also called House Trailer.

**53. Mobile Home - Double Unit:** A mobile living unit that expands or is assembled into near double size consisting of seventeen (17) feet or more in width and not less than forty (40) feet in length with a minimum ground floor area of six hundred eighty (680) square feet.

**54. Motel:** A series of attached, semi-detached, or detached sleeping room units, located on the same parcel of land, each unit containing bedroom, bathroom, and closet space and each unit having convenient access to a parking space for the use

of the units occupants. With the exception of an office and/or managers apartment, all units are designed for the use of automobile transients.

**55. Nonconforming Use:** A building or premises which does not conform in its use or otherwise with all the regulations of the district in which such buildings or premises is located.

**56. Occupancy:** The use of which a building or premises is devoted.

**57. Open Storage:** Storage or abandonment, on an open tract of land or portion thereof, of any material not indigenous to said land.

**58. Parking Lot:** A parcel of land devoted to unenclosed parking space for five (5) or more motor vehicles for compensation or otherwise.

**59. Place:** An open unoccupied space other than a street or alley, permanently reserved for use as the principal means of access to abutting property.

**60. Professional Office:** When conducted in a residential district, a professional office shall be incidental to the residential occupation; shall be conducted by a member of the resident family entirely within a residential building, and shall include only the offices of doctors or practitioners, ministers, architects, professional engineers, lawyers, authors, musicians, and other recognized professional occupations occasionally conducted within residences.

**61. Permanent Use:** As used in Article 6-12-3-2-8, a use for any RV's lasting longer than thirty (30) days or has permanent connections to sewer, septic, electric power and water, and has porches, patios, or storage buildings affixed or in close proximity to the RV and has had tires or axles removed and is affixed to a permanent foundation or supports or skirting.

As used in 6-12-3-2-9, any RV's the have permanent connections to sewer, septic, electric power and water, and/or have porches, decks, patios, or storage buildings affixed or in close proximity to the RV and/or has had tires or axels removed and is affixed to a permanent foundation, supports, or skirting. Porches or decks must not be permanently affixed to the ground and should be such that they can be removed so that the RV can be ready to be removed at any time.

**62. Pre-Existing Subdivision Lots:** A lot in a subdivision that was erected after November 20, 1964, but before March 5, 1979, shall be deemed to be a conforming lot for building purposes if it has at least 13,000 square feet of lot area and at least a seventy (70) foot lot width. If the subdivision lot has a public sewer, then this paragraph shall not apply.

**63. Recreational Vehicle (RV):** A travel trailer, park model, collapsible trailer, truck-mounted camper or motor home without a permanent foundation that is designed for temporary accommodations for recreational camping and travel use.

**64. Restaurant:** Any affixed structure, or mobile unit, used to dispense food to the general public for oral consumption on the same premises for monetary gain.

**65. Road:** See Street.

**66. Rooming House:** A dwelling in which lodging, with or without meals, is furnished regularly to more than two (2) non-transient guests for compensation; sometimes called a lodging or boarding house.

**67. Sanitarium:** A private hospital, whether or not such facility is operated for profit.

**68. Set Back:** See Yard, Front.

**69. Sign:** Any board, device, structure, or part thereof used for advertising, display, or publicity purposes.

**70. Story:** That portion of a building, included between the surface of any floor and the surface of the floor next above it. If there is no floor above, then the space between such floor and the ceiling next above shall be the story.

**71. Story, Half:** That portion of a building, included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above shall be the story.

**72. Street:** A right-of-way with a minimum width of thirty (30) feet established for or dedicated to public use by duly recorded plat, which affords the principal means of vehicular access to abutting property, and may be designated a road, throughfare, parkway, boulevard, avenue, lane, drive, or other appropriate name.

**73. Structure:** Anything constructed or erected, the use of which requires more or less permanent location on the ground of which is attached to something permanently located on the ground.

**74. Structural Alteration:** Any change in the supporting members of a building such as bearing walls or partitions, columns, beams, girders, or any substantial change in the exterior walls or the roof, excepting such alteration as may be required for the safety of the building.

**75. Temporary Use:** A use that is not permanent, and which is not a substitute for a fixed abode. Temporary use of a recreational vehicle (RV) is characterized by its not having a permanent connection to electric power, water connection, sewer or septic connection, not having a mail receptacle, not having any occupational or commercial use, and not on a permanent foundation. To qualify as a temporary use, such RVs must have a current license plate affixed, if of a type that state law requires to have registration and licensing, and must be mechanically ready to be moved at all times under the mode of power for which such unit was designed.

**76. Tourist Home:** A dwelling in which overnight accommodations for not more than five (5) transient guests is offered for compensation.

**77. Use:** The employment or occupation of a building structure or land for a person's service, benefit, or enjoyment.

**78. Vehicle Parking Spaces:** The area required for parking one automobile, which in this Article 6 is held to be an area nine (9) feet wide and twenty (20) feet long plus seventy (70) square feet of maneuver area for each vehicle parking space making a total of 250 square feet.

**79. Vision Clearance of Corner Lots:** A triangular space at the street corner of a corner lot free from any kind of obstruction to vision between the height of three (3) and twelve (12) feet above established grade, determined by a diagonal line connecting two points measured fifteen (15) feet from the corner along each property line.

**80. Yard, Front:** Horizontal space measured at ninety (90) degrees with the property line, between the front line of the principal building and the property line of the street upon which the building faces, unoccupied other than by steps, walks,

terraces, and open, unroofed, unenclosed porches; or architectural appurtenances projecting not more than twenty-four (24) inches from the building.

**81. Yard, Rear:** Horizontal space measured at ninety (90) degrees to the rear lot line, between the rear of the principal building and the rear line of the lot, unoccupied other than by architectural appurtenances which project in not more than twenty-four (24) inches, or accessory buildings which do not occupy more than thirty (30) percent of the required rear yard.

**82. Yard, Side:** Horizontal space measured at ninety (90) degrees to the side lot line between the side of a building and the adjacent side line of the lot, unoccupied other than twenty-four (24) inches, or open or lattice-enclosed fire escapes or fireproof outside stairways, projecting not over four (4) feet.

**83. Zone:** Same as district.

#### **6-12-2: Specification B - Agricultural Uses**

**Definition:** Agricultural use includes all buildings used exclusively for agricultural purposes on a tract of land containing ten (10) acres or more. Temporary housing for seasonal workers shall be considered as buildings used for agricultural purposes. Permanent residential buildings shall not be deemed to be agricultural use under this Article 6.

**Location Permitted:** In all districts, provided however, buildings and pens for livestock and poultry, excluding pastures grazing less than one head per acre, may be permitted if they are more than 150 feet from the nearest residentially developed area and/or business district, except that pigsties, sheds, and manure disposal lagoons shall be at least three hundred (300) feet from such residential area or district.

**Front Yard:** A minimum of one hundred (100) feet from highways and fifty (50) feet from all other roads and streets, measured from the nearest right-of-way line.

**Side Yard:** A minimum of twenty-five (25) feet.

**Ground Floor Area for Permanent Residential Dwellings:** A minimum of 800 square feet per family unit.

**Vision Clearance on Corner Lots:** Required as specified under Specification A, Definitions.

**Vehicle Parking Space:** One space on the lot for each family housed on the lot.

### **6-12-3: Specification C - Residential Uses**

#### **6-12-3-1: Permanent Site-Built Dwellings**

##### **6-12-3-1-1: Definitions**

A. A single family dwelling is a detached building designed for occupancy of one family exclusively.

B. A two family dwelling is a detached building designed for occupancy by two (2) families exclusively. A duplex dwelling has one (1) family above the other and double dwelling has one (1) family beside the other.

C. Group house and garden apartments (multiple family) is described as a building designed for occupancy of three (3) or more families exclusively for dwelling purposes.

##### **6-12-3-1-2: Location Permitted**

A. A single family dwelling is permitted in all districts on a lot which was in single ownership or included in a subdivision recorded in the Office of the Recorder of Starke County, Indiana, on or before the date of passage of this Article 6, or on any lot meeting the minimum standard as specified on Chart 1 of this Article 6.

B. Two (2) family dwelling or group house and garden apartments are permitted only in districts and on lots of minimum dimensions as specified on Chart 1 of this Article 6.

##### **6-12-3-1-3: Building Height, Yards, Floor Area and Floor Coverage**

Permitted as specified in Chart 1 of this Article 6. (1964 amended 1983)

\*Permitted use only when: Manufactured Homes and R.V.'s are placed on designated lot.

## **6-12-3-2: Manufactured Housing**

### **6-12-3-2-1: Intent**

#### **A. Purpose: Type I Manufactured Homes**

It is the intent of this Article 6 to encourage the provision of alternate modest income housing in general residential areas by permitting the use of Type I manufactured homes, as defined herein, in all districts in which similar dwellings constructed on site are permitted, subject to the requirements and procedures set forth herein to assure acceptable similarity in exterior appearance between such Type I manufactured homes and dwellings that have been, or might be, constructed under these and other lawful regulations on adjacent or nearby lots in the same district.

#### **B. Purpose: Type II & Type III Manufactured Homes**

It is the further intent of this Article 6 to encourage the provision of alternate modest income housing by permitting the use of Type II and Type III manufactured housing, as defined herein, in certain specified districts, when the requirements and procedures set forth herein are met.

#### **C. Purpose: Type IV Mobile Homes**

It is the further intent of this Article 6 to encourage the provision of alternate modest housing in certain areas by permitting the use of mobile homes, as defined herein, in certain specified districts, when they are shown to meet the requirements and procedures set forth herein.

### **6-12-3-2-2: Definitions**

#### **A. Add-A-Room Unit**

A unit of manufactured housing, not a part of the original structure, which may have less occupied space than a manufactured housing section.

**B. Anchoring System**

An approved system of straps, cables, turnbuckles, chains, ties, or other approved materials used to secure a manufactured or mobile home. (Table A, Section V)

**C. Approved**

Acceptable to the appropriate authority having jurisdiction, by reason of investigation, accepted principles, or tests by nationally recognized organizations.

**D. Expando Unit**

An expandable manufactured housing unit.

**E. Foundation/Siding/Skirting**

A type of wainscoting constructed of fire and weather resistant material, such as aluminum, asbestos board, treated pressed wood, or other approved materials, enclosing the entire undercarriage of the manufactured home.

**F. Manufactured Homes/Exterior Appearance Standards**

A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance.

**G. Manufactured homes are divided into the following classifications:**

**1. Type I Manufactured Homes Shall:**

a. have nine hundred and fifty (950) square feet or more of occupied space in a double section or larger multi-section unit.

- b. be placed onto a permanent foundation, in accordance with the one (1) and two (2) family building code.
- c. utilize a permanent enclosure in accordance with approved installation standards, as specified in 6-12-3-2-4.
- d. be anchored to the ground, in accordance with the manufacturer's specifications, refer to Table A, Installation Instructions.
- e. have wheels, axles, and hitch mechanisms removed.
- f. have utilities connected in accordance with the manufacturer's specifications or local utility company.

2. Type II Manufactured Homes Shall:

- a. have nine hundred and fifty (950) square feet or more of occupied space in a single, double, expando, or multi-section unit (including those with add-a-room units).
- b. be placed onto a support system, in accordance with approved installation standards as specified in 6-12-3-2-4.
- c. be enclosed with foundation siding/skirting, in accordance with approved installation standards, as specified in 6-12-3-2-4.
- d. be anchored to the ground, in accordance with manufacturer's specifications. If no instructions are available from the manufacturer, refer to Table A, Installation Instructions.
- e. have siding material of a type customarily used on site-constructed residences, and
- f. have roofing material of a type and style customarily used on site-constructed residences.
- g. have utilities connected in accordance with manufacturer's specifications or local utility company.

3. Type III Manufactured Homes shall:

- a. have seven hundred (700) square feet or more and less than nine hundred and fifty (950) square feet of occupied space in a single, double expando, or multi-section unit (including those with add-a-room units).
- b. be placed onto a support system, in accordance with approved installation standards, as specified in 6-12-3-2-4.
- c. be enclosed with foundation/skirting, in accordance with approved installation standards, as specified in 6-12-3-2-4.
- d. be anchored to the ground, in accordance with manufacturer's installation standards. If no instructions are available from the manufacturer, refer to Table A, Installation Instructions.
- e. have utilities connected in accordance with manufacturer's specifications or local utility company.

4. Type IV Mobile Homes shall:

- a. have three hundred and fifty (350) square feet or more and less than seven hundred (700) square feet of occupied space.
- b. be designed to be used as year-round residential dwelling.
- c. be built prior to the enactment of the Federal Manufacturing Home Construction and Safety Act of 1974, which became effective for all mobile home construction in June 1976.
- d. be placed onto a support system, in accordance with approved installation standards as specified in 6-12-3-2-4.
- e. have utilities connected in accordance with manufacturer's specifications or local utility company.

Each of the above classifications of manufactured homes may be located as per Table B of the Starke County Manufactured Home Ordinance.

#### H. Manufactured Home Subdivision

A parcel of land platted for subdivision according to all requirements of the comprehensive plan, designed or intended for lots to be conveyed by deed to individual owners for residential occupancy primarily in manufactured homes.

#### I. Manufactured or Mobile Home Community (Park)

A parcel of land on which two (2) or more manufactured or mobile homes are occupied as residencies.

The creation of a mobile home park is classified as a conditional use and may be permitted by the Board of Zoning Appeals in accordance with the procedures specified in Specification G of the Starke County Zoning Ordinance Z-1 of 1964 as amended.

#### J. Occupied Space

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

#### K. Permanent Foundation

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

#### L. Permanent Foundation

Any structural system for transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

#### N. Recreational Vehicle

A temporary dwelling for travel, recreation, and vacation use including, but not limited to:

1. Travel Trailer: a vehicle identified by the manufacturer as a travel trailer.
2. Pick-Up Coach: a structure designed to be mounted on a truck chassis or cut-down car.
3. Camping Trailer: a canvas folding structure, built on a chassis with wheels and designed to move on the highway.
4. Motor Home: a self-propelled vehicle with a dwelling constructed as an integral part of the vehicle.
5. Tent: a collapsible shelter of canvas or other material stretched and sustained by poles and/or ropes and used for camping outdoors.

#### N. Recreational Vehicle Park

An area of land (not less than five (5) acres) used for the parking of two (2) or more recreational vehicles.

#### O. Section

A unit of a manufactured home at least ten (10) feet in width and thirty (30) feet in length.

#### P. Special Exception Permit

A device permitting a use within a district other than a principally permitted use.

#### Q. Support System

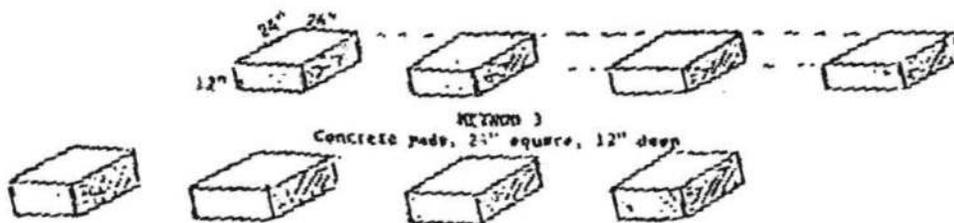
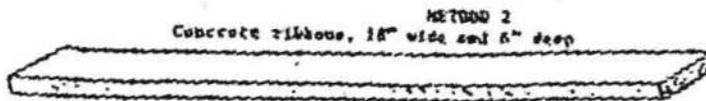
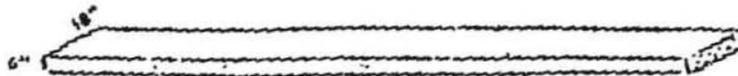
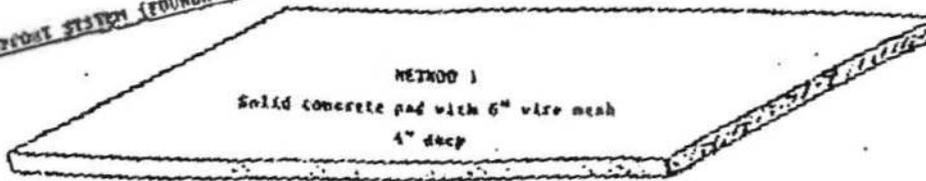
A pad or a combination of footings, piers, caps, plates, and shims, which when installed support the manufactured or mobile home.

#### R. Setbacks

The minimum horizontal distance between the front line of a building or structure and the street right-of-way line.

TABLE A

SUPPORT SYSTEM (FOUNDATION):



**Table B: County Zoning**

<b>County Zoning</b>	<b>Class 1 (Doublewide Manufactured Home)</b>	<b>Class 2 (Single -Wide)</b>	<b>Class 3</b>	<b>Class 4</b>	<b>Manufactured Home Parks R.V. Parks</b>	<b>Manufactured Offices</b>
<b>A</b>	<b>A</b>	<b>A</b>	<b>S.E.</b>	<b>N</b>	<b>S.E.</b>	<b>N</b>
<b>R-1</b>	<b>A</b>	<b>S.E.</b>	<b>N</b>	<b>N</b>	<b>S.E.</b>	<b>N</b>
<b>R-2</b>	<b>A</b>	<b>S.E.</b>	<b>N</b>	<b>N</b>	<b>S.E.</b>	<b>N</b>
<b>R-3</b>	<b>A</b>	<b>S.E.</b>	<b>S.E.</b>	<b>N</b>	<b>S.E.</b>	<b>N</b>
<b>G.B.*</b>	<b>S.E.</b>	<b>S.E.</b>	<b>S.E.</b>	<b>S.E.</b>	<b>S.E.</b>	<b>S.E.</b>
<b>L.B.*</b>	<b>S.E.</b>	<b>S.E.</b>	<b>S.E.</b>	<b>S.E.</b>	<b>S.E.</b>	<b>S.E.</b>
<b>L.I.</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>S.E.</b>	<b>S.E.</b>
<b>H.I.</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>S.E.</b>	<b>S.E.</b>
<b>Manufactured Home Parks</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>
<b>Manufactured Home Subdivision</b>	<b>A</b>	<b>S.E.</b>	<b>S.E.</b>	<b>N</b>	<b>N.A.</b>	<b>N.A.</b>
<b>R.V. PARKS</b>	<b>S.E.</b>	<b>S.E.</b>	<b>S.E.</b>	<b>A</b>	<b>N.A.</b>	<b>S.E.</b>

### **6-12-3-2-3: Applicability**

#### **A. Permitted Placement**

The establishment, location, and use of manufactured homes as permanent residence shall be permitted in any zone permitting installation of a dwelling unit, subject to requirements and limitations applying generally to such residential use in the district, and provided such homes shall meet the following requirements and limitations:

1. The dwelling shall meet the appropriate exterior standards, as hereinbefore set forth in 6-12-3-2-2(F).
2. The dwelling shall be sited in a district where such use is permitted in the schedule of uses, as hereinafter set forth in 6-12-3-2-5.
3. The dwelling shall receive all required permits and conform with the comprehensive plan and other ordinances of Starke County.

#### **B. Non-Conforming Homes**

A manufactured or mobile home placed and maintained on a tract of land and deemed to be a legal non-conforming use prior to the adoption of this Article 6, shall continue to be a legal non-conforming use. If the non-conforming use is discontinued, the land thereafter must be used in conformity with all provisions of this Article 6.

#### **C. Replacement of Non-Conforming Homes**

Upon application to the designated administrator and subsequent approval thereof, a manufactured or mobile home, deemed a legal

non-conforming use, may be replaced by a manufactured home provided the replacement is of an equal or a higher type, as specified in 6-12-3-2-2(F) of this Article 6, (exterior appearance standards). Equal or higher type means that a mobile home may be replaced with a Type I, II, or III manufactured home. A Type III manufactured home may be replaced with a Type I, II, or III manufactured home; a Type II manufactured home may be replaced with a Type I or II manufactured home; a Type I manufactured home may be replaced with another Type I manufactured home.

#### D. Structural Alterations

Due to its integral design, any structural alteration or modification of a manufactured or mobile home after it is placed on the site must be approved by the authorized Zoning Administrator of Starke County.

#### E. Applicability

An application for an improvement location permit for any manufactured home built before January 1, 1981 shall not be granted.

F. New manufactured homes shall be permitted in all zoning districts that permit residential use and shall comply with the following requirements:

1. The applicant shall submit plans and specifications for all proposed alterations and/or from either the home manufacturer or a professional engineer licensed in the State of Indiana.
2. The applicant shall submit a list of all proposed contractors who will work on the home.
3. Manufactured homes shall be set by Indiana licensed set crews only. The applicant shall submit a copy of the proposed set crew's license.
4. The applicant shall submit foundation plans and specifications prepared by either the home manufacturer or a professional engineer licensed in the State of Indiana.

G. Used manufactured homes are permitted in manufactured home parks, manufactured home subdivisions and zoning districts that permit residential use and shall comply with the following requirements:

1. Comply with all requirements in 6-12-3-2-3(F).
2. The manufactured home shall not be flood damaged, wind damaged, structurally damaged, or otherwise damaged, and shall not have suffered insurable damages.
3. If the manufactured home is HUD approved, the manufacturer's data plate indicating the manufactured home is designed for the northwest Indiana area (proper roof snow load, wind load, insulation, etc.) shall be provided.

H. New and used single wide manufactured homes are only permitted in manufactured home parks, manufactured home subdivisions, areas zoned Agriculture, and shall comply with all requirements in 6-12-3-2-3(F) and 6-12-3-2-3(G).

#### **6-12-3-2-4: Manufactured Homes not in Manufactured Home Parks or Subdivisions**

All manufactured homes permitted in areas other than manufactured home parks and subdivisions may be located where permitted subject to the following conditions:

##### **A. Principal Building on Lot**

Each manufactured home shall be located on a lot or parcel and shall be the only principal building on the lot or parcel and must be at least ten (10) feet from any other building.

##### **B. Minimum Lot Size and Setback Requirements**

The minimum lot size, minimum yard size, and other single-family dwelling requirements of the Starke County Zoning Ordinance for the district in which the manufactured home park or subdivision is in must be complied with.

### C. Minimum Accommodations Required

Each manufactured home shall contain a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities, and plumbing and electrical connections designed for and attached to appropriate external systems. The septic must be approved by the Starke County Board of Health. Refer to page 39, Z-1-B, Minimum Residential Standards in the Starke County Master Plan.

### D. Smoke Detector Required

Each manufactured home shall have a smoke detector, underwriter laboratories, factory mutual approved, located as per manufacturer's requirements in the manufactured home.

### E. Foundation/Siding

All manufactured housing must have either a perimeter retaining wall or foundation (skirting). All manufactured or mobile homes without a perimeter retaining wall shall have an approved foundation siding around the exterior perimeter of the home. Foundation siding and back-up framing shall be weather-resistant, non-combustible, or self-extinguishing material, which blend with the exterior siding of the home. Below grade level and for a minimum distance of six (6) inches above finish grade, the materials shall be unaffected by decay or oxidation. The siding shall be installed in accordance with manufacturer's recommendations or approved equal standards. The area underneath the home floor shall be enclosed with self-ventilating siding or shall be ventilated by openings on the foundation siding. The opening shall have a net area of not less than one and one-half (1 & 1/2) square feet for each twenty-five (25) linear feet of exterior perimeter. The openings shall be covered with corrosion resistant wire mesh not larger than one-half (1/2) inch in any dimension. The underfloor area shall be provided with an eighteen (18) inch by twenty-four (24) inches (18"x24") minimum size access crawl hole, which shall not be blocked by pipes, ducts, or other construction interfering with the accessibility of the underfloor space, or other approved access mechanism.

#### **6-12-3-2-5: Schedule of Uses**

Refer to the following: Anchor System, Table A, Manufacturer and Mobile Permitted Uses, Table B.

#### **6-12-3-2-6: Installation Standards Including Manufactured Homes and Subdivisions**

##### **A. Type I Manufactured Homes**

All HUD code Type I manufactured home foundations shall be installed in conformance with the regulations in the one (1) and two (2) family dwelling codes and with the manufacturer's installation specifications.

##### **B. Type II and III Manufactured Homes**

All HUD code Type II and III manufactured and all mobile home foundations shall be installed in conformance with the manufacturer's installation specifications. If no instructions are available from the manufacturer, refer to Table A.

##### **C. Anchoring System (Tie Downs)**

All manufactured or mobile homes shall be anchored meeting one (1) of the following approved standards:

1. Installation pursuant to the manufacturer's specifications (6-12-3-2-5 & Table A).
2. Installation pursuant to the design of the entire support and anchoring system by a registered professional engineer or architect.

##### **D. Utility Connections**

All manufactured or mobile home utility connections shall meet one (1) of the following standards:

5. Manufactured home parks shall have direct access to an adequate public thoroughfare with sufficient frontage thereon for the proper construction of entrances and exits. Such entrances and exits shall be designed for the safe movement of manufactured homes into and out of the park.

6. All manufactured homes shall be located thirty-five (35) feet or more from the right-of-way line of an abutting dedicated public thoroughfare and fifteen (15) feet or more from other boundary lines of the park.

7. Streets in a manufactured home park, if dedicated to the public use, shall meet the minimum standards of design and construction as required in the subdivision control ordinance. If the streets are not dedicated to the public use, then they must be at least sixteen (16) feet wide, must be dust free, and be properly drained. Also manufactured home parks must supply off-street parking equivalent to two (2) spaces per manufactured home.

8. Each park shall provide, in a central location, a recreational area or areas equal in size to at least eight (8) percent of the area of the park. Streets, parking areas, park service facility areas shall not be included in the required recreational area.

9. In zoning districts where not otherwise permitted, coin-operated laundries, laundry and dry-cleaning pickup stations, and other commercial convenience establishments may be permitted in manufactured home parks provided that:

a. they are subordinate to the residential character of the park;

b. they are located, designed, and intended to serve only the needs of persons living in the parks;

c. the establishments and the parking areas related to their use do not occupy more than ten (10) percent of the total area of the park, and

d. the establishments present no visible evidence of their commercial nature to the areas outside the park.

10. Each manufactured home site shall meet the requirements in 6-12-3-2-4 of this Article 6.

11. All exterior park lights shall be so located and shielded to prevent direct illumination of any areas outside the park.

12. Each manufactured home shall meet the requirements of 6-12-3-2-4 and 6-12-3-2-6 of this Article 6.

#### H. Manufactured Home Subdivisions

Manufactured home subdivisions shall meet the following minimum requirements:

1. shall be located in a permitted district,
2. shall comply with the procedures, design standards, and required improvements of the Starke County Subdivision Control Ordinance,
3. shall require each manufactured home to be located in compliance with the requirements of 6-12-3-2-4 and 6-12-3-2-6 of this Article 6.
4. shall permit only Type I and Type II manufactured homes to be placed.

#### **6-12-3-2-7: Permits (Administration and Enforcement-Improvement Location Permits)**

##### A. Administration and Enforcement

The administration and enforcement of this Article 6 is the responsibility of the Zoning Administrator appointed by the Starke County Plan Commission.

## B. Improvement Location Permit

No building or other structure may be erected, moved, added to, or structurally altered unless an improvement location permit has been issued by the Zoning Administrator in accordance with the provisions of this Article 6, and only if a sewage permit for the building or structure has been approved and issued by the Starke County Health Department in accordance with the ordinance or by the appropriate state agency if within the jurisdiction of Indiana. A permit may be issued only if the building or structure for which the permit is sought will comply in all respects with this and all other applicable laws.

## C. Application for Improvement Location Permits

Application for an improvement location permit must be made in duplicate and accompanied by a detailed sketch showing the dimensions and the shape of the lot to be built upon, the size and location of existing buildings, and the location and dimensions of the proposed building or alteration. The application must include any other information that is necessary for the administration and enforcement of this Article 6, including, but not limited to existing or proposed uses of the buildings and land. The application must also include the number of families, housekeeping units, rental units the building is designed to accommodate, and conditions existing on the lot. All drawings submitted by the applicant, if they comply with the requirements of this section, shall be satisfactory.

1. All permits must be applied for two (2) weeks before placement of the manufactured home.
2. One (1) copy of the application shall be returned to the applicant and shall state whether it is approved or disapproved. The second copy similarly marked, shall be retained by the Zoning Administrator. If an application is not approved, the Zoning Administrator shall state the reasons for disapproval.
3. If the application for an improvement location permit is

approved, the applicant shall post the permit in a conspicuous location on the site of a new or altered building or structure, or an addition, or a building or structure moved from another location.

4. Any permit application for a new single family dwelling being built as a replacement for an existing dwelling shall be signed by the applicant agreeing to remove the existing dwelling no more than ninety (90) days after completion of the new dwelling and receipt of Certificate of Occupancy. In addition, an application for the required demolition permit of the existing structure must be completed and paid for in conjunction with the application for the new dwelling permit. In the event that the single family dwelling permit is renewed, the demolition permit will be renewed at no additional fee to the applicant. Penalty for violations will be implemented per Article 6-12-3-2-11 of the Starke County Zoning Ordinance.

#### D. Expiration of Improvement Location Permit

If the work described in an improvement permit has not been started within ninety (90) days from the date it was issued, the permit shall expire and written notice thereof shall be given to the person affected. If the work described in any improvement location permit is not substantially completely within six (6) months of the date it was issued, the permit shall expire and written notice thereof shall be given to the persons affected, together with notice that all work shall cease until a new permit has been obtained. This section shall not be construed to allow the applicant six (6) months to comply with condition of approval which are made part of the permit and which shall be complied with, beginning with initial construction.

#### **6-12-3-2-8: Recreational Vehicles**

A. Recreational vehicles parked on private residential property shall not be occupied for temporary or permanent use as a dwelling.

B. A resident may store recreational vehicles outdoors in the side or rear yard; provided the recreational vehicle is owned by the resident

of the dwelling on that lot and the recreational vehicle is located a minimum of five (5) feet from the side or rear lot line.

C. Recreational vehicles shall not be permanently affixed to the ground as a principal or accessory structure on a lot in any zoning district. All recreational vehicles parked or stored shall not be connected to sanitary facilities.

D. All recreational vehicles shall maintain building setbacks as required by ordinance for the applicable zoning district.

E. All recreational vehicles shall have current state registration and license.

#### **6-12-3-2-9: Recreational Vehicle Parks**

Recreational vehicle parks shall meet the following requirements:

All recreational vehicle parks shall be subject to all provisions defined in 410 IAC 6-7.1.

A. Shall have direct access to a public highway or road with sufficient frontage thereon for the proper construction of entrances and exits. Such entrances and exists shall be designed for safe movement of recreational vehicles into and out of the park.

B. Shall be located only where conditions of soil, groundwater level, drainage, geologic structure and topography do not create hazards to the park site or to the health and safety of occupants, nor subject the site to the hazards of objectionable smoke, odor, noise, or the possibility of subsidence, sudden flooding, or severe erosion.

C. Shall not allow the density of the park to exceed twenty (20) recreational vehicle spaces per acre of gross site area.

D. Shall have a minimum area of at least five (5) acres.

E. Shall require the recreational vehicles to be separated from each other and from park buildings or structures by at least fifteen (15) feet.

F. Shall comply with the required minimum yard provisions of the Zoning Ordinance.

G. Shall require each recreational vehicle space to be no nearer than twenty-five (25) feet to the right-of-way line of a highway or road.

H. Shall have a yard of at least twenty-five (25) feet in width wherever the boundary line of a recreational vehicle park coincides with that of a residential district other than along a thoroughfare or alley.

I. At least one centrally located recreational area equal in size to eight (8) percent of the gross park area shall be provided in each recreational vehicle park. Streets, parking areas, and park service facility areas shall not be included in the required area.

J. In other than business districts, food stores, restaurants, sporting goods stores, laundromats, dry cleaning pickup stations, and similar convenience and service shops shall be permitted in recreational vehicle parks containing fifty (50) spaces provided:

1. such shops and the parking areas required by their use shall not occupy more than ten (10) percent of the total area of the park.
2. the shops shall be primarily for the use of the occupants of the park.
3. such shops shall be so located or designed within the park to present minimal visual evidence of their commercial nature to persons outside the park.

K. Management offices and storage, playground and picnic equipment, sanitation and laundry facilities, informational signs, and other structures customarily incidental to a recreational vehicle park shall be permitted as accessory uses.

L. The shops have installed and approved septic systems, meeting all health requirements from the Indiana State Board of Health.

M. Recreational vehicle parks must be screened as follows:

1. Screening materials shall be a minimum of six (6) feet in height and shall be opaque.
2. Where plant materials are used, said materials shall be of a species that is suited to local climatic and soil conditions, and shall not be less than four (4) feet high and which at maturity are not less than eight (8) feet high.
3. When plant materials are used, a strip of land a minimum of six (6) feet in width shall be reserved for the plant materials.
4. When permitted, all outside storage areas shall be screened from contiguous or adjacent residential uses or residential zoning district boundary lines.

#### **6-12-3-2-10: Temporary Uses**

Subject to conditions, fees, and standards otherwise required by this Article 6, a temporary use permit shall be issued:

A. To an applicant in the process of building a conventional dwelling to locate a manufactured or mobile home on a building lot during the course of construction of the dwelling; such permit shall not be issued until after a building permit for the dwelling has been issued.

B. To an applicant to use a manufactured or mobile home as a caretaker's quarters or construction office at a job site.

C. Recreational vehicles parked on private property shall not be occupied for residential purposes.

#### **6-12-3-2-11: Penalty for Violation**

A. Failure to Comply

Each day of non-compliance with the provisions of this Article 6 constitutes a separate and distinct ordinance violation. Judgement of up to five

hundred dollars (\$500.00) per day may be entered for a violation of this Article 6.

#### B. Subject to Removal

A home sited upon property in violation of this ordinance shall be subject to removal from such property. However, the home owner must be given a reasonable opportunity to bring the property into compliance before action for removal can be taken. If action finally is taken by the appropriate authority to bring the home into compliance, a lien may be brought against the property for the expenses involved.

#### C. Removal Method

The zoning administrator may institute a suit in an appropriate court for injunctive relief to cause such violation to be prevented, abated, or removed.

#### **6-12-3-2-12: Severability Clause**

If any section, subsection, paragraph, sentence, clause, or phrase of this Article 6 is for any reason held to be invalid or unconstitutional, such non-validity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Article 6. It is being expressly declared that this Article 6 and each section, subsection, paragraph, sentence, clause, and phrase would have been adopted regardless of the fact that any one or more sections, subsections, paragraphs, sentences, clauses, or phrases be declared invalid or unconstitutional.

#### **6-12-3-2-13: Non-Conformance**

##### A. Non-Conforming Uses of Land

If, at the effective date of adoption or amendment of this Article 6, lawful use of land exists that is made no longer permissible under the terms of this Article 6 as enacted or amended, such use may be continued subject to the following provisions:

1. No non-conforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Article 6.

2. No non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Article 6.

3. If any non-conforming use of land is abandoned for a period of more than twelve (12) consecutive months, any subsequent use of land shall conform to the regulations specified by this Article 6 for the district in which the land is located provided however, that a non-conforming manufactured home may be replaced on a lot in any district if it is of equal or larger size and of less age than the manufactured home being replaced, the replacement is full completed within a period of less than six consecutive months, and the replacement manufactured home otherwise meets the requirements of this Article 6.

#### B. Pre-existing Manufactured Homes and Manufactured Home Subdivisions

Manufactured homes and manufactured home subdivisions described in the following two (2) paragraphs shall not be required to comply with the terms of this manufactured housing amendment to the Starke County Zoning Ordinance except they shall be required to comply with 6-12-3-2-4.

1. Manufactured home or subdivision plans recorded in the Office of the County Recorder prior to the effective date of adoption or amendment of this Article 6, or on a land contract date prior to June 1, 1976.

2. Manufactured homes on a lot described on a deed or subdivision plat recorded on or after June 1, 1976, providing that the lot is seven hundred fifty (750) feet from a confined feeding operation and meets the minimum requirement of the Zoning Ordinance in effect at time of recording.

#### C. Non-Conforming Structures

If a lawful manufactured home exists at the effective date of adoption or amendment of this Article 6 that could not be built under the terms of this Article 6 by reason of restriction on area, height, yards, or other characteristics of the manufactured home, or by its location on the lot, such manufactured homes may be continued subject to the following provisions:

1. No non-conforming manufactured home may be enlarged or altered in a way which increases its nonconformity.