

ARTICLE 25

GENERAL DEVELOPMENT STANDARDS

SECTION 2500 Applicability

All uses shall comply with the following development standards in the interest of protecting public health, safety and welfare, and lessening injury to property. No use in existence on the effective date of this Ordinance shall be so altered or modified as to conflict with these standards.

SECTION 2510 One Principal Building Per Lot

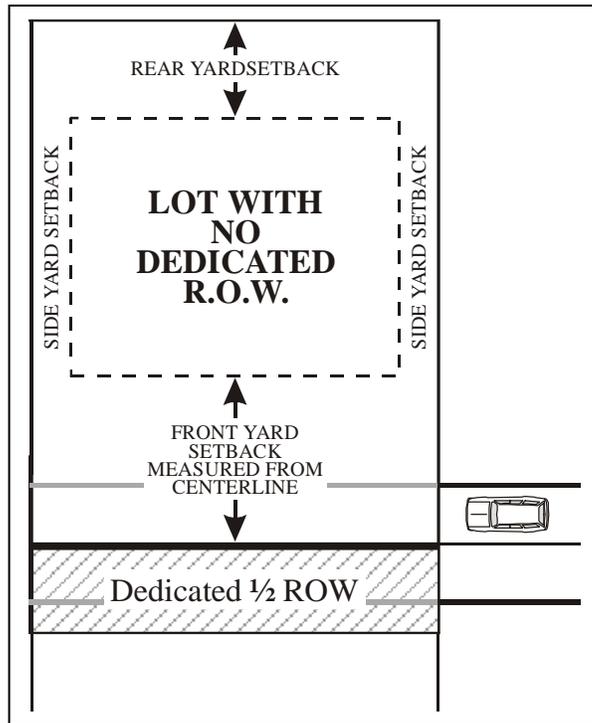
No more than one (1) single-family or two-family dwelling unit shall be constructed on any lot, tract, or parcel of land. Each distinct business use shall occupy a separate lot, excepting strip centers, malls, or buildings containing more than one business.

SECTION 2512 - Determining Setbacks from Property Lines

In many instances, property lines run to the center of the public roadway because there is no dedicated public right-of-way. Due to this situation, setbacks have been determined by adding 25 feet from the centerline of the road to the required setback for the property. The purpose of adding 25 feet to the setback is to establish a minimum standard right-of-way of fifty (50) feet for all public roadways. (See Figure 25.1)

In situations where the setbacks required by this Article are out of character with established setbacks of existing buildings in older neighborhoods or nonconforming lots, setback reductions can be made by the Planning Director or designee. The purpose is to allow the proposed use to conform to the established setbacks of structures on either side and in the area.

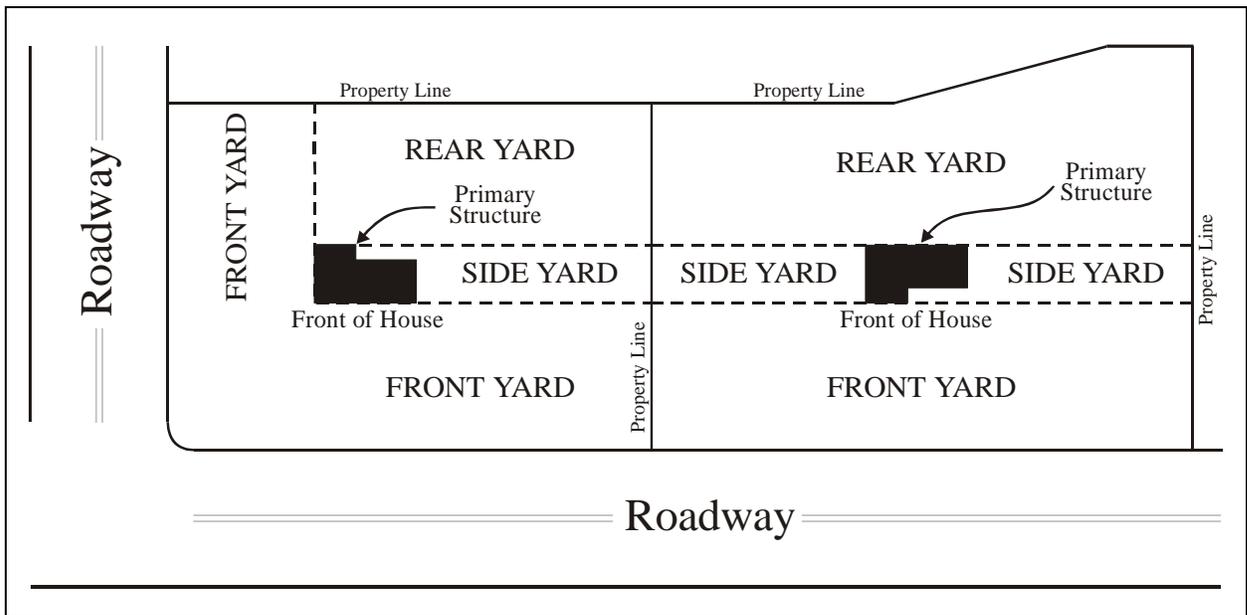
Figure 25.1 - Determining Setbacks from Property Lines



SECTION 2514 – Determination of Front Yard

In most cases the part of the home that faces the roadway and which contains the main entrance of the home is considered the front of the home. This orientation determines the front, side and rear yards for setback and accessory use location purposes. (See *Figure 25.2*) However, in some situations the front of the home does not face the road, but rather faces a side or rear property line for views, design reasons, irregular lot shapes or multiple road frontages. In these cases, the Planning Director or designee shall determine the front yard location based on the orientation of the home and of other homes in the vicinity.

Figure 25.2 - Determination of Front Yard



SECTION 2520 – Accessory Uses and Structures

Accessory uses and structures, not including accessory dwelling units, are permitted in all zoning districts in accordance with the provisions of this Section. Accessory use and structures shall be incidental and clearly subordinate to the principle (or primary) structure of the property—in terms of size and purpose, except as specified herein.

Accessory uses and structures shall also be subject to additional location and size requirements that include:

- 1) An accessory structure may be situated in the front yard of a property, provided that the front wall of the structure is greater than the defined front yard setback for a primary structure in the zoning district.
- 2) Accessory structures that are proposed to be situated on the site before a principle (or primary) structure has been established must meet the same setback requirements as those established for a principle (or primary) structure.
- 3) Accessory structures placed in the side or rear yard behind an existing primary structure may be located within five feet (5') of any property line in all zoning districts, provided that the structure is not located within a landscape buffer yard or identified easement. For proposed land divisions involving an existing structure that is typically considered incidental to agricultural and residential uses, the five-foot (5') side and rear setback can be applied without necessitating a Variance.

Gas pumps, canopies, automatic teller machines and photo service facilities are permitted in the front yard, but shall be located a sufficient distance from the property line in order to have safe internal traffic flow and meet the requirements set forth in this Order. All setbacks still apply. In addition, uses which are permitted outside display of products for sale, can locate these products within the front yard. These display areas shall be organized and not cluttered in appearance and shall not obstruct traffic flow.

The following are considered incidental accessory uses that do not require zoning permits (Building Permit may be required) and can be located within in all yards. They include walks, driveways, curbs, retaining walls, lattice work screens, trees, shrubs, flowers, plants, mail boxes, name plates, lamp posts, basketball poles, bird baths, benches, and structures of a like nature. In addition, direct television satellite dishes, which are less than 26 inches in diameter and ground mounted, are permitted within the front yard. Playground equipment and similar uses do not require a zoning permit (Building Permit may be required) but are required to be located in the side or rear yards.

SECTION 2530 Essential Services

Essential services shall be allowed in any district insofar as permitted, authorized, or regulated by law or other ordinance. Buildings required in conjunction with an essential service may be permitted in any district when approved by the Planning Director. In granting such permission, the Planning Director shall take into consideration the location, size, use, and effect such building will have on adjacent land and buildings.

SECTION 2540 Outdoor Storage of Junk Vehicles, Trash and other Materials

Abandoned and Junk Vehicles

1. It shall be unlawful for any person to keep, park or store any junk or abandoned vehicle(s) or parts thereof, on public or private property, if such vehicle(s), or parts thereof, are not kept in a garage or other approved enclosure or landscaped area. A junk vehicle is a vehicle that is inoperable or incapable of movement by its own locomotive power, or is unlicensed or unregistered with the State of Indiana for more than thirty (30) days.
2. A vehicle shall not be considered an abandoned or junk vehicle if it is stored in a garage or other approved enclosure or within a fenced area which blocks the vehicle from being visible.
3. A garage or other approved enclosure does not include a tarp, plastic sheeting or any other similar material or impermanent means that are used to cover a motor vehicle.
4. Nothing contained in this Ordinance shall be construed to apply to vehicle(s) screened by natural objects, plantings, fences or other appropriate means so as not to be visible.
5. Nothing contained in this Ordinance shall be construed to apply to farm machinery.
6. Nothing contained in this Ordinance shall be construed to apply to vehicle(s) located within areas that are properly zoned, as defined in the Zoning Ordinance, in which vehicles or parts of vehicles are kept, stored or parked as an incident to conducting business.
7. All automotive vehicles larger than a full-sized pickup, full-sized van, boat, trailer, camper, recreational vehicle and the like shall be stored inside of a structure or in the side or rear yard of the property and shall be located at least five (5) feet from an adjoining property line. In situations where the vehicles are not visible from an adjoining property or public roadway, these items can be located in the front yard.
8. In no situation shall vehicles not driven or owned by the residents of the property be permitted to be stored on a property in an Agricultural or Residential Zoning District.

Trash & Junk

1. No person shall permit the accumulation of trash and/or junk –
 - a. In any Residential Zoning District; or
 - b. Within 100 feet of any single-family residence; or
 - c. Where such material is visible from any public road or right-of-way.
2. “Junk,” as referred to in this Section, shall refer to materials, products, appliances, parts, or similar items that have not designed or intended for exposure to inclement weather.
3. It shall be a violation of this Ordinance for the owner, or anyone having a substantial property interest in real property, including open or vacant property, within the Town of St. Leon to deposit or allow to remain on that real property any trash or junk, as defined above, which items might provide food or harborage for insects, rodents, pests, or pose a fire safety hazard.
4. No person shall permit junk or trash to be situated on his or her property so that the material can be carried, by wind, to any highway, right-of-way, easement, or upon the property of any other person.
5. Nothing in this Ordinance shall be deemed to apply to municipally-owned or operated recycling, or salvage operations, or any other operation that is in compliance with the St. Leon Zoning Ordinance.
6. Nothing in the Ordinance shall be deemed to apply to compost and composting.
7. Nothing in the Ordinance shall be deemed to apply to the use of standard containers or dumpsters for the temporary containment of trash or junk awaiting disposal. Trash that attracts animals or rodents must be placed in a vermin-proof and waterproof container with a tight fitting lid. Such containers shall be constructed, handled, and placed in a way that will not promote a safety or health issue.
8. Construction dumpsters or containers that are to be left in an alley or street overnight must receive approval from the St. Leon Town Council and be marked with reflective or lighted barricades or barrels.

SECTION 2560 Temporary Uses of Land and Structures

1. General Regulations

A permit for a temporary structure or land use such as a carnival, revival meeting, construction facility, seasonal sale, or use of a similar nature (not including mobile homes) may be issued by the Plan Commission or its designee provided the following conditions are met:

- a. The use is, in fact, temporary and will terminate at a specific time as determined by the Plan Commission or its designee.
- b. The proposed site is of adequate size to accommodate the use without creating congestion in the streets or inadequate circulation for fire and other emergency vehicles.
- c. Adequate access and off-street parking facilities shall be provided, at the discretion of the Plan Commission or its designee, which shall not interfere with traffic movement on adjacent streets.
- d. No banners, pennants, or noise-producing devices of a disruptive nature shall be permitted in a residential district.
- e. Outdoor lighting shall be shielded or directed away from adjoining residential property and streets.
- f. Neighboring uses shall not be adversely affected.
- g. The property shall be returned to its original condition, devoid of temporary use remnants, upon termination of the temporary use period.
- h. Sanitary conditions are to be approved by the Dearborn County Board of Health.
- i. Safety standards, dust and noise are to be controlled so as not to constitute a nuisance.

- j. The premises to be restored is to be free of debris and safe from future soil erosion after any permitted use. A bond, at the discretion of the Town Council, is to be posted either in cash or corporate surety to the satisfaction of the Town Council to insure the restoration of the land and surrounding neighborhood to that at least equivalent of the land prior to the temporary use.
- k. The applicant must show the Plan Commission that he has notified the adjoining property owners within 500', that the applicant is going to use the ground for a temporary use and that 10 days must elapse before placement of any temporary or mobile structure.

2. Regulations Specific to Particular Temporary Uses

- a. Sales offices, model homes, or model apartments may be approved for a maximum allowable approval period of twenty-four (24) months. Any requested extension must be submitted for Board of Zoning Appeals review two (2) months prior to the expiration of the original approval. A maximum of two (2) such uses shall be permitted per subdivision section at any one time.
- b. Parking lots designed for a special event in any zoning district may be approved for a maximum of thirty (30) days.
- c. Yard sales for the purpose of relieving a household of goods and wares, operated from residential property, are considered permitted accessory uses to a residence in any zone, provided the sale is held no more than two (2) times in any calendar year per address, nor more than one (1) time in any one month, with a duration of no more than three (3) consecutive days. No permit is required.

3. Temporary Occupancy of Permanent Structures

In cases where a property owner lives in an existing permanent residential structure and wishes to construct a new permanent residential structure on the same property to serve as the same property owner's living quarters, the property owner may continue to reside in the existing residential structure provided that the following conditions prevail:

- i. The applicant intends to build a permanent home on the premises within twelve (12) months. The applicant, in demonstrating the intent to construct a permanent home and as a condition of receiving a building permit for the proposed residence, must:
 - (A). Supply proof of ownership of the premises;
 - (B). Supply a copy of the approval of the existing septic system from the Dearborn County Health Department, or supply a copy of a sewer hook-up permit from the appropriate utility;
 - (C). Certify the notification among landowners within six hundred (600) feet or two (2) property owners, whichever is greater, of the site;
 - (D). Provide a performance bond or other security to the Town, in an amount equal to one hundred (100) percent of the cost of demolition of the existing residential structure, to ensure removal of that structure.
 - (E). Pay fees for all permits according to the fee schedule approved by the Town and County.

- ii. The temporary occupancy permit for the new residence shall expire ninety (90) days after the date of issuance. The old residence shall be removed from the premises by the applicant, and outstanding issues related to the new residence shall be corrected, prior to the expiration of the temporary occupancy permit. A Certificate of Occupancy for the new residence may then be issue.

SECTION 2570 Performance Standards

All uses established or placed into operation after the effective date of this Ordinance shall comply with the following performance standards in the interest of protecting public health, safety and welfare, and lessening injury to property. No use in existence on the effective date of this Ordinance shall be so altered or modified as to conflict with these standards.

1. Heat

Any operation producing intense heat shall be conducted within a completely enclosed building in such a manner so as not to create a public nuisance or hazard.

2. Radiation Hazards

All operations using or storing radioactive materials, whether or not licensed by the Atomic Energy Commission, shall comply with all applicable Federal, State and local statutes.

3. Electrical Disturbance

In all districts, no use, activity, or process shall be conducted which produces electric and/or magnetic fields which adversely affect public health, safety, and welfare, including, but not limited to, interference with normal radio, telephone, or television reception from off the premises where the activity is conducted.

4. Noise

- a. No use shall produce noise in such a manner as to be objectionable because of volume, frequency, intermittence, shrillness, or vibration, based on the Maximum Permitted Sound Levels table in subsection 5.b., below. Said noise shall be muffled or otherwise controlled so as not to become detrimental, provided however, that public safety sirens and related apparatus used solely for public purposes, as well as agricultural uses, athletic events, fairs, concerts, construction activities, fireworks displays, and like events, shall be exempt from this standard.

- b. Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American National Standards Institute, ANSI S1.2-1962 AAmerican Standards Meter for the Physical Measurement of Sound. Measurements shall be made using the flat network of the sound level meter. Impulsive type noises shall be subject to the performance standards hereinafter prescribed, provided that such noises shall be capable of being accurately measured with such equipment. Noises capable of being so measured, for the purpose of this Section, shall be those noises which cause rapid fluctuations of the needle of the sound level meter, with a variation of no more than plus or minus two (2) decibels. Noises incapable of being so measured, such as those of an irregular or intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses. At no point on the boundary of a property in a particular zoning district shall the sound intensity level of any individual operation or plant exceed the decibel levels in the designated octave bands described in the following table. Where the emitting and receiving premises are in different zoning districts, the limits governing the more restrictive district shall apply to any regulated noise entering that district.

Octave Band (Frequency cycles per Second)	Maximum Permitted Sound Level (Decibels)		
	Within Residential Districts	Within Business Districts	Within Industrial Districts
0 to 75	72	75	75
75 to 150	67	70	74
150 to 300	59	63	69
300 to 600	52	57	64
600 to 1200	46	52	58
1200 to 2400	40	45	52
2400 to 4800	34	40	47
Above 4800	32	38	43

5. Vibration

No use shall cause vibrations or concussions detectable beyond property boundary lines without the aid of instruments.

6. Smoke and Particulate Matter

No operation or activity shall be carried out in any district which causes or creates levels of smoke that are determined to be a nuisance to the surrounding areas. The levels of smoke may be measured from any point of emission, and shall use the Ringelmann Smoke Chart published by the United States Bureau of Mines. Smoke not darker or more opaque than No. 0 on the described chart may be emitted except that smoke not darker or more opaque than No. 1 on the described chart may be emitted for periods not longer than four (4) minutes in any thirty (30) minute period. These provisions, applicable to visible grey smoke, shall also apply to visible smoke of a different color but with an equivalent apparent opacity.

7. Water and Waste Pollution

There shall be no discharge, at any point, into any sewerage system, or stream, or into the ground, of any materials in such a way or of such a nature or temperature as can contaminate or otherwise cause the emission of hazardous materials except in accordance with applicable State and local statutes.

8. Lighting

All exterior lighting shall be shielded to avoid casting light above three tenths (0.3) footcandle or glare upon any property located in a residentially zoned district or used for residential purposes, or above one-half (0.5) footcandle or glare upon any non-residential adjacent property. Exceptions to the above shall apply to temporary events such as fairs, athletic events, fireworks displays, or like uses. For all uses, exterior lighting shall be shielded so as not to cast direct light on street right-of-ways. The intensity of illumination shall be measured at the property line.

9. Permitted Projections in Required Yards

The following projections shall be permitted in required yards, except where easements are located, subject to the conditions and limitations set forth in this Section:

1. Projections Permitted in Front Yards
 - a. Awnings and canopies;
 - b. Chimneys and balconies projecting three (3) feet or less into yard;
 - c. Bay windows projecting three (3) feet or less into yard;
 - d. Overhanging eaves and gutters and arch features projecting three (3) feet or less into yard;
 - e. Handicap access ramps located no further than five (5) feet from the structure;
 - f. Open porches or stoops projecting six (6) feet or less into front yard.

2. Projections Permitted in Side Yards
 - a. All projections permitted in front yards;
 - b. Outside stairway, open or enclosed, projecting six (6) feet or less into the yard.