

Section 21-02.11 General Regulations for Residential Districts.

(a) **Accessory Uses, Buildings and Structures.**

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

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

Accessory uses, buildings or structures shall not be permitted on a *lot* prior to the erection of the *primary building*.

By way of example only, some typical *accessory uses, buildings and structures* in Residential *Districts* are: *garages; carports; porches; decks; awnings; canopies; mini-barns; storage sheds; patios; outdoor fireplaces; bathhouses; cabanas; children's playhouses; swings; game courts*, including tennis or basketball courts; *fences; parking areas; signs; swimming pools; hot tubs; radio sending and receiving antennas; satellite dish antennas;* and, storage *buildings*.

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

Accessory uses, buildings or structures shall comply with all *development standards* of the applicable *district* unless an exception is specifically provided for in this Section 21-02.11.

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

(3) *Additional Development Standards for Accessory Uses, Buildings or Structures in any Residential District.*

Accessory uses, buildings or structures permitted in any Residential *district* shall also comply with the following additional *development standards*:

(A) *Accessory Buildings:*

- i. Detached – The total square foot area of a detached *accessory building* shall be less than the *main floor area* of the *primary building* containing a *dwelling unit*;

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- ii. Attached – The total floor area of *accessory use* portions of a *primary building* containing a *dwelling unit* shall be less than the *main floor area* of *dwelling unit*;
- iii. Maximum Capacity of *Garage(s)* – No *garage* or *garages*, in combination, whether attached or detached, shall exceed a capacity of four (4) cars in total. *Carports* shall be included in determining the maximum capacity of a *garage* or *garages*. (Ord. 9760-07)
- iv. Maximum Number of *Accessory Buildings* – The total number of detached *accessory buildings* on a *lot* shall not exceed one (1) *accessory building*, provided however, a storage shed, *chicken coop* or *chicken pen* with a total floor area of one-hundred and twenty (120) square feet or less shall not count as an accessory building for the purposes of this paragraph; and, (Ord. No. 10212-13, 1-14-13)
- v. Location – Detached *accessory buildings* shall not be located between the established *front building line* and the *front lot line*, provided, however, in the case of a *corner lot*, one (1) *front lot line* as determined by the *Zoning Administrator* may be treated as a *side lot line* for the purpose of this regulation.

(B) Swimming Pools or Hot Tubs:

- i. A swimming pool or hot tub shall not be located between any *front lot line* and the established *front building line*, provided, however, in the case of a *corner lot*, one (1) *front lot line* as determined by the *Zoning Administrator* may be treated as a *side lot line* for the purpose of this regulation.
- ii. A swimming pool or hot tub shall not be located in any minimum *side yard* or minimum *rear yard* for an *accessory building*.
- iii. The swimming pool or hot tub, either above or below ground, shall comply with the applicable requirements of Chapter 14, Article 3 of the Municipal Code or the Indiana Administrative Code for residential pools at 675 IAC 14-4.3-270 through 296, as amended; and for commercial pools at 675 IAC 20, as amended, as adopted by Chapter 6 of the Municipal Code. Refer to Section 14-12 of the Municipal Code to determine applicable requirements. (Ord. No. 10269-13, 11-11-13)
- iv. No pool or hot tub shall be erected or constructed unless adequate distance from overhead electrical wires is provided in accordance with the National Safety Code and the National Electrical Code, current editions.

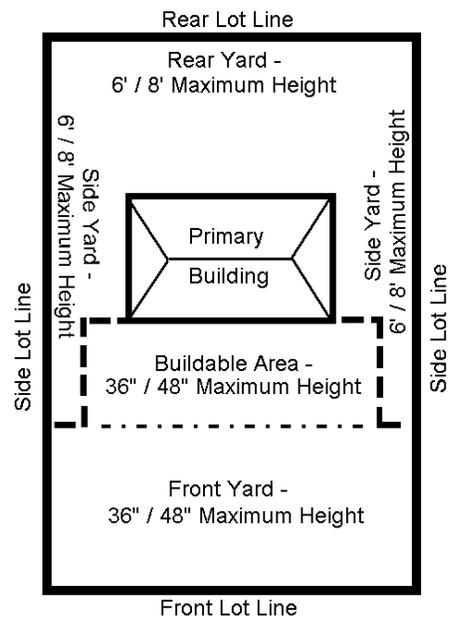
- v. Abandoned or unused swimming pools or hot tubs, situated on a premises which are not occupied for periods of thirty (30) days or more, shall be drained or equipped with a cover adequate to prevent persons, children or animals from danger or harm.
- vi. All swimming pools or hot tubs, including associated decking and aprons over 30" above grade, shall be included in the calculation of maximum *lot coverage*.

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

- i. Stoops, *patios, porches, gazebos* and *decks* over 30" above *grade* or which include a roof or roof-like *structure* (e.g., trellis, arbor, etc.) shall comply with all *minimum yards* and *building setback*, and *maximum building height* regulations of the applicable *district* for *accessory structures*.
- ii. Notwithstanding anything in this Ordinance to the contrary, stoops, *patios, porches* and *decks* less than 30" above *grade* and which do not include a roof or roof-like *structure* may be located in a:
 - a. *minimum front yard*, provided however, such stoop, *patio, porch* or *deck* shall not encroach more than eight (8) feet into such *minimum front yard*; or,
 - b. *minimum side yard* or *minimum rear yard*.

- (D) Fences (including but not limited to chain link, solid, shadow-box, stockade, architectural screen, lattice-work or masonry). See subsection v. for permissible uses of barbed wire, electric, razor wire or other similar types of security wire in any *yard*. (Ord. 9760-07)

- i. Individual *Lots – Front Yards*: Fences located in a *minimum front yard* or in the *buildable area* of a *lot* located between



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the front line of the *primary building* and the *minimum front yard* shall not exceed:

- a. thirty-six (36) inches in height above *grade*, if the open space percentage of the fence is equal to or less than seventy (70) percent; or,
 - b. forty-eight (48) inches in height above *grade* if the open space percentage of the fence is greater than seventy (70) percent.
- ii. *Corner Lots – Front Yards:* In the case of a *corner lot*, one (1) *front yard*, as determined by the *Zoning Administrator*, may be treated as a *side yard* for the purpose of regulating fences in *front yards* on individual *lots*.
 - iii. *Subdivision Frontage:* Fences shall not exceed six (6) feet in height above *grade* when located along a perimeter *street* of a recorded, platted residential *subdivision* where individual *lots* do not have direct *access* to said perimeter *street*.
 - iv. All Other Fences: Fences located elsewhere on a *lot* shall not exceed:
 - a. six (6) feet in height above *grade*, if the open space percentage of the fence is equal to or less than seventy (70) percent; or,
 - b. eight (8) feet in height above *grade* if the open space percentage of the fence is greater than seventy (70) percent.
 - v. Fences: including but not limited to: barbed wire, electric, razor wire or other similar types of security wire fences: (Ord. 9760-07)
 - a. shall only be permitted for non-residential uses such as but not limited to: utility sites such as water, sewer, electric and gas main facilities; heating, ventilating and air-conditioning equipment; restricted public access areas such as airports, sewer & water treatment facilities; public safety facilities; public and private communication facilities such as wireless, radio and television communication towers. (Ord. 9760-07)

- b. the Zoning Administrator shall have the authority to determine the extent and location of such fences. (Ord. 9760-07)
- vi. All Fences: All fences shall comply with Section 21-01.01 (t) – Clear Sight Area Requirements of this Ordinance.

(E) *Satellite Dish Antennas in Residential Districts.*

- i. The regulations of this Section shall apply to *satellite dish antennas* in all residential *districts* which are greater than one meter (39.37") in diameter. These regulations are intended to allow *satellite dish antennas* to be located in a manner that:
 - (i) does not unreasonably delay or prevent the installation, maintenance or use of the antenna;
 - (ii) does not unreasonably increase the cost of installation, maintenance or use of the antenna;
 - or (iii) preclude reception of an acceptable quality signal.
- ii. The regulations of this Section are intended to accomplish the following specific and clearly defined health, safety and aesthetic objectives:
 - a. To promote the public health and safety by providing criteria for the placement of *satellite dish antennas* greater than one meter (39.37") in diameter which ensure that all such installations are performed in a manner which limits endangerment of life and property on the site and on surrounding properties if the antennas should collapse or are felled by ice or high winds; and,
 - b. To ensure the aesthetic harmony of residential areas by providing for a harmonious streetscape, consistent with the *Comprehensive Plan*, uncluttered by non-residential *structures*, including guy wires, poles, masts, cables or other appurtenances which can create a visual blight offensive to those who reside, work or travel in the City of South Bend.
- iii. The following regulations are intended to meet the above objectives without unnecessarily burdening the Federal interests in ensuring the availability of satellite services and in promoting fair and effective competition among competing communication service providers.

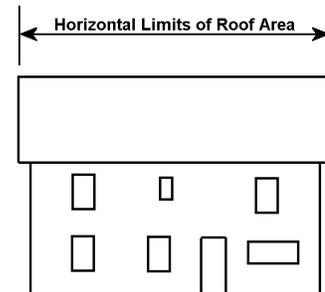
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In any residential *district*, *satellite dish antennas* greater than one meter (39.37") in diameter shall be permitted as either ground mounted or roof mounted, provided that:

- a. If ground mounted, *satellite dish antennas* shall:
 - 1. not be located in any *minimum front yard*, *minimum side yard*, *minimum rear yard*, or between the established *front building line* and the *front lot line*; and,
 - 2. not exceed the maximum *building height* allowed for an *accessory structure*.

b. If roof-mounted, *satellite dish antennas* shall:

- 1. not exceed the lesser of five (5) feet above the peak of the roof or the *maximum building height* limit allowed for a *primary building*;



- 2. not extend beyond the horizontal limits of the roof area; and,
- 3. be installed in accordance with the Building Code of the City of South Bend. Furthermore, written documentation of such compliance, including load distribution within the *building's support structure*, may be required.

(F) *Grade Level Improvements.*

Grade level improvements which do not include a foundation shall be permitted as follows:

- i. In a *minimum front yard* – *walkways* and *driveways*.
- ii. In a *minimum side yard* or *minimum rear yard* – *walkways*, and *interior access drives*, provided, however that an *interior access drive* may only be located in one *minimum side yard* and shall not be less than eight (8) feet in width nor greater than sixteen (16) feet in width.

(G) Game Courts.

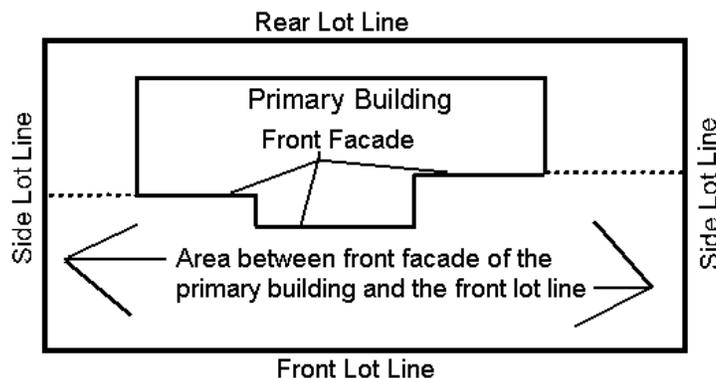
Game courts shall not be located in any *minimum front yard*, *minimum side yard*, *minimum rear yard*, or between the established *front building line* and the *front lot line* provided, however, a permanent or temporary basketball goal may be located adjacent to a *driveway* or *interior access drive* in any *minimum yard* in any Residential *District*.

(H) Trash Containers.

Any trash container exceeding thirty-six (36) cubic feet in capacity shall:



- i. be screened on at least three sides by a *building* wall or a solid-walled enclosure, not less than six (6) feet in height nor more than ten (10) feet in height above *grade*, equipped with an opaque screen gate, and any solid-walled portion of the enclosure shall be provided with *foundation landscaping*;
- ii. not be located between the front façade of the *primary building* and the *front lot line*; and,
- iii. not be located in any *minimum front yard*, *minimum side yard* or *minimum rear yard*.



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- (4) Additional Development Standards for Chickens, *Chicken Coops*, and *Chicken Pens*. (Ord. 10212-13, 1-14-13)

The purpose of this section is to authorize and provide standards for the keeping of chickens and the establishment of *chicken coops* and *chicken pens*. It is intended to enable residents to responsibly keep a small number of chickens on a non-commercial basis while limiting the potential adverse impacts on the surrounding properties:

(A) Chickens.

- i. The keeping of chickens shall be allowed only in the SF1 and SF2 Single Residential Districts and shall further be subject to the following regulations:
- ii. Number and Types of Chickens Allowed.
 - a. The maximum number of chickens allowed is six (6) per *Dwelling, Single Family*.
 - b. Only female chickens are allowed. Roosters are specifically prohibited.
 - c. No chickens allowed in multi-family dwellings.

(B) Enclosures.

- i. A *chicken coop* and *chicken pen* shall be provided. During daylight hours, chickens may be located in the chicken pen.
- ii. The *chicken coop* shall be enclosed with solid material on all sides and have a solid roof and door(s). The coop shall be at least eighteen (18) inches high, and provide at least one (1) square foot of floor area per chicken. Traditional building materials shall be used. Doors shall be constructed so that they can shut and lock. Vents, covered with wire, will be placed as necessary for adequate ventilation. The coop shall be impermeable to rodents, wild birds, and predators, including dogs and cats.
- iii. The *chicken pen* shall be constructed of traditional building materials and be predator-proof. The pen shall provide at least two (2) square feet of area per chicken. The fence shall rise no more than six (6) feet above the ground. The pen shall be covered with wire, aviary netting, or solid roofing.

- (C) Permits - A *building permit* issued by the City is required for any accessory structure more than one-hundred and twenty (120) square feet. No permit is required for a *chicken coop* or *chicken pen* that does not exceed one-hundred and twenty (120) square feet.
- (D) Non-Commercial Use Only - The keeping of chickens authorized under this section shall be limited non-commercial uses only. Commercial activities are prohibited. Chickens authorized under this section shall be kept as pets or for personal use only. Eggs and chicken manure shall not be sold. There shall be no butchering of chickens on the premises.
- (E) The *chicken coop* , *chicken pens*, and surrounding area shall be kept clean, dry, odor-free, and in a neat and sanitary condition at all times. All manure, uneaten feed, and other trash shall be removed daily, and disposed of in a sanitary manner. The property owner shall take all necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites.
- (F) Location.
 - i. *Chicken coops* shall be located at least fifteen (15) feet from any property line, and at least twenty (20) feet from the nearest residential dwelling.
 - ii. *Chicken coops* and *chicken pens* shall be located behind the residential structure.
 - iii. City residents who do not have adequate space on their property will not be allowed to own chickens.
- (G) Permit Required; Permit Revocation.
 - i. A permit shall be required through the Department of Code Enforcement. Compliance with the requirements of this Section shall create a presumption that the permitted use does not create a nuisance or threat to public health or safety. The permit shall, however, be revoked if the Code Enforcement Administrator determines that the permitted use does create a nuisance or detriment to public health or safety.
 - ii. Violation of ordinance standards shall result in permit revocation, and possible enforcement under Article 10, Enforcement, including civil penalties. Misrepresentation by a permittee shall result in the voiding and revocation of an issued permit. In the case of the voiding and

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revocation of an issued permit, all chickens, *chicken coops*, *chicken pens* and associated equipment shall be removed from the property.

- (H) Additional requirements for the keeping of chickens shall be found in Chapter 5 Animals and Fowl.

(b) Temporary Uses, Buildings and Structures

(1) Permits Required.

A *temporary use, building or structure* which is in compliance with the provisions of this Section, shall be allowed in any residential *district*. A *temporary use, structure or building* which will be converted into a permanent *primary or accessory use* after the cessation of the *temporary use* shall be required to obtain an *improvement location permit* prior the establishment of the use or the construction of any *structure or building*. A *temporary use, structure or building* which will be removed from the site upon cessation of the *temporary use* shall comply with the regulations contained in this Section, and shall obtain an *improvement location permit*.

(2) Permitted *Temporary Uses, Buildings and Structures*.

Temporary uses, buildings or structures shall be permitted in any Residential *District* as follows:

- (A) *Permitted Temporary Uses*: Including but not limited to: Construction trailers; Sales offices in portions of model homes; *Temporary Signs* (See Section 21-07.03 for additional regulations); *Garage Sales*. (Ord. No. 9653-06)
- (B) *Special Exception Temporary Uses*: Including but not limited to: Sales Office (freestanding); *Temporary Living Quarters*. (Ord. No. 9653-06)

(3) Duration.

Except as specifically provided otherwise in this Section 21-02.11, a *temporary use, building or structure* shall be permitted for a period not to exceed one (1) year. Except as specifically provided otherwise in this Section 21-02.11, the *improvement location permit*, if required, may be renewed one (1) or more times by the *Zoning Administrator*, for good cause shown, for an additional period(s) not to exceed a total of three (3) years beyond the original expiration date.

(4) Compliance with *Development Standards*.

Any temporary use, building or structure shall comply with all applicable development standards and setback requirements in the district in which the temporary use, building or structure is located.

(5) Additional *Development Standards* for Temporary Construction Trailers or Sales Offices.

- (A) under-skirting shall be installed around the entire perimeter of the *building or structure*;
- (B) in the case of a new subdivision, shall be located on an approved *lot*, as shown on the *primary plat*;
- (C) in the case of a single *lot* development, shall be located on the *lot* in compliance with all *minimum yard* and *setback* requirements;
- (D) in the case of a redevelopment project, shall be located on the *lot*, plot, tract or parcel of such redevelopment project in compliance with all *minimum yard* and *setback* requirements; and,
- (E) shall serve only *lots* or *dwelling units* within the *primary plat*, single *lot* development or redevelopment project.

(6) Cessation of *Use*.

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

(7) Regulations for Garage Sales / Yard Sales.

Notwithstanding any regulations above to the contrary, a *garage sale* may be conducted on a premises which includes a dwelling unit subject to the following regulations:

- (A) A *garage sale / yard sale* may be conducted three (3) times each calendar year per *lot* and shall not exceed three (3) consecutive days in duration;
- (B) A *garage sale / yard sale* shall only be conducted during the hours from sunrise to sunset;

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- (C) All personal property exhibited outdoors during a *garage sale* / yard sale shall be placed within a *building* or *structure* or otherwise removed from the premises immediately following the end of the *garage sale*;
 - (D) *Garage sale signs* shall comply with the applicable provisions of Section 21-07.03 (a) (12) – Temporary Signs;
 - (E) Nothing in this Section shall be construed to prohibit one (1) or more owners or occupants from conducting a combined *garage sale* on one (1) of the *lots* owned or occupied by the participants, provided that all other provisions of this Section are complied with;
 - (F) A *garage sale* / yard sale or *garage sale sign* shall be exempt from the requirement of this Ordinance to obtain an *improvement location permit* for a *temporary use*; and,
 - (G) Personal property exhibited outdoors during a *garage sale* / yard sale may be located in a *minimum front yard*, *minimum side yard* or *minimum rear yard*, provided, however, such personal property shall not be located in any *public right-of-way*.
- (8) Mobile Classrooms.
- Mobile classrooms shall only be permitted as a *temporary use* in compliance with the following requirements:
- (A) Mobile classrooms shall be for use by a *religious use* or any public or parochial school; and,
 - (B) Mobile classrooms may be permitted for a period not to exceed five (5) years from the date of issuance of an *improvement location permit*.

(c) **Home Occupations.**

Intent: This Section provides standards to insure compatibility of *home occupations* with other *permitted uses* and with the residential character of the *district* and neighborhood in which the *home occupation* is located as well as clearly establishing the secondary or incidental status of *home occupations* in relation to the *primary use* of the *lot* for *dwelling* purposes.

(1) Required Standards

Home occupations shall be permitted in all residential *districts* subject to the following standards:

- (A) *Home occupations* shall be limited to *family* members residing within the *dwelling* and who make the *dwelling* their primary place of residence.
- (B) The use of the *dwelling unit* for the *home occupation* shall be incidental and subordinate to the use for residential purposes by the occupants.
- (C) There shall be no structural alterations to the interior of the *dwelling* to accommodate a *home occupation* which would render the *dwelling* undesirable for residential use.
- (D) There shall be no structural additions, enlargements or exterior alterations changing the residential appearance of the *dwelling* or the *lot* or other visible indications of the conduct of the *home occupation*.
- (E) There shall be no additional or separate entrance to the *dwelling* for the purpose of conducting the *home occupation*.
- (F) There shall be no internal or external alterations, construction features, or use of electrical or mechanical equipment which would change the fire rating of the *structure*.
- (G) There shall be no *outdoor storage* of any kind related to the *home occupation*.
- (H) All aspects of the *home occupation* shall be conducted within the *dwelling structure* in which the occupant makes his/her residence. No *home occupation* shall be conducted in any detached *accessory building*.
- (I) There shall be no traffic generated by a *home occupation* which is greater in volume than that which would be normally expected in the residential area in which the *home occupation* is located.

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- (J) There shall be no equipment or process used in the *home occupation* which creates noise, vibration, glare, smoke, fumes, odors, or electrical interference detectable to the normal senses at any point beyond the *lot line* in such a manner as to annoy, disturb, frighten or otherwise interfere with the use and quiet enjoyment of adjacent properties, or which creates water usage or the production of sewage other than domestic in nature.
- (K) There shall be no electrical or mechanical equipment utilized in the *home occupation* which will create any visual or audible interference with radio or television reception or which will cause fluctuations in line voltage off the premises.
- (L) The *home occupation* shall not involve the use of commercial vehicles for delivery of materials to or from the premises other than vehicles normally associated with residential home delivery (i.e., postal or united parcel vehicles).
- (M) The *dwelling* shall not be altered in its appearance and the *home occupation* shall not be conducted in such a manner as to differentiate the *dwelling* from the residential character of the area by either use of materials, construction, separate entrances, lighting, *signs* or other means.

(2) Prohibited Home Occupations

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

- (A) Antique, Book or Gift Shop.
- (B) Appliance Repair, large or small.
- (C) Auto/Vehicle Repairs, major or minor.
- (D) Barber Shop / Beauty Shop.
- (E) Bicycle Repair of Service.
- (F) Dance Studio.
- (G) Dental Office or Clinic.
- (H) Freight, Trucking or Shipping.
- (I) Lawn Mower Repair of Service.
- (J) Medical Office or Clinic.
- (K) Painting of Vehicles, Trailers, Boats, etc.
- (L) Photography Studio.
- (M) Private Schools with Organized Classes.
- (N) Restaurants, Eating or Drinking Establishments.
- (O) Upholstering.
- (P) Television or Radio Repair.
- (Q) Tool or Equipment Rental.
- (R) Tooling, Welding or Machine Shop.
- (S) Veterinary Clinic, Kennel, or Stable.
- (T) Any *use* not in compliance with the intent and conditions set forth in this Section.

(3) Permitted Home Occupations

By way of example, the following uses, when conducted in compliance with the conditions set forth above, qualify as permitted *home occupations*:

- (A) Artist's, Musician's or Writer's Studio.
- (B) Cake Making or Decorating (not a catering or commercial bakery facility).
- (C) Data Processing, Word Processing or Transcription Services.
- (D) Dressmaking, Millinery, Sewing or Tailoring.
- (E) Home School, including Cottage Schools.
- (F) Personal Office.
- (G) Teaching or Tutoring, including musical instruments or dance, when limited to one pupil at a time.
- (H) Other uses that comply with the intent and conditions set forth above in this Section.

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(d) Performance Standards.

All *use* in existence prior to the effective date of this Ordinance or established after the effective date of this Ordinance in any Residential *District* shall comply with the performance standards of the applicable municipal, state or federal regulations pertaining to: vibration; smoke, dust and particulate matter; noxious matter; odor; noise; heat; glare; or, waste, and shall be subject to enforcement action by the applicable municipal, state or federal agency responsible for monitoring and enforcing such regulations.

(e) **Zoning Violations in Residential Districts.**

- (1) Use – The conduct of any activity in a Residential district that is not specifically enumerated as a permitted *primary use* or *accessory use* in that *district*, and which activity has not been legally established by a currently valid *variance*, *special exception* or other approval grant.
- (2) Development Standards – Failure to comply with *district development standards*, including but not limited to landscaping, paving of *parking areas*, minimum *parking space* requirements, trash dumpster enclosure, fencing or screening requirements.
- (3) Approvals – The failure to comply with the terms, provisions or conditions of: a grant of *variance* or *special exception*; an approval of a *development plan*; or, other approval grant authorized by this Ordinance.
- (4) Large Vehicles – No tractor, trailer, tractor-trailer combination, or vehicle (including but not limited to a tow *truck*, dump *truck*, flatbed *truck*, *semi-trailer*, and the like) equal to or in excess of one and one half (1 ½) tons capacity, or which has a bed more than eight (8) feet long, may be parked upon any land or premises in any Residential *District*. However, the foregoing shall not apply to school buses used for the transportation of school children to and from school or to and from a school sponsored activity, between the hours of 8:00 a.m. and 5:00 p.m. any day except Saturdays, Sundays and legal holidays on designated snow routes of a sufficient width as determined by the Board of Public Works. Nothing in this Section is intended to affect the already regulated parking on designated snow routes during a snow emergency, or other areas in which parking is regulated by duly authorized signs.
- (5) Parking, Storing, Maintaining or Keeping of Any Recreational Vehicle or Recreational Trailer in any Residential *District*.

Notwithstanding any provision in this Ordinance to the contrary, no recreational vehicle or recreational trailer shall be parked, stored, maintained or kept on any property in any Residential *district* unless in compliance with the following:

- (A) recreational vehicles or recreational trailers may be parked or stored:
 - i. inside an *accessory building* or *garage*; or
 - ii. outside in such a manner that no part of any such recreational vehicle shall project into any:
 - a. *minimum front yard* for a *primary building*;

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- b. *minimum side yard* for a *primary building*; or,
 - c. *minimum rear yard* for an *accessory building*.
 - (B) Not more than a total of two (2) recreational vehicles / recreational trailers shall be permitted to be parked or stored in the open on the same *lot* at any one time.
 - (C) Parked or stored recreational vehicles shall not be occupied or used for living, sleeping or housekeeping purposes in any Residential *district*.
- (6) Parking of Vehicles – General:
- (A) Notwithstanding anything in this Ordinance to the contrary, the parking of any motor vehicles of any size or nature for any period of time on a *lot of record* without a *primary building* also being located on said *lot of record* shall be a zoning violation.
 - (B) If a *primary building* exists on a *lot of record*, parking on said *lot of record* shall be *accessory* to the *use* of the *primary building* located on said *lot of record*.
 - (C) The prohibition against parking set forth above in this sub-Section 6 shall not apply to a "*parking lot – accessory*" authorized by the grant of a *Special Exception*.
 - (D) Notwithstanding anything in this Chapter to the contrary and the provisions of Article 8 of Chapter 14 of the South Bend Municipal Code, addressing specific public safety regulations on parking in residential areas, the parking of any vehicle within the *required minimum front setback* shall not be allowed unless the parking is on a legal, properly hard-surfaced driveway or parking space which has a durable and dust-free surface, as required by Section 21-07.04. (Ord. 9759-07)
- (7) Parking of Vehicles – *Family*:
- In order to avoid congestion in the public ways, promote safety for vehicular and pedestrian traffic, and ensure that residential areas provide healthful surroundings for family life, no *family* consisting of persons not related by blood, legal adoption or marriage, living and cooking together as a single housekeeping unit shall consist or more persons who possess an automotive vehicle than the number of *off-street parking spaces* provided on-site in a *garage, interior access drive* or *driveway* on the *lot*, plus the number of legal, *on-street parking spaces* located immediately adjacent to and on the same side of the *street* as the *front lot line* of the *lot*.

(f) **Additional Development Standards.**

(1) Additions Along a *Legally Established Nonconforming Setback*.

The *minimum front yard, minimum side yard or minimum rear yard* for any *legally established nonconforming building* having a *setback* which is less than that which is required by this Ordinance shall be allowed to expand one (1) or more times along such *legally established nonconforming setback*.

(2) Additional Front *Setback* Provisions.

(A) *Public Streets*

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

(B) *Public Streets and Private Streets*

i. The *minimum front yard* and *minimum building setback* from the *right-of-way* line of a *private street* shall be the same as for a "all other *streets*" in the applicable Residential *district*.

ii. The *setback* provisions of this Ordinance are subject to the following modification:

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

iii. Any development permitted within a *minimum front yard* shall be those specified in the "Use of Minimum *Yards*" sections of the applicable residential *district*.

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(C) *Double Frontage Lots.*

i. *Limited Access Highway Rights-of-Way.*

That portion of a *double frontage lot* which abuts a *limited access highway right-of-way* shall be subject to *setback* and landscaping requirements of this Ordinance applicable to *minimum rear yards*.

ii. *All Other Streets.*

That portion of a *double frontage lot* which abuts any perimeter *street* in which a "non-access easement" is provided for by a properly approved and recorded plat shall be subject to *setback* and landscaping requirements of this Ordinance applicable to *minimum rear yards*.

(D) *Enclosure of Legally Established Nonconforming Porches.*

Legally established nonconforming porches which encroach no more than eight (8) feet into a *minimum front yard*, may be enclosed subject to compliance with the following regulations:

- i. shall not exceed seventeen (17) feet or two (2) stories in height;
- ii. enclosing walls shall contain windows over a minimum of seventy-five (75) percent of the width of the outside wall and a minimum average window sash height of fifty (50) percent of the room height; and,
- iii. containing no interior partitions.

(3) *Setback Regulations for Laterally-Supported Extensions.*

Notwithstanding any *setback* regulations of this Ordinance to the contrary, laterally-supported extensions, such as:

(A) canopies, sills, belt courses, eaves, cornices, bay windows, roof overhangs or other ornamental features, may extend a maximum of:

- i. three (3) feet into any *minimum front yard* or *minimum rear yard*; or,
- ii. twelve (12) inches into any *minimum side yard*; or,

- (B) open or enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers may extend a maximum of five (5) feet into any *minimum front yard, minimum side yard or minimum rear yard.*
- (4) Height Regulations for Roof Mounted or Roof Piercing *Structures.*

The following regulations shall apply to the roof mounted or roof piercing structures in any Residential *District*:

- (A) Parapet walls may exceed the maximum *building height*, provided such parapet wall do not exceed four (4) feet in height above the roof line; and,
 - (B) Roof mounted or roof piercing chimneys, cooling towers, elevator bulkheads, mechanical penthouses, stacks, water towers, radio or television antenna, ornamental towers, cupolas, domes, steeples and spires, may exceed the maximum *building height*, provided such structures do not exceed twenty-five (25) feet in height above the roof line.
- (5) *Lot Area and Lot Width Regulations for Legally Established Nonconforming Lots of Record.*

See Section 21-01.03 (d) – Legally Established Nonconforming Lots of Record.

- (6) Additional Standards for *Manufactured Home Dwellings.*

- (A) Construction.

All *manufactured home dwellings* shall comply with the following requirements:

- i. Compliance with Federal Standards – Each module of a *manufactured dwelling home* must bear a label certifying that it is built in compliance with the federal Manufactured Home Construction and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.);
- ii. Date of Construction – Each *manufactured home dwelling* shall have been constructed after January 1, 1981;
- iii. Main Floor Area – Each *manufactured home dwelling* shall have at least nine-hundred and fifty (950) square feet of *main floor area* (exclusive of *garages, carports and open porches*); and,

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- iv. Multiple Sections – Each *manufactured home dwelling* shall be composed of more than one (1) section.

(B) Installation Standards.

All *manufactured home dwellings* shall be installed in compliance with the following requirements:

- i. Permanent Perimeter Enclosure Required – Each *manufactured home dwelling* shall be set into an excavated are with crawl space walls or basement walls constructed in accordance with the terms of the Indiana One and Two Family Dwelling Code. The space between the floor joists of the *manufactured home dwelling* and the excavated under-floor grade shall be completely enclosed with a permanent perimeter enclosure, except for required openings; and,
- ii. Support System – All load-bearing foundations for a *manufactured home dwelling* shall be installed in conformance with the regulations of the Indiana One and Two Family Dwelling Code and with the manufacturer's installation specifications.

(C) Siding Standards.

The siding materials used on all *manufactured home dwellings* shall be limited to the following:

- i. Residential horizontal aluminum lap siding;
- ii. Residential horizontal vinyl lap siding;
- iii. Wood-grain, weather resistant, pressboard siding;
- iv. Stucco siding;
- v. Brick siding; or,
- vi. Stone siding.

(D) Roofing Standards.

The roofing materials used on all *manufactured home dwellings* shall be limited to the following:

- i. Asbestos shingles on a roof pitched according to the design specifications of the shingles;
- ii. Fiberglass shingles on a roof pitched according to the design specifications of the shingles;
- iii. Shake shingles on a roof pitched according to the design specifications of the shingles;
- iv. Asphalt shingles on a roof pitched according to the design specifications of the shingles;
- v. Slate; or,
- vi. Tile.

(g) **Requirements for All Private Streets and Private Alleys.**

See Section 21-01.01 (u) – Requirements for All Private Streets and Private Alleys.

(h) **Neighborhood Recycling Collection Points.**

A neighborhood recycling collection point may be established as an *accessory use* to a *religious use*, school, library or other *use* containing not less than twenty (20) *parking spaces*, provided that the area used for the *neighborhood recycling collection point* does not reduce the number of required *off-street parking spaces* for the *primary use* or *special exception use* below the minimum requirements established in Section 21-07.04 – Off-Street Parking Regulations.