

CHAPTER 150 - ZONING LAWS - DEFINITIONS

150.01 Definitions applicable to the Mater Plan.

150.02 Definitions. For the purposes of Chapters 150 through 157 relating to zoning, certain words and phrases shall have the following meanings:

ACCESSORY BUILDING. A subordinate building or structure that is located on the same lot as a principal building and not used or designed for human occupancy.

ACCESSORY USE. A subordinate use that relates to the same lot as a primary use and is a use other than human occupancy, except as specified herein.

ADVERTISING STRUCTURE. Any notice or advertisement, pictorial or otherwise, and all such structures used as an outdoor display, regardless of size and shape, for the purposes of making anything known, the origin or place of sale of which is not on the property with such advertising structures.

AGRICULTURAL BUILDING. A structure utilized for the conduct of farming operations but it does not include a dwelling.

AIRCRAFT. Any contrivance, now known or hereinafter invented, for use or designed for navigation of or flight in the air or outer space, including missiles.

AIRPORT. Any area which is used or intended to be used for the taking off and landing of aircraft, including helicopters, and any appurtenant areas which are used or intended to be used for airport buildings or facilities, including open spaces, taxiways and tie-down areas.

ALLEY. A right of way, other than a street, road crosswalk, or easement, that provides secondary access for the special accommodation of the abutting property.

AUTOMATIC CAR WASH. A building, or portion thereof, where automobiles are washed with the use of chain conveyor and blower or steam-cleaning device.

BLOCK. An area that abuts a street and lies between two adjoining streets or barriers such as a railroad right of way or a waterway. In the absence of the preceding, a distance of 300 feet in either direction from the subject site shall constitute a block.

BOARDING HOUSE. A building, not available to transients, in which meals are regularly provided for compensation for at least 3 but not more than 30 persons.

BUILDING. A roofed structure for the shelter, support, enclosure or protection of persons, animals, or property.

BUILDING AREA. The horizontal projected area of the building on a lot, excluding open areas or terraces, unenclosed porches not

more than one story high, and architectural features that project no more than 2 feet.

BUILDING LINE. The line that establishes the minimum permitted distance on a lot between the front line of a building and the street right-of-way line.

BUSINESS. The purchase, sale, or exchange of goods or services, or the maintenance for profit of offices or recreational or amusement enterprises.

CEMETERY. Land used for the burial of the dead and dedicated for cemetery purposes, including columbarium, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundaries of such premises.

CLINIC. An establishment in which patients are admitted for medical or dental study or treatment and in which the services of at least 2 physicians, dentists or chiropractors and other medical practitioners are provided.

CORNER LOT. A lot at the junction of and abutting two intersecting or intercepting streets.

DETACHED BUILDING. A building that has no structural connection with another building.

DRIVE-IN RESTAURANT. A food service establishment where food is consumed on the premises outside of fully enclosed buildings or structures.

DWELLING. A building or part of a building that is used primarily as a place of abode, including mobile home as defined herein, but not including a hotel, motel, lodging house, boarding house, or tourist home or travel trailer;

- a. Single-Family: A detached building designed for or occupied by one family exclusively.
- b. Two-Family: A detached building designed for or occupied by two families. A duplex dwelling has one family unit above the other and a double dwelling has one family unit beside the other.
- c. A multi-family dwelling is a building designed for or occupied by three or more families.

DWELLING, FARM. One family dwellings, located upon farms and occupied or used by the owner, farm tenant or other persons employed thereon.

DWELLING UNIT. A dwelling or part of a dwelling used by one family as a place of abode.

EXPANDO ROOM. An expandable manufactured housing unit.

FAMILY. One or more persons living as a single housekeeping unit, but not including a group occupying a hotel, motel, club, nurses home, dormitory or fraternity or sorority house.

FARM, CONFINEMENT FEEDING. Any operation involving the production of livestock or fowl or related operations, indoors or outdoors, wherein more than 100 head of livestock or 5,000 fowl are kept within buildings or structures or in paved or unpaved feed lots, wherein 5 square feet or less of feed lot area is provided per laying hen, or 8 square feet or less per hog weighing 225 pounds or less, or 15 square feet or less per lamb or ewe, or 50 square feet or less per sow, or 50 square feet or less per feeder steer, or 100 square feet or less per dairy cow, provided that this definition shall not apply to operations involved with the processing of products of confinement feeding operations.

FARM GENERAL. An area used for agricultural operations, including truck gardening, forestry, the operation of a tree or plant nursery, or the production of livestock and poultry except as defined under "farm, confinement feeding"; or the processing of farm products produced on the farm by the resident owner or tenant, but it does not include commercial or custom slaughtering.

FILLING OR SERVICE STATION. Any building, structure, or land used for the dispensing, sale or offering for sale at retail of any automobile fuels, oils or accessories, including lubrication or washing of automobiles and replacement or installation of minor parts and accessories, but not including major repair work such as motor replacement, body and fender repair or spray painting.

FRONT LINE. With respect to a building, means the line of the face of the building nearest the front lot line.

FRONT LOT LINE. Except as deed restrictions specify otherwise,

- a. for an interior or through lot, means the line marking the boundary between the lot and the abutting street; and
- b. for a corner lot, means the line marking the boundary between the lot and the shorter of the two abutting street segments.

GARAGE, PRIVATE. A detached accessory building or a portion of a main building on the same lot as a dwelling for the housing of vehicles of the occupants of the dwelling, including carports.

GARAGE, PUBLIC. Any garage other than a private garage.

GARAGE, AUTOMOBILE REPAIR. A building other than a private garage used for the care, repair, or equipment of automobiles, or where such vehicles are parked or stored for remuneration, hire or sale.

GARAGE, TRUCK REPAIR. A building other than a private garage

used for the care, repair, or equipment of trucks, over 8000 pounds, or where such vehicles are parked or stored for remuneration, hire or sale.

GROUND FLOOR AREA. The area of a building in square feet as measured in a horizontal plane at the ground floor level within its largest outside dimensions, exclusive of open porches, breezeways, terraces, garages, and exterior stairways, furnace and laundry areas.

HEIGHT. With respect to a building, means the vertical distance from the lot ground level to the highest point, for a flat roof; to the deck line, for a mansard roof; and to the mean height between eaves and ridges, for a gable, hip, or gambrel roof.

HOME OCCUPATION. Home Occupation shall mean any use customarily conducted entirely within a dwelling and carried on by an inhabitant thereof, which use is clearly incidental and secondary to the use of the structure for dwelling purposes and which use does not change the character thereof and that no accessory building shall be used for such home occupation. In no event shall a barber shop or beauty shop or similar occupation be construed as a home occupation. Such home occupations may include:

- a. Consultive professional occupations, whose function is one of rendering a service and does not involve the dispensation of goods or products.
- b. The selling or otherwise disposing of agricultural services and products produced on the premises
- c. Secondary business offices, where an agricultural operation on the premises requires such office
- d. The giving of music lessons and similar occupations.
- e. The home office of a salesman, when all sales are done by written order with no commodities or displays on the premises.
- f. Drafting, designing and the like, using only the normal drafting equipment.

The following criteria shall apply for the evaluation of a "Home Occupation":

- a. There shall be no employment of help other than the one member of the resident family.
- b. There shall be no use of material or mechanical equipment not recognized as being part of normal household or hobby uses, except in the "AG" District.
- c. There shall be no sales of products or services not produced on the premises.

- d. The use shall not generate pedestrian or vehicular traffic beyond that normal to the district in which it is located.
- e. It shall not involve the use of commercial vehicles for delivery of materials to or from the premises, other than a vehicle not to exceed one (1) ton, owned by the operator of such home occupations, which shall be stored in an entirely enclosed garage.
- f. No excessive or unsightly storage of materials or supplies, indoor or outdoor, for purposes other than those permitted in the district.
- g. It shall not involve the use of signs or structures other than those permitted in the district of which it is a part.
- h. Not more than one (1) room in the dwelling shall be employed for the home occupation.
- i. No building or space outside of the main building shall be used for home occupational purposes except for agricultural uses.
- j. In no way shall the appearance of the structure be so altered or the conduct of the occupation within the structure be such that the structure may be reasonably recognized as serving a non residential use (either by color, materials or construction, lighting, signs, sounds or noises, vibrations, etc.)
- k. There shall be no use of utilities or community facilities beyond that normal to the use of the property for residential or agricultural purposes as defined in the district.

INDUSTRIAL USE, GENERAL. Manufacturing, processing, extraction, heavy repairing, dismantling, storage, or disposal of equipment, raw materials, manufactured products or wastes, in which operations, other than transportation, may be performed in either open or closed areas.

INDUSTRIAL USE, LIGHT. Manufacturing, processing, extraction, heavy repairing, dismantling, storage, or disposal of equipment, raw materials, manufactured products or wastes, in which all operations, other than transportation, are performed entirely within enclosed buildings and for which all loading and unloading facilities are enclosed.

INTERIOR LOT. A lot other than a corner lot or a through lot.

JUNK YARD. A place, usually outdoors, where waste or discarded used property other than organic matter is accumulated and/or stored and is or may be salvaged for re-use or resale, including but not limited to, one or more unlicensed or inoperable motor vehicles, farm machinery or equipment of any kind.

KENNEL. A place primarily for keeping 4 or more dogs, or other small animals, that are ordinarily kept as pets and are at least 4 months old.

LOCAL STREET. A street designed primarily to provide access to abutting properties.

LODGING HOUSE. A building, not available to transients, in which lodgings are regularly provided for compensation for at least 3 but not more than 30 persons.

LOT. A parcel, tract or area of land accessible by means of a street or place, abutting upon a street or place for at least sixty (60) percent of the lot width prescribed for the District in which the lot is located. It may be a single parcel separately described in a deed or plat which is recorded in the office of the County Recorder, or it may include parts of, or a combination of such parcels which adjacent to one another and used as one. In determining lot area and boundary lines no part thereof within the limits of a street shall be included.

LOT COVERAGE. The percentage of the lot area that is represented by the building area.

LOT GROUND LEVEL:

- a. For a building having walls abutting (that is, generally parallel to and not more than 5 feet from) one street only, means the elevation of the sidewalk at the center of the wall abutting the street;
- b. For a building having walls abutting more than one street, means the average of the elevations of the sidewalk at the centers of all walls that face streets; and
- c. For a building having no wall abutting a street, means the average level of the ground adjacent to the exterior walls of the building.

LOT WIDTH. The distance between the side lot lines as measured on the building line.

MANUFACTURED HOME. "Manufactured home" means a dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the National Manufactured Housing Construction and Safety Standards Code. More specifically:

- a. Was constructed after January 1, 1981; and,
- b. Has more than nine hundred and fifty (950) square feet of occupied space and is composed of more than one(1) section; and,
- c. Is placed onto a permanent underfloor foundation in accordance with approved installation standards,

- d. Is placed into a permanent perimeter enclosure, in accordance with approved installation standards,
- e. Has wheels, axles, and hitch mechanisms removed; and,
- f. Has siding material of a type customarily used on site constructed homes,
- g. Has roofing material of a type customarily used on site constructed home; Subject to the following specifications:

Installation, Siding and Roofing Standards for Manufactured Homes,

1. Permanent perimeter enclosure. A manufactured home, must be set onto an excavated area with crawl space walls or basement walls constructed in accordance with the terms of the One and Two Family Dwelling Code. The space between the floor joists of the homes and the excavated under-floor grade shall be completely enclosed with the permanent perimeter enclosure, except for required openings.

2. Support system (foundation). All load-bearing foundations shall be installed in conformance with the regulations in the One and Two Family Dwelling Code and with the manufactures installation specifications.

(a) Siding Standards - The following siding materials are approved for usage on manufactured homes,

- (1) Residential horizontal aluminum lap siding.
- (2) Residential horizontal vinyl lap siding.
- (3) Cedar or other wood siding.
- (4) Wood grain, weather resistant, press board siding.
- (5) Stucco siding.
- (6) Brick or stone siding.

(b) Roofing Standards - The following material are approved for usage on manufactured homes,

- (1) Asbestos shingles on a roof pitched according to the design specifications of the shingles.
- (2) Fiberglass shingles on a roof pitched according to the designed specification of the shingles.
- (3) Shake shingles on a roof pitched according to the designed specification of the shingles.
- (4) Asphalt shingles on a roof pitched according to the designed specification of the shingles.
- (5) Slate materials on a roof pitched according to the designed specification of the shingles.
- (6) Tile materials on a roof pitched according to the designed specification of the shingles.

STANDARDS CODE. Title IV of the 1974 Housing and Community Development Act (42 U.S.C. 5401 et seq), as amended (previously known as the federal Mobile Home Construction and Safety Act), rules and regulations adopted thereunder, which include H.U.D. approved information supplied by the home manufacturer, and regulations and interpretations of said code by the Indiana Administrative Building Council.

MINERAL EXTRACTION. (a) mining or quarrying, and (b) removal, of earth materials.

MOBILE HOME. "Mobile home" means any vehicle or portable structure designed for long term occupancy, containing sleeping accommodations, a flush toilet, a bathtub or shower, kitchen facilities, and plumbing and electrical connections providing for attachment to outside systems; designed to be transported after fabrication on its own wheels, flatbed truck, or other trailer or detachable wheels; which, when arriving at the site where it is to be occupied as a complete dwelling unit, including major appliances, and ready for occupancy except for minor and incidental unpacking and assembly operation, is located on foundation supports, and is connected to external utilities and electrical system. Mobile home does not include modular homes or manufactured home.

MOBILE HOME LOT. "Mobile home lot" means a designated site within a mobile home park for the exclusive use of the occupants.

MOBILE HOME PARK. An area of land on which 2 or more mobile homes are regularly accommodated with or without charge, including any building or other structure, fixture, or equipment that is used or intended to be used in providing that accommodation.

NONCONFORMING USE. An existing use of land or building which fails to comply with the requirements set forth in this ordinance applicable to the District in which such use is located at the time of the adoption of this ordinance or any amendments hereto.

ONE AND TWO FAMILY DWELLING CODE, INDIANA. The mandatory state wide building code adopted by the Indiana Administrative Building Council for one and two family residential dwellings.

OPEN USE. The use of a lot without a building, or a use for which a building with a floor area no larger than 5 per cent of the lot area is only incidental.

PERSON. Includes a corporation, firm, partnership, association, organization, or any other group that acts as a unit.

PLANNED UNIT DEVELOPMENT. An area planned for one or more uses as an integrated and harmonious unit displaying desirable and fitting site design characteristics, the use requirements of this ordinance being generally applicable to the area as a whole rather than to the individual components.

PLAT. A map or chart that shows a division of land and is intended to be filed for record.

PRINCIPAL BUILDING. A building in which the principal use of the lot on which it is located is conducted, including a building that is attached to such a building in a substantial way, such as by a roof (with respect to residential uses, it means the main dwelling).

PRIVATE SCHOOL. A school other than a public school.

PROFESSIONAL OFFICE. An office used by members of a recognized profession such as architects, artists, dentists, engineers, lawyers, musicians, physicians and surgeons.

PUBLIC CAMP. An area of land used or designed to be used to accommodate 2 or more camping parties, including cabins, tents, travel trailers, or other camping outfits, but not including a travel trailer park.

PUBLIC LAW 360, ACTS OF 1971. Enabling legislation requiring the Indiana Administrative Building Council to adopt rules and regulations for the construction, repair or maintenance of one or two family residential dwellings.

PUBLIC STREET. A street established for or dedicated to the public use.

REAR LOT LINE. The lot line that is opposite the front lot line and farthest from it, except that for a triangular or other irregularly-shaped lot it means the line 10 feet long, parallel to the front lot line, and wholly within the lot, that is farthest from the front lot line.

SCHOOL, PUBLIC. An institution conducting regular academic instruction at kindergarten, elementary and secondary levels.

SIDE LOT LINE. A lot boundary line other than a front or rear lot line.

SIGN. Any notice or advertisement, pictorial or otherwise, used as an outdoor display for the purpose of advertising the property or the establishment or enterprise, including goods and services, upon which the sign is exhibited.

STREET, ARTERIAL Streets that carry traffic in and out of town and to the surrounding areas.

STREET, COLLECTOR Streets which consolidate and direct local traffic to arterial streets.

STREET, LOCAL Streets which provide access to adjoining properties in residential or local business areas.

STRUCTURAL CHANGE. A substantial change, or repair, excluding normal and usual repair, in a supporting member of a building, such as a bearing wall or partition, column, beam, or girder, or in an exterior wall or the roof.

STRUCTURE. Anything constructed or erected that requires location on or in the ground or attachment to something having a location on or in the ground.

THROUGH LOT. A lot fronting on two parallel or approximately parallel streets and includes lots fronting on both a street and a watercourse or lake.

TOURIST HOME. A building in which not more than 5 guest rooms are used to provide or offer overnight accommodations to transient guests for compensation.

TRADE OR BUSINESS SCHOOL. A secretarial or business school or college when not publicly owned or not owned or conducted by or under the sponsorship of a religious, charitable or nonprofit organization; or a school conducted as a commercial enterprise for teaching instrumental music, dancing, barbering, hair dressing, or drafting or for teaching industrial or technical art.

TRAVEL TRAILER. A vehicle or other portable structure 30 feet or less in length that is designed to move on the highway and designed or used as a dwelling.

TRAVEL TRAILER PARK. An area of land on which 2 or more travel trailers are regularly, accommodated with or without charge, including any building or structure, fixture, or equipment that is used or intended to be used in connection with providing that accommodation.

TRUCK SERVICE CENTER. An occupancy which provides especially for the servicing of trucks, with incidental operations similar to those permitted for "Automobile Service Station".

USE. The employment or occupation of a building, structure or land for a person's service, benefit or enjoyment.

VISION CLEARANCE ON CORNER LOTS. A triangular space at the street corner of a corner lot, free from any kind of obstruction to vision between the heights of 3 and 12 feet above established grade, determined by a diagonal line connecting two points measured 15 feet equidistant from the street corner along each property line.

YARD. A space on the same lot with a principal building that is open and unobstructed by structures except as otherwise authorized by this ordinance.

YARD, FRONT. A yard extending across the full width of the lot; unoccupied other than by steps, walks, terraces, driveways, lamp posts and other similar structures, the depth of which is the least distance between the nearest street right-of-way and the front line of the building.

YARD, REAR. A yard that extends across the full width of a lot and is bounded on the rear by the rear lot line, and the depth of which is the least distance between the rear lot line, and the rear of the

principal building.

YARD, SIDE. A yard, between the principal building and the adjacent side lot line, that extends from the front yard, or street right-of-way where there is no front yard, to the rear yard, and the width of which is the least distance between the side lot line and the adjacent side of the building.

150.03. Specific Definitions.

1. BOARD. The Board of Zoning Appeals of the Town of Bremen, Indiana.
2. COMMISSION. The Town of Bremen Plan Commission.
3. COUNTY. The County of Marshall, Indiana.
4. SPECIAL EXCEPTION. The authorization of a use designated as being permitted in the district concerned if it meets special conditions, and upon application, is specifically authorized by the Board.
5. TOWN. The Town of Bremen, Indiana.
6. TOWN COUNCIL. The Council of the Town of Bremen, Indiana.
7. VARIANCE. A modification of the specific requirements of this Ordinance granted by the Board in accordance with the terms of this Ordinance for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and District.
8. ZONE MAP. The two maps entitled "Bremen, Indiana, Zone Map" and "Bremen, Indiana, Jurisdictional Area, Zone Map", as may be applicable and, any amendments thereto.

150.11 ACCESSORY USES. Accessory uses such as the following are permitted in all districts, and with the exception of "Buildings" may be installed in any required yard. Bird baths and bird houses Buildings (such as private garages, studios and tool sheds) Curbs Driveways Fences and hedges Lamp posts Mail boxes Names plates Parking spaces Utility installations for local service (such as poles, lines, hydrants and telephone booths) Retaining walls Trees, shrubs, plants and flowers Walks.

150.12 SETBACKS. Accessory Buildings In Residential Districts. If an interior lot abuts a corner lot or alley separating them and the front yards of the two lots are perpendicular to each other, an accessory building on the rear lot line of the corner lot may be located no closer to the street abutting the interior lot than the principal building on the interior lot, but no closer than 5 feet.

150.13 SETBACKS: Vision Clearance At Intersections. At the intersection corner of each corner lot, the triangular space determined by the two lot lines at that corner and by a diagonal line connecting the two points on those lot lines that are 15 feet

respectively from the corner shall be kept free of any obstruction to vision between the heights of 3 and 13 feet above the established

150.14 RESTRICTIONS ALONG STREAMS

a. No structure other than a fence may be erected and, if erected in violation of this section, no such structure may be used, if the location of the structure is within 75 feet of the meander, or high-water, line of any stream shown on the Zone Map.

b. Within the areas covered by the restrictions imposed by sub-section A, no use is permitted other than the following, and upon application for an improvement location permit under Section 22.0;

(1)Agricultural uses. (3)Forestry.

(2)Public utilities (4)Recreation.

Such application for an improvement location permit shall be accompanied by a letter from the County Drainage Board stating that the proposed use is in accord with the provisions of the Indiana Drainage Code (Acts 1965, Chapter 305).

150.15 Restrictions Along Limited Access Highways. No structure other than a fence or accessory use as defined hereinabove excluding "buildings" may be erected, and if erected in violation of this section, no such structure may be used if the location of the structure is within one hundred feet (100") of a limited access highway.

150.16. MOBILE HOMES

a. Permanent Occupancy. Mobile homes may be permanently occupied as residences provided continuous permanent concrete, brick or stone foundation supports the home and any additions thereto; and wheels and axles are removed; and the mobile home is located in an area that is an approved mobile home park under this Code.

b. Non-residential Occupancy. Mobile homes, trailers or vans may be utilized as contractors offices, watchmans' shelters, or tool or equipment storage only on the site and only during the period of construction of improvement projects.

c. All requirements of this and other ordinances of the County with respect to water supply and sanitary waste disposal will be met and a letter from the County Health Officer so stating accompanies the application for an improvement location permit for this use.

d. Storage of Travel Trailers and Boats. No travel trailers or boats shall be stored or parked in any residential district within the Front Yard or Side Yard.

150.17 MISCELLANEOUS RESIDENTIAL RESTRICTIONS:

1. An accessory building may not be erected before the principal building, except on a farm; and
2. In the case of a through lot, the area at each end of the lot between the setback line and the middle of the street shall be treated as if it were part of the front yard.
3. On corner and reversed corner lot, the side yard setback shall be the same as the front yard setback on adjoining lots.
4. Where 25% or more of the lots in a block are occupied by buildings, the average setbacks of such buildings determines the dimensions of the front yard in the block, however, if there is no other building within 330 feet of the proposed building in either direction, than the standard setback for the District shall apply.
5. Front yard or building setback lines established in recorded subdivisions establish the dimension of front yards in such subdivisions, except when such building setback lines may be less restrictive as provided in the applicable District.
6. The depth to width ratio of the usable area of a lot shall not be greater than 3 to 1.

150.18 WATER POLLUTION No authorization of a use under this ordinance includes the authority to discharge liquid or solid wastes into public waters except as permitted under State and Federal Law. Plans and specifications for proposed sewage and other waste treatment and disposal facilities must be approved by appropriate state agency.

150.19 STANDARDS FOR MANUFACTURED HOMES.

a. PERMITTED PLACEMENT. The establishment, location, and use of manufactured homes as scattered site residences 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 home shall meet all requirements applicable to single-family dwellings and possess all necessary improvement location, building and occupancy permits and other certifications required by the Code;
2. The home shall be larger than 950 square feet of occupied space or meet the minimum square footage requirements for the appropriate zone;

3. The home shall be attached and anchored to a permanent foundation in conformance with the regulations in the Indiana One and Two Family Dwelling Code and with manufacturer's installation and specifications;

4. The home shall be covered with an exterior material customarily used on site build residential dwellings, and such material shall extend over the top of the foundation (or meet the community's site built residential dwelling home standards).

5. The home shall have a roof composed of a material customarily used on site build residential dwellings, such as asbestos, fiberglass, shake, asphalt or tile, which shall be installed onto a surface appropriately pitched for the materials used.

b. **STRUCTURAL ALTERATION.** 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 building commissioner of the Town of Bremen.