

ZONING DISTRICTS AND ZONE MAPS

154.025 DISTRICTS ESTABLISHED.

(A) For the purposes of accomplishing the objectives set forth in the preamble of the ordinance codified in this Chapter, the unincorporated portions of the County are organized into the following districts:

- (1) A Agricultural District
- (2) R Single Family District
- (3) R-2 Residential District
- (4) O/B Office / Buffer District
- (5) O Office District
- (6) B Business District
- (7) C Commercial District
- (8) I Industrial District (*Ord. 76-19, 9/10/2019*)
- (9) PUD Planned Unit Development

(B) The following overlay or special zoning districts are established:

- (1) HP Historic Preservation District.
- (2) U University District.
- (3) FP Floodplain Regulations.

(Ord. 51-05, § 8.01.02A, 5/10/05)

154.026 OFFICIAL ZONE MAP.

In order to carry out the purpose of this chapter and to allow a variety of uses in different districts which are appropriate in location, arrangement, and density to the character of the individual districts and the establishment of a well considered pattern of development for St. Joseph County, all real property located within the unincorporated areas of St. Joseph County are hereby divided into districts as shown on the Official Zone Map which, together with all explanatory matter, is incorporated by reference and declared to be a part of this chapter.

(Ord. 51-05, § 8.01.02B, 5/10/05)

154.027 IDENTIFICATION OF THE OFFICIAL ZONE MAP.

(A) An Official Zone Map for St. Joseph County shall be maintained by the Executive Director. The Official Zone Map shall be maintained by the Executive Director as a paper hard copy or in electronic format.

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(B) If the Official Zone Map is maintained as a paper hard copy, the Official Zone Map may be identified by the signature of the President of the County Council and the signature of the Executive Director under the following words: "This is to certify that this is the Official Zone Map of St. Joseph County, Indiana", together with the date of adoption of this Chapter.

(C) If the Official Zone Map is maintained in electronic format, the Executive Director shall be the custodian of the electronic format Official Zoning Map. The Executive Director may depict the Official Zone Map, in total or in part, in various formats and scales as appropriate to the need.

(Ord. 51-05, § 8.01.02C, 5/10/05)

154.028 OFFICIAL ZONE MAP CHANGES.

(A) If, after adoption of the Official Zone Map, the County Council, in accordance with the provisions of this Chapter and the Indiana Code 36-7-4-600 et seq., changes any of the district boundaries or other matter portrayed on the Official Zone Map, such changes shall be entered by staff as follows: if hard copy, changes shall be depicted on a Working Copy of the Official Zone Map; or, if electronic format, changes shall be entered to the electronic format Official Zone Map, which is maintained in the office of the Area Plan Commission. If the Official Zone Map is a hard copy, the Working Copy of the Official Zone Map shall be maintained as an interim representation of the actual zoning changes approved by the County Council since the most recent adoption of an Official Zone Map. The Working Copy of the Official Zone Map, or, if maintained in electronic format, a hard copy depiction of the Official Zone Map, shall be available for public inspection and reference during all normal business hours. In case of discrepancy between changes noted on the Working Copy of the Official Zone Map and the official printed record of the County Council, the official printed record of the County Council shall control.

(B) In the event that the Official Zone Map becomes worn, damaged, destroyed, lost, or difficult to interpret, staff shall, on an as needed basis, prepare a revised Official Zone Map for review and recommendation by the Area Plan Commission to the County Council at a Public Hearing for which proper notice has been provided. A revised Official Zone Map shall incorporate all official actions of the County Council related to matters depicted on the Official Zone Map since the adoption of the prior Official Zone Map. A revised Official Zone Map may also include revisions to correct drafting errors and changes in the base information related to subdivision plats or streets.

(C) The Area Plan Commission shall certify its recommendation of such revised Official Zone Map to the County Council for official adoption by the County Council. Any such revised Official Zone Map shall be identified as described above with the addition of the phrase "As amended to and including the County Council agenda of _____."

(D) No change of any nature shall be made in the Official Zone Map, or matter shown thereon, except in conformity with the amendment procedures set forth in this Chapter.

(Ord. 51-05, § 8.01.02D, 5/10/05)

154.029 RETENTION AND PRESERVATION OF RECORD.

Unless the prior Official Zone Map has been lost or completely destroyed, the prior Official Zone Map, along with all available records pertaining to its adoption or amendment, shall be retained and preserved in the office of the Area Plan Commission.

(Ord. 51-05, § 8.01.02E, 5/10/05)

154.030 INTERPRETATION OF THE OFFICIAL ZONE MAP.

Where uncertainty exists with respect to the boundaries of districts shown on the Official Zone Map, the following rules shall apply to the interpretation of those boundaries:

- (A) Boundaries indicated as approximately following the center lines of thoroughfares, highways, streets or alleys shall be construed to follow the center lines.
- (B) Boundaries indicated as approximately following platted lot lines shall be construed to follow the platted lot lines.
- (C) Boundaries indicated as approximately following the corporate boundary of any municipality within St. Joseph County shall be construed as following such corporate boundary.
- (D) Boundaries indicated as approximately following the boundary of St. Joseph County shall be construed as following such county boundary.
- (E) Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks.
- (F) Boundaries indicated as approximately following the along a public right-of-way which is subsequently vacated shall be construed to follow the center line of the vacated public right-of-way.
- (G) Boundaries indicated as approximately following the center lines of streams, rivers, lakes or other bodies of water shall be construed as following the center lines of such bodies of water.
- (H) Boundaries indicated as approximately following floodplain lines shall be construed to follow the floodplain lines. If the floodplain lines are changed, either naturally or as permitted by law, and such floodplain line changes are documented and concurred with by the County Engineer, such boundary shall be construed as moving with such change.
- (I) Boundaries indicated as following the contours of certain elevations or soils of a particular type shall be construed as following the actual height or soil contour as determined by accepted surveying practices.
- (J) Boundaries indicated as parallel to or extensions of features indicated in the subsections above shall be so controlled.

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(K) Distances not specifically indicated on the Official Zone Map shall be determined by the scale of the map.

(L) Where a discrepancy exists between the depictions on the Official Zone Map and the text of a legal description accompanying an ordinance for zone map change duly adopted by the County Council, the text of the legal description shall control.

(M) Where physical or cultural features existing on the ground do not agree with those shown on the Official Zone Map, or in other circumstances not covered above, the Executive Director shall interpret the boundaries. Any party dissatisfied with the interpretation of the Executive Director may appeal such interpretation to the Area Board of Zoning Appeals.

(N) Where a district boundary line divides a lot in single ownership, the regulations for either portion of the lot may, in the owner's discretion, extend to the entire lot, but not more than forty feet beyond the boundary line of the district.

(Ord. 51-05, § 8.01.02F, 5/10/05)

154.031 DISCONNECTED TERRITORY.

Any additions to the unincorporated area of the county, resulting from disconnection by municipalities or otherwise, shall be automatically classified in an agricultural district and may be subsequently classified to another zoning district by amendment in accordance with procedures set forth in this Chapter.

(Ord. 51-05, § 8.01.02G, 5/10/05)

154.032 EXISTING BUILDINGS AND STRUCTURES – CHANGE OF ZONING DISTRICT.

In those instances where buildings and structures exist on a lot or parcel that is being proposed to another zoning district (a/k/a zone map amendment), those buildings and structures shall be exempt from seeking variances from the required side, rear, or front yard development standards of that zoning district. All existing structures at the time of the rezoning shall be deemed to be legal nonconforming buildings or structures and shall comply with all provisions of Section 154.045 from that point forward. *(Ord. 64-13, 10/8/13)*