

## CONTROLLED USES & ADULT USES

### 154.475 INTENT.

Controlled uses and adult uses are hereby recognized as having objectionable secondary impacts. A concentration of such uses in a particular area can increase the impact of those objectionable secondary impacts to the point where a deleterious impact is created on area properties. In order to prevent the concentration of such uses and to prevent such deleterious impacts from leading to the development of blighted areas, any such use, in addition to the permitted use and development standard regulations specified in any applicable business/commercial district or industrial district, shall also be subject to the following additional regulations. (*Ord. 51-05; 5-10-05*)

### 154.476 CONTROLLED USES.

(A) *General.* In order to prevent the development of a blighted area, no building or premises may be used and no building may be erected, moved, structurally altered or enlarged, for any controlled use, if such building or premises is located within 1,000 feet of any two:

- (1) Uses listed below as controlled uses; or,
- (2) Family restaurant with lounge,

whether such uses are located within the unincorporated areas of St. Joseph County or within the corporate boundaries of any city or town within St. Joseph County.

(B) *Controlled uses.* Controlled uses include:

- (1) Adult bookstore;
- (2) Adult mini motion picture theater;
- (3) Adult motion picture theater;
- (4) Adult cabaret;
- (5) Establishment for the sale of beer or intoxicating beverages for consumption on the premises, excluding restaurants at which the serving of such beverages is incidental to the serving of food as the principal activity;
- (6) Pawnshop;
- (7) Pool or billiard hall;
- (8) Public dance hall;
- (9) Casinos, approved hotels, and all other areas where gambling games are conducted; or,
- (10) Off track, parimutuel wagering facility.

(*Ord. 51-05, § 8.09.02A, passed 5-10-2005*)

**CHAPTER 154: PLANNING AND ZONING**  
**Controlled Uses & Adult Uses**

**154.477 LOCATIONS PERMITTED.**

Controlled uses shall be allowed as primary uses or special uses in business/commercial districts, industrial districts or PUD Districts as specified in the following Table:

<i>Table 154-8: Controlled Uses (Ord 76-19, 9/10/19)</i>							
Controlled Use	District						
	O/B	O	B	C	I		PUD
Adult Bookstore	-	-	-	-	P		*
Adult Mini Motion Picture Theater	-	-	-	-	P		*
Adult Motion Picture Theater	-	-	-	-	P		*
Adult Cabaret	-	-	-	-	P		*
Establishment for the sale of beer or intoxicating beverages for consumption on the premises, excluding restaurants at which the serving of such beverages is incidental to the serving of food as the principal activity	-	-	P	P	P		*
Pawnshop	-	-	-	P	P		*
Pool or Billiard Hall	-	-	SU	P	P		*
Public Dance Hall	-	-	-	P	P		*
Casinos, Approved Hotels and all other areas where gambling games are conducted	-	-	-	SU	P		*
Off track, pari-mutual wagering facility	-	-	-	SU	P		*
Tattoo, Body Piercing, Scarifying and Branding Establishments	-	-	SU	SU	P		*
P – Permitted as a Primary Use SU – Permitted only as a Special Use * – Permitted only if specified in the PUD District Ordinance - – Not Permitted							

(Ord. 51-05; 5-10-05) Penalty, see § 154.999

**154.478 ADULT BUSINESS USES.**

No building or premises may be used, and no building or premises may be erected, moved, or structurally altered or enlarged for any adult business use, as defined in § 154.636, within 500 feet of any boundary of any lot being lawfully used, entirely or in part, as either a single-family, two-family, or multiple-family dwelling, religious use, school use, park use, or within 500 feet of any of the following use districts: (*Ord. 68-09; 8-11-09*) (*Ord. 15-21; 2/9/21*)

- (A) In St. Joseph County:
  - (1) A: Agricultural District;
  - (2) R: Single Family District;
  - (3) R-2: Multifamily Residential District;
  - (4) O/B: Office / Buffer District;
  - (5) O: Office District;
  - (6) B: Business District;
  - (7) C: Commercial District; and,
  - (8) PUD: Planned Unit Development District (unless adult business uses are authorized and contained therein).
  
- (B) In the City of South Bend:
  - (1) Residential/neighborhood districts;
  - (2) UF Urban Neighborhood Flex;
  - (3) NC Neighborhood Center;
  - (4) OS Open Space; and,
  - (5) C Commercial.
  
- (C) In the City of Mishawaka:
  - (1) Residential districts;
  - (2) C-2 Shopping Center District;
  - (3) S-1 Extensive Open Space and Public Use District; and,
  - (4) S-2 Planned Unit Development District Projects (unless adult business uses are authorized and contained therein).
  
- (D) In the incorporated towns, within any incorporated town within St. Joseph County, all districts which permit residential uses as a primary use, all office districts and all commercial districts.

(*Ord. 51-05; 5-10-05; Ord. 68-09, § 7, passed 8-11-2009*) Penalty, see § 154.999