

**111.300**

**GENERAL PROVISIONS**

**111.301 Zoning affects all structures and land and the use thereof.** No structure, land or building shall be erected, moved, reconstructed, extended or altered except in conformity with the regulation herein set forth.

**111.302 Restoring unsafe buildings.** Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any structure declared unsafe.

**111.303 Building permits.** Refer to the Building Code as used in Porter Township.

**111.304 Mixed occupancy.** Before issuing a building permit for any premises intended for use as a combination of dwelling and commercial occupancy or where an increased number of dwelling units would result from a proposed alter-action, the Building Inspector shall request a report from the County Health Department as to any hazards that exist or may be expected to exist from the provisions or alterations necessary in the interest of safety or health. Such recommendations shall be complied with before issuance of a permit.

**111.305 Yards.** Every lot must provide front, rear and side yards as required within its zone district. For purposes of this Ordinance, the front yard will be the one facing upon a public street, regardless of the position of the structure on the lot, except as provided for the Article VIII, Sec. 4. On streets/primary county roads less than 66 feet in width, the required front yard shall be increased by one-half the difference between the width of the street/primary county road and 66 feet. This would mean that a primary county road of 50 feet would calculate the front yard distance from the center of the road as follows: 25 feet right of way, plus 35 feet (normal front yard setback) plus 8 foot (1/2 the difference above) or 68 feet. A rear yard would be calculated similarly with the only difference being the normal setback. In essence the ordinance says that the right of way is to be calculated as the greater between 33 feet and 1/2 the width of the road. This was done so that all primary county roads are measured as if they were at least 66 feet wide. Any exception to this was meant to be refused or appealed. On lots facing yard shall be measured from a line 50 feet from the center of the street. The following modification may be made:

(a) On a lot facing upon A “minor or local street” the front yard is to be the normal set back. If, and only if, the lots adjoining it on BOTH sides are closer than the normal, the front yard can be what is established by those two lots unless that “established” yard is less than 1/2 the zone requirements of the Ordinance. Please note that if one of the adjoining lots has the normal yard then the new one is required to have a normal yard since it states “... where lots adjoining it on both sides have been built upon with a setback less than required by this Ordinance...”

The special provision is only on a Minor or Local street and is never allowed on a street/Primary County Road except by the Board of Appeals. (Adopted August 12, 2003)

**111.306**     **Principal use.** No lot may contain more than on (1) principal building.

**111.307**     **Existing platted lots.** . Lots created and recorded prior to the effective date of this Ordinance which do not comply with the minimum requirements of their Zone District may be utilized in the following manner:

- (a) A lot in single ownership at the effective date of this Ordinance which contains less than 80 percent of the Zone District width and area requirements and is not adjacent to lots owned by the same person, family, partnership or corporation may be sold and/or utilized for a single family home. Front and rear yard requirements must be met, but in order to encourage maximum use of such a lot the side yards may be reduced to 80 per cent of the Zone District requirements.
- (b) Any lots which meet 80 per cent of the Zone District requirements may be sold and/or utilized as a separate lot whether in single ownership or not.
- (c) Two or more lots containing less than the 80 per cent of the Zone District requirements and owned by the same person, family, partnership or corporation at the effective date of this Ordinance, shall be redivided to meet at least 80 per cent of the Zone District requirements; provided that the Board may permit the use or redivision of less than four such lots in conformity with the established character of existing homes.

**111.308**     **Temporary permits.** The following temporary uses are permitted by special temporary permit, issued by the Zoning Administrator, in districts as required herein; all such uses shall be terminated within 30 days after expiration of said permit:

- (a) Mobile homes: A mobile home may be used as temporary living quarters for up to twelve months while a dwelling is being constructed on the same premises provided all sanitary requirements are first approved by the Building Inspector in accordance with standards established by the Cass County Board of Health.
- (b) Trailers: An individual trailer may be used as working quarters, tool and material storage for up to twelve months while a dwelling is being constructed on the same
- (c) Conditional permits for mobile home use may be issued by the Zoning Administrator for immediate family of land owner provided applicable sanitary codes are met for the unit which is being issued the temporary permit.

Permitted conditional uses are: fire, or windstorm, invalid children or invalid or aged parents. Yearly permits required.

- 111.309** **Basement dwellings.** The use of the basement of a partially built or planned building as a residence or dwelling unit is permitted up to twelve months in all zones. The use of a basement more than four feet below grade in a completed building for sleeping quarters or dwelling unit is prohibited unless there are two means of direct access to the outside.
- 111.310** **Sewer and water.** No building permit shall be issued for any building in whole or in part to be occupied by human beings for dwelling, commercial, industrial or recreational purposes unless adequate provisions have been made for a safe water supply and sewage disposal system; evidence of compliance with the requirements of the County Health Department shall accompany the application for a building permit.
- 111.311** **Refuse.** The storage, collection, dumping or placing of discarded material, building materials, inoperable or unlicensed motor vehicles and recreational vehicles, or refuse is prohibited in all zones. See Article IV, Section 8. This section applies to liquid, solids, and any form of radioactive material.  
(Amended: No. 6-A; 9-12-89; 7-12-94)
- 111.312** **Restoration.** Any building or structure damaged or destroyed by fire, flood, wind, or other calamity shall be restored or removed from the premises. Any such work shall be started within 12 months and completed within 18 months of the time of such damage.  
(Added: 7-12-94)
- 111.313** **Keeping of dogs.** The Keeping of dogs must comply with the Cass County Dog Law Enforcement Ordinance, and meet the following requirements. In the Agricultural District, the keeping of more than four (4) dogs is prohibited except in licensed kennels, provided however, that any litter of dogs which causes the aforesaid limit of four (4) to be exceeded, shall not constitute a violation for a period of four (4) months after birth. In the R-1, R2, LR and MHP Zoning Districts, the keeping of more than three (3) dogs is prohibited, provided however that any litter of dogs which causes the aforesaid limit of (3) to be exceeded, shall not constitute a violation for a period of four (4) months after birth. (Amended 03/13/07)
- 111.314** **Kennels** All kennels must comply with the requirements outlined in the Cass County Dog Law Enforcement Ordinance, and must met the following requirements. All Kennels must be approved through a special land use permit by the Planning Commission.
- (a) Kennels are prohibited within R-1, R-2, LR, SPD and MHP Zoning Districts.

**(b)** A solid, opaque privacy fence, not less than six (6) feet high must be erected surrounding the area where kenneled dogs are kept.

**(c)** Kennels must be a minimum of 500 feet from all adjacent property lines unless the adjacent property is owned by the same person.

**(d)** Kennels must have all applicable state and local licenses and permits.

**(e)** Kennels must have facilities for all dogs to be inside.

**(f)** The keeping of kenneled dogs at a proposed location must not create a nuisance due to noise for neighboring property owners in the judgment of the Planning Commission.

**(g)** Buildings and facilities shall be of such design and quality that the health and Safety of the kenneled dogs are not compromised.

**(h)** Overall operation of the kennel should assure that all dogs are treated humanely.

Approved-September 10, 1996, Change approved March 13, 2007