

111.500 GENERAL PROVISIONS FOR RESIDENTIAL DISTRICTS

111.501 Height and area. Height and area regulations shall be as specified for each Residential Zone, provided however, that the following general regulations shall apply:

(a) If 40 percent of the frontage on one side of a street in a block has been developed, the front yard so established shall prevail.

(b) No accessory building and no structure exceeding a height of 30 inches shall be erected in any required front yard except as provided for in ARTICLE VIII.

(c) Accessory buildings in the rear yard are permitted 3 feet from the lot lines, shall not exceed 21 feet in height, not over 1,200 square feet floor area, shall be at least 10 feet from any dwelling, and at least 5 feet from any other accessory building on the lot. (Amended 11-17-83, 03-11-86, 7-12-94)

(d) Accessory buildings must be situated on lots so as to allow for the eventual construction of a residential building, unless the owner owns an adjoining lot or parcel. (Added 08-11-87)

(e) The eaves of a structure may not extend closer to the property lines than the minimum allowable front, rear, or side yard regulation. (Added 08-11-87) (Amended: No. 1, 11-8-83; No. 3-B, 3-11-86; No. 5-B, 7-12-94)

111.502 Conversion of dwellings. Where permitted, the conversion of any existing dwelling so as to accommodate an increased number of dwelling units shall be limited to not more than two families.

111.503 Home occupation. Home occupations are permitted in any residential zone. A home occupation is any use which:

(a) Is devoted to the offices or studios of the recognized professions of Attorney, Architect, Doctor, Dentist, Engineer, Realtor, Insurance Agent, Designer, Accountant or Artist; Services such as Dressmaking, Beauty Shop, Upholstering, Typing or Drafting or Bed and Breakfast (not exceeding four (4) rented rooms); or uses judge by the Zoning Administrator to be a similar nature or similarly acceptable in relation to the regulations following herein.

(b) Is conducted entirely within a residential or accessory building without being evident in any way from the street or from any neighboring premises, except for a non-illuminated sign not exceeding six (6) square feet in area. (Amended 09/12/89, Amended 02-11-1992)

(c) Does not change the character of the building in which it is conducted and does not constitute, create or increase a nuisance by virtue of noise, dust, storage

of material, vibrations, traffic flow, odors, outdoor burning or other pollution of air or water. (Amended 11-13-07)

(d) Employs only mechanical equipment which is similar in power and type usual for household purposes and hobbies and does not affect the insurance rates on the premises.

(e) Any proposed home occupation not meeting the foregoing provisions in their entirety shall be referred to the Planning Commission for review and approval before a permit may be issued.

(Amended No. 6-B, 9-12-89; 2-11- 92)

111.504 Private Swimming Pools. Private swimming pools are permitted in all Districts, provided the following regulations are complied with:

(a) The pool shall be maintained in a clean and healthful condition in accordance with County health requirements.

(b) No swimming pool shall be emptied in any manner that will cause water to flow upon another lot or be emptied on any land if a storm drain is readily accessible to the premises.

(c) Every swimming pool shall be completely enclosed with a permanent substantial fence with gates, at least five feet in height above the ground level. No opening shall be designed or maintained as to permit access to the pool except under the supervision of the possessor or by his permission.

(d) The swimming pool shall not be closer than 10 feet to any lot line.

111.505 Building requirements. All material and workmanship shall be of good quality, equal to, or above the average home in the vicinity. Prefabricated, ready pre-assembled, factory built or production dwellings and modular dwellings shall be permitted providing building specifications meet the Building Code as used in Porter Township. All dwellings must set on a permanent, masonry foundation, or basement, with footings extending below the frost line. Exception: Single-wide mobile homes as covered in Article X
(Adopted 02/08/2000, Amended 09/11/01).

111.506 Transition zoning. The following transitional uses are permitted on certain residentially zoned premises where the side yard adjoins a “C” or “I” District:

(a) The first residentially zoned lot or lots in single ownership at the effective date of this Ordinance, or the first 150 feet thereof, whichever is the lesser, may be utilized in accordance with the “R-2” Residential Zone Requirements.

(b) The first 150 feet thereof may be utilized for off-street parking.

(c) Any single principal structure located or built completely upon the first 150 feet thereof may be used for professional offices provided:

(1) Yards must meet the district requirements in which such lot is located.

(2) The building shall conform to the residential character of the neighborhood.

111.507 Fences Fences are permitted in all residential districts anywhere within the property owners property lines provided the following regulations are met.

(a) Fences shall not extend closer than three (3) feet to the high water line of any lake or stream.

(b) The maximum fence height above ground level shall be eight (8) feet.

(c) Privacy fences shall not extend into the front yard set-back area for the district involved.

(d) Open style fences (wire, wood, cyclone, etc.) which are at least 80% open and not over four (4) feet in height may extend into the set-back area for the district involved.

(e) At least one entry gate shall be provided.

(f) Fences shall not restrict the view of vehicle traffic sufficient to create a safety hazard. (Amended 11/06)

111.508 Accessory Building May be any of the following, an unattached garage, pole building, storage shed, gazebo, or similar building.

(a) Accessory buildings are defined as a supplemental building or structure on the same lot or parcel of land as the main building or buildings, the use of which is incidental to, subordinate to, devoted to and secondary to that of the main building, but such use **shall not** include kitchens, or full bathroom facilities, for human beings.

(b) No accessory building and no structure exceeding a height of 30 inches shall be erected in any required front yard except as provided for in ARTICLE VIII.

(c) Accessory buildings in the rear yard are permitted 3 feet from the lot lines, shall not exceed 21 feet in height, not over 1,200 square feet floor area, shall be at least 10 feet from any dwelling, and at least 5 feet from any other accessory building on the lot. (Amended 11-17-83, 03-11-86, 07-12-94)

(d) Accessory buildings must be situated on lots so as to allow for the eventual construction of a residential building, unless the owner owns an adjoining lot or parcel. (Added 08-11-87)

(e) Multiple accessory buildings located in all residential districts under 3 acres must not exceed the combined total area of 1500 square feet of floor area. (Amended 04/08/08)

111.509 **Guest Quarters** incorporated into an accessory building may be permitted with the following requirements.

(a) Only one (1) such accessory facility shall be permitted on each parcel.

(b) Accessory guest quarters **SHALL NOT** have kitchen facilities

(c) An accessory building with guest quarters may be permitted to exceed the twenty-one foot (21) height restriction but cannot exceed thirty-five feet (35) and shall be clearly identical to the principle residents. The design of the accessory guest quarters shall not detract from the single family character of the principle residence and shall not be distracting to the surrounding residences in the area.

(d) Accessory guest quarters must comply with residential building codes and setback requirements.

(e) Accessory guest quarters located within a municipal sewer system will be required to be connected to the municipal sanitary sewer system, with a 1/2 REU and associated monthly maintenance fees.

(f) Accessory guest quarters located outside a municipal sanitary sewer system must bring the existing septic system up to current requirements reflecting the increase in sleeping accommodations.

(g) Accessory guest quarters shall be **PROHIBITED** if a principle residence is not currently on site.

(h) The renting of an accessory guest quarters is strictly **PROHIBITED**.

(i) Accessory guest quarters shall not be occupied permanently.