Chapter 1 TITLE, PURPOSE, AND APPLICABILITY

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10-1-1 TITLE

This Title is a recodification of the St. Joseph Zoning Ordinance as adopted by Ordinance No. 2005-12A on September 13, 2005. This Title as so recodified shall be known and may be cited as the “St. Joseph Zoning Ordinance,” or “Zoning Ordinance” or “Ordinance.”

10-1-2 PURPOSE

The intent of this Zoning Ordinance is to establish land use regulations to serve the village. The purposes of this Zoning Ordinance are:

(A) To promote and protect the public health, safety, and welfare.

(B) To secure adequate light, air, privacy, and convenience of access to property.

(C) To promote the orderly development of St. Joseph in accordance with the comprehensive plan.

(D) To protect the character and maintain the stability of St. Joseph’s established land use areas.

(E) To divide the village into zoning districts according to use of land and structures, height and bulk of structures, intensity of the use of lot area, area of open spaces, or other classification, as deemed best suited to carry out the purposes of this Ordinance.

(F) To establish reasonable standards to which structures must conform.

(G) To prevent the overcrowding of land and the undue concentration of structures by regulating and limiting the use and bulk of structures in relation to the surrounding land.

(H) To regulate the intensity of the use of land.

(I) To provide for safe and efficient traffic circulation.

(J) To prohibit uses or structures incompatible with the character of development or intended uses within specified zoning districts.

(K) To protect against fire, explosions, noxious fumes, and other dangers.

(L) To otherwise avoid or decrease the hazards to persons or damage to property resulting from the accumulation or runoff of storm water and floodwater.

(M) To provide for the gradual elimination of nonconformities.

(N) To prevent additions to and alteration or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed under this Ordinance.

10-1-3 APPLICABILITY

(A) Territorial Application
This Ordinance applies to all land use, and structures within the corporate limits of the Village.

(B) General Application
The regulations established by this Ordinance are the minimum regulations for the promotion and protection of the public health, safety, and welfare.

(C) Compliance with Regulations

1. Any portion or whole of a structure must be erected, constructed, reconstructed, moved, and enlarged in conformance with the requirements of this Ordinance.

2. Any structure or land must be used and occupied in conformance with the requirements of this Ordinance.

(D) Relation to Private Agreements
This Ordinance does not nullify any private agreement or covenant. However, where this Ordinance is more restrictive than a private agreement or covenant, this Ordinance controls.

(E) Relation to Other Laws and Regulations
Unless otherwise specifically provided, this Ordinance controls over less restrictive Village statutes, ordinances, or regulations, and more restrictive Village statutes, ordinances, or regulations control over the provisions of this Ordinance.

(F) Rules of Construction
To the extent that there is any inconsistency between the text of the Ordinance and any illustrations or graphics, the text controls.

10-1-4 TRANSITION RULES

(A) Existing Illegal Structures and Uses
A structure or use that is illegal at the time of the adoption of, but is made legal by the provisions of this Ordinance, is deemed lawful as of the effective date of this Ordinance. However, if that structure or use does not conform to every requirement of this Ordinance, then that structure or use remains illegal.

(B) Existing Uses

1. If a structure or land is used in a manner that was classified as a permitted use prior to the effective date of this Ordinance, and now that use is classified as a special use as of the effective date of this Ordinance, that use is deemed a lawful special use. Any subsequent addition, enlargement or expansion of that use must conform to the procedural and substantive requirements of this Ordinance for special uses.

2. If a structure or land is used in a manner that was classified as a special use prior to the effective date of this Ordinance, and that use is now classified as a permitted use as of the effective date of this Ordinance, that use is deemed a lawful permitted use. Any subsequent addition, enlargement, or expansion of that use must conform to any Ordinance requirements for such permitted use and is no longer subject to the conditional use ordinance under which it was originally approved.

3. If a structure or land is used in a manner that was classified as permitted or special use prior to the effective date of this Ordinance, but this Ordinance no longer classifies that use as either a permitted or special use in the zoning district in which it is located, that use is deemed a nonconforming use and is controlled by the provisions of Chapter 12 (Nonconformities).

(C) Structures Rendered Nonconforming
If a structure lawfully existing on the effective date of this Ordinance was a conforming structure before the effective date of this Ordinance, but such structure does not meet all standards set forth in this Ordinance in the zoning district in which it is located, that structure is deemed a nonconforming structure and is controlled by the provisions of Chapter 12 (Nonconformities).

(D) Lots Rendered Nonconforming
If a lot of record lawfully existing on the effective date of this Ordinance was a conforming lot before the effective date of this Ordinance, but such lot does not meet all standards set forth in this Ordinance in the zoning district in which it is located, that lot is deemed a nonconforming lot of record and is controlled by the provisions of Chapter 12 (Nonconformities).

(E) Previously Issued Zoning Permits
If a zoning permit for a structure was lawfully issued prior to the effective date of this Ordinance, and if construction has begun within 180 days of the issuance of that permit and diligently pursued to completion, the structure may be completed in accordance with the plans on the basis of which the building permit was issued and may, upon completion, be occupied under an occupancy permit for the use originally intended.

(F) Previously Granted Special Uses and Variations
All special uses and variations granted prior to the effective date of this Ordinance, except as deemed permitted or legal by this Ordinance, remain in full force and effect. The recipient of the special use or variation may proceed to develop the property in accordance with the approved plans and all applicable conditions. However, if the recipient has failed to act on the special use or variation before the approval expires, including any periods of extension granted, the provisions of this Ordinance will govern.

(G) Pending Applications
An application that has been deemed complete and scheduled for a public hearing or meeting, as applicable, is subject to the Ordinance requirements in effect on the date the application was deemed complete.

10-1-5 SEVERABILITY

If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance is adjudged by any court of competent jurisdiction to be invalid, that judgment does not affect, impair, invalidate or nullify the remainder of this Ordinance. The effect of the judgment is confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which judgment or decree was rendered.