

**A: AGRICULTURAL DISTRICT**

**154.090 INTENT.**

The A: Agricultural Districts are established to allow Agricultural Uses in accordance with the Comprehensive Plan, to preserve prime agriculture land, to conserve the desirable characteristics of the land, and to protect rural/agricultural areas from the encroachment of scatter urban-type uses and the detrimental economic impacts of urban sprawl. Areas zoned to the A: Agricultural District are those areas being used for agricultural activities, flood plain, natural areas and other rural uses, located beyond the periphery of the incorporated municipalities where intensive urban or suburban uses are not anticipated.

*(Ord. 51-05, § 8.02.01, passed 5-10-2005)*

**154.091 PERMITTED USES.**

(A) *Primary uses.*

- (1) Agricultural uses, including the principal dwelling unit;
- (2) Child care home (that is used as the primary residence of the person who operates the child care home) *(Ord. 102-21, 10/12/21)*
- (3) Cemetery (Note: Grave sites shall comply with the development standards applicable to minimum yards);
- (4) Concentrated animal feeding operation (CAFO), including the principal dwelling unit, provided however, that the provisions of Chapter 116, Concentrated Animal Feeding Operations, are met and a permit is obtained from the Indiana Department of Environmental Management and the St. Joseph County Health Department; *(Ord. 68-09, passed 8-11-2009)*
- (5) Confined feeding operation (CFO) including the principal dwelling unit; provided, however, that provisions of the use are: *(Ord. 68-09, passed 8-11-2009)*
  - (a) Lot shall not be less than twenty (20) acres in area.
  - (b) No confined feeding operation shall be located any closer than a one-half (1/2) mile radius from:
    1. The corporate limits of a city or town; or,
    2. The boundary of any residential zoning district;
- (6) Convent, monastery, parsonage or rectory;
- (7) Dwelling, Single-family; *(Ord. 68-09; 8-11-2009)*

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- (8) Golf Courses;
- (9) Libraries and community centers when affiliated with a public or governmental agency;
- (10) Private park – passive; (*Ord. 17-20, 2/18/20*)
- (11) Public park – active or passive; (*Ord. 17-20, 2/18/20*)
- (12) Religious use;
- (13) Renewable Energy Systems. See §§ 154.505 through 154.516. (*Ord. 17-20, 2/18/20*)
- (14) Schools; elementary, junior high, high;
- (15) Short-term rental, owner occupied; (*Ord. 17-20, 2/18/20*)
- (16) Utility substation, radio and television transmitting or relay station and antenna towers, subject to the following development standards:
  - (1) The lot shall not exceed five (5) acres in area;
  - (2) There shall be no outside storage, including vehicles; and,
  - (3) The facilities shall be unmanned.
- (17) Veterinary clinic and hospitals; and (*Ord. 17-20, 2/18/20*)
- (18) Wireless Telecommunication Facilities, per the requirements of § 154.4573(C)(1)(a).

(B) *Special uses.*

- (1) Adult care facilities offering care for no more than five (5) adults on a parcel that meets the requirements of a legal lot of record;
- (2) Airport, heliport;
- (3) Boarding school;
- (4) Club, conservation, hunt and gun;
- (5) Campground (seasonal) (*Bill 92-20, 10/13/20*)
- (6) Concentrated animal feeding operation (CAFO): upgrade/maintenance of existing concentrated animal feeding operations. A confined feeding operation, existing as a legally established non-conforming use that does not meet the requirements of Chapter 116,

Concentrated Animal Feeding Operations may be allowed to upgrade or expand its facilities to provide a healthier, cleaner or more efficient operation provided that:

(a) The impact of the concentrated animal feeding operation on surrounding properties is lessened or remains the same; and

(b) Plans for the proposed expansion or upgrade are reviewed by the Area Plan Commission Staff, the County Building Commissioner, and the St. Joseph County Health Department to assure that the proposed operation is in conformance with the provisions and spirit of this chapter. Said plans shall be sufficiently detailed to allow such review; (*Ord. 68-09, passed 8-11-2009*)

(7) Confined feeding operations (CFO): upgrade/maintenance of existing confined feeding operations. A confined feeding operation, existing as a legally established non-conforming use closer than a one-half mile radius from the corporate limits of a city or town or the boundary of any residential zoning district, may be allowed to upgrade or expand its facilities to provide a healthier, cleaner or more efficient operation provided that:

(a) The impact of the confined feeding operation on surrounding properties is lessened or remains the same; and

(b) Plans for the proposed expansion or upgrade are reviewed by the Area Plan Commission Staff and the County Building Commissioner to assure that the proposed operation is in conformance with the provisions and spirit of this chapter. Said plans shall be sufficiently detailed to allow such review; (*Ord. 68-09; 8-11-2009*)

(8) Dwelling unit intended for temporary occupancy by farm labor, accessory to an agricultural use or confined feeding operation permitted under this Chapter;

(9) Gun shops and gunsmith shops, subject to the following development standards:

(a) No firearms or ammunition shall be sold in any gun sales or gunsmith shops within two-hundred (200) feet of any:

1. any public or parochial school for children in any grades from K through 12;
2. child care center; or,
3. child care ministry; and.

(b) The operator shall reside in the dwelling unit located on the property as their primary place of residence;

(10) Home based business, including on-site sales of merchandise constructed on-site or which are incidental to services performed on-site;

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(11) Highway maintenance shops and yards; (*Ord. 17-20, 2/18/20*)

(12) Land Reclamation;

(13) Mineral and material mining including but not limited to mining and hauling of sand gravel or other aggregate, and the processing thereof, subject to the following development standards:

(a) Such use shall be located on a lot not less than ten (10) acres in area having direct access to an improved public right-of-way;

(b) Such use shall be located a minimum of fifty (50) feet from an adjacent property line; provided, however, that when the adjacent property is also being mined, there shall be no side or rear yard requirement along the common property line; and, further provided, that where such an operation is located adjacent to a residential district or principal residential use, the side and rear yard requirement shall be increased to one hundred (100) feet;

(d) All roads and access drives within the site shall be treated and maintained so as to remain dust-free at all times;

(e) Asphalt producing, crushing, washing or similar processing operation, equipment, and facility shall be located so as to minimize noise, vibration and dust;

(f) If excavations are made to a water-producing depth, such depth shall not be greater than six feet below the low water mark, and the areas which are not permanently submerged shall be graded so as to eliminate the collection of stagnant water; and

(g) Prior to commencing such use, the owner shall execute an indemnity agreement in favor of the Board of County Commissioners for the purpose of assuring the restoration and reclamation of the site according to the following specifications and within a specified period of time, as established in the agreement:

1. A uniform contour which blends in with the topography of the surrounding area shall be established throughout the excavated area,

2. Soil suitable for growing vegetation shall be replaced over the slopes to a permanent uniform depth of not less than six inches, and

3. The excavated area shall be seeded, landscaped and maintained with perennial plant material until a permanent-type ground cover is established to prevent erosion;

(14) Police station, fire station or other emergency services;

(15) Private park – active; (*Ord. 17-20, 2/18/20*)

(16) Recycling drop-off center, not accessory to churches schools or community centers, subject to the following development standards:

(a) The bins shall be constructed so as to prevent leakage and to provide protection from weather and moisture, and

(b) The center shall be screened by a decorative fence or masonry wall, evergreen hedge, earth berm, or any combination thereof from an adjoining residential use or residential district;

(17) Renewable Energy Systems. See §§ 154.505 through 154.516. (*Ord. 17-20, 2/18/20*)

(18) Sanitary Landfill or Solid or Liquid Waste Disposal Facility, provided that no sanitary landfill, or solid or liquid waste disposal facility, shall be approved as a special use which does not meet the following minimum development standards, in addition to whatever additional requirements may be required in order for the Board of Zoning Appeals to make a favorable recommendation and for the legislative body make affirmative Findings of Fact as required by Article 10.03 of this Chapter:

(a) No such special use shall be operated on a site of less than forty (40) acres in area;

(b) No portion of such site within fifty (50) feet from adjacent property lines shall be utilized for such special use; provided, however, that where a residential district or principal residential use shares contiguous boundaries with the site of the special use at the time such special use is approved by the legislative body, no portion of such site within one hundred (100) feet of the boundary lines of such residential district or the property lines of such principal residential use shall be utilized for such special use.

(c) Drainage plans for such special use and the proposed site thereof shall have been approved by the County Engineer and the County Surveyor, and curb cuts within and upon such proposed site shall have been approved by the County Engineer.

(d) No sanitary landfill, or solid or liquid waste disposal facility, shall be approved as a special use which does not also qualify as an urban drain as defined in Article 12 of this chapter.

(e) No sanitary landfill, or solid or liquid waste disposal facility, shall be approved as a special use until the applicant therefore and the owner of the proposed site therefore shall execute an agreement in favor of St. Joseph County by the terms of which such applicant and owner shall agree to maintain the site until being utilized for the special use, and to restore and reclaim the site within a time period specified in such agreement, following termination of such use, according to the following minimum specifications:

1. A uniform contour which blends in with the topography of the surrounding area shall be established and maintained throughout the area.

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2. Impervious soil and soil suitable for growing vegetation, shall be replaced over the site to permanent uniform depths not less than that then required by applicable state standards and regulations.

3. The site shall be seeded, landscaped, and maintained with perennial plant material until a permanent type ground cover is established to prevent erosion.

(19) Shooting ranges; (*Ord. 17-20, 2/18/20*)

(20) Utility Substation, radio and television transmitting or relay station and antenna towers, not meeting one or more requirements of division (A)(12) above;

(21) Wireless Telecommunication Facilities, per the requirements of § 154.457(C)(1)(b).

(C) *Accessory Uses.*

(1) Agritourism, accessory to an agricultural use. See §§ 154.520. (*Ord. 18-20, 2/18/20*)

(2) Swimming Pool;

(3) Kennel, subject to the following development standards:

(a) Such use, including outdoor pens and runs, shall be located a minimum of two hundred (200) feet from side and rear lot lines, provided, however, that where such a use is located adjacent to a residential district or principal residential use, side and rear yard requirements shall be increased to three hundred (300) feet; and,

(b) The sanitary system for such use shall be approved by the County Health Officer.

(4) Private Sewer System and Private Water System;

(5) Parish hall or fellowship hall, accessory to a religious use;

(6) Crematories, when accessory to a cemetery, and subject to the following development standard: lot area shall not less than ten (10) acres;

(7) Recycling drop-off center as an accessory use to churches, schools or community centers;

(8) Renewable energy systems. §§ 154.505 through 154.516. (*Ord. 17-20, 2/18/20*)

(9) Roadside stand, subject to the following development standards: (*Ord. 18-20, 2/18/20*)

(a) The stand shall be erected solely for the purposes of displaying and selling agricultural products, the majority of which were produced on the premises;

- (b) There shall not be more than one (1) roadside stand per lot; and
- (c) On-street parking is prohibited.

(D) *Temporary Uses.* See § 154.071.

(E) *Home Occupations.* See § 154.072.

(Ord. 51-05, § 8.02.01A, passed 5-10-2005; Ord. 91-07, § 3, passed 10-9-2007; Ord. 101-07, § 1, passed 11-13-2007; Ord. 68-09, § 3, passed 8-11-2009; Ord. 69-09, §§ 1, 2, passed 8-11-2009) Penalty, see § 154.999

**154.092 GENERAL DEVELOPMENT STANDARDS.**

(A) *Minimum lot area:*

Agricultural uses; single-family dwellings uses; golf course uses; nurseries, retail; club, conservation, hunt and gun uses; and kennels	Not less than 20 acres
All other uses	Not less than 1 acre, except as otherwise regulated in this chapter for a specific primary or special use

(B) *Minimum lot width:*

Lots less than twenty (20) acres in area	200 feet
Lots twenty (20) acres or more in area	600 feet

(C) *Minimum lot frontage:*

Lots less than twenty (20) acres in area	200 feet
Lots twenty (20) acres or more in area	600 feet

(D) *Minimum yards and building setback.* Yards shall be as follows, except when this chapter specifies a greater yard requirement for a particular permitted primary use, conditional use, special use or accessory use, the greater specified yard requirements shall control:

Front yard and building setback shall be determined as follows	
State or federal highway	40' from right-of-way
Subdivision streets	
40' right-of-way	25' from right-of-way
41' + right-of-way	35' from right-of-way

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County roads/no subdivision	75' from centerline
Side yard and building setback	30' feet from lot line
Rear yard and building setback	30' feet from lot line

(E) *Maximum building height:* Unlimited.

(F) *Use of yards:* All minimum yards shall be landscaped in compliance with the requirements for perimeter yard landscaping as set forth in § 154.330 through 154.339 and shall be maintained as open space free from buildings or structures except where expressly permitted below:

(1) *Minimum front yard.* Minimum front yards may include: driveways, sidewalks, greenways, fences, and signs as regulated by §§ 154.370 through 154.380.

(2) *Minimum side or rear yards.* Minimum side or rear yards may include interior access driveways, sidewalks, greenways, and fences.

(Ord. 52-20; 8/25/20)

(G) *Landscaping.* See §§ 154.330 through 154.339.

(H) *Lighting.* See §§ 154.350 through 154.355.

(I) *Signs.* See §§ 154.370 through 154.380. (Ord. 52-20; 8/25/20)

(J) *Off-Street Parking.* See §§ 154.415 through 154.423. (Ord. 52-20; 8/25/20)

(K) *Off-Street Loading.* See §§ 154.435 through 154.442. (Ord. 52-20; 8/25/20)

(L) *Greenway Connection.* Residential developments, schools, religious uses, businesses or other uses which encourage public access, located on a lot or parcel which abuts any portion of a greenway shall provide a direct linkage from the project to such greenway. (Ord. 77-19; 9/10/2019)

(M) *Pedestrian connection.* Residential developments, schools, religious uses, businesses or other uses which encourage public access, shall, if located on a lot or parcel which abuts any portion of a sidewalk, provide a direct linkage from the project to such sidewalk. (Ord. 77-19; 9/10/2019)

(Ord. 51-05, § 8.02.01B, passed 5-10-2005) Penalty, see § 154.999