

Article 03 Agricultural Districts

Section 03.01 Intent

A Agricultural District. The A Agricultural District is established primarily for agricultural uses, but also allows for limited non-farm rural residential development. The intent of this district is to protect agricultural areas from encroachment of residential and commercial sprawl by limiting the amount of residential development. This district applies to areas of the county designated for rural estate and traditional agriculture in the County Land Development Plan. This may also apply to planned growth or urban expansion areas where the current use of the land is agricultural and there is not a short term need for dense residential development.

County

Section 03.02 Uses

Use and development of land and buildings shall only be for the following specified uses, unless otherwise provided for in this Ordinance. Uses are grouped into major categories and only those uses listed under each category are permitted. Land and/or buildings in the districts indicated at the top of the Table may be used for the purposes denoted by the following abbreviations:

- P: **Permitted Use.** Land and/or buildings in this District may be used for the purposes listed by right, subject to any use limitations set forth in this ordinance
- S: **Special Exception Use.** Land and/or buildings in this District may be used for this purpose by obtaining Special Exception approval when all applicable standards cited in Article 24 Special Exception Review Requirements and Procedures are met, subject to any use limitations set forth in this ordinance.
- : **Not Permitted.** The use is not permitted in the district. Uses not listed in the table are also not permitted. Uses that are not listed in any district of the zoning ordinance, as shown in Appendix A, may be allowed based upon a similar use determination in accordance with Section 02.06.

**Table 03.02
Schedule of Permitted Uses**

Use	V	Use Requirements
Residential limited to the following:		
Single-family detached dwellings	P	14.01(a)
Home occupations	P	14.01(b)
Accessory Dwelling Units	S	14.01(c)
Agriculture and animal-related uses limited to the following:		
Agricultural uses	P	
Confined feeding operations	S	14.02(a)
Boarding stables	P	14.02(b)
Farm implement dealers	S	

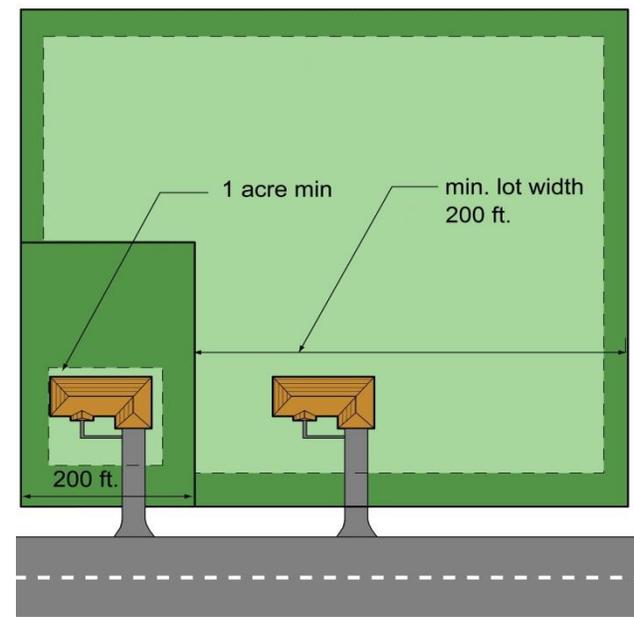
Farm seasonal worker housing	P	
Grain elevator and storage	P	
Hatcheries	P	
Keeping of horses and livestock	P	14.02(c)
Kennels	P	
Livestock yards	S	
Locker plants	S	
Plant nursery and commercial greenhouses	P	
Produce terminals	P	
Roadside stands	P	14.02(d)
Veterinary hospital for large animals	S	
Veterinary hospital for small animals	S	
Retail trade limited to the following:		
Feed stores	P	
Lawn & garden supply, greenhouse, and retail nurseries without outdoor sales	S	
Lawn & garden supply, greenhouse, and retail nurseries with outdoor sales	S	
Gift, souvenir handicraft stores	S	
Produce markets	S	
Services limited to the following:		
Taxidermists	S	
Accommodation and food services limited to the following:		
Bed & breakfasts	S	14.06(a)
Entertainment and recreation limited to the following:		
Archery ranges	S	
Campgrounds	S	
Forestry/wildlife preserve	P	
Golf course and country clubs	S	
Parks/playgrounds	P	
Shooting ranges, indoors/outdoors	S	
Civic, religious, social assistance organizations limited to the following:		
Cemeteries	S	14.10(b)
Public administration limited to the following:		
Government buildings excluding correctional facilities	P	
Museums, civic buildings and landmarks preserved for public inspection	P	
Transportation and warehousing limited to the following:		
Airstrips	S	14.13(a)
Utilities limited to the following:		
Public utility buildings	P	
Transmission lines for gas, oil and electricity	P	
Utility substations	S	
Single accessory wind energy conversion systems	S	14.15(b)
Commercial wind energy conversion systems	S	14.15(b)
Wireless communication facility - collocation	P	14.15(c)
Wireless communication facility tower	S	14.15(c)
Wireless communication facility on institutional site	S	14.15(c)
Construction		
Concrete and gravel crushing	S	14.16(a)
Landscaping services	P	14.16(a)
Waste processing and disposal		
Sanitary landfills	S	14.17(d)
Mining		
Mineral extraction & general mining operations	S	14.18(a)

Section 03.03 Lot Area and Width Requirements

All lots shall meet the following minimum area and width requirements. No new lots shall be created or altered in a manner that does not comply with the following requirements.

District (a)	Min. lot size (g)	
	Lot area (acres) (b)	Lot width (ft.)(c)(d)(e)
A - Agricultural	10 1 acre	200' frontage

A - Agricultural



- (a) **Subdivision of Land.** All divisions to land shall be subject to the requirements set forth in the Subdivision Regulations of La Porte County, city of La Porte or city of Michigan City, as applicable.
- (b) **Lot Area Calculation.** Lot area is calculated based upon the net area of the lot, measured in the horizontal plane, exclusive of any area that is part of a public road right-of-way, private road easement or submerged land beneath the ordinary high water mark of a lake, river or stream.
- (c) **Lot Width and Frontage.** Lot width shall be measured as a straight line between the side lot lines at the minimum front yard setback of the district. All lots shall have frontage along a public road. The width along the road shall be sufficient to meet the lot width requirement at the minimum front yard setback.
- (d) **Dominant Parcel.** The dominant tract or parcel from which any newly created lot has been divided from must also maintain the required lot width.
- (e) **Depth to Width Ratio.** This provision shall not apply to the unincorporated areas of LaPorte County.
- (f) **(A) Agriculture Residential Lots.** In the Agriculture District, lots may be created as follows:
 - (1) Lots shall be on improved dedicated roadways or streets (see definition for improved roadways).

- (2) The new lot that is subdivided shall be at least one (1) acre in area and have at least 200 feet of road frontage.
- (3) Residential lots shall have an INDOT minimum sight distance for driveways.
- (4) Residential lots shall have two approved septic system designs.
- (5) Residential lots shall have minimum 10’ wide improved driveways, minimum 6” deep base (see driveway improved definition.)
- (6) Lots may be subdivided from an existing tax parcel of record under separate tax i.d. and title as of the date of the adoption of this ordinance.
- (7) Storm water runoff management plan to protect downstream properties from additional surface water runoff.
- (g) **Nonconforming Lots.** Lots of record that were in existence prior to the effective date of this ordinance may be used subject to the provisions of the nonconforming lot regulations of Section 29.03.

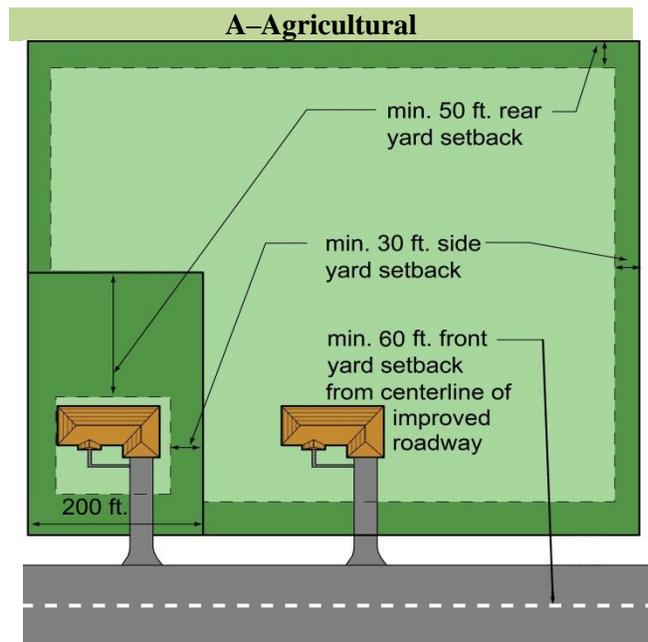
Section 03.04 Building Dimensional Requirements

All structures shall be subject to the dimensional regulations of the following table.

Table 03.04

Building Dimensional Requirements (a)

District	Max. building height (b)		Min. setbacks (ft.) (c, d, e, f)			Min. floor area		
	Height (ft.)	Height (st.)	Front yard	Side yard	Rear yard	Waterway (g, h)	Total (sq.ft.)	First floor (sq.ft.)
A –Agricultural	45	2.5	60	30	50	50	1000	800



- (a) **Accessory Structures.** Residential accessory structures shall be regulated under the requirements of Article 16. Buildings used for agricultural purposes shall not be considered accessory structures regulated by Article 16.

- (b) **Height Exceptions.** No structure shall exceed the maximum height of the district except for the allowable exceptions to height limits contained in Section ~~15.02~~. **15.04**
- (c) **Projections into Yards.** All required yard spaces shall remain as landscaped open space, except for pavement, accessory structures and architectural features that are allowed to extend or project into required setbacks under Section ~~15.01~~. **15.05**
- (d) **Setback from Road.** The front yard setback shall be ~~measured from the centerline of the road.~~ a minimum of 60 feet measured from the centerline of the improved roadway or a minimum of 25 feet from the right-of-way.
- (e) **Corner Lots.** Corner lots shall provide the minimum front yard setback from both road frontages.
- (f) **Double Frontage Lots.** In all districts, where a double frontage lot backs-up to a roadway, the minimum required front or roadside setback shall be required from both road rights-of-way.
- (g) **Wetlands.** A minimum setback of 50 feet shall be maintained from all wetlands. The setback may be adjusted according to requirements of natural resource preservation guidelines contained in article 22.
- (h) **Waterway Setback.** The waterway setback shall be measured from the shoreline of the lake, river or stream. In no instance shall any structures other than docks, seawalls, retaining walls, sidewalks, boardwalks, and patios be permitted within the minimum waterway setback. The setback may be adjusted according to requirements of Natural Resource Preservation Guidelines.

Section 03.05 Right to Farm

In accordance with Indiana Code § 32-30-6-9, it is the policy of the County of LaPorte to conserve, protect, and encourage the development and improvement of its agricultural land for the production of food and other agricultural products as set forth in the Indiana “Right to Farm” Act. The purpose of the “Right to Farm” Act is to protect farm operations from unwarranted nuisance suits by neighbors who move next to an existing farm_s operation.

Persons applying for a Building Permit in an area of LaPorte County that is zoned A1 for Agricultural will be provided with a notice as found in Appendix 03.A in this Article. This notice is to ensure the applicant is aware that all agricultural operations are allowed in areas zoned A1.

Appendix 03.A Notice of Agricultural Activity Form

NOTICE OF AGRICULTURAL ACTIVITY

TO: ALL APPLICANTS FOR LOCATION IMPROVEMENT PERMITS FOR HOMES IN A1 ZONED AGRICULTURAL AREAS OF LAPORTE COUNTY

This notice is given to you because of your application for a Building Permit to build or move a home into an area of LaPorte County that is zoned A1 for Agriculture. The purpose of this notice is to assure you are aware that all agricultural operations are allowed in this area.

Agricultural activity may include, but is not limited to, grazing of livestock, confined feeding of livestock, application of animal manure to land, application of pesticides to fields and growing crops, creation of dust from field operations and noise from livestock and machinery operations at all hours.

Single family dwellings are permitted uses of land in an Agricultural Zone, and this is not restricted to farm families. However, people who chose to live in these areas must understand that agricultural operations may be occurring nearby.

You must also understand that Indiana has a "RIGHT TO FARM" law that protect farm operations from unwarranted nuisance suits by neighbors who move next to an existing farm operation. Farm operations do not constitute a nuisance so long as they are not negligently maintained, do not endanger human health and do not cause bodily injury to third parties.

By signing this notice form you verify that you have received it, read it, and understand it. You are not giving up the right to seek redress for negligence by individuals associated with a farm operation or by other residents of the area.

MY SIGNATURE CERTIFIES THAT I HAVE RECEIVED THIS NOTICE. I HAVE READ IT AND I UNDERSTAND IT.

Printed Name

Signature

Street Address

Date

City, State, Zip Code

Permit Number