

AGRICULTURAL DISTRICT (A)

A. Purpose. The purpose of the Agricultural district is to preserve and protect the supply of productive agricultural lands and provide for a broad variety of agricultural uses where little or no urbanization has occurred or is planned to occur. This district includes the portions of the county most conducive to agricultural operations and is intended to protect and encourage agricultural uses of the land. Where possible, non-farm residential uses should be limited to provide for large areas of contiguous farm land. Land divisions are subject to the Dearborn County Subdivision Control Ordinance and non-residential uses are subject to Site Plan Review, as set forth in Article 23 of this Ordinance.

B. Uses.

AGRICULTURAL DISTRICT (A)

Permitted Uses

Residential Uses

- dwelling, single-family detached

Accessory Uses

- accessory uses for a dwelling (private garages and parking, fences, satellite dishes, walls, storage sheds, gazebos, storage of recreational vehicle or unit, swimming pool, sauna, bathhouse and like accessories, and recreational court/complex)
- agricultural offices
- agritourism
- barns, pole buildings, or other structures commonly used for storage
- beehives
- dwelling, accessory
- farmers market (seasonal)
- greenhouse, personal and commercial; no retail
- hobby farm
- home occupation (See Article 25, Section 2556)
- produce stand (seasonal and yearly)
- solar energy system – accessory (SES-A)
- temporary building for construction
- wind energy conversion system (WECS), personal (See Article 18)
- Recreational Camping—non-commercial (no more than 180 days per calendar year)

Agricultural Uses

- agricultural trade/sales of hay, grain, feed, and other farm and garden supplies and equipment
- animal husbandry, poultry hatching and other services
- botanical gardens and arboretums
- christmas tree farming and related services
- dairy production
- equestrian facility/riding stables
- field crops production, orchard, vineyard with taste testing, or agricultural growth products such as hemp, fruits, tree nuts, and vegetables

Agricultural Uses Continued

- fish hatchery and other fish culture activities and related services forestry
- garden plots and other communal or organizational farming practices
- grist milling services
- hay baling
- horticultural, floricultural, and other agricultural related uses
- horticultural specialties (including those w/ high tunnel)
- insect/worm farms
- raising of livestock (cattle, hogs, sheep, goats, horses, poultry or other fowls, other animals raised for food or fur, skin, or related uses) and livestock production (not requiring IDEM permit)
- range and grassland pastures
- tree harvest activities, not including milling
- wildlife preserves, sanctuaries, habitats, and other natural exhibitions

Commercial Uses

- bed and breakfast establishments (IC 16-41-31 et seq.)
- short-term residential rental uses (**IC 36-1-24 et seq. and Article 25, Section 2585 **New Section for Short-Term Use Permit Requirements and Standards**)
- child care home
- grooming services, veterinarian or animal hospital
- kennel, commercial (See Article 27, Definitions and Article 25, Standards)
- animal boarding
- sales of nursery and landscape products

Institutional Uses

- cemetery (See Article 25, 2570)
- church or place of worship and associated accessory uses
- fire station
- governmental offices
- mausoleum (See Article 25, 2570)
- parks and recreation areas, public

AGRICULTURAL DISTRICT (A)

Conditional Uses

Residential Uses

- dwelling, two-family attached

Accessory Uses

- farm worker housing
- farm equipment repair

Agricultural Uses

- confined feeding operation
- greenhouse, commercial; with retail
- wind energy conversion system (WECS), commercial wind farm (See Article 18)
- solar energy system – commercial (SES-C)

Commercial Uses

- campground or RV park
- catering facility
- child care center, Class I and II
- commercial stockyards and feed lots
- farmers market, year round
- fertilizer production, processing, and wholesale sales
- golf course with clubhouse/restaurant
- recreation, commercial
- resorts for health, ski, hunting, fishing,
- sales of farm machinery/equipment, lawn and garden equipment
- skeet/target shooting range, public and private
- sawmill (no application or wood processing)
- special event facility (weddings, banquets)
- taxidermy facility
- winery/brewery/distillery (commercial and/or with special events)

Institutional Uses

- airport, public and private
- heliport, public and private
- philanthropic organization
- school, college, or universities and accessory uses
- utility facility, public and private
- wireless telecommunication facility (See Article 15)

Dearborn County, IN
Agricultural District (A)

DEVELOPMENT STANDARDS –AGRICULTURAL DISTRICT (A)

Development Standard

Structure Standards

	Primary structure	45 feet
Maximum height of structure	Accessory structure	36 feet for non-Ag Uses 60 feet for Ag Uses See Art. 25, Table 25.1 ^{^^}
Minimum living area		950 sq. ft.
Minimum width of primary structure		18 feet

Lot Standards

Minimum lot width		200 feet
Minimum Lot area		2 acres
Minimum front yard setback	Primary structure	80 feet*
Minimum side yard setback	Primary structure	30 feet
Minimum rear yard setback	Primary structure	30 feet

Utility Standards

Municipal water and sewer required		no
------------------------------------	--	----

* All front yard setbacks along public/private roadways are measured from the centerline of the road. All uses which front along an arterial road, as determined in Section 2404, shall be required to have a minimum setback of 100 feet from the centerline of the roadway if the roadway has less than 80 feet right-of-way. All uses which front along U.S. 50, shall be required to have a minimum setback of 100' from the centerline of the nearest 2 lanes of traffic.

^{^^}See Section 2516 for Accessory Uses and Structures, including applicable setback information (where primary structures exist on the same property).

Agricultural Homestead (AH)

A. Purpose. The Agricultural Homestead District is intended to provide for low-density single-family development in addition to less-intensive agricultural uses to protect the agricultural economy. Land divisions are subject to the Dearborn County Subdivision Control Ordinance and non-residential uses are subject to Site Plan Review, as set forth in Article 23 of this Ordinance.

B. Uses.

AGRICULTURAL HOMESTEAD (AH)

Permitted Uses

Residential Uses

- dwelling, single-family detached
- minor residential subdivision

Accessory Uses

- accessory uses for a dwelling (private garages and parking, fences, satellite dishes, walls, storage sheds, gazebos, storage of recreational vehicle or unit, swimming pool, sauna, bathhouse and like accessories, recreational court/complex, and private stables and keeping and use of household pets and animals)
- agricultural office
- agritourism
- barns, pole buildings, or other structures commonly used for storage
- beehives
- christmas tree farming and related services
- clubhouses, community centers and similar common assembly or shared facilities where the facility is integral part of a residential development and the membership is limited to the residents of the complex or neighborhood
- dwelling, accessory
- greenhouse, personal
- hobby farm
- home occupation (See Article 25, Section 2556)
- produce stand (seasonal and yearly)
- solar energy system – accessory (SES-A)
- Temporary building for construction
- wind energy conversion system (WECS) personal (See Article 18)
- Recreational Camping—non-commercial (no more than 180 days per calendar year)

Agricultural Uses

- field crops production
- raising of livestock (cattle, hogs, sheep, goats, horses, poultry or other fowls, other animals raised for food or fur, skin, or related uses) and livestock production (not requiring IDEM permit) (See also Article 25, Section 2585)
- agricultural growth products such as fruits, tree nuts, vegetables
- orchard
- vineyard
- forestry
- hay bailing
- garden plots and other communal or organizational farming practices
- horticultural specialties (including those w/ high tunnel)
- horticultural, floricultural, viticulture, and other agricultural related uses
- range and grassland pastures
- tree harvest activities, not including milling
- wildlife preserves, sanctuaries, habitats, and other natural exhibitions

Commercial Uses

- bed and breakfast establishments (IC 16-41-31 et seq.)
- short-term residential rental uses (**IC 36-1-24 et seq. and Article 25, Section 2585 **New Section for Short-Term Use Permit Requirements and Standards**)
- golf course

Institutional Uses

- ambulatory service
- cemetery (See Article 25, Section 2570)
- church or place of worship and associated accessory uses
- fire station
- governmental offices
- mausoleum (See Article 25, 2570)
- park, public
- police station

AGRICULTURAL HOMESTEAD (AH)

Conditional Uses

Agricultural Uses

- bee hives, commercial
- equestrian facility/riding stables
- farm, dairy
- greenhouse, commercial
- wind energy conversion system (WECS), commercial wind farm (See Article 18)
- solar energy system – commercial (SES-C)

Residential Uses

- dwelling, two-family attached

Commercial Uses

- animal grooming services
- veterinarian or animal hospital
- campground or RV park
- child care center, Class I and II
- child care home
- farmers market, year round
- golf course with clubhouse/restaurant
- kennel, commercial
- animal boarding
- recreation, commercial
- skeet/target shooting range, public and private
- special event facility (weddings, banquets)
- winery/brewery/distillery (commercial and/or with special events)

Institutional Uses

- adult day care
- utility facility, public and private
- wireless telecommunication facility (See Article 15)

DEVELOPMENT STANDARDS – AGRICULTURAL HOMESTEAD (AH)**Development Standard**

Structure Standards		
Maximum height of structure	Primary structure	45 feet
	Accessory structure	36 feet for non-Ag Uses 60 feet for Ag Uses See Art. 25, Table 25.1 ^{^^}
Minimum living area		950 sq. ft.
Minimum width of primary structure		18 feet
Lot Standards		
Minimum lot width		150 feet
Minimum lot area		1 acre
Minimum front yard setback	Primary structure	70 feet*
Minimum side yard setback	Primary structure	25 feet
Minimum rear yard setback	Primary structure	25 feet
Utility Standards		
Municipal water and sewer required		no

* All front yard setbacks along public/private roadways are measured from the centerline of the road. All uses which front along an arterial road, as determined in Section 2404, shall be required to have a minimum setback of 100 feet from the centerline of the roadway if the roadway has less than 80 feet right-of-way. All uses which front along U.S. 50, shall be required to have a minimum setback of 100' from the centerline of the nearest 2 lanes of traffic.

^{^^}See Section 2516 for Accessory Uses and Structures, including applicable setback information (where primary structures exist on the same property).

LOW-DENSITY RESIDENTIAL (R1)

A. Purpose. The Low-density Residential District (“R1”) is intended for areas of detached homes on larger lots and serves as a transition between suburban development and agricultural areas or open spaces. This area allows for single-family and potentially for two-family housing, and services designed to meet the needs of residents in the immediate area. Land divisions are subject to the Dearborn County Subdivision Control Ordinance and non-residential uses are subject to Site Plan Review, as set forth in Article 23 of this Ordinance.

B. Uses.

LOW-DENSITY RESIDENTIAL DISTRICT (R1)

Permitted Uses

Residential Uses

- clubhouse, community center, and similar facilities
- dwelling, single-family detached
- major residential subdivision
- minor residential subdivision

Accessory Uses

- accessory uses for a dwelling (private garages and parking, fences, satellite dishes, walls, storage sheds, gazebos, storage of recreational vehicle/unit, swimming pool, sauna, bathhouse and like accessories, and recreational court/complex)
- clubhouses, community centers and similar common assembly or shared facilities where the facility is integral part of a residential development and the membership is limited to the residents of the complex or neighborhood
- dwelling, accessory
- barns, pole buildings, or other structures commonly used for storage
- hobby farm
- home occupation (See Article 25, Section 2556)
- produce stand (seasonal)
- short-term residential rental uses (**Article 25, Section 2585 **New Section**)
- solar energy system – accessory (SES-A)
- wind energy conversion system (WECS) personal (See Article 18)

Agricultural Uses

- garden plots and other communal or organizational farming practices
- wildlife preserves, sanctuaries, habitats, and other natural exhibitions

Commercial Uses

- golf course

Institutional Uses

- ambulatory service
- cemetery (See Article 25, Section 2570)
- fire station
- mausoleum (See Article 25, 2570)
- parks and recreation areas, public
- police station

Conditional Uses

Residential Uses

- dwelling, single-family attached
- dwelling, two-family attached

Commercial Uses

- child care center, Class I and II
- child care home
- farmer’s market
- produce stand, year round
- golf course with clubhouse/restaurant
- veterinarian or animal hospital
- recreation, commercial
- special event facility (weddings, banquets)

Institutional Uses

- adult day care
- church or place of worship and associated accessory uses
- utility facility, public and private
- wireless telecommunication facility (See Article 15)

DEVELOPMENT STANDARDS – LOW-DENSITY RESIDENTIAL DISTRICT (R1)**Development Standard****Structure Standards**

Maximum height of structure	Primary structure	45 feet
	Accessory structure	25 feet ^{^^}
Minimum living area		950 sq. ft.
Minimum width of primary structure		18 feet

Lot Standards

Minimum lot width		70 feet
Minimum lot area		0.5 acre
Minimum front yard setback	Primary structure	60 feet*
Minimum side yard setback	Primary structure	20 feet
Minimum rear yard setback	Primary structure	20 feet

Utility Standards

Municipal water and sewer required	Yes
------------------------------------	-----

* All front yard setbacks along public/private roadways are measured from the centerline of the road. All uses which front along an arterial road, as determined in Section 2404, shall be required to have a minimum setback of 100 feet from the centerline of the roadway if the roadway has less than 80 feet right-of-way. All uses which front along U.S. 50, shall be required to have a minimum setback of 100' from the centerline of the nearest 2 lanes of traffic.

^{^^}See Section 2516 for Accessory Uses and Structures, including applicable setback information (where primary structures exist on the same property).

MEDIUM-DENSITY RESIDENTIAL DISTRICT (R2)

A. Purpose. The Medium-density Residential District is intended to provide for the development of neighborhoods while ensuring compatibility with adjacent land uses and patterns of development. New development is encouraged to contain mixed residential densities and lot sizes as well as housing types. Connection to public sewer and water is required where available, as determined by the State or County Health Department(s). Land divisions are subject to the Dearborn County Subdivision Control Ordinance and non-residential uses are subject to Site Plan Review, as set forth in Article 23 of this Ordinance.

B. Uses.

MEDIUM-DENSITY RESIDENTIAL DISTRICT (R2)	
Permitted Uses	Conditional Uses
Residential Uses - clubhouse, community center, and similar facilities - dwelling, two-family attached - dwelling, single-family detached - major residential subdivision - minor residential subdivision Accessory Uses - accessory uses for a dwelling (private garages and parking, fences, satellite dishes, walls, storage sheds, gazebos, swimming pool, sauna, bathhouse and like accessories, and recreational court/complex) - clubhouses, community centers and similar common assembly or shared facilities where the facility is integral part of a residential development and the membership is limited to the residents of the complex or neighborhood - dwelling, accessory - barns, pole buildings, or other structures commonly used for storage - home occupation (See Article 25, Section 2556) - short-term residential rental uses (**IC 36-1-24 et seq. and Article 25, Section 2585 **New Section for Short-Term Use Permit Requirements and Standards**) - solar energy system – accessory (SES-A) - wind energy conversion system (WECS) personal (See Article 18) Agricultural Uses - garden plots, other communal or organizational farming practices - wildlife preserves, sanctuaries, habitats, and other natural exhibitions Institutional Uses - ambulatory service - cemetery (See Article 25, Section 2570) - fire station or police station - parks and recreation areas, public	Residential Uses - dwelling, condominium - dwelling, landominium - dwelling, single-family attached - dwelling, multi-family - dwelling, townhouse - manufactured home park (Article 25, Section 2566) Commercial Uses - child care center, Class I and II - child care home - recreation, commercial Institutional Uses - adult day care - church or place of worship and associated accessory uses - utility facility, public and private - wireless telecommunication facility (See Article 15)

DEVELOPMENT STANDARDS – MEDIUM-DENSITY RESIDENTIAL DISTRICT (R2)

Medium-Density Residential (R2)

Development Standard		Land Use	
		Single-family (Detached and Attached) and Two-family Residential	Multi-Family Residential
Structure Standards			
Maximum height of structure	Primary structure	45 feet	45 feet
	Accessory structure	25 feet ^{^^}	25 feet ^{^^}
Minimum living area		950 sq. ft./ Single Family Detached Unit 750 sq. ft / Two-family unit	650 sq. ft. / one-bedroom unit 750 sq. ft / two-bedroom unit 850 sq. ft / three-bedroom unit
Minimum width of primary structure		18 feet	18 feet
Maximum number of attached units		2	8
Lot Standards			
Minimum lot width		60 feet	N/A
Minimum lot area		7,500 sq. ft. Single-Family 2,500 sq. ft. per unit Two-Family	2,500 sq. ft. per unit
Minimum front yard setback	Primary structure	45 feet*	45 feet or 30 feet in platted subdivision
Minimum side yard setback	Primary structure	10 feet or 0 feet on one side if attached	10 feet
Minimum rear yard setback	Primary structure	10 feet	15 feet
Utility Standards			
Municipal water and sewer required		yes	yes

* All front yard setbacks along public/private roadways are measured from the centerline of the road. All uses which front along an arterial road, as determined in Section 2404, shall be required to have a minimum setback of 100 feet from the centerline of the roadway if the roadway has less than 80 feet right-of-way. All uses which front along U.S. 50, shall be required to have a minimum setback of 100' from the centerline of the nearest 2 lanes of traffic.

^{^^}See Section 2516 for Accessory Uses and Structures, including applicable setback information (where primary structures exist on the same property).

HIGH-DENSITY RESIDENTIAL (R3)

A. Purpose. The High-density Residential District is designed to ensure an adequate mix of housing types in the county. This district shall be used to encourage compact development patterns in locations where there are high levels of public infrastructure capacity. Connection to public sewer and water is required. Land divisions are subject to the Dearborn County Subdivision Control Ordinance and non-residential uses are subject to Site Plan Review, as set forth in Article 23 of this Ordinance.

B. Uses.

HIGH-DENSITY RESIDENTIAL DISTRICT (R3)

Permitted Uses

Residential Uses

- clubhouse, community center, and similar facilities
- dwelling, condominium or landminium or townhouse
- dwelling, multi-family
- dwelling, single-family attached
- dwelling, two-family attached
- dwelling, single-family detached
- major and minor residential subdivision
- manufactured home park (Article 25, Section 2566)

Accessory Uses

- accessory uses for a dwelling (private garages and parking, fences, satellite dishes, walls, storage sheds, gazebos, swimming pool, sauna and like accessories, and recreational court/complex)
- clubhouses, community centers and similar common assembly or shared facilities where the facility is integral part of a residential development and the membership is limited to the residents of the complex or neighborhood
- home occupation (See Article 25, Section 2556)
- short-term residential rental uses (**IC 36-1-24 et seq. and Article 25, Section 2585 **New Section for Short-Term Use Permit Requirements and Standards**)
- solar energy system – accessory (SES-A)
- wind energy conversion system (WECS) personal (See Article 18)

Agricultural Uses

- garden plots and other communal or organizational farming practices
- wildlife preserves, sanctuaries, habitats, and other natural exhibitions

Commercial Uses

- child care center, Class I and II
- child care home

Institutional Uses

- ambulatory service
- fire station or police station
- parks and recreation areas, public

Conditional Uses

Institutional Uses

- Church or place of worship and associated accessory uses
- utility facility, public and private

High-Density Residential (R3)**DEVELOPMENT STANDARDS – HIGH-DENSITY RESIDENTIAL DISTRICT (R3)**

Development Standard		Land Use	
		Single-family (Detached and Attached) and Two-family Residential	Multi-Family Residential
Structure Standards			
Maximum height of structure	Primary structure	45 feet	60 feet
	Accessory structure	25 feet ^{^^}	25 feet ^{^^}
Minimum living area		950 sq. ft. /unit	500 sq. ft. / zero-bedroom unit 600 sq. ft. / one-bedroom unit 700 sq. ft. / two-bedroom unit 800 sq. ft. / three-bedroom unit
Minimum width of primary structure		18 feet	18 feet
Maximum number of attached units		2	8
Lot Standards			
Minimum lot width		40 feet	N/A
Minimum lot area		4,400 sq. ft. for single-family 2,200 sq. ft. per unit for two-family	1,815 sq. ft. per unit
Minimum front yard setback	Primary structure	40 feet; 35 feet in platted subdivision; or 30 feet in platted subdivision with rear driveway	40 feet or 30 feet in platted subdivision
Minimum side yard setback	Primary structure	5 feet; 0 feet between units to adjoining unit if attached	5 feet; 0 feet between units to adjoining unit if attached
Minimum rear yard setback	Primary structure	10 feet	10 feet
Minimum separation between buildings		10 feet	20 feet
Utility Standards			
Municipal water and sewer required		yes	yes

**All front yard setbacks along public/private roadways are measured from the centerline of the road. All uses which front along an arterial road, as determined in Section 2404, shall be required to have a minimum setback of 100 feet from the centerline of the roadway if the roadway has less than 80 feet right-of-way. All uses which front along U.S. 50, shall be required to have a minimum setback of 100' from the centerline of the nearest 2 lanes of traffic.*

^{^^}See Section 2516 for Accessory Uses and Structures, including applicable setback information (where primary structures exist on the same property).

Use Development Standards (Article 25, Section 2585 **New Section)

1. Agritourism.

- a. **Purpose.** The purpose of regulating agritourism is to allow opportunities for limited non-residential activities that make use of the existing rural character and activities in the town. The agritourism use should be accessory to an active agricultural use. For purposes of these standards, special event facilities, wineries, breweries, and distilleries are not considered an agritourism activity.
- b. **Use and Operational Standards.**
 - i. **Hours of Operation.** Hours of operation must be provided in writing by the applicant. The Administrator and/or BZA may alter the requested hours of operation for the agritourism uses consistent with the character of the land uses in the vicinity and may require additional conditions to ensure adherence to the established hours of operation.
 - ii. **Types of Uses Permitted.**
 - i. New uses and their buildings shall be located, designed and operated so as not to interfere with normal agricultural practices on and off site. Poor agricultural soils or lands otherwise not suitable for agricultural purposes are recommended for building locations.
 - iii. **Types of Uses Prohibited.**
 - i. Motorized off-road vehicle racing or other similar motor vehicle activities, including tractor pulls.
 - ii. Other uses that the Administrator and/or BZA determines would disturb the general peace and enjoyment of the rural and/or residential character of the surrounding area due to excessive traffic, noise, smoke, odors, visual clutter, or other nuisances.
- c. **Development Standards.**
 - i. **Access.** Access to the facility shall be approved by the Administrator and the applicable Highway Department.
 - ii. **Bufferyards and Fencing.** Opaque screening, consisting of an earth berm, evergreen screen, or an obscuring wall or fence shall be provided near the primary public activity areas on those sides abutting or adjacent to a residential use. The use of natural landscape materials is encouraged. At a written request of the applicant, the Administrator and/or the BZA may grant relief of the screening requirement in specific cases where cause can be shown that the distance between the agritourism and residential use would not require screening.
 - iii. **Lighting.** Any exterior lighting installed related to an agritourism use or activity shall be appropriately shielded and directed downwards to minimize light pollution. (See Article 21, Section 2140)
 - iv. **Trash Receptacles.** Trash receptacles shall be provided. If dumpsters are provided, they shall be placed on a hard surface and shall be completely obscured from view by an opaque fence or wall. (See Article 22, Section 2255)
 - v. **Sanitation.** Public restroom facilities, temporary or permanent, shall be provided on site and with approval of the Dearborn County Health Department if required. Year-round operations shall have permanent public restroom facilities. Seasonal operations are not required to have permanent public restroom facilities, unless required by the Dearborn County Health Department.
 - vi. **Zoning District Standards.** All other development standards of the subject zoning district shall apply.
- d. **Procedures.**
 - i. **Site Plan Approval.** An agritourism facility requires development plan approval.
 - i. **Narrative.** As part of the application for development plan approval, a written narrative shall be submitted describing the use in detail, including both agriculturally related and non-agriculturally related products and uses; proposed hours of operation; measures that are to be taken to assure that the operation of the use will take place only in a safe and convenient manner; special events; and other information describing the use and which will assist the Administrator and/or the BZA in determining whether the application meets the requirements.

2. Campground.

- a. **Use and Operational Standards:** Living arrangements are of transient or seasonal use; no permanent living structures.

3. Child Care Center, Class I and II.

- a. **Procedures:** Site Plan review is required.

4. Child Care Home.

- a. **Use and Operational Standards:** IC 36-7-4-1107 and IC 36-7-4-1108 apply.

Use Development Standards

6. Clubhouse, Community Center, and Similar Facilities.

- a. **Use and Operational Standards:** Facility must be an integral part of a residential development and the membership is limited to residents of a common development or neighborhood.

7. Confined Feeding Operation.

- a. **Purpose.** The purpose of these confinement operation standards is to ensure that both the operation and the existing land uses surrounding the operation are protected from the negative impacts that each may cause the other.

b. **Lot Standards.**

- i. **Area.** Minimum lot area for a confinement operation shall be forty (40) acres.
- ii. **Road Frontage.** Minimum road frontage shall be fifty (50) feet as a conforming panhandle, and 200 feet otherwise.

iii. **Setbacks and Use Separations.**

- (a) **General Setbacks.** A confinement operation shall have a general setback of one hundred (100) feet from the property line (in an Agricultural District). This setback requirement includes any structure or improvement utilized in carrying on of a confinement operation, including any lagoon, open manure storage area, deep pit manure storage structure, silage storage area, silage storage building or structure, and deep pit manure storage area.
- (b) **Separation from Municipal Boundaries.** No confinement operation is allowed to be sited within one (1) mile of an existing incorporated area within the jurisdiction.
- (c) **Separation from Residential Uses.** If adjacent to a residential zoning district, primary and accessory structures associated with the operation shall be set back at least two hundred and fifty (250) feet from the adjacent property line.
- (d) **Separation from Schools.** A confinement operation with a lagoon, open manure storage, deep pit manure storage and/or any silage storage that is not within an enclosed structure shall have a minimum setback requirement for such lagoon, open manure storage, deep pit manure storage and/or any silage storage that is not within an enclosed structure of two thousand six hundred forty (2,640) feet from any school. For purposes of this standard, a school shall mean the structure(s) which is the improvement situated upon school property and is the primary structure utilized for classroom academic pursuits.
- (e) **Separation from a Public Gathering Place.** Confinement operations with deep pit manure storage and/or any silage storage that is not within an enclosed structure shall have a setback requirement that such deep pit manure storage, together with any improvement or structure, not fully enclosed, in any way utilized in conjunction with, or to house, said manure pit or silage structure(s) shall be a minimum setback of one thousand three hundred twenty (1,320) feet from the property line upon which such pit or silage is situated and the property line of the property upon which a public gathering place or a protected use is situated.
- (f) **Satellite Manure Storage Structures.**
- (i) No satellite manure storage structure which is under one million (1,000,000) gallon capacity, or five thousand (5,000) cubic yards, is permitted to be sited within one thousand (1,000) feet of an existing residence or Residential Districts R1, R2, or R3.
- (ii) No satellite manure storage structure with a capacity in excess of one million (1,000,000) gallons or five thousand (5,000) cubic yards is permitted to be sited within one thousand five hundred (1,500) feet of an existing residence or Residential Districts R1, R2, or R3.

c. **Use and Operational Standards.**

- i. **Manure Application.** Manure applied on the soil in accordance with the conditions of the Confinement Operation operator's permit shall be incorporated into the soil within twenty-four (24) hours of application.

d. **Development Standards.**

i. **Access.**

- (a) **Corner Lots.** Where a confinement operation is situated on property with frontage on more than one road, the operation shall be designed so that the primary access is onto the road with the higher classification as defined in the Thoroughfare Plan.
- (b) **Truck Access.** A confinement operation shall be designed to allow trucks to leave the premises without backing onto any public way of any description whatsoever. Any proposed turn-around which contemplates T-turns or has a turn-around with a diameter of less than one hundred twenty (120) feet shall be shown by the applicant to be adequate to comply with the requirements of this UDO. Driveway, truck turn-arounds, and truck parking must have a dust-free, all-weather surface. The applicant shall take all reasonable steps to

Use Development Standards

prevent mud, manure, gravel, and other foreign substances from trucks and other equipment being deposited on any public right-of-way. The burden shall be on the applicant to demonstrate that the proposed turn-around and egress complies with the requirements herein.

- ii. **Zoning District Standards.** All other development standards of the subject zoning district shall apply.

- e. **Procedures.**

- i. **Application.**

- (a) Major Site Plan approval is required for all confinement operations and their associated primary and accessory structures.
 - (b) **Deed Restriction Required.** A deed restriction shall be recorded in perpetuity that prevents the established parcel from being reduced or further subdivided. A copy of the recorded restriction shall be submitted prior to the issuance of a Site Plan or Improvement Location Permit.

- ii. **Permits.** An ILP is required for the construction of all primary and accessory structures.

- 8. **Dwelling, Accessory.**

- a. **Development Standards:**

- i. The accessory dwelling unit must conform to all locational requirements of single-family units;

- 9. **Golf Course with Clubhouse/Restaurant.**

- a. **Development Standards:** Minimum lot size is 60 acres for each nine-hole course

- 10. **Keeping of Animals.**

- a. **Development Standards**

- i. Minimum setback for accessory buildings housing animals (not including kennels, which have separate standards):
 - (a) Less than 4 animals - 10 feet
 - (b) 5 or more animals – 50 feet
 - ii. Animals may be kept on contiguous property provided that:
 - (a) Such animals are not a public nuisance and are not vicious and dangerous, as defined by the Dearborn County Animal Control Ordinance (Chapter 90, Sections 90.02 and 90.16 of the Dearborn County Code of Ordinances);
 - (b) The animals do not present unsanitary conditions or a health risk as determined by the Dearborn County Department of Health;
 - (c) The animals and their keeping, including restraint, are compliant with the Dearborn County Animal Ordinance;
 - (d) If there are 5 or more dogs on the premises, a kennel license must be obtained from the Dearborn County Animal Control (Chapter 90, Sections 90.02 and 90.38 of the Dearborn County Code of Ordinances);
 - iii. Up to five (5) animals customarily considered domesticated, household pets may be kept on any property in any agricultural or residential districts (A, AH, R1, R2, and R3).
 - iv. To keep domesticated, non-household animals on properties located in any agricultural, agricultural homestead or low-density residential (R1) zoned districts that are greater than one (1) acre but are less than five (5) acres, may have a combination of two (2) animal units per acre, 1 animal unit being from the large animals and 1 animal unit being from the small animals per acre, but may not have two (2) animal units from the same large category, but could have two (2) animal units from the same small category) of the following:

Large Animals

- 2 head of cattle = 1 animal unit
- 3 horses = 1 animal unit
- 5 sheep = 1 animal unit
- 5 swine = 1 animal unit
- 5 goats = 1 animal unit
- 5 llamas = 1 animal unit
- 5 alpacas = 1 animal unit

Small Animals

- 50 Rabbits = 1 animal unit
- 32 Chickens = 1 animal unit
- 16 ducks = 1 animal unit
- 8 turkeys = 1 animal unit
- 8 geese = 1 animal unit
- 50 Pigeons/Raising Game Birds = 1 animal unit

Use Development Standards

- (a) Therefore, for properties having greater than five (5) acres, located in an agriculture, agriculture homestead, low-density residential (R1), or medium-density residential (R2) zoned districts will not have a restriction on the number of keeping of animals deemed domesticated, non-household animals.
- (b) For properties in any low-density residential (R1) or medium-density residential (R2) zoned districts with less than one (1) acre, 10 rabbits or 10 laying hens, no roosters, may be permitted but no other livestock.
- (c) There shall be no keeping of domesticated, non-household animals on properties located in any high-density residential (R3) zoned district.
- v. Wild / Exotic Animals – Must be in compliance with IC 14-22 and all other applicable Federal and State laws, including 312 IAC 9, as well as local County Ordinances (including animal control, health, zoning codes, etc.) and are only permitted on property located in an Agricultural District on more than 10 acres.
- vi. Other Standards
 - (a) Nothing in this section shall prohibit the temporary keeping of newborn offspring of permitted animals (less than 4 months old).
 - (b) Fish in aquariums are exempt, provided they are not associated with a commercial animal establishment as defined in the Dearborn County Animal Control Ordinance.

11. Kennel, Commercial.

a. Development Standards

- i. **Minimum lot size:** 10 acres
- ii. **Minimum setback:** 250 feet from any lot line
- iii. **Zoning Districts:** Commercial Kennels are only permitted to be on property located in an Agriculture (A) zoned district as a permitted use.
- iv. **All other standards and licensing requirements in this ordinance or that of the Dearborn County Animal Control Ordinance must be followed**

12. Equestrian Facility/Riding Stables.

a. Development Standards:

- i. **Minimum lot size:** 10 acres
- ii. **Zoning Districts:** Equestrian Facility/Riding Stables are only permitted to be on property located in Agriculture (A) and Agriculture Homestead (AH) zoned districts

13. Short-Term Rental

a. Purpose. The purpose of these short-term rental standards is to comply with the provision of IC 36-1-24 series as well as

- i. Set an appropriate balance between the interests of the county's residents, business owners, visitors to the community, and property owners wishing to engage in short-term rental of dwellings;
- ii. Ensure issues related to fire safety and life safety are met; and
- iii. Allow homeowners to benefit from added income.

b. Structure Standards.

i. Types of Structures.

- i. **Permitted.** Short-term rental units shall only be allowed in lawfully-built dwelling units that meet building code requirements. This includes:
 - (a) All or portion of the owner's primary residence.
 - (b) An accessory dwelling
- ii. **Prohibited.** Short-term rental units shall not be allowed in:
 - (a) A recreational vehicle, travel trailer, or similar structure (outside of a campground);
 - (b) A motor vehicle;
 - (c) Any structure not intended for permanent human occupancy.

ii. Use and Operational Standards

- i. **Occupancy.** Maximum overnight occupancy shall be two (2) persons per building code-compliant bedroom / sleeping area, not to exceed ten (10) people, regardless of the number of bedrooms / sleeping areas.
- ii. The Dearborn County Health Department must review and permit all short-term uses that do not have legal, permitted access to public sewer to ensure if there is an adequate individual sewage disposal system serving the affected property.

Use Development Standards

iii. Other Standards.

- i. A sign shall be prominently posted on site that displays:
 - (a) The address of the property;
 - (b) The approved maximum occupancy;
 - (c) That quiet hours are from 10:00pm to 7:00 am every day;
 - (d) A 24-hour telephone number where the owner can be reached.

iv. Development Standards:

- i. **Parking and Loading.** One (1) on-premise parking space is required for every two (2) sleeping areas. The administrator may allow street parking where applicable with a written letter to the file.
- ii. **Zoning District Standards.** All other development standards of the subject zoning district shall apply. A Short-Term Rental Application must be completed and approved for each short-term use by the Dearborn County Department of Planning & Zoning.
- v. **Enforcement.** Short-term rental owners who do not comply with the regulations may be subject to enforcement consequences ranging from inspections and/or citations.

14. Special Event Facility (Includes uses like weddings, live music, including concerts, festivals, fairs, etc.)

- a. **Purpose.** The purpose of these special event facility standards is to ensure that the use and establishment of the facility remains accessory to the residential use of the property and does not have a negative impact on the surrounding agricultural or residential areas.
- b. **Lot Standards.**
 - i. **Area.** Minimum lot size shall be ten (10) acres.
 - ii. **Setbacks.** All setbacks shall be in accordance with the respective zoning district. This includes any temporary structures such as tents, canopies, stages, and dance floors.
- c. **Use and Operational Standards.**
 - i. **Accessory Use.** The facility is and shall be operated as an accessory use to the owner's primary residence. No facility shall be permitted where no primary residential use exists on the parcel.
 - ii. **Attendance.** Attendance for a single event at the facility shall not exceed five hundred (500) persons or last longer than two (2) days, not including set-up and take-down.
 - iii. **Hours of Operation.** Hours of operation must be provided in writing by the applicant. The Administrator and/or BZA may alter the requested hours of operation for the agritourism uses consistent with the character of the land uses in the vicinity and may require additional conditions to ensure adherence to the established hours of operation.
- d. **Development Standards.**
 - i. **Dust Control.** Dust shall be minimized by reducing vehicle speeds on driveways and parking areas. During dry conditions, the application of water or other approved dust controlling measure is required.
 - ii. **Lighting.** All outdoor lighting associated with the special event shall be turned off by 11:00pm and conform to the lighting standards of this ordinance.
 - iii. **Noise.** (See Title 9, Chapter 93, Sections 93.01 to 93.04 of the Dearborn County Code of Ordinances & Article 25, Section 2532 of the Zoning Ordinance)
 - iv. **Signage.** In addition to the permitted signage, temporary directional signs are allowed during event activities provided they are placed outside of the rights-of-way.
 - v. **Utilities.** The facility shall provide a potable domestic water supply and an on-site sewage disposal or sewer service connection necessary to accommodate the special events to the satisfaction of the applicable Health Department.
 - vi. **Zoning District Standards.** All other development standards of the subject zoning district shall apply.
- e. **Procedures.**
 - i. **Site Plan Required.** All special event facilities require development plan approval shall include a plan for traffic, parking, and circulation plan. In addition, the APC or Administrator shall make specific findings and may establish conditions relative to the consideration of:
 - 1. The physical design and operating characteristics of the facility.
 - 2. The intensity of the proposed use and density of the surrounding area.
 - 3. The distance to surrounding sensitive elements, including residents and livestock.
 - 4. The type of sound potentially generated by the facility and what allowances for amplified sound may take place.
 - 5. The allowed number of events per year and the frequency of events.

Definitions

Definitions

Adult Day Care

A non-medical day service providing a safe, embracing, and accepting environment for patients and family members living with a life altering illness.

Agritourism

An accessory activity at an agricultural, horticultural, or agribusiness operation where the general public is allowed or invited to participate in, view, or enjoy the activities for recreational, entertainment, or educational purposes, including farming, ranching, dining, sale of agricultural products, historic and cultural agricultural activities, or natural resource-based activities.

Bed and breakfast

As defined in IC 16-41-31-1, an operator-occupied residence that meets the following conditions and does not include hotels, motels, boarding houses, or food service establishments:

- Provides sleeping accommodations to the public for a fee;
- Has not more than fourteen (14) guest rooms;
- Provides breakfast to the guests as part of the fee;
- Provides sleep accommodations for not more than thirty (30) consecutive days to a particular guest.

Child Care Center, Class I and II

Group Child Care Center, Class I: A building or structure where care, protection, and supervision are provided, on a regular schedule, at least twice a week to more than 7 children and no more than 12 children, including children of the adult provider. 3. Group Child Care Center, Class II: A building or structure where care, protection, and supervision are provided on a regular schedule, at least twice a week to more than 12 children, including the children of the adult provider.

Child Care Home

A private residence where care, protection, and supervision are provided, for a fee, at least twice a week to no more than six children at one time, including children of the adult provider.

Commercial Recreation

A privately owned and operated facility that offers activities related to fitness, purposeful relaxation and/or games.

Concentrated animal feeding operation (CAFO)

As noted in IC 13-11-2-38.3, a Concentrated Animal Feeding Operation (CAFO) is defined by 40 CFR 122.23 and includes, but is not necessarily limited to, a larger CAFO, a medium CAFO, and/or a small CAFO. Which all requires a National Pollutant Discharge Elimination System (NPDES) for discharges or potential discharges of water contamination exceeds the animal threshold numbers.

Condominium

A single-family attached dwelling unit separately owned and valued for property tax purposes, with common areas under group ownership and property taxes paid by a homeowner's association.

Confined feeding

As defined under IC 13-11-2-39, the confined feeding of animals for food, fur, or pleasure purposes in lots, pens, ponds, sheds, or buildings where:

- 1) Animals are confined, fed, and maintained for at least forty-five (45) days during any twelve (12) month period; and
- 2) ground cover or vegetation is not sustained over at least fifty percent (50%) of the animal confinement area.

The term does not include the following:

- 1) A livestock market:
 - a) where animals are assembled from at least two (2) sources to be publicly auctioned or privately sold on a commission basis; and
 - b) that is under state or federal supervision.
- 2) A livestock sale barn or auction market where animals are kept for not more than ten (10) days.

Confined feeding operation (CFO)

As defined under IC 13-11-2-40,

- 1) any confined feeding of:
 - a) at least three hundred (300) cattle;
 - b) at least six hundred (600) swine or sheep;

Definitions

	c) at least thirty thousand (30,000) fowl; or d) at least five hundred (500) horses. 2) any animal feeding operation electing to be subject to IC 13-18-10; or 3) any animal feeding operation that is causing a violation of: a) water pollution control laws; b) any rules of the water pollution control board, or c) IC 13-18-10.
Dwelling, accessory	Accessory dwelling units to include one apartment within a single-family dwelling or accessory structures or separate dwelling unit as long as the unit is used for family or employee/s of a principally permitted use listed above and under common ownership. The accessory dwelling unit must conform to all locational requirements of single-family / primary structure unit
Equestrian Facility/Riding Stables	A facility dedicated to the public education and recreational enjoyment of horses through a variety of features such as riding lessons, training facilities, and clinics.
Farmers Market (Seasonal)	The seasonal selling or offering for sale at retail of vegetables or produce, animal products (not including live animals), flowers, orchard products, and similar non-animal agricultural products, occurring in a predesignated area, where the vendors are individuals who have raised the vegetables or produce or have taken the same on consignment for retail sale.
Farm Worker Housing	Housing units that can only be occupied by farm laborers and their immediate family members. Each unit shall be self-contained with sanitation, shower, lavatory facilities, heating and electrical, and a kitchen. Housing shall be maintained to meet the current building codes.
Field Crop Production	Farms of field crops, fruits, tree nuts, vegetables, hemp, or other agricultural growth products.
Garden Plots/Communal Gardens	A single piece of land gardened collectively by a group of people, utilizing individual or shared plots on private or public land.
Hobby Farm	A small farm operated for pleasure or supplemental income rather than for primary income and which does not include the raising of livestock, unless the raising of livestock is permitted by the zoning district or has been approved as a Conditional Use by the Board of Zoning Appeals.
Home Occupations	A home business that is clearly an incidental and secondary use of the principal dwelling unit and that is conducted in conformance with the home occupation requirements of this order. Examples of acceptable home occupations commonly include personal or consulting services, professional offices, or studios that do not necessitate clients coming to the business, and that do not necessitate either regular deliveries to the residence or the use of tractor-trailers for deliveries to the residence.
Keeping of Animals	The keeping of animals refers to the presence or caring of animals for any length of time.
Kennel and Cattery	A lot or a facility in which five (5) or more dogs, cats, or other domesticated animals greater than four (4) months of age are maintained, boarded, bred, trained or cared for, in return for remuneration, or are kept for the purpose of sale.
Landominium	A single family attached dwelling unit separately owned and valued for property tax purposes which includes land under the unit along with common areas under group ownership and paid by a homeowners association.
Manufactured and Mobile Homes	Manufactured home means a structure, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length or which when erected on-site is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. This term includes all structures that meet the above requirements except the size requirements and with respect to which the

Definitions

	manufacturer voluntarily files a certification pursuant to §3282.13 of this chapter and complies with HUD's Manufactured Home Construction and Safety Standards (the Standards, covering Body and Frame Requirements, Thermal Protection, Plumbing, Electrical, Fire Safety and other aspects of the home, published under 24 CFR Part 3280). The term does not include any self-propelled recreational vehicle. Calculations used to determine the number of square feet in a structure include the total of square feet for each transportable section comprising the completed structure and are based on the structure's exterior dimensions measured at the largest horizontal projections when erected on site. These dimensions include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows. Nothing in this definition should be interpreted to mean that a manufactured home necessarily meets the requirements of HUD's Minimum Property Standards (HUD Handbook 4900.1) or that it is automatically eligible for financing under 12 U.S.C. 1709(b). Mobile homes do not include modular homes, dwelling units with automotive capabilities, or recreational vehicles. (Also see Mobile Home and Modular Home)
Multi-Family Dwelling Unit	A dwelling designed and constructed for or occupied by three (3) or more families on a single lot. This would include apartments and condominiums.
Orchard	Intentional planting of trees or shrubs that is maintained for food production.
Produce Stand	Seasonal: A temporary activity where a single vendor/property owner sells agricultural products (not including live animals) that are produced on the same property in an area that does not exceed two hundred (200) sq ft. Year Round: a activity where a single vendor/property owner sells agricultural products (not including live animals) that are produce on the same property in an area that does not exceed two hundred (200) sq ft.
Short-Term Rental	In accordance with IC 36-1-24-6, the rental of a single-family home, an accessory dwelling, a duplex, a multi-family dwelling, or a condominium for terms of less than thirty (30) days at a time through a short-term rental platform.
Single-Family Attached Dwelling Unit	A dwelling unit that is attached to one or more dwelling units, but is subdivided by property lines. Examples include townhomes or landominiums.
Single-Family Detached Dwelling Unit	A dwelling containing one (1) dwelling unit and that is not attached to any other dwelling by any means and is surrounded by open space or yards.
Single-Family Dwelling Unit	A residential building or structure designed, constructed and occupied by persons living as one housekeeping unit using one kitchen facility. A single-family dwelling unit does include a residential care facility for handicapped persons.
Special Event Facility (Wedding Barn)	A facility where special events are permitted to occur generally with a use agreement between a private group or individual and the facility owner. For purposes of this definition, a special event may include a celebration, ceremony, wedding, reception, corporate function, or similar activity for the benefit of someone other than the property owner that takes place on a periodic basis, involving the gathering of individuals assembled for the common purpose of attending a special event.
Townhouse Dwelling Unit	A single-family attached dwelling consisting of one dwelling from ground to roof, a separate entrance and having more than one floor or story, but sharing walls with another dwelling unit or an accessory structure of another dwelling unit, where three or more dwelling units attached.
Two-Family Dwelling Unit	A dwelling on a single parcel containing two (2) dwelling units, each of which is totally separated from the other by an unpierced wall extended from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units. An example of this is a duplex.
Vineyard	A plantation of grape-bearing vines, grown mainly for winemaking, but also raisins, table grapes and non-alcoholic grape juice.
Winery/Brewery/Distillery	A licensed building or property whose primary purpose is to produce and sell alcoholic beverages for distribution and may include accessory commercial facilities such as a tasting room, restaurant, and event facilities.