

TOWN OF BARGERSVILLE, INDIANA
ORDINANCE NO. 2009-17

**AN ORDINANCE AMENDING SECTIONS II AND V OF THE ZONING
ORDINANCE (ORDINANCE NO. 2003-7) OF BARGERSVILLE, INDIANA**

WHEREAS, a proposal to amend the text of the Zoning Ordinance of the Town of Bargersville, Indiana (Ordinance No. 2003-7), was initiated by the Bargersville Plan Commission, and;

WHEREAS, the Bargersville Plan Commission held a public hearing on the zoning proposal and recommended to the Bargersville Town Council that the text of the Zoning Ordinance of the Town be so amended, and;

WHEREAS, the Town Council has by majority vote accepted the recommendation of the Plan Commission;

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Bargersville, Indiana that:

Section 1. The Bargersville Zoning Ordinance, (Ordinance No. 2003-7 of the Town of Bargersville), as previously amended, be and hereby is amended as follows:

- A. Section II – Definitions, Section 2.2 is amended to add the following definitions:

2.2 Definitions

Agriculture Land: All real property within the boundaries of the Town of Bargersville, Johnson County currently used for agriculture operation or upon which agriculture operations may reasonably be established in the future.

Agriculture Operation: Includes, but is not limited to, the cultivation and tillage of the soil; dairying; the production, irrigation, cultivation, growing, harvesting, and processing of any agricultural commodity, including viticultural, horticultural, or timber; the raising of livestock, fur bearing animals, fish, or poultry; and any commercial agricultural practices performed as incident to or in conjunction with such operations, including preparation for market, delivery to storage, to market, or to carriers for transportation to market.

Agriculture: The use of the land or structures for agricultural purposes, including farming, dairying, pasturage, agriculture, or husbandry; for the packing, treating or storage of produce; and for necessary accessory structures and uses; provided, however, that the operation of any such accessory structures and uses shall be secondary to that of the normal agricultural activities.

Confined Feeding Lot: An area within which the confined feeding of animals for food, fur, or pleasure purposes takes place in lots, pens, ponds, sheds or buildings where all food is supplied by means other than grazing (IC 13-18-10).

Confined Feeding Operation: 1) Any confined feeding of three hundred (300) or more cattle, six hundred (600) or more swine or sheep, or thirty thousand (30,000) or more fowl; or (2) any animal feeding operation utilizing a waste lagoon or holding pit; or (3) any animal feeding operation where the operator elects to come under Public Law 1, Acts of 1995, or amendments thereto; or (4) any animal feeding operation that is causing violation of Public Law 1, Acts of 1995, or amendments thereto, as determined by the State office of jurisdiction.

Indiana Natural Resources: The Indiana Department of Natural Resources (DNR).

Pond: A still body of water having a surface area of five thousand (5,000) square feet or more.

Supply Yards: A commercial establishment storing or offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods. Supply yards do not include the wrecking, salvaging, dismantling or storage of automobiles or similar vehicles.

Vehicle: An automobile, motorcycle, truck, trailer, semitrailer, bus, school bus, recreational vehicle, or motorized bicycle.

B. Section V – Development Standards, Section 10. A1-F, AGRICULTURAL-RURAL DISTRICT is amended to add the following definitions:

1. Purpose

The purpose of the A1-F, Agricultural-Rural District is to accommodate agricultural operations and practices. In addition, the A1-F, Agricultural-Rural District preserves and maintains the existing rural character of Bargersville, IN, Johnson County, and the agricultural tradition of the county and town. The intent of this district is to allow agricultural development by reason of location and the availability of natural resources and infrastructure system, while allowing the provisions for low density, one-family residential development. The maximum overall density of residential development in this district shall be one (1) residential dwelling unit per two acres.

2. Lot and Yard Requirements

The following development standards shall apply within the A1-F, Agricultural-Rural District:

Uses where applicable

All permitted uses and special exceptions identified in A1-F, Agricultural-Rural District.

Minimum Lot Size

Two (2) acres or the minimum acreage needed as determined by the Johnson County Health Department to accommodate a drain field for a septic system, tested and approved replacement septic system, and adequate separation between septic wastes and well water.

Minimum Road Frontage

50 feet

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| Minimum Lot Width | 200 feet |
| Maximum Lot Coverage | 25 percent |
| Minimum Front Yard Setback | 50 feet on Major Arterials, 45 feet on minor Arterials, 40 feet on Major Collectors, 35 feet on Minor collectors, 35 feet on Local streets and 25 feet on Cul-De-Sacs |
| Minimum Side Yard Setback | 10 feet |
| Minimum Rear Yard Setback | 20 feet |
| Maximum Building Height | 50 feet |
| Minimum Ground Floor Living Area for Principal Use | 1200 square feet for single-story structures, 1000 square feet for two or more stories. |

3. Permitted uses

The following uses are permitted within the A1-F, Agricultural District:

- a. Agricultural operations, except confined feeding operations
- b. One-family dwellings
- c. Public parks and playgrounds
- d. Cemeteries
- e. Essential services
- f. Accessory uses
- g. Roadside agricultural produce stands
- h. Equestrian private estates
- i. Home occupations, Type 1 and Type II
- j. Golf courses
- k. Child care services for 5 or fewer children
- l. Bed and breakfast homes
- m. Public and parochial schools
- n. Federal, State, County, or municipal buildings
- o. Winery provided it meets the requirement for IC 7.1-3-12 (Chapter 12. Vinters' and Farm Winery Permits).

4. Special Exceptions

The following special exceptions shall be permitted within the A1-F, Agricultural-Rural District only as specifically authorized by the Board of Zoning Appeals in accordance with the regulations of Section X (Administration and Enforcement, Special Exceptions) of this Ordinance:

- a. Accessory apartments
- b. Child care homes (in home day care)
- c. Child care centers
- d. Public utility structures
- e. Equestrian facilities
- f. Religious institutions
- g. Private air strips

5. Permitted Activities

The following activities are permitted within the A1-F Agricultural-Rural District:

- a. Hunting, shooting, fishing and trapping per state and DNR regulations.
- b. Controlled open burning of brush, leaves, and non toxic items.
- c. Off road all terrain vehicles permitted on public roads as needed for agricultural use.
- d. Dogs and cats exempt from leash ordinances but required to be kept under control and to remain on the property of their owners.
- e. All existing agricultural operations shall be exempt and grandfathered to continue by their existing owners, families, and successors.

Section 3. This ordinance shall be in full force and effect from and after to its passage and approval according to law. All prior Ordinances or parts thereof which may be inconsistent with any provision of this Ordinance are hereby repealed. The paragraphs, sentences and words of this Ordinance are severable, and if any portion hereof is declared unconstitutional, invalid or unenforceable by a court of competent jurisdiction, such declaration shall not affect the remaining portions of this Ordinance.

ADOPTED by the Town Council of the Town of Bargersville, Indiana this 8th day of December, 2009.

TOWN COUNCIL OF THE TOWN
OF BARGERSVILLE, INDIANA

Steve Welch
President

Mike Kehl
~~Steve Welch~~

Paul H. A. L.

Cynthia M. Jarvis

Jan E. Smith

ATTEST:

Donna S. Bishop
Clerk- Treasurer
Chief Deputy