

General Agriculture (A1) District

2.07 A1 District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The A1 (General Agriculture) District is intended to be used as follows:</p> <p>Use Type and Intensity</p> <ul style="list-style-type: none"> • agricultural operations, ag-businesses (year-round), and year-round sales of produce and products. <p>Application of District</p> <ul style="list-style-type: none"> • Existing agricultural land <p>Development Standards</p> <ul style="list-style-type: none"> • Recognize the need for reasonable development standards to maximize protection of agricultural practices. <p>Appropriate Adjacent Districts</p> <ul style="list-style-type: none"> • GW, P1, P2, A2, RR, R1, CN, IN, OT, I1, I2, I3 and HI <p>Plan Commission</p> <ul style="list-style-type: none"> • Utilize this zoning district for existing agricultural areas and carefully for new residential development. <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> • Allow a Special Exception use only when it is clearly a benefit to the adjacent properties. 	<p>Agricultural Uses</p> <ul style="list-style-type: none"> • agricultural crop production • farmstead • hobby farming • orchard • raising of farm and exotic animals • sale of agricultural products* • stable, private • storage of agricultural products • tree farm • vineyard <p>Commercial Uses</p> <ul style="list-style-type: none"> • campground • farmers market • plant nursery • stable, small commercial • winery <p>Residential Uses</p> <ul style="list-style-type: none"> • dwelling, single-family detached • seasonal housing of temporary/farm workers <p><i>*see also Chapter 05; §TU: Temporary Use & Structure Standards</i></p>	<p>Commercial Uses</p> <ul style="list-style-type: none"> • kennel* • stable, large commercial* • telecommunication facility <p>Institutional Uses</p> <ul style="list-style-type: none"> • police, fire or rescue station <p>Residential Uses</p> <ul style="list-style-type: none"> • bed and breakfast • dwelling, subordinate single-family* • fair housing facility (small) <p><i>*see also Chapter 05; §SE: Special Exception Standards</i></p>

3. The ASES must be properly maintained and be kept free from all hazards, including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare. In the event of a violation off any of the foregoing provisions, the Director or his/her designee shall give written notice specifying the violation to the owner of the ASES to conform or to remove the ASES.

SECTION 3 – PRINCIPAL SOLAR ENERGY SYSTEMS (PSES) – Amending Chapters 2, Zoning Districts, Chapter 5, Zoningdistrict Development Standards and Chapter 10, Processes, Permits and Fees.

Chapter 2; Zoning Districts

Chapter 2; Zoning Districts shall be amended as follows:

Principal Solar Energy Systems (PSES) shall be permitted within the A1, General Agricultural District; 1, Light Industrial District; I2, General Industrial District and I3, Heavy Industrial District. PSES shall be permitted in the RR, Rural Residential District with the approval of a Special Exception from the Porter County Board of Zoning Appeals.

PSES constructed prior to the effective date of this Ordinance shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to an existing PSES whether or not existing prior to the effective date of this Ordinance that replaces solar equipment, as defined by this ordinance, the PSES shall require approval under this Ordinance. Routine maintenance or like-kind replacements do not require a permit.

Chapter 10; Processes, Permits and Fees

Chapter 10; Processes, Permits and Fees shall be amended as follows.

- A. Special Exception (Porter County Unified Development Ordinance 5.54 SE-01: Special Exception; General and 10.22 Special Exception) approval required.
- B. Additional Special Exception Criteria: the following items shall be addressed with the Special Exception application for PSES. Said criteria shall be submitted with the Special Exception application before a hearing date is set with the Porter County Board of Zoning Appeals.
 1. Conceptual Plan of the PSES shall be submitted showing: project location, parcels with parcel owner information (per Auditor and Assessor records), location of PSES equipment showing setbacks, location of existing county roads, location of existing regulated drain easements within the project area or adjacent, proposed landscaping and fence locations, location of power grid proposed to connect to and their easements with the approximate location of the connection(s), proposed access to the site(s) from the county right-of-way, on-site roadways, general location of the proposed equipment and structures on-site and the site topography (this can be taken from current data within the Porter County GIS section of the Department).

Special Exception

H. Plan Commission:

1. *Review of Special Exception Applications:*
 - a. **General:** The Plan Commission is not required to review Special Exception applications.
 - b. **Mineral Extraction:**
 - i. **Review:** The Plan Commission shall review all pertinent information regarding the proposed mineral extraction activity and forward, within forty-five (45) days following receipt of the complete Special Exception application, a report to the Board of Zoning Appeals.
 - ii. **Recommendation:** The Plan Commission shall forward the application with:
 - [a] A favorable recommendation; or
 - [b] A negative recommendation; or
 - [c] No recommendation.
 - iii. **Commitments:** In conjunction with its recommendation to the Board of Zoning Appeals, the Plan Commission may recommend that the Board of Zoning Appeals permit the petitioner to make written commitments concerning the use and/or development of the parcel.
 - iv. **Conditions of Approval:** In conjunction with its recommendation to the Board of Zoning Appeals, the Plan Commission may recommend that the Board of Zoning Appeals impose conditions of approval concerning the use and/or development of the parcel.

I. Board of Zoning Appeals:

1. *Plan Commission Report:* If the Plan Commission has not filed its report with the Board of Zoning Appeals within the forty five-day time period, the Board of Zoning Appeals may proceed to process the application and hold a public hearing pursuant to the Board of Zoning Appeals Rules of Procedure.
2. *Public Notice:*
 - a. **Published:** The applicant shall be responsible for publishing notice pursuant to the Board of Zoning Appeals Rules of Procedure.
 - b. **Mailed:** The applicant shall be responsible for mailing notice pursuant to the Board of Zoning Appeals Rules of Procedure.
 - c. **Posted:** The applicant shall be responsible for posting notice on site pursuant to the Board of Zoning Appeals Rules of Procedure.
 - d. **Proof:** The applicant shall be responsible for returning proof of published and mailed notice to the Plan Commission Office. The applicant shall refer to the application form to determine the deadline for submittal of proof of notice. Failure to submit proof of notice by the deadline may result in the petition's being continued to the Board of Zoning Appeals agenda for the following month.
3. *Submittal:* The applicant shall refer to the application form to determine the format and number of copies of the informational packet to be delivered to the Plan Commission Office for distribution to the members of the Board of Zoning Appeals. Incomplete submittals may result in the petition's being held off the Board of Zoning Appeals agenda to allow the applicant time to complete the submittal.
4. *Attendance:* The applicant is required to be present at the Board of Zoning Appeals meeting to address and discuss comments and concerns posed by the Board of Zoning Appeals members. Failure to appear shall result in the petition's being dealt with as outlined in the Board of Zoning Appeals Rules of Procedure.
5. *Public Hearing:* A public hearing shall be held in accordance with the Board of Zoning Appeals Rules of Procedure.