

CHAPTER 03

AGRICULTURAL AND ENVIRONMENTAL CONTROL DISTRICTS

Section 03.01 Intent

- (a) **A Agriculture District:** The A, Agriculture District, is established to include agricultural operations such as crop production, raising of animals, equestrian facilities, tree farms and vineyards. This district is located in areas where little or no urbanization has occurred or is likely to occur in the near future, in accordance with the growth management recommendations of the County Comprehensive Plan.
- (b) **EC Environmental Control District:** The EC, Environmental Control District, is established to include: lowland areas lacking drainage, areas that are within the floodplain of rivers, creeks, drainage ditches or backwaters and are subject to inundation, and areas of rolling and rugged topography where conservation of soil, water and vegetation is desirable and is adaptable to broad scale conservation and/or recreational uses. This district also includes areas within close proximity to these natural features where low-impact development, such as agriculture, hobby farms and low-density rural residential, will ensure minimal impact.

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.

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 Chapter 17 Special Exception Review Requirements and Procedures and Specific Requirements of Chapter 9 are met.

-: Not Permitted: The use is not permitted in the district. Uses not listed in the table are also not permitted.

Table 3.02 Schedule of Permitted Uses			
Use	A	EC	Requirements
Residential			
Single-family detached dwellings	P	P	
Two-family dwellings	P	P	
Mobile home dwellings on individual lots	S	S	09.01(a)
Modular homes	P	P	
Accessory dwellings	S	S	09.01(b)
Low-impact home occupations	P	P	09.01(c)
Home occupations	S	S	09.01(c)
Agriculture, Forestry, Fishing and Hunting			
Bait sales	P	P	
Farm sales & service	S	-	
Farms-confinement feeding	S	-	09.02(b)
Farms-general	P	P	
Greenhouse, nursery, and floriculture production	P	P	09.02(a)
Keeping of livestock and other animals	P	P	09.02(c)
Kennels	P	P	
Liquid fertilizer storage	P	-	09.02(d)
Riding stables	P	P	09.02(e)
Roadside produce sales	P	P	
Sales barn for livestock resale	P	S	09.02(f)

**Table 3.02
Schedule of Permitted Uses**

Use	A	EC	Requirements
Seasonal farm worker housing	S	S	
Seasonal hunting and/or fishing lodge	S	S	
Slaughterhouse, custom/commercial	S	-	09.02(g)
Warehouse, grain storage	S	S	
Wineries	S		09.02(h)
Wholesale produce terminal	P		
Retail Trade			
Dairies, retail	S	S	
Flower/garden shops	S	S	
Nursery, garden center, farm supply, lawn and garden equipment and supplies stores	P	-	09.02(a)
Meat markets	S	-	
Pet shops, supplies & grooming	P	-	
Wholesale businesses	S	-	
Motor Vehicle Dealers, Parts and Service			
Marina/sales/service/storage (watercraft only)	-	S	09.11(d)
Lodging Accommodation			
Boarding houses	P	P	
Tourist homes/bed & breakfast inns	P	P	09.05(a)
RV (recreational vehicle) parks and recreational camps	P	P	09.10(e)
Other Services			
Cemeteries/crematoriums	S	S	09.07(b)
Funeral homes and mortuaries	S	-	09.07(a)
Photographic studios	P	P	
Finance, Insurance, Real Estate, Professional, Scientific, and Technical Services			
Radio/TV towers	S	-	
Health Care and Social Assistance			
Child care home	P	P	
Child day care centers	S	S	09.09(a)
Veterinary hospital, small animal	S	S	
Arts, Entertainment, and Recreation			
Art galleries/pottery making	S	S	
Boat access ramps	-	P	
Country clubs	S	S	
Golf courses	P	P	
Public camps	S	S	
Public parks	P	P	
Race tracks	S		
Shooting ranges, indoor	S	S	
Shooting ranges, outdoor	S	S	
Stadiums/coliseums/athletic fields	S	S	
Swimming pools, commercial	S	S	
Swimming pools, private	P	P	
Religious, Civic, Social and Similar Organizations			
Assembly halls, non-profit	S	S	
Charitable institutions	P	P	
Churches, temples and similar places of worship	S	S	09.11(a)
Conference centers and convention halls	S	S	
Lodges/private clubs	S	S	09.11(b)
Educational Services			
Elementary schools – public, private or parochial	S	S	09.12(a)
High schools and middle schools – public, private or parochial	S	S	09.12(a)

**Table 3.02
Schedule of Permitted Uses**

Use	A	EC	Requirements
Libraries and museums	S	S	
Technical and vocational trade schools	S	-	
University or college building	S	S	
Public Administration			
Executive, legislative, and other general government buildings	P	P	
Justice and public safety	P	P	
Penal Institution (Correctional/Juvenile Facility)	S	S	09.13(a)
Transportation and Warehousing			
Airports/heliports	S		09.14(a)
Material/storage accessory to a permitted use	P	-	
Transmission lines, gas & oil	P	P	
Utilities and Waste Disposal			
Commercial composting facilities	S	-	
Sanitary landfills	S	-	09.15 (d)
Sewage and treatment facilities	S	S	09.15 (e)
Utilities and essential public services that are necessary to serve uses in the district	P	P	
Utility exchange or substations	P	P	
Utility and essential public service buildings and storage yards	P	-	
Water treatment facilities	P	P	
Wind Energy Conversion Systems		See: Chapter 09A	
Wireless communication facilities and services		See: 09.15(g)	
Construction			
Asphalt and concrete plants	S	-	09.16(a)
Construction contractors offices and showrooms without storage yards	P	-	
Construction contractors including storage yards	P	-	09.16(a)
Mining/mineral extraction			
Mineral/soil extraction	S	-	09.17(a)
Oil and gas extraction	S	-	09.17(b)
Lake/pond -man-made	P	P	09.19
Manufacturing			
Food processing	S	-	
Furniture and related product manufacturing	S	-	
Leather and allied product manufacturing	S	-	
Wood product manufacturing	P	-	

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 means that does not comply with the following requirements. Existing lots of record that were in existence prior to the effective date of this Ordinance may be used subject to the nonconforming lot provisions of the Nonconforming Regulations of this Ordinance.

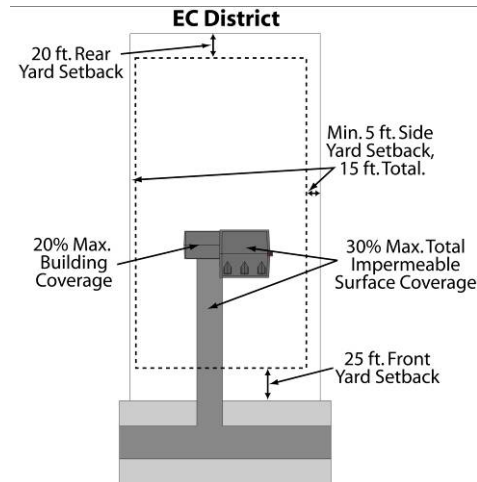
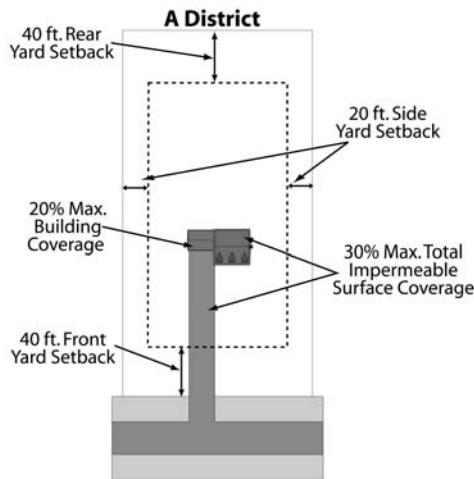
Table 03.03 Lot Area And Width Requirements (c)		
Districts	Min. Lot Area (Acre/Sq. Ft.)(a)(b)	Min. Lot Width (Ft.)
A Agriculture	1 acre	120 ft.
EC Environmental Control	1 acre	120 ft.

- (a) **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.
- (b) **Nonconforming Lots of Record:** New residential or commercial structures to be erected prior to the passage of Zoning Ordinance Amendment A-96-02, on lots of record which are smaller in area than the prescribed minimums of the table above, may be issued an Improvement Location Permit, if well and waste system approvals have been granted by the Steuben County Health Department.
- (c) **Subdivision of Land:** All divisions to land shall be subject to the requirements set forth in the Steuben County Subdivision Control Ordinance.

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											
Districts	Min. Setbacks (a)(b)(c)(d)(e)(f)(h)					Max. Building Height (k) (Stories/Ft.)		Max. Lot Coverage (l)		Min. Ground Floor Area Per Dwelling	
	Front or Road Yard (Ft.) (g)	Side Yards (i)		Rear Yard (Ft.)	Lake-front Yard (Ft.) (j)	Without Basement	With Basement	% Building Coverage	% Total Impermeable Surface	One-Story dwelling (Sq. Ft.)	Two or More Story dwelling (Sq. Ft.)
		Smallest Side (Ft.)	Total of Both (Ft.)								
A Agriculture	40	20	40	40	50	40 ft.	40 ft.	20	30	784	600
EC Environmental Control	25	5	15	20	50	2 st. 27 ft.	3 st. 35 ft.	20	30	784	600



- (a) **Accessory Structures:** See Chapter 11 for setbacks applicable to accessory structures and decks.
- (b) **Projections Into Yards:** Accessory structures and architectural features may extend or project into required setbacks as provided for in Section 10.05.
- (c) **Wetlands:** A minimum setback of twenty-five (25) feet shall be maintained from all wetlands.
- (d) **Railroads:** A minimum setback of fifty (50) feet shall be maintained from all railroad rights-of-way.
- (e) **County-Regulated Drains:** A minimum setback of seventy-five (75) feet shall be maintained from center of tile or from top of adjacent bank for all County-regulated drains.
- (f) **Corner and Double Frontage Lots:** Corner lots shall provide the minimum front yard setback from both road frontages. 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. Corner and double frontage residential lots shall only have driveway access from one road, which shall be the lesser traveled road as determined by the Plan Director.
- (g) **Setback from Road:** The road or front-yard setback shall be measured from the road right-of-way or private road easement.
- (h) **Setback from Alley:** A minimum setback of ten (10) feet shall be maintained from all alley right-of-ways.
- (i) **Setback from Lake Access Easement:** Where a lake-access easement runs along the side lot line, the side yard setback shall be measured from the easement.

- (j) **Lakefront Setback:** In no instance shall any structures other than docks, seawalls, retaining walls, sidewalks, boardwalks, and patios be permitted within the minimum shoreline setback. The minimum setback from the established shore line shall be determined as follows:
- (1) Where there are primary structures located on both adjacent lots, the shoreline setback shall be a straight line drawn between the two adjacent dwellings, including decks.
 - (2) Where primary structures on adjacent lots are setback more than fifty (50) feet, then the minimum shoreline setback shall be fifty (50) feet.
 - (3) Where one (1) or both of the adjacent lots are vacant, then the minimum shoreline setback shall be fifty (50) feet.
 - (4) In no instance shall any structures other than docks, seawalls, retaining walls, sidewalks, boardwalks, and patios be permitted within twenty (20) feet of the high water line of any lake or stream.
 - (5) All site plans, sketch plans or surveys for waterfront property shall show the location of buildings on adjacent lots.
- (k) **Height Exceptions:** An agricultural structure may be erected or changed to any height necessary for its operations (providing Federal Aviation Authority permits are obtained if required).
- (l) **Maximum Lot Coverage:** The maximum lot coverage for buildings and impermeable surface shall be measured as follows:
- (1) The building coverage shall be calculated as the ratio of the footprint of all buildings, including the principal building, garages and detached accessory buildings, to the net area of the lot.
 - (2) The total impermeable surface coverage shall be calculated as the ratio of the ground area covered by all buildings, accessory structures, decks, pools, pavement, parking, loading and storage areas to the net lot area. Planked decks with spacing between the planks and permeable ground beneath the deck and patios or parking areas constructed of pervious material shall be calculated at a rate of 50% towards the impermeable surface coverage.

