

Code Compliance for Urban Farmers & Gardeners

Guidance from the Indianapolis Office of Public Health & Safety-
Division of Community Nutrition & Food Policy



Contents

- Before You Start
- Garden as a Primary Use
- Garden as an Accessory Use
- Personal Livestock
- Beekeeping
- Compost Facilities
- Agricultural Use Exemptions
- Dwelling-Agriculture



Mad Farmers' Collective's South Circle Farm

This guide is intended to help clarify how zoning and other property conditions may impact your urban farm or garden. **This is not legal advice.**

Before You Start

Zoning & Use Context

Soil Testing

Check Maps.Indy for Applicable Land Use Standards

- Search for your address using the zoning tab at [Maps.Indy.Gov](https://maps.indy.gov)
- Open the relevant tabs on the accordion menu:
 - Zoning
 - Flood Zones
 - Historically Significant Areas
 - Subdivisions
 - Compact Context Area
- Though additional land use standards may impact your growing plans, these are the most common considerations.



Indy Zoning Browser

123 YOURLAND AVE

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Collapse all

Open all

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Parcels

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Zoning

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Rezoning

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Flood Zones

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Flood Panels

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Historically Significant Areas

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Subdivisions

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Compact Context Area

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Land Use Plan

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1

Current Land Use Classification

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1

Transit-Oriented Development Overlay

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Airspace

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🗺️ Map

MapIndy

Zoning

Stormwater Impervious Area

Mapping Application for Public Safety

Check the Zoning for Your Lot

- Check for Primary and Secondary **Zoning** on the Zoning card
 - The zoning code will be a letter and number combination with a hyperlink
 - Zoning will determine the permitted and accessory uses of your land
- If there is more than one zoning card in the **Zoning** menu, you may need to open the zoning layer in the map to see which applies to your property.

The screenshot displays the 'Indy Zoning Browser' application. On the left, a sidebar contains a search bar with '1234 YOURLAND AVE' and a list of menu items: '1 Parcels' and '2 Zoning'. The 'Zoning' menu is expanded, showing two 'Zoning' cards. Each card has a 'Show' button and a table with 'Content', 'Links', 'Disclaimer', and 'Description'.

The top card shows 'Primary Zoning: DA' and 'Secondary Zoning:'. The bottom card shows 'Primary Zoning: D3' and 'Secondary Zoning:'. Both cards have a 'Click here' link.

On the right, a map shows a street grid with 'YOURLAND AVE' labeled. A red circle highlights a property labeled 'D3'. A red arrow points from the text 'The Highlighted Property is in Zone D3' to this circle. Another red arrow points from the text 'Turn on the Zoning Layer in this Menu' to a button in the top right corner of the map interface.

At the bottom of the screen, there is a navigation bar with four buttons: 'MapIndy', 'Zoning' (highlighted in red), 'Stormwater Impervious Area', and 'Mapping Application for Public Safety'.

Determine Permitted, Accessory, and Variant Uses

- Check Your Property's Zoning Against Use Table 743-1, excerpted below
 - All uses must comply with the standards established elsewhere in the ordinance
 - All Permitted uses are also allowed as Accessory uses in that zone

Table 743-1: USE TABLE		P = Permitted use S = Special exception use V = "P" if Vacant for 5 consecutive years																		A = Accessory use T = Temporary use														
Zoning District	LAND USE CATEGORY	D-A	D-S	D-1	D-2	D-3	D-4	D-5	D-5II	D-6	D-6II	D-7	D-8	D-9	D-10	D-11	C-1	C-3	C-4	C-5	C-7	MU-1	MU-2	MU-3	MU-4	I-1	I-2	I-3	I-4	CBD-1	CBD-2	CBD-3	Use-Specific Standards	
AGRICULTURAL, ANIMAL RELATED, and FOOD PRODUCTION USES																																		
Agricultural Machinery and Equipment Sales, Rental, or Repair																					P								P	P				
Agricultural Uses, Buildings and Structures	P																			V	V					P	P	P	P				Sec. 743-304.A.	
Animal Care, Boarding, Veterinarian Services	P																	P	P	P	P	A	P	P	P	P	P				P		Sec 743-304.B.	
Artisan Food and Beverage																		P	P	P	P	A	P	P	P	V	V			P	P	P	Sec 743-304.C.	
Farmers' Market	A																	P	P	P			P	A	A					P	T	T	Sec 743-304.D.	
Garden as a Primary Use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A	A	A	A	A	P	P	P	P	A	P	P	Sec 743-304.E.	
Processing, and Packaging of Food and Beverages																										S	P	P	P					
Stock Yards and Processing of Stock																													S					

Determine the Use Context of Your Lot

- Check the **Compact Context Area** tab to determine if your lot is in a Compact or Metro context area
- Standards like setbacks, minimum lot area and open space requirements may differ depending on your property's Context Area.
 - Structures cannot be built within a certain minimum distance from the property line. These restrictions are known as setbacks.
 - All properties have a minimum total area of the land that must be free of structures. This will be listed as a percentage of the total area.



Is Your Property in a Flood Zone?

- If your property is in a flood zone (Codes: FLD, 100, or 500) there may be additional limitations on the structures that may be installed on your property.
- If your property is located in one of the flood zones listed above, we encourage you to reach out to the Marion County Soil and Water Conservation District to set up a consultation about your property.
- marionswcd.org



Indy Zoning Browser

123 YOURLAND AVE

Collapse allOpen all

1

Parcels>

2

Zoning>

1

Rezoning>

1

Flood Zones>

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Flood Panels>

1

Historically Significant Areas>

1

Subdivisions>

1

Compact Context Area>

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Land Use Plan>

1

Current Land Use Classification>

1

Transit-Oriented Development Overlay>

1

Airspace>

Map

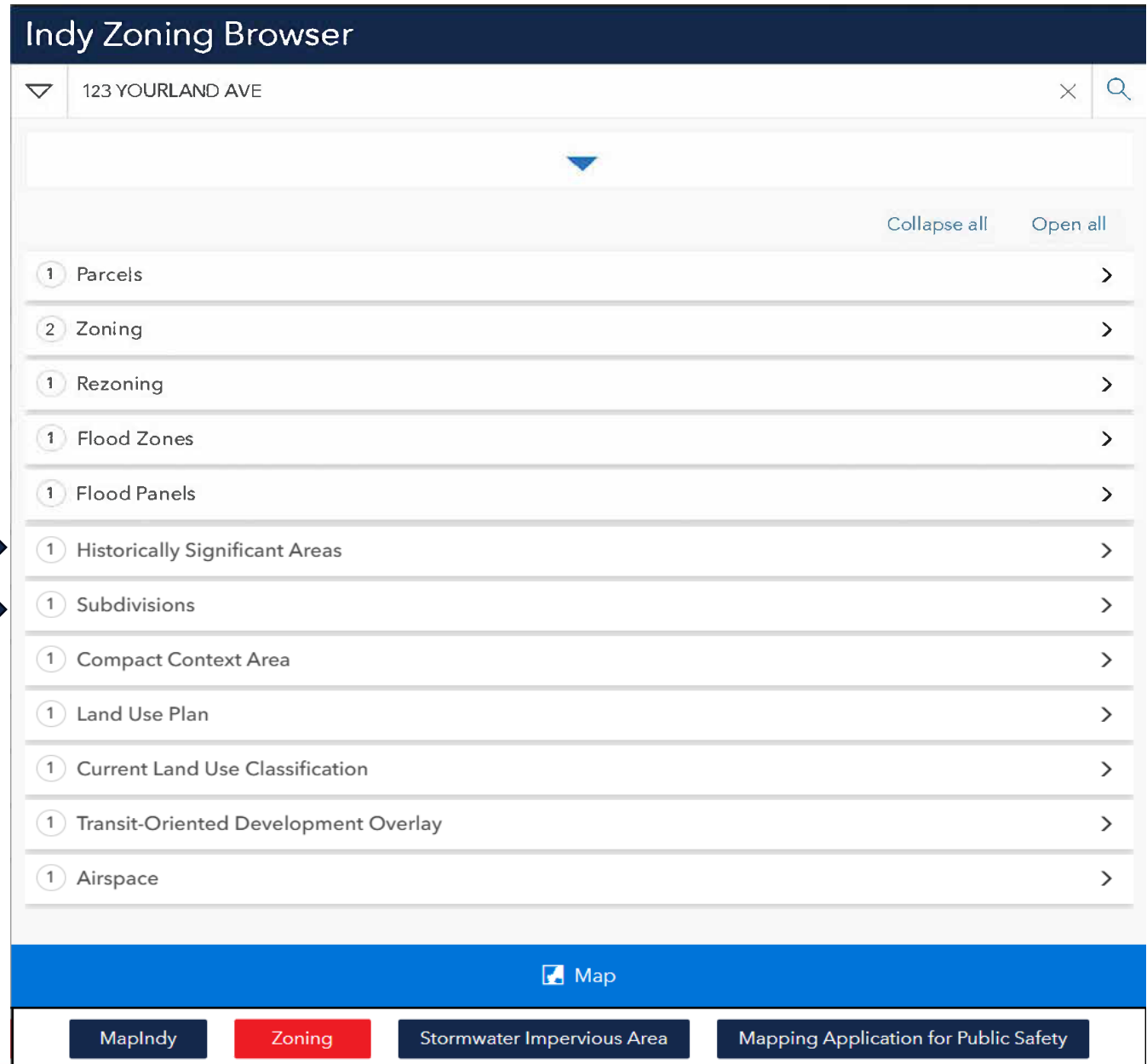
MapIndy

Zoning

Stormwater Impervious Area

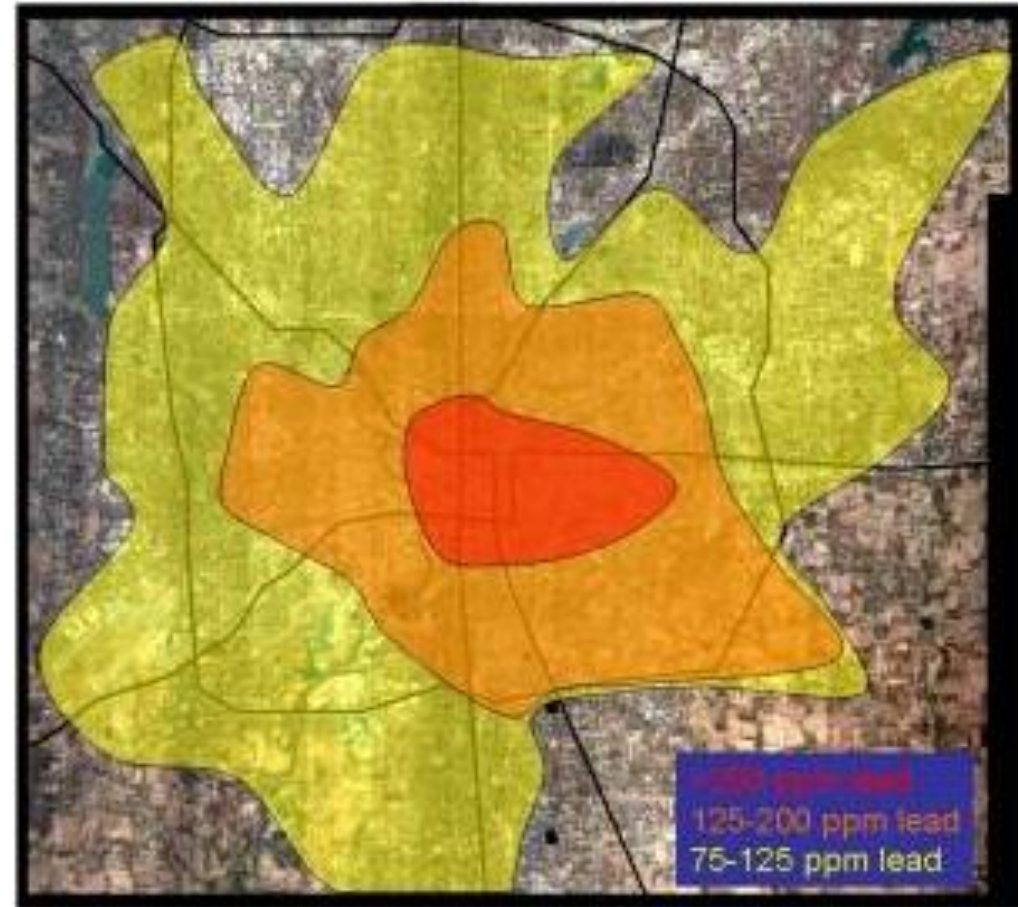
Mapping Application for Public Safety

- Check to see if your property is in a Historic or Conservation district. If so, there may be additional restrictions on design and/or location of your garden infrastructure. Check with the [Historic Preservation Commission](#) to learn about site restrictions.
- If your property is subject to the jurisdiction of a Home Owners' Association (HOA), it will be listed in the Subdivision tab. Avoid fines and fruitless labor by checking your HOA's design restrictions before beginning work on your garden.



Test Your Soil for Toxic Metals

- Lead is the most common toxic heavy metal found in our local soils. In areas with houses built before 1970, near major roadways, or near old industrial plants, the lead levels can be dangerously high.
- **Lead poisoning causes permanent brain damage that can lead to lowered IQ and behavioral problems.** Damage from lead poisoning is cumulative—the damage builds up with each exposure. Lead poisoning is especially harmful to children under 6 and the babies of pregnant or lactating women.
- If your soils have significant lead contamination, you may need to modify your gardening techniques. (See next slide for resources.)



Map of lead in soil in Indianapolis shows lead levels that should be of concern to urban gardeners.

Soil Lead Testing and Gardening Resources

- IU Indianapolis Center for Urban Health offers free lead testing.
 1. Pick up a “Community Science Lead Screening Kit” at any Marion County Public Library and return the kit to a library for free shipment to IUI Center for Urban Health.
 2. Refer to [IUI Center for Urban Health](#) for guidance on how to interpret your soil tests and how to modify your gardening techniques to increase your safety if lead is found in your soils.
- If your property has ever been used for anything other than housing or agriculture, testing for [other toxic substances](#) may be necessary. [Purdue Extension offers guidance.](#)

Table 743-304-1: Lead Limits

<u>Lead content</u>	<u>Permitted Activity</u>
Less than 200 ppm	Soil native to the site may be used for gardening.
200 ppm to 400 ppm	Soil native to the site shall not be used for gardening. Raised beds are required using clean soil.
400 ppm to 600 ppm	Soil native to the site shall not be used for gardening. Raised beds are required using clean soil. Water source for cleaning produce shall be provided on site.
600 ppm and higher	Gardening as a primary use is prohibited.

Garden as a Primary Use

Application

Permitted Structures

On-site Produce Sales

Application

Garden as a Primary Use

- “Garden as a Primary Use” only applies on a lot of less than three (3) acres and when there is **no other primary use** (i.e., if there is a house, apartment, office building, church, etc. on the lot—“Garden as an Accessory Use” applies.)
- May be managed by an individual or a group.
- May be used to cultivate fruits, flowers, vegetables, or ornamental plants for personal or group use, consumption or donation.
- May be divided into separate plots for cultivation by one or more individuals or groups (community garden).
- May include bee-keeping.
- Keeping of livestock or other animals is prohibited.

Permitted Structures

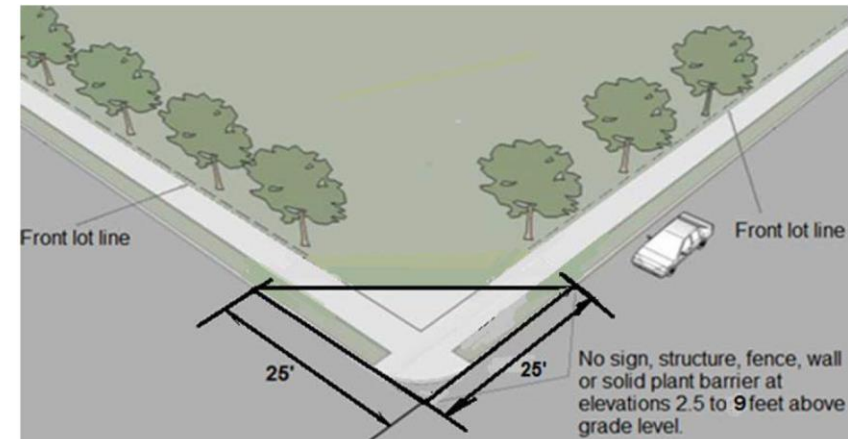
Garden as a Primary Use

- Garden structures such as greenhouses, hoop houses, storage sheds, gazebos, shelters, cold frames, etc. are limited to a **maximum height of 15 feet** and must meet the setback requirements of the Zoning District.
- Areas for **compost, refuse, equipment, or facilities** must be set back a minimum of 20 feet from the front lot line.
- In dwelling districts, **enclosed buildings** or facilities that are **not used to cultivate plant materials** cannot exceed 600 square feet and must not be on a permanent foundation.
- **Enclosed facilities used to cultivate plant materials** (such as greenhouses and hoop houses) are **limited only by the open space and setback requirements** of the district.
- Structures for **on-site sales of garden products** are permitted. They may not exceed 100 square feet or be on a permanent foundation. Must meet set back requirements of lot.

On-site Produce Sales

Garden as a Primary Use

- Only sales of produce grown on-site allowed
- Structures cannot exceed 100 square feet and must not be on a permanent foundation.
- In metro context, two off-site parking spaces must be available.
- Cannot be located in within 10 feet of a corner clear sight triangle (see illustration).
- In dwelling districts:
 - Total size of sales area cannot exceed 200 square feet.
 - Produce sales must occur between sunrise, but no earlier than 7 a.m., and sunset, but no later than 10 p.m.



Garden as an Accessory Use

Site Considerations

On-site Food Sales

Site Considerations

Garden as an Accessory Use

- Height of all accessory structures is limited to the lower of 15 feet or the height of the primary building
- Horizontal area of accessory structures must be less than primary building
- Size of garden structures for cultivating plant material is limited only by open space and set back requirements
- Fully enclosed accessory buildings not used to cultivate plant materials (storage sheds, etc.) are limited to 600 square feet

On-Site Food Sales

Garden as an Accessory Use

- Sales of fresh fruits, vegetables, flowers, herbs or plants grown on the same parcel of land where the stand is located are permitted.
- Pick-your-own sales are permitted.
- Other unprocessed foodstuffs, home processed food products, and homemade handicrafts are also permitted, provided **no commercially packaged or processed goods** are sold.
- Please refer to the [Indiana Home-Based Vendor Handbook](#) to determine what homemade food products may be sold direct to consumer, and other Indiana State regulations that must be followed by home-based vendors.
- Area used for produce sales cannot exceed 200 square feet. Enclosed structures used for produce sales may not exceed 100 square feet.
- If produce sales are located in front yard, structures must be removed when not in use.
- Code regulating “temporary outdoor display and sales” does not apply to produce sales.

Personal Livestock

Application

Care Standards

Nuisance Standards

Permitted Livestock

Personal Livestock Slaughter

Application

Personal Livestock

- Allowable as an **accessory use** in all but D-A districts
- Must be accessory to single-family detached or two-family dwelling on the same parcel as the animals
- Must be for **personal use only**
- Caretaker must reside on same lot as the animals
- Outside exercise areas and animal shelters **must not be located in front yard** and must meet setback standards

Care Standards

Personal Livestock

- Animals must be **confined to the lot at all times**
- **Reasonable care** must be afforded in all aspects: handling, restraining, sheltering, exercise, grooming, nutrition, watering, parasite & waste management, and veterinary care **according to breed standards.**
- Poor condition or health in the absence of veterinary supervision alone is evidence of lack of reasonable care.
- **Clean water must be available to the animals at all times.**
- Feed must be appropriate for the animal and stored to prohibit moisture, mold, or insect contamination and restrict access by rodents.

Nuisance Standards

Personal Livestock

- **Feed** must be stored to prohibit moisture, mold, or insect contamination and restrict rodent access.
- **Odors** from animals or their waste must not be discernable at any property line.
- **Waste** must be collected and removed or composted regularly.
- **Roosters** are limited to one per lot and must be kept inside a fully-enclosed structure from dusk to dawn.

Permitted Livestock

Table 743-306-3: Permitted Personal Livestock			
Domesticated Animal	Category	Maximum Number of Adult Animals on a Lot [1]	Minimum Lot Size
Rabbits	One	8	No minimum
Chickens, Quail, Pigeons and Ducks	One	12	No minimum
Miniature/Dwarf/Pygmy Goats that are female, or neutered male goats	One	3	¼ acre
Sheep and Goats that are female or neutered male goats	Two	4	1 acre
Miniature Equine (horses, donkeys, mules) and Lamoids (alpacas, llamas)	Two	2	1 acre
Equine (horses, donkeys, mules)	Two	2	2 acres
Note: [1] Adult animals are those animals 8-months of age and older.			

- All *Category One* animals may be present on lot if the minimum lot size is met.
- A maximum of four *Category Two* animals, across all animal types, may be present.
- The number of domesticated adult animals can only be increased if a [zoning variance](#) is approved by the Board of Zoning Appeals.

Personal Livestock Slaughter

- Limited to personal livestock for personal use
- Must not be conducted in front yard
- Must be conducted within a completely screened area
- Remains must be removed from the site within 24 hours

Beekeeping

Application

Application

- Keeping of domesticated honeybees is permitted in all districts
- No beehive shall be larger than 16 cubic feet
- Maximum of eight hives are permitted per site
- Hives may be located on the ground or on the roof of a building with a permanent foundation
- If a beehive located on the ground opens into an activity area (such as a walkway, play area, or patio), then a barrier must be provided to cause the bee flight path to be directed at least six feet above the activity area.

Compost

Application

Application

- All areas for compost and refuse must be setback at least 20 feet from the front lot line and meet all other required setbacks of the district.
- Compost area must be designed to prevent composting material and compost from sitting in ponded water.
- Area for compost must be enclosed solid at ground level for at least six inches above the ground.
- For composting conducted in-vessel, the base must be completely enclosed.
- Refuse must be removed from site at least once a week.

Gardening and Agriculture Specific Provisions

Height & Yard Encroachment

Environmental Nuisance

Fence & Wall Materials

Height Exemptions and Yard Encroachments

Several improvements associated with gardening and agricultural uses are exempted from required set-backs or height limits.

Table 744-204-1: Encroachments and Exceptions

Structure or Feature	Conditions or Limits
Encroachments into Required Yard or Setback	
Composting bin (personal)	May encroach into required rear yard setback or required side yard setback.
Rain barrel or similar water collection system	May encroach into required rear yard setback or required side yard setback.
Rain garden	May encroach into all front, side and rear yard setbacks and into all transitional yard setbacks.
Exceptions to Building Height Limits	
Barns, Silos, and similar agricultural outbuildings associated with an agricultural use	Unlimited height if zoned D-A and on a site over 3-acres.

Environmental Nuisance

- Cultivated land in commercial, domestic, agricultural, or horticultural use is excluded from environmental public nuisance enforcement.
- Environmental nuisances include:
 - Vegetation taller than 12 inches
 - Accumulated litter or waste
- If you receive a citation for high weeds or mulching materials, respond to the citation immediately!
 - Please CC ophsfood@indy.gov to any emails regarding environmental nuisance citations for agricultural activity.

Fences and Walls

- Barbed wire or Razor-wire fences are prohibited except when used to enclose livestock on site where primary property use is agricultural.
- Electrified fences with current less than 100 mA (millamps), located at least five feet away from a lot line and with a conspicuous warning sign may be used to enclose livestock when primary property use is agricultural and for personal livestock in a dwelling district.
- In dwelling districts, garden walls less than 30 inches tall are exempted from retaining wall material standards.

Dwelling-Agriculture District

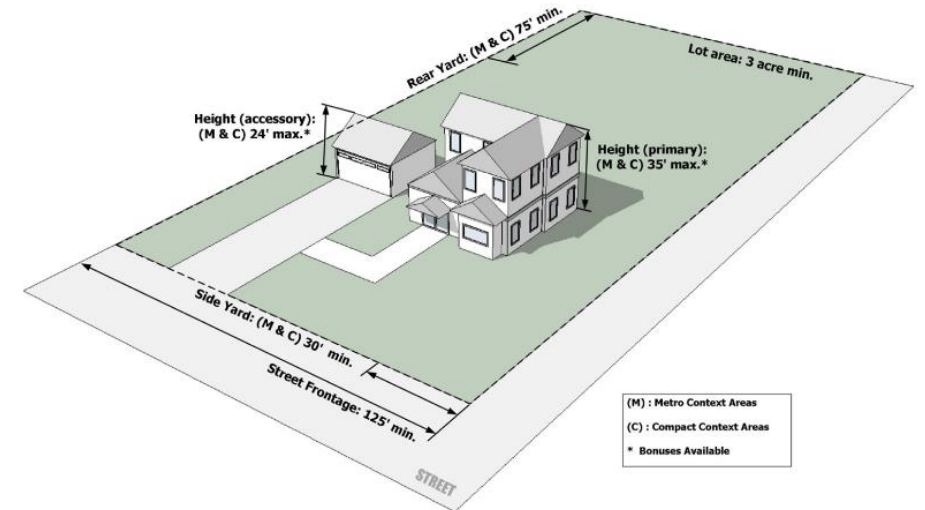
Agriculture District Standards

Buildings for Agricultural Use

Large Animals

Dwelling-Agriculture District Definitions

- The D-A District is intended to provide for a variety of agricultural uses together with necessary, accompanying accessory uses, buildings, or structures for housing, packing, treating, or storing agricultural products; or for lands devoted to a soil conservation or forestry management program.
- A single-family dwelling is permitted in D-A districts.
- Lots zoned D-A must have a minimum lot size of 3-acres.



Dwelling-Agriculture Dimensional Standards

TABLE 742-103-1 D-A DISTRICT DIMENSIONAL STANDARDS

LOT STANDARDS	
Minimum lot area	3 acres
Minimum lot width	250 ft.
Minimum street frontage	125 ft.
Minimum open space	85%
SETBACKS	
Minimum depth front yard	See Table 744-201-1
Minimum width of side yard	30 ft.
Minimum width of side yard (aggregate)	75 ft.
Minimum depth of rear yard	75 ft.
BUILDING STANDARDS	
Maximum height of primary building	35 ft.
Maximum height of accessory building	24 ft.
This Table is a summary of selected standards; refer to Chapter 744, Article II Lot and Building Dimensions , for additional regulations.	
*In case of a discrepancy with this summary table, the master table in Chapter 744-II governs.	

Table 744-201-1 (excerpt): Dimensional Standards for Districts D-A

Minimum Setbacks in Metro Context Area	
Fronts Along Expressways and Freeways	50 ft.
Fronts Along Primary and Secondary Thoroughfares	40 ft. from proposed ROW
Fronts Along Collector Streets	35 ft.
Fronts Along Local Streets	35 ft.
Fronts Along Cul-de-sacs	30 ft.
Side Yard Each/Combined	30/75 ft.
Rear Yard General/Along Rail Track	75/50 ft.
Minimum Setbacks in Compact Context Area	
Fronts Along Expressways and Freeways	50 ft.
Fronts Along Primary and Secondary Thoroughfares	40 ft.
Fronts Along Collector and Local Streets and Cul-de-sacs	35 ft.
Each Side Yard	30 ft.
Rear Yard General/Along Rail Track	75/50 ft.

Buildings & Structures for Agricultural Use

- In a Dwelling – Agricultural District (D-A) agricultural outbuildings (structures, such as barns and silos, for housing, packing, treating, or storing agricultural products) are considered part of the primary activity.
- There is **no height limit on agricultural buildings** in D-A zones.
- No operations or activities for pecuniary gain that package products for final market distribution or that mechanically, electrically or chemically transform raw materials into new products, other than cultivation, or animal husbandry, or bottling of dairy products, are be permitted. (i.e., no value-added processing is allowed in agricultural outbuildings.)

Large Animals in Agricultural Districts

- Areas for containing livestock must be a minimum of 500 feet from any dwelling unit (other than the principal homestead) located on a lot of less than 3 acres.
- No portion of any outdoor animal exercise or boarding area shall be located within 100 feet of any Dwelling District other than the D-A district.
- Large animals (including horses, cows, alpacas, swine, goats, or other animals determined to be of similar size, weight, and impact on the land) are only allowed in Agricultural Dwelling districts and some commercial districts except as allowed in the personal livestock statute.

Final Reminders!

- The horizontal land area covered by the primary building, all accessory buildings, and minor residential structures must cumulatively meet the open space requirement of the district.
- If you receive a citation for high weeds or another environmental nuisance, respond to the citation immediately and cc ophsfood@indy.gov to your email.
- **The best way to avoid citations is to maintain a good relationship with your neighbors!**

For more information, please
contact:

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Division of Community Nutrition & Food Policy

Office of Public Health & Safety

City of Indianapolis