

**Summary of Proposal by Agricultural Members and Alternates of Code Development
Committee for Zoning Ordinance Amendment**

1. Whitley County Ordinance #2107-10 (the “Temporary Ordinance”), which added a new Sec. 3.5 to the Whitley County Zoning Ordinance (the “Zoning Ordinance”) that created an overlay district called the IO-AGR interim Overlay-Agricultural Residential District, would be repealed effective immediately upon adoption of a new amendment to the Zoning Ordinance (the “Ordinance Amendment”) that will govern certain aspects of a confined feeding operation (a “CFO”) (as defined in Ind. Code §13-11-2-40).
2. The Ordinance Amendment would include provisions that will do the following:
 - 2.1. A new District Standard would be created in both the AG Agricultural District and the AGP Agricultural Production District, which will impose a setback for a CFO of 2640 feet measured from the wall of the nearest barn of the CFO to the water’s edge of the nearest natural lake with a surface area of 40 acres or more.
 - 2.2. A new District Standard would be created in the AG Agricultural District that will impose a setback of 1,320 feet from any CFO existing as of the date of the filing of an application for an improvement location permit, for any new platted residential subdivision with three or more lots, or any new RR, MR, LR, MP, or PR District, measured from the wall of the nearest barn of the CFO to the nearest property line of the new plat, or to the nearest boundary of the new identified zoning districts, as applicable.
 - 2.3. The Agricultural Use Notice provision applicable in the AGP District would be revised to require posted signs to give notice to owners or other users of residential property, that dust, noise, odors, truck traffic, and various inconveniences related to permitted agricultural uses or activities, including confined feeding operations, may occur or be present on the agricultural property, or on nearby property as the result of any such use or activity (an “Agricultural Use Notice”).
 - 2.4. An Agricultural Use Notice would be required to be (i) included in the restrictive covenants applicable to any future platted residential subdivision in an AG District, or (ii) given to the owner of land when an application for an improvement location permit is made for construction of a new dwelling on land located in or adjacent to an AG District or an AGP District.
 - 2.5. Create an exception for all existing CFOs on land subject to the Zoning Ordinance, which would allow such a CFO to expand even though it would be nonconforming under any future amendment of the Zoning Ordinance, provided the CFO complies with all requirements applicable to CFOs under Indiana law and regulations.

- 2.6. Require all defined terms in the Zoning Ordinance applicable to a CFO, which also are specifically defined by Indiana statute or regulation that governs the construction or operation of a CFO, to be consistent with such Indiana definitions.
3. All other provisions in the Zoning Ordinance that apply to CFOs, which would not be modified by the Ordinance Amendment, would continue in full force and effect.