

ALTERNATIVE A, DEVELOPMENT STANDARDS

1. Various changes and recommendations

- a. Recommend to update Comprehensive Plan later in 2018 or 2019
- b. Revise code §10.9 to replace Special Exception criterion #5 with:
“The special exception will be harmonious with and in accordance with the general objectives or with any specific objective of the County’s Comprehensive Plan and Zoning Ordinance.”
- c. Revise Rules of Procedure of BZA and/or Plan Commission so that mailed notices go to 2 property owners or 660’ deep (whichever comes first).
- d. Revise Rules of Procedure of BZA and/or Plan Commission to include an on-site notice
- e. Create and implement agricultural education program for new residents
 - i. New building permits
 - ii. New subdivisions
 - iii. Land transfers (to be investigated)
- f. Provide additional notice of these ordinance changes beyond statutory minimum
 - i. First class mail notice to property owners directly affected by district changes
 - ii. At least one education workshop, or possibly more, for farmers, developers, homeowners, etc.

2. Add a Confined Feeding Operation section in Chapter 5 of the Zoning Code, with the following standards:

- a. Define classes of CFOs
 - i. Confined Feeding Operation (“CFO”) is as defined by IDEM, and varies by animal species and type (no change from current)
 - ii. Concentrated Animal Feeding Operation (“CAFO”) is as defined by IDEM, and varies by animal species and type
 - iii. Class 1 CFO, the proposed animal count is less than 0.9 times CAFO definition
 - iv. Class 2 CFO, the proposed animal count is 0.9x to 2x CAFO definition
 - v. Class 3 CFO, the proposed animal count is 2x CAFO definition or more
 - vi. The animal count is cumulative over all animal species on a property.
- b. Minimum distances from the RR/LR/MR zoning districts
 - i. Class 1 CFO..... _____
 - ii. Class 2 CFO..... _____
 - iii. Class 3 CFO..... _____
- c. Other minimum distances from the following:
 - i. Natural lakes of 40 acres or more in area..... _____
Applies where LR is not already in place
 - ii. Existing residential subdivisions (recorded plats) of any size
400’ is the IDEM minimum
 1. Class 1 CFO..... _____
 2. Class 2 CFO..... _____
 3. Class 3 CFO..... _____
 - iii. Local and collector roads
100’ is the IDEM minimum
 1. Class 1 CFO..... _____

- 2. Class 2 CFO..... _____
 - 3. Class 3 CFO..... _____
 - iv. Arterial roads
100' is the IDEM minimum
 - 1. Class 1 CFO..... _____
 - 2. Class 2 CFO..... _____
 - 3. Class 3 CFO..... _____
 - v. Waterways
300' is the IDEM minimum for #1 and 2
 - 1. Open drains _____
 - 2. Stormwater drain inlets..... _____
This includes any inlet to a subsurface drainage system
 - 3. Watersheds of certain lakes _____
Identification of the lakes and extent to of the watershed must be made
 - d. Setbacks measured from the wall of the nearest CFO structure
IDEM rules measure setbacks to the waste management structure
 - e. No waste management structures in any floodplain. Other CFO structures may be permissible as per flood code and/or IDEM regulations.
 - f. Landscape buffering standards
 - i. General definitions
 - 1. Mounding buffer
 - a. Mounding shall be of the height specified below
 - b. Mounding shall be located along the CFO perimeter where lying between the CFO and adjacent public roads or as specified in a Special Exception approval
 - 2. Tree buffer
 - a. Coniferous (evergreen) trees shall be a minimum of 6' in height at the time of planting.
 - b. Deciduous shade trees shall be a minimum 1.5" caliper in size at the time of planting.
 - c. Spacing of trees shall be no more than 30' on center for shade trees, and 20' on center for coniferous trees
This matches §5.6 standards
 - ii. Class 1 CFO _____
 - iii. Class 2 CFO..... _____
 - iv. Class 3 CFO..... _____
 - g. Require IDEM permit prior to building permit issuance
 - h. Require proof of liability insurance prior to building permit issuance
- 3. Revise the AG and AGP lists of uses in Chapter 3 of the Zoning Code:**
- a. Minimum 30 acre parcel required for Class 1 CFOs, or Special Exception if a Class 1 CFO is proposed on a smaller parcel
 - b. Special Exception required for all Class 2 CFOs
 - c. Rezoning to AGP required for all Class 3 CFOs
 - d. Major residential subdivisions shall not be permitted in AG or AGP districts

4. Revise animal unit standards in §5.17 of the Zoning Code

- a. Revise animal unit calculations to be explicitly cumulative of all animal species on a property
- b. CFO size calculations would be based on the formula listed above. The animal unit calculations would continue to be used for figuring animal numbers in non-CFO calculations, such as lots located in AG of less than 80,000 sq. ft. and any lots in RR.

5. Add major residential subdivision standards in Chapter 5, with the following standards:

- a. Add definition of major residential subdivision
 - i. A total of five platted lots or more, each of 10 acres or less in area, from one parent parcel (cumulative);
Effect of cumulative clause is that 5th lot or more from a parent tract requires rezoning
 - ii. Residential subdivisions that include new streets (public or private)
- b. The minimum distance from a new major residential subdivision to:
 - i. Class 1 CFOs:
Should match the standard for 2(b) above
 - ii. Class 2 CFOs:
 - iii. Class 3 CFOs:
- c. The minimum distance from lots in a new major residential subdivision to:
 - i. Open drains
 - ii. Watersheds of certain lakes
Identification of the lakes and extent to of the watershed must be made
- d. Major residential subdivisions must have access on a paved public road.
- e. A stormwater management plan shall be required.
- f. A traffic study and/or management plan may be required.

ALTERNATIVE B, CREATE NEW ZONING DISTRICT(S)

1. All recommendations in sections 1,4,5 of Alternative A, above
2. Add Confined Feeding Operation section in Chapter 5, with the following standards:
 - a. Define classes of CFOs
 - i. Confined Feeding Operation (“CFO”) is as defined by IDEM, and varies by animal species and type (no change from current)
 - ii. Concentrated Animal Feeding Operation (“CAFO”) is as defined by IDEM, and varies by animal species and type
 - iii. Class 1 CFO, the proposed animal count is less than 0.9 times CAFO definition
 - iv. Class 2 CFO, the proposed animal count is 0.9x to 2x CAFO definition
 - v. Class 3 CFO, the proposed animal count is 2x CAFO definition or more
 - vi. The animal count is cumulative over all animal species on a property.
 - b. Minimum distances from RR/LR/MR/FDD/CS zoning districts
 - i. Class 1 CFO..... _____
 - ii. Class 2 CFO..... _____
 - iii. Class 3 CFO..... _____
 - c. Other setbacks from:
 - i. Natural lakes of 40 acres or more in area..... _____
Applies where LR is not already in place
3. Revise the AG and AGP lists of uses in Chapter 3 of the Zoning Code:
 - a. Special Exception required for all Class 2 CFOs
 - b. Rezoning to AGP required for all Class 3 CFOs
 - c. Major residential subdivisions shall not be permitted in AG or AGP districts
4. Create new zoning district, **Future Development District (FDD)**
 - a. *Intention is to be a placeholder for rezoning to RR/VC/GC/MR/AG as may be appropriate. Uses should be comparable to Comprehensive Plan’s “Transitional Agriculture” classification. The exact location of the district is to be determined.*
 - b. Permitted uses:
 - i. Residential
 1. Child care home (owner-occupied home)
 2. Dwelling, single-family (not including major residential subdivisions)
 3. Dwelling, manufactured home (not including major residential subdivisions)
 4. Residential facility for developmentally disabled (small)
 5. Residential facility for mentally ill
 - ii. Agricultural uses
 1. Agricultural crop production
 2. Agricultural feed and seed sales
 3. Cider mill
 4. Farm market (produced on-site)
 5. Grazing and pasture land
 6. Greenhouse
 7. Orchards
 8. Plant nursery

- 9. Processing agricultural crop products produced on-site
 - 10. Riding stables/trails
 - 11. Storage of farm vehicles, equipment, and materials (used in the farming operation-not for sale)
 - 12. Tree farms
 - 13. Vineyards
- iii. Miscellaneous
 - 1. Home occupations (non-traffic generating)
- c. Special exception uses:
 - i. Residential
 - 1. Dwelling, mobile home
 - 2. Residential facility for developmentally disabled (large)
 - 3. Secondary dwelling unit
 - ii. Agricultural uses
 - 1. Processing of agricultural products not produced on-site, not to include slaughterhouses
 - 2. Storage of agricultural products no produced on-site
 - iii. Business: General business
 - 1. Mini-warehouse
 - iv. Business: Food sales/service
 - 1. Farmer's market
 - v. Business: Retail
 - 1. Antique shop
 - 2. Fabric shop
 - 3. Flower shop
 - 4. Gift shop
 - 5. Jewelry store
 - 6. Variety store
 - 7. Winery
 - vi. Institutional/Public facilities
 - 1. Church
 - 2. School, public or private
 - 3. Cemetery
 - vii. Communication/Utility
 - 1. Utility substations
 - 2. Public wells
 - viii. Miscellaneous
 - 1. Home occupations (traffic generating)
- d. Development standards identical to current AG, except:
 - i. Minimum new buildable parcel size: 10 acres
Effect is to preserve developable-sized tracts for use when rezoned to an appropriate district in future development and to prevent strip development
- e. Areas to be so zoned:
 - i. Areas expected to develop

- ii. Areas targeted for development in the near future
- 5. **Create new zoning district, Conservation District (CS)**
 - a. *Intention is to protect “sensitive” land from development. Similar in scope as the “Conservation and Open Space” recommendation in the Comprehensive Plan.*
 - b. Permitted uses:
 - i. Identical uses as in existing PR district permitted uses, plus:
 - 1. Agricultural crop production
 - 2. Tree farms
 - c. Special exception uses:
 - i. Identical uses as in existing PR district special exception uses, plus:
 - 1. Dwelling, single-family
 - d. Residential subdivisions of any size permitted only when using a “conservation type” of subdivision.
 - e. Areas to be so zoned:
 - i. Floodplains
 - ii. Natural areas owned by land trusts, the State of Indiana, or other government entity

ALTERNATIVE C

1. Implement current Comprehensive Plan

- a. Create a Transitional Agriculture zoning district
- b. Rezone to Transitional Agriculture and Rural Residential those areas indicated in the Land Classification map of the Comprehensive Plan

2. Make all CFOs Special Exceptions

- a. Special exceptions would be required for any size CFO in the AG district

3. Increase notice requirements for CFO Special Exceptions

- a. Certified mail notices to all property owners within 2 mile radius of CFO site
- b. Include all pertinent aspects of the application, notice of public hearing and appeals processes, and due process rights

4. Reduce land use conflicts

- a. Require special exception approval for any residential subdivision in AG district
- b. Minimum 1,320' buffer between any land zoned AG that is adjacent to a different zoning district. May only apply to CFO buildings, as indicated in (6)(h) below.

5. Address co-located AFOs equivalent to a CFO

- a. Any AFO (Animal Feeding Operation) built within 660' of each other and designed to house the same type of animal shall be considered as a single operation for purposes of the zoning code.
- b. If the total number of animals exceeds the CFO definition, then it shall be regulated by the zoning code as if it were a CFO.

6. CFO development standards

- a. All persons with an ownership interest in the CFO shall be disclosed
- b. The new development standards would apply to any existing CFO that expands the number of animals by at least 25%.
- c. Minimum parcel area for CFOs 40 acres
- d. Minimum on-site manure storage capacity of 225 days
- e. Setbacks from county road centerlines for
 - i. Waste storage 220'
 - ii. Composting facility 220'
 - iii. Mortality staging 220'
- f. Other setbacks for any CFO structures
 - i. On-site water wells 500'
 - ii. Other adjacent rights-of-way 200'
- g. CFOs shall not be constructed in karst terrain, floodplains, or wetlands
- h. Minimum distance from CFO structures to:
 - i. Residential property line 1,320'
 - ii. School property line 1,320'
 - iii. Religious institution property line 1,320'
 - iv. Natural lakes of 40 acres in area or more 7,920'
 - v. Any other CFO permit 5,280'
 - vi. Municipal corporation limits 5,280'
 - vii. Non-incorporated towns (to be defined) 5,280'
 - viii. Recreational areas and public use areas 1,320'

- ix. Off-site water wells 1,000'
 - x. Residential subdivisions of 6 developed lots or more 2,640'
 - xi. Any zoning district, other than AG or AGP 1,320'
- i. Ground water study required
 - i. Shall certify that the water usage by the CFO will not lessen the water supply or quality for residences within the area of the CFO site
- j. Monitoring wells
 - i. Two 2" diameter monitoring wells shall be installed at distances not to exceed 50' from each confinement building, manure storage facility and mortality barn
 - ii. County Health Department to test these wells prior to Certificate of Occupancy, and each year thereafter
- k. Environmental assessment: an objective assessment of the impact of the proposed CFO shall be required
- l. Insect and rodent control plan shall be submitted to the County Health Department
- m. Odor control plan shall be required, utilizing no less than 3 of the following technologies:
 - i. Bio filters or similar controls for all hog and fowl CFO/CAFOs.
 - ii. Functional Shelterbelts shall be established in accordance with the Natural Resources Conservation Service Practice Standard for Windbreak/Shelterbelt Establishment Code 380.
 - iii. Wet Scrubbers
 - iv. Diet Manipulation
 - v. Catalytic converters
 - vi. Composting
 - vii. Aerodynamic de-duster/air cleaner
 - viii. Solids separation
 - ix. Biomass filter
 - x. Acidification of manure
 - xi. Ozonation
 - xii. Dry manure storage
 - xiii. Digester
- n. Financial security
 - i. An irrevocable bond in an amount of no less than \$1,500 per 100,000 gallons of manure storage capacity shall be required. The BZA may require higher amounts as part of special exception approval.
 - ii. Proof of liability insurance in an amount equal to or greater than the bond shall be required.

7. Other standards

- a. Grassy filter strips of 50' width required on each side along any surface water, open ditch, or waterway
- b. Minimum distance of new major residential subdivisions to existing CFOs 1,320'

ALTERNATIVE D

1. Development standards

- a. Minimum distance from CFO structures to:
 - i. Residential subdivisions of three lots or more 1,320'
 - ii. RR, MR, LR, MP, or PR zoning districts 1,320'
 - iii. Natural lakes of 40 acres in area or more 2,640'
- b. Revise the Agricultural Use Notice provision applicable in the AGP District 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
- c. Require an Agricultural Use Notice to be included:
 - i. In the restrictive covenants applicable to any future platted residential subdivision in an AG District, or
 - ii. Upon application for an improvement location permit is made for construction of a new dwelling on land located in or adjacent to an AG or AGP District. Such notice would be provided to the land owner.

2. Legal nonconforming CFOs permitted to expand

- a. All existing CFOs at the time of this amendment adoption may expand even if the CFO would be nonconforming under this amendment or any future amendment of the Zoning Ordinance, provided the CFO complies with all requirements applicable to CFOs under Indiana law and regulations.

3. Repeal the IO-AGR interim Overlay-Agricultural Residential District

- a. The overlay shall be repealed effective immediately upon adoption of a new amendment to the Zoning Ordinance
- 4. 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, shall be consistent with such Indiana definitions.
 - 5. 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.