

### 3. Establishment of Zoning Districts

#### a. Agricultural (A)

##### i. Agriculture - General (AG)

- (1) **Intent of District.** The intent of this district is to provide for and protect substantial areas for a broad variety of agricultural uses where little or no urbanization has occurred or is planned to occur. Residential development is allowed where the dwelling is related to the operation and maintenance of agricultural uses in this district, or where the property is more suited to residential or small-farm development than modern agriculture applications. .
- (2) **Uses.** See Comprehensive Table of Uses for a listing of Allowed Uses, Uses requiring Special Exception and Uses Not Allowed.
- (3) **Development Standards – General Agriculture**
  - (a) **Minimum Lot Size.** Minimum lot size for approved residential dwellings shall be one and one-half (1.5) acres unless a smaller lot size is supported by clearance letter from County Board of Health approving suitable septic and drainage system for requested lot size, but in no case will a lot size less than one (1) acre be allowed.
  - (b) **Maximum Density for Residential Development.** Maximum allowed density for approved residential dwellings shall be seven (7) dwellings unit per one hundred sixty (160) acres, measured radially from the proposed additional residential dwelling, unless the proposed dwelling is part of an existing and active farm operation location.
  - (c) **Yard Setbacks.** A minimum yard setback shall be measured from the property line and shall be provided as follows:
    - (i) **Minimum Front Yard** shall be fifty (50) feet
    - (ii) **Maximum Structure Height.** No structure shall be more than fifty (50) feet from the ground in height, except grain elevators, grain storage or other agricultural handling or processing equipment, unless otherwise authorized by the Board of Zoning Appeals.
  - (d) **Residential Development.** Any new residential dwelling or subdivision development is allowed in this zone only by special exception, unless residence is developed as part of a farming operation.
- (4) **Additional Standards – Agriculture Use Clause.** All applicants, developers, or landowners who develop any **residential** use in this district on parcels or parcel splits previously used for row-crop agriculture production shall be required to sign the following agricultural clause and record it as a deed restriction to bind successive owners **before a permit may be issued:**

*“Grantee and their successors in title are on notice and understand that this residence is being built in a predominately agricultural area and that farming operations shall be practiced in the area of this residence. With this understanding, the grantee and successors in title forego their right to bring claim against any farmer in the area who has not been negligent.”*

- (5) **Additional Standards – Confined Feeding Operations and Other Allied Large-Agriculture Uses (AC).** This section applies to Confined Feeding Operations as defined by 327 IAC 16, et seq., as amended from time to time. This section also applies to allied large-agriculture uses, including, but not limited to fertilizer plants, commercial grain handling operations, manure and plant-based bio-mass energy production and bio-mass digesters, except for very-small scale, home-based production, Due to the intensive nature of the agricultural uses in this district, it is critical that residential development allowed by special exception is limited to dwellings related to a farm operation. Confined Feeding Operations and allied large-agriculture uses should be buffered from residential uses.

- (6) **Compliance with Conservancy District and Regional Sewer District Easements and Regulations.** Any application for building within this district shall provide the following information:
- (a) Location Statement. Statement of whether the proposed structure is located within a Conservancy District easement or Regional Sewer District Service Area;
  - (b) Conservancy District or Regional Sewer District. If the proposed building site is located within a Conservancy District Easement or Regional Sewer District Service Area, a copy of any Easement document that affects the property, with the relevant easement parameters marked on the Site Plan.
  - (c) Permission from Conservancy District or Regional Sewer District Required. Written permission from the Governing Board of the Conservancy District or Regional Sewer District that the proposed building and building site does not interfere with the normal operations of the Conservancy District or Regional Sewer District.
- (7) **Development Standards – Confined Feeding Operations and Other Allied Large-Agriculture Uses.** All confined feeding operations (as defined by 327 IAC 16) and any other allied uses must meet the following standards:
- (a) Minimum Lot Size shall be 5 acres.
  - (b) Maximum Density for Residential Development. Maximum allowed density for approved residential dwellings shall be one (1) dwelling unit per twenty (20) acres, unless the proposed dwelling is part of an active farm operation location.
  - (c) Setbacks. All structures shall be set back at least 100 feet from any right-of-way line and/or property line.
  - (d) Outer Perimeter Setbacks. The outer perimeter of the Confined Feeding Operation, including structures, pens, lagoons or lots, shall not be located any closer than the following setbacks:
    - (i) Setback from Residences. 800 feet from any residence, other than the farm operator or residences owned by the Confined Feeding Operation. Residence is defined as the footprint of the residence or any accessory building located within 25 feet of the primary residence.
    - (ii) Setback from Residential Zoning District. 1500 feet from any Residential Zoning District line, (Rural Residential (RR), Neighborhood and Local Business District (N1), Lake Resort Recreational (LR)), any church, school, public park or any public building.
    - (iii) Setback from Incorporated Municipality. 3960 feet from the nearest boundary of any incorporated City or Town.
    - (iv) Other setbacks. Setbacks from all other natural or constructed landmarks shall be as required by State or Federal law governing Confined Feeding Operations.
    - (v) Outer Perimeter Defined. Outer Perimeter shall include all livestock buildings, feedlots or outlots (not including open grazing), and other structures used to house livestock or dead animal containment or disposal.
  - (e) Residential Setback. Construction of a new residence not located on the same tract of land or residences not owned by the Confined Feeding Operation must also be located a minimum of 800 feet from an existing Confined Feeding Operation.
  - (f) Residential Zoning District. Platting and construction of any Residential Zoning District, church, school, public park or public building must be located a minimum of 1500 feet from an existing Confined Feeding Operation.
  - (g) Expansion. Expansion of an existing Confined Feeding Operation, which has a current and valid Indiana Department of Environmental Management confined feeding permit, shall be allowed to expand on the same parcel within the setbacks set forth herein.

- (h) Other Setbacks Within Confined Feeding Operation . Any existing residence, platted subdivision, church, school, public park or public building shall be allowed to expand on the same parcel with the applicable setbacks for the zoning district in which it is located.
- (i) Compliance with EPA, IDEM and IDNR Environmental Regulations. Any livestock operations shall comply with all EPA, IDEM and IDNR regulations concerning development and activity of livestock operations. An owner of a Confined Feeding Operation with a history of environmental violations may be denied a permit for expansion of an existing operation or construction of a new operation in Carroll County.
- (j) Pre-Application Permit Required. A PRE-APPLICATION PERMIT FOR CONFINED FEEDING OPERATIONS/CONFINED ANIMAL FEEDING OPERATIONS IS REQUIRED:
  - (i) Pre-Application Permit. A pre-application permit for any confined feeding operations/confined animal feeding operations shall be required. This permit shall prevent, for 18 months, any property owner from obtaining a building permit for a structure to be built within the established set backs for a confined feeding operation.
  - (ii) Notification. Any property owner and/or resident within 2500 feet of the proposed new construction of confined feeding operation, shall be notified by certified mail. This notification shall be the responsibility of the owner of the confined feeding operation/confined animal feeding operation.
  - (iii) Pre-Application Permit Prior to Adoption of Ordinance. Any pre-application permit obtained prior to the adoption or revision of this Ordinance will also allow construction of the Confined Feeding Operation/Confined Animal Feeding Operation under the then-existing Ordinance requirements.
- (k) Residential Use. Any residential use in this zone within the defined setback is allowed only by special exception. Note: In determining whether to grant the special exception, it is strongly encouraged that the Board of Zoning Appeals (BZA) only permit residences related to a farm operation. For example, this would include owners, family members employed in agricultural operation on the premises or tenants involved in the agricultural operation on the premises. Other residential development should be encouraged to develop as a Rural Residential.
- (l) Residential Use Restriction. All applicants, developers or landowners who develop any residential use within 1500 feet of this district shall be required to enter into an Agricultural Use Clause with an accompanying deed restriction to bind successive owners. In addition, residential subdivision of property in a general agricultural zone or within three hundred (300) feet of such zone must address the following as part of the Primary Approval:
  - (i) Off site surface drainage impacts;
  - (ii) Subsurface tiling systems impacts;
  - (iii) Security of agriculture zoned property from residential uses

**(8) Additional Standards – Dead Animal Disposal.**

- (a) Compliance with Indiana Law. Disposal of Dead Animals shall comply with IC 15-17-11, IDEM and IBOAH regulations, including regulations regarding disposal, burial, incineration or removal from premises.
- (b) Secure Storage. Any dead animals held for removal or disposal shall be stored in a leak-proof container or facility, which shall be fully enclosed with an opaque fence at least six (6) feet tall and with a gate for access. All dead animals shall be removed frequently so to not exceed the capacity of the container or facility, or cause significant odor at the property line.

- (c) Setback from Property Line or Residence. Under no circumstances shall dead animals be stored or composted within 100 feet of any property line or public right of way, or 800 feet from any residence.

(9) **Requirements for Permit Application** – The following information must be compiled and presented to the APC Director as attachments to the permit application:

- (a) Site Plan. Site plan must include
  - (i) location of property lines,
  - (ii) compliance with setback requirements,
  - (iii) location of driveway
  - (iv) location of well(s)
- (b) Soil testing results and report from soil geologist showing suitability for intended property use
- (c) Erosion Control and Drainage Plan
- (d) Septic permit, if required
- (e) Driveway Permit, if required
- (f) IDEM Livestock permit, for livestock facility, where required by State law
- (g) IDEM Proof of compliance with manure management plan, for livestock facility
- (h) Proof of compliance with Carroll County Pre-Application Permit requirements
- (i) Application for Special Exception or Variance, where required

ii. **Rural Residential (RR)** (See Residential District for details regarding Rural Residential District)

*[See next page for table of development standards]*

iii. **Development Standards**

	General Agriculture	Confined Animal Feeding, per 327 IAC 16, and other Allied Uses
Antennas, Towers, Satellite Dishes	See Wireless Communication Standards	See Wireless Communication Standards
Minimum Buffer	See Buffer Standards	10 plant units/100 ft along roadways and adjacent non-owner residential parcels
CAF setback: from residence from residential district from incorporated municipality	n/a	800 feet 1500 feet 3960 feet
Maximum Building Height (Primary Structure)	50 feet	45 feet
Maximum Building Height (Accessory Structure)	35 feet	35 feet
Maximum Building Height (Grain Bins and Legs)	subject to FAA regulations and minimum setback requirements	subject to FAA regulations and minimum setback requirements
Minimum Off-street Parking	1 space per employee + 1	1 space per employee + 1
Minimum Lot Size with sewer	not applicable	n/a
Minimum Lot Width (road frontage)		-
Minimum Lot Size without sewer	1.5 acres (residential) 5 acres (agriculture)	5 acres
Overnight parking, loading & unloading	100 feet from nearest off-site residence	100 feet from nearest off-site residence
Signs setback – property line or right of way height – identification height – roadside	15 feet 25 feet 15 feet	15 feet 25 feet 15 feet
Yard Setbacks: Front (from the road right-of-way)	the greater of 50 feet or 1.1 (110%) of structure height	the greater of 100 feet or 1.1 (110%) of structure height
Yard Setbacks: Back Side Accessory from main Residential from CAFO	25 feet 20 feet 5 feet	100 feet 100 feet 5 feet 800 feet