

Chapter Five

Development Standards

one hundred and eighty (180) consecutive days shall be removed by the tower owner or land owner at their expense.

5.17 Miscellaneous Standards (MS)

MS-01: Junkyards and Scrap Metal Yards shall have an eight (8) foot opaque fence enclosing the junkyard and/or scrap metal yard area.

MS-02: For farm animals located on any parcel in the RR District or on any parcel 80,000 square feet (1.837 acres) and less in the AG District, a maximum of 1.25 animal units is permitted per minimum parcel size of one (1) acre of parcel area (prorated) ~~is required per animal unit~~, as determined from the following chart. For parcels larger than 80,000 square feet in the AG District, no acreage standard for farm animals applies. A confined feeding operation must maintain not more than the number of animal units as prescribed for each use listed in the AG or AGP Districts as determined from the following chart. The number of animal units is cumulative over all applicable species at a location. The Zoning Administrator shall determine the required minimum acreage for farm animals listed and for any animals not listed, inclusive of any permitted non-farm animals.

Animal Type	Units
Calves (150-750 lbs.) _____	.5
Feeder cattle (750-1,200 lbs.) _____	.75
Cows _____	1.0
Nursery pigs (up to 15 lbs.) _____	.1
Nursery pigs (15-50 lbs.) _____	.2
Grower/feeder pigs (50-100 lbs.) _____	.3
Finishing hogs (100 lb.-market wt.) _____	.4
Sows _____	.5
Boars _____	.5
Turkeys and Geese _____	.10
Chickens _____	.05
Ducks _____	.05
Sheep and Goats _____	.3
Horses _____	1.0

5.18 Manufactured Home Standards (MHS)

MHS-01: The following standards pertain to manufactured homes and mobile homes, and are intended to define the various types and their uses. Type I, II and III Manufactured homes must meet the requirements and specifications of Manufactured Homes as defined under Chapter 14 of the Zoning Ordinance of Whitley County, as amended hereto. Recreational vehicles or any manufactured structure, including but not limited to Park Models, which must be titled through the Indiana Bureau of Motor Vehicles (BMV) are prohibited.

A. Type I - Manufactured Home:

1. shall have been constructed after January 1, 1981 and must exceed nine hundred and fifty (950) square feet of occupied space in a double section or larger multi-section unit,
2. be placed onto a permanent foundation, crawlspace or basement,
3. be anchored to the ground or foundation, in accordance with the Indiana Residential Code and to the manufacturer’s specifications,
4. have wheels, axles, and hitch mechanisms removed,
5. have utilities connected, in accordance with the Indiana Residential Code

5.21 Confined Feeding Operations (CF)

CF-01: These standards apply to any Confined Feeding Operation (CFO). A CFO is defined by 327 IAC 19-2-7, as may be amended.

CF-02: Classes of CFO. For purposes of this Ordinance, the following classes are established to describe CFOs. Animal units are as defined in Section 5.17, MS-02.

A. Class 1 CFO. The proposed animal count meets the definition of a CFO, and the number of animal units is up to and including 1,200.

B. Class 2 CFO. The proposed number of animal units is 1,201 to 3,000.

C. Class 3 CFO. The proposed number of animal units is 3,001 to 12,000.

D. Class 4 CFO. The proposed number of animal units is more than 12,000.

CF-03: Development Standards.

A. For Class 1, 2, and 3 CFOs, the following are minimum distances from CFO barns and manure storage facilities to:

1. Natural lakes of 40 acres in area or more2,640'

2. Recorded major residential subdivisions.....1,320'

3. Off-site residences.....660'

4. Open waterways, storm drain inlets300'

B. If the owner of an off-site residence or adjacent property records a deed restriction acknowledging the presence of a Confined Feeding Operation and waiving the required separation in (A) above, then the separation will not be required for that residence.

C. For Class 2 CFOs proposed to be located within 2,640' of RR, MR, or LR zoning districts, the BZA during the Special Exception process shall consider and may impose conditions necessary for construction or installation of one or more buffering measures in order to mitigate potentially adverse effects from the CFO, as appropriate for the site and surrounding area.

D. For Class 3 CFOs proposed to be located within 2,640' of RR, MR, or LR zoning districts, the BZA during the Special Exception process shall impose conditions for construction or installation of one or more buffering measures in order to mitigate potentially adverse effects from the CFO, as appropriate for the site and surrounding area.

E. For Class 4 CFOs, these standards apply:

1. Minimum parcel size to construct a Class 4 CFO shall be 80 acres.

2. The minimum distance from Class 4 CFO barns and manure storage facilities to:

a. Natural lake of 40 acres in area or more5,280'

b. Recorded major residential subdivisions2,640'

c. Off-site residence.....1,320'

d. Property and right-of-way lines600'

e. Open waterways, storm drain inlets.....300'

3. The BZA during the Special Exception process shall impose conditions for construction or installation of one or more buffering measures from the following list, as it deems most applicable to mitigate adverse effects from the CFO:

a. Existing natural buffers

b. Windbreaks, per NRCS 3 row guidelines

c. Odor control measures

d. Other measures of comparable ability to mitigate adverse effects

F. The BZA shall require a traffic study and/or management plan for all Class 4 CFOs, and may require one for Class 2 or 3 CFOs.

G. An approved IDEM permit shall be required prior to issuance of a building permit/improvement location permit for a CFO.

CF-04: Expansions of existing CFOs.

A. Notwithstanding the provisions of Section 9.3(A), any legally established CFO as of [date of ordinance adoption] shall be permitted to expand or increase in animal unit count even if the CFO would be nonconforming with the development standards set forth above.

B. The expansion shall not increase the nonconformity.

C. Applicable Special Exception and Rezoning requirements shall still apply.

5.22 Major Residential Subdivision Standards (RS)

RS-01: For purposes of this Ordinance, “Major Residential Subdivision” shall be defined as:

- A. An existing residential subdivision of three (3) lots or more; or
- B. A total of three (3) platted lots or more split from one parcel in existence as of [date of ordinance adoption] (cumulative) intended for residential use; or
- C. Subdivisions intended for residential use that include new streets (public or private)

RS-02: Development standards

- A. The minimum distance, as measured from the nearest boundary of the subdivision plat at the property line, from a new major residential subdivision to:
 - 1. Class 1 or 2 CFOs1,320’
 - 2. Class 3 or 4 CFOs.....2,640’
- B. If the owner of a CFO records a deed restriction acknowledging the presence of a subdivision within the above separations, then the separation shall not be required for that subdivision.
- C. Major residential subdivisions shall access to a paved public road.
- D. For major residential subdivisions proposed to be located within 2,640’ of an existing Class 2, 3, or 4 CFO, the Plan Commission during the Preliminary Plat process shall impose conditions for construction or installation of one or more buffering measures in order to mitigate potentially adverse effects to or from the subdivision, as appropriate for the site and surrounding area.
- E. A stormwater management plan shall be required for major residential subdivisions. Discharge of stormwater directly to drains without a water quality measure shall be avoided.
- F. A traffic study and/or management plan may be required by the Plan Commission.

RS-03: AGP Standards. All new residential subdivisions within 300 feet of an AGP zoned property must address as part of the Primary Plat the following [this is existing text moved from Section 3.3]:

- A. Off site surface drainage impacts
- B. Subsurface tiling system impacts
- C. Security of AGP zoned property from residential uses.
- D. Subdivision plat notes and restrictive covenants on the property deeds holding harmless agricultural production in the AGP district when operating under normal practices.

5.23 Residential Development Overlay (RD)

The Residential Development Overlay is an overlay zoning district that may be applied to areas of the county that are expected to be developed and subdivided for residential uses within a reasonable timeframe, as may be determined by the availability or proximity of public sewer and water, developed transportation networks, lower suitability of the land for agriculture, character of current structures and uses, and proximity to other developed areas or municipalities. It is the intent of the RD district to encourage consistent quality residential development in these areas by providing additional minimum requirements.

RD-01: Uses. The permitted and special exception uses of the underlying zoning districts, except that the establishment of new Confined Feeding Operations or industrial uses shall not be permitted. For new Animal Feeding Operations (AFOs) in the RD district to be located on the same parcel or same parent parcel (being defined as the parcel in existence as of five (5) years prior to permit application), the number of animal units shall be calculated cumulatively.

RD-02: Roadside Strip Subdivisions. To minimize driveway cuts and to maintain access to tracts of land to be used for development, the following shall apply:

- A. A 100 feet wide public road frontage (minimum) to access the parent tract shall be maintained per three (3) new parcels (platted or unplatted) that directly access an existing county road.
- B. Subdivisions of ten (10) lots or more shall utilize internal streets for the majority of the lots.

RD-03: Landscaping. Landscaping as stated below shall be required for all residential subdivision development prior to the issuance of a certificate of occupancy. Extensions of up to 180 days may be granted to take advantage of optimal planting conditions.

- A. Perimeter plant material. Perimeter plant material shall be provided on the perimeter of subdivision development when adjacent to a public way as follows:
 - 1. A 20-foot landscaping area adjacent to the road or right-of-way. The landscaping shall be

located in an area designated as a landscaping easement or common area. All attempts should be made to avoid conflicts with drainage and utility easements that would prevent the installation of landscape materials in accordance with the ordinance.

2. Trees shall be provided at a minimum rate of six trees per 100 lineal feet of perimeter planting. Perimeter plantings shall be a roughly equal mix of deciduous canopy trees and evergreen trees.
3. Tree calculations shall be prorated and rounded up to the nearest whole number for every foot over the initial 100 feet. Existing trees located within 50 feet of the perimeter road may count toward the requirement.

B. Individual lots. For single-family lots, a minimum of three deciduous shade trees shall be planted in the front or side yards of the lot. Existing trees retained in the front or side yards may count toward this requirement.

C. For the purposes of this subsection, deciduous trees shall be a minimum of 1.5" caliper in size and evergreen trees a minimum of 6 feet in height at the time of planting. In order for existing trees to count toward the minimum requirement, deciduous trees must be a minimum size of two-inch caliper and evergreens must be at least 7' in height.

RD-04: Street interconnectivity. To provide linkages between developments, in all subdivisions there shall be a plan for vehicular connections into undeveloped tracts or parcels of land submitted as part of a subdivision primary approval. Streets designed for future extensions shall be have public right-of-way platted to the subdivision property line so as not to create future right-of-way takings or purchases upon extension. A barricade shall be installed on the extension to prevent accidental passage into undeveloped areas.

RD-05: Pedestrian access. To encourage a pedestrian network in the county, subdivisions shall include trails and/or sidewalks.

A. For major residential subdivisions, public sidewalks shall be constructed by the builder/lot owner at the time of construction of the residence. All sidewalk design and construction shall comply with the Americans with Disabilities Act (ADA), as amended, and the Whitley County Highway Specifications. Maintenance and repair of the sidewalks shall be the responsibility of the lot owner or homeowners association.

A.B. For major residential subdivisions with average lot areas of 80,000 sq. ft. or greater, a trail network that serves the lots in the subdivision may be proposed in lieu of sidewalks.