

(D) *Dwellings*. In any district, no residential primary or accessory structure may be located closer than 750 feet to a waste control structure for a confined feeding operation as required and defined by I.C. 13-18-10. This provision shall apply only to structures that would require a building permit pursuant to this chapter. This provision may be waived or modified subject to the granting of a special exception by the Board of Zoning Appeals.

(E) *Confined feeding*. No confined feeding operation, as defined in I.C. 13-18-10, or waste control structure for a confined feeding operation may be located closer than 100 feet to a street right-of-way line, 750 feet to an existing residential zoning district boundary line, or 750 feet to an existing residential primary or accessory structure other than that of the applicant. This provision shall apply only to those structures that would require a building permit pursuant to this chapter. This provision may be waived or modified subject to the granting of a special exception by the Board of Zoning Appeals.

(F) *Dwellings - concentrated animal feeding operations*. In any district, no residential primary or accessory structure may be located closer than 750 feet to the property boundary line of a waste control structure for a concentrated animal feeding operation, as required and defined by 327 IAC 5-4-3. This provision shall apply only to structures that would require a building permit pursuant to this chapter. This provision may be waived or modified subject to the granting of a special exception by the Board of Zoning Appeals.

(G) *Concentrated animal feeding operation*. No concentrated animal feeding operation or waste control structure for a concentrated animal feeding operation, as defined by 327 IAC 5-4-3, may be located closer than 750 feet to an existing residential zoning district boundary line or 750 feet to the property boundary line of the applicant. This provision shall apply only to those structures that would require a building permit pursuant to this chapter. This provision may be waived or modified subject to the granting of a special exception by the Board of Zoning Appeals.

(H) (1) *Exception*. Notwithstanding § 156.022(G), a concentrated animal feeding operation as defined by 327 IAC 5-4-3, or waste control structure for a concentrated animal feeding operation, may be located no closer than 350 feet to an existing residential zoning district boundary line or 350 feet to the property boundary line of the applicant, provided that the operation complies with the following buffering standards.

(2) *General buffering standards*. A buffer yard of shrubs and evergreen trees shall be located a maximum of 100 feet (as measured from the base of the mound) from the concentrated animal feeding structures or waste control structures, and surround the entire feeding operation. Adequate ingress and egress through the buffer yard shall be approved by the Planning Director. All required shrubs shall be minimum 24 inches tall, as measured from grade at time of planting. The final minimum height of the buffer shall not be less than eight feet in height at any point where the buffer is required. The shrubs and trees shall be supplemented by an undulating mound, a minimum of three feet in height, with a maximum slope of 3:1 (rise:run).

(a) *Responsibility*. The owner of the property being developed or otherwise changed in use is responsible for installing the buffer yard at the time of that development or

change. The adjacent property owner shall not have to participate in installing the buffer yard.

(b) *Planting location.* Required buffer yard shrubs and trees may be placed either at regular intervals or in irregular patterns representing a natural landscape. No buffer yard or required landscape materials shall be placed within any easement, right-of-way or septic field.

(c) *Tree size.* Evergreen conifers must be a minimum of two feet in height, measured from the top of the root ball when planted. The separation between trees shall not exceed eight feet on center.

(d) *Ground cover.* All portions of the buffer yard not planted with trees, shrubs or other landscaped materials shall be covered with grass or other ground-covering vegetation. Landscaping stone or other non-vegetative surfaces may not be substituted for ground-covering vegetation unless otherwise approved by the Planning Director.

(e) *Maintenance.* All landscape materials must be properly maintained and kept in a neat and orderly appearance, free from all debris and refuse.

1. All plant material that, in the opinion of the Planning Director, is unhealthy or dead shall be replaced by the end of the next spring or fall planting season.

2. Landscape materials are intended to grow, spread and mature over time. Pruning, limbing-up, topping and other growth-inhibiting measures may only be used to ensure the public safety.

(f) *Qualifying trees and shrubs.* Refer to the evergreen tree and shrub species tables in § 156.075 for the list of qualifying trees and shrubs.