

# AG Agricultural District

## 3.1 "AG" District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses ***
<p>The "AG" (Agriculture) District is intended for agricultural use while permitting residential development, which meets the requirements of Section 3.2 of the Whitley County Zoning Ordinance.</p>	<p><b>Residential</b></p> <ul style="list-style-type: none"> <li>• child care home (owner occupied home)</li> <li>• dwelling, single family</li> <li>• dwelling, manufactured home</li> <li>• residential facility for developmentally disabled (small)*</li> <li>• residential facility for mentally ill*</li> </ul> <p><b>Agricultural Uses</b></p> <ul style="list-style-type: none"> <li>• agricultural crop production</li> <li>• agricultural feed and seed sales</li> <li>• confined feeding operation (1200 animal units or less)****</li> <li>• cider mill</li> <li>• commercial raising of non-farm animals (subject to maximum animal unit limits)</li> <li>• farm market (produced on-site)</li> <li>• grazing and pasture land</li> <li>• greenhouse</li> <li>• orchards</li> <li>• plant nursery</li> <li>• processing agricultural crop products produced on site</li> <li>• riding stables/trails</li> <li>• storage of farm vehicles, equipment, and materials (used in the farming operation-not for sale)</li> <li>• storage of agricultural products</li> <li>• tree farms</li> <li>• vineyard</li> </ul> <p><b>Miscellaneous</b></p> <ul style="list-style-type: none"> <li>• home occupation (non-traffic generating)</li> </ul>	<p><b>Residential</b></p> <ul style="list-style-type: none"> <li>• bed and breakfast facility</li> <li>• dwelling, mobile home</li> <li>• residential facility for developmentally disabled (large)</li> <li>• second dwelling unit</li> </ul> <p><b>Agricultural Uses</b></p> <ul style="list-style-type: none"> <li>• confined feeding operation (1201 up to 3000 animal units)****</li> <li>• farm equipment Sales/Service</li> <li>• processing of agricultural products not produced on site, not to include slaughterhouses</li> <li>• storage of agricultural products not produced on site</li> </ul> <p><b>Business: General Business</b></p> <ul style="list-style-type: none"> <li>• kennel</li> <li>• landing strip</li> <li>• mini-warehouse</li> <li>• sawmill (temporary)</li> </ul> <p><b>Business: Auto Sales/Service</b></p> <ul style="list-style-type: none"> <li>• automobile body shop (enclosed)</li> <li>• automobile repair (enclosed)</li> </ul> <p><b>Business: Food Sales/Service</b></p> <ul style="list-style-type: none"> <li>• farmer's market</li> </ul> <p><b>Business: Retail</b></p> <ul style="list-style-type: none"> <li>• antique shop</li> <li>• bait/tackle shop</li> <li>• electrical supply shop</li> <li>• fabric shop</li> <li>• flower shop</li> <li>• furniture store</li> <li>• gift shop</li> <li>• hardware store</li> <li>• heating/cooling/sales service</li> <li>• jewelry store</li> <li>• lumber yard</li> <li>• plumbing supply store</li> <li>• variety store</li> <li>• winery</li> </ul> <p><b>Industrial Uses</b></p> <ul style="list-style-type: none"> <li>• gravel/sand/mixing**</li> <li>• liquid/dry fertilizer storage and distribution</li> <li>• machine shop</li> </ul> <p><b>Institutional/Public Facilities</b></p> <ul style="list-style-type: none"> <li>• church</li> <li>• school, public or private</li> <li>• cemetery</li> <li>• corporate retreat center</li> <li>• recycling collection point (no outdoor storage)</li> </ul>

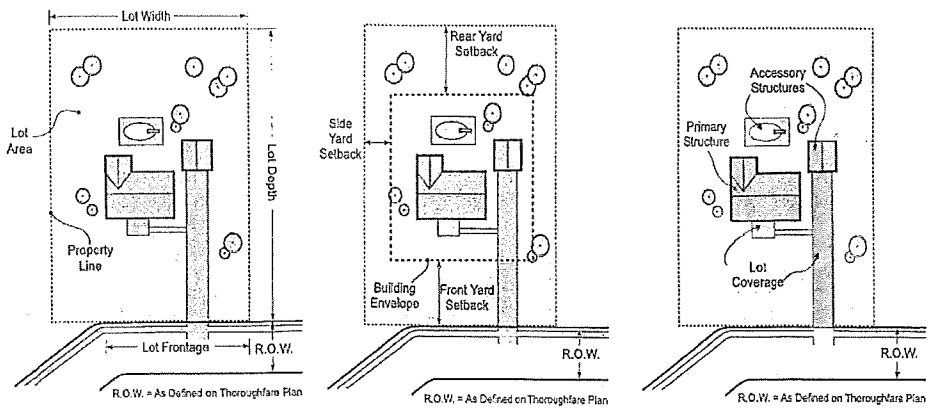
**“AG” District Intent, Permitted Uses, and Special Exception Uses (Cont.)**

		<b>Special Exception Uses</b>
		<p><b>Communication/Utility</b></p> <ul style="list-style-type: none"> <li>• cellular/communication/radio/television tower</li> <li>• pipeline pumping station</li> <li>• utility substation</li> <li>• public well</li> <li>• telephone exchange</li> </ul> <p><b>Miscellaneous</b></p> <ul style="list-style-type: none"> <li>• home occupation (traffic generating)</li> </ul>

- \* As provided by Indiana Code (IC 12-2-28-4-8 and IC 12-28-4-7).
- \*\* State law permits mining in rural areas (areas within 7 or less homes within a square mile) regardless of local decision making. In these cases, a Public Hearing is primarily to discuss and mitigate traffic impacts, noise, etc.
- \*\*\* Only sites in the Agriculture District (AG ) that have a Primary Structure in conjunction with a Permitted Use are allowed Special Exception Uses on the same lot with BZA approval.
- \*\*\*\* Confined feeding operations are the same as defined by IDEM (IC 13-11-2-40), with animal units being listed in Chapter 5, Section 5.17 MS-02 of this Ordinance.

# AG District

## 3.2 "AG" District Standards



### Minimum Lot Area:

- 80,000 square feet (1.837 acre) Without Central Sewage
- 20,000 square feet (0.459 acre) With Central Sewage
- 10,000 square feet (0.230 acre) With Central Sewage & Water Lines \*\*

### Minimum Lot Width:

- 225 feet Without Central Sewage
- 100 feet With Central Sewage
- 75 feet With Central Sewage & Water Lines \*\*

### Minimum Lot Frontage:

- 50 feet on a Public Street with access from said Public Street
- 50 feet on the radius of a cul-de-sac

### Maximum Lot Depth:

- 3 times the lot width

\*\* Requires that all lots enter onto a new developer created street, built and bonded to the Whitley County Highway Specifications Manual or that all lots enter onto a past developer created street which is dedicated and maintained by Whitley County.

### Minimum Front Yard Setback:

- 50 feet when adjacent to a Principal Arterial
- 40 feet when adjacent to a Minor Arterial
- 40 feet when adjacent to a Collector or Local Road.
- 35 feet with Central Sewage & Water Lines\*\*

### Minimum Side Yard Setback:

- 25 feet for the Primary Structure
- 10 feet for Accessory Structures
- 10 feet with Central Sewage & Water Lines\*\*

### Minimum Rear Yard Setback:

- 30 feet for a Primary Structure
- 10 feet for Accessory Structures
- 20 feet for a Primary Structure With Central Sewage & Water Lines\*\*

### Maximum Structure Height:

- 50 feet for a Non-Residential Primary Structure
- 35 feet for a Residential Primary Structure
- 30 feet for Accessory Structures
- all agricultural related structures are exempt.

### Maximum Lot Coverage:

- square feet of Primary and Accessory Structures, and impervious surface cannot exceed 20% of the Lot Area for an 80,000 square foot parcel, and 40% of the Lot Area for a 10,000 – 20,000 square foot parcel.

### Minimum Main Floor Area:

- 950 square feet for one story Primary Structure; or
- 850 square feet for multiple story Primary Structures, provided that the total Finished Floor Area is 1,200 square feet or more.

### Development Standards that Apply

<b>Lot/Yard(LY)</b> LY-01.....Section 5.3	<b>Floodplain(FP)</b> FP-01.....Section 5.9	<b>Telecommunication Facilities(TF)</b> TF-01.....Section 5.16
<b>Height(HT)</b> HT-01.....Section 5.4	<b>Parking(PK)</b> PK-02,03,05...Section 5.10	<b>Miscellaneous(MS)</b> MS-02.....Section 5.17
<b>Accessory Structures(AS)</b> AS-02.....Section 5.5	<b>Loading(LD)</b> LD-01.....Section 5.11	<b>Manufactured Home(MH)</b> MH-01-08...Section 5.18
<b>Performance Standards(PS)</b> PS-01.....Section 5.7	<b>Sight Triangle Clearance(STC)</b> STC-01.....Section 5.12	<b>Pond(PD)</b> PD-01-13....Section 5.19
<b>Environmental (EN)</b> EN-01,02...Section 5.8	<b>Home Occupation(HO)</b> HO-01.....Section 5.14	

# AGP Agricultural Production District

## 3.3 "AGP" District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The "AGP" (Agricultural Production) District is intended to provide a land use category for intensive agricultural uses and to recognize certain needs of the agricultural community. The goals of this land use district would be for enhanced Right-to-Farm protection, recognition by community, and to promote agricultural economic development.</p> <p>Non-agriculture uses that are located within this zoning district may not object to any permitted agriculture use, whether such uses currently exist, are enlarged, or change in the future to another agricultural use.</p> <p>Whitley County's Plan Commission and Board of Zoning Appeals should strive to protect this district from conflicting land uses, non-agriculture oriented businesses, and any use that may inflict significant environmental impacts or be injurious to neighbors.</p>	<p><b>Agricultural Uses</b></p> <ul style="list-style-type: none"> <li>• agricultural crop production</li> <li>• agricultural seed sales</li> <li>• confined feeding operation (up to 3000 animal units)****</li> <li>• commercial raising of non-farm animals (subject to maximum animal unit limits)</li> <li>• farm market</li> <li>• grazing and pasture land</li> <li>• orchards</li> <li>• processing agriculture crop products produced on site</li> <li>• storage of farm vehicles, equipment, and materials (used in the farming operation-not for sale)</li> <li>• storage of agricultural products</li> <li>• tree farms</li> </ul> <p><b>Residential Uses</b></p> <ul style="list-style-type: none"> <li>• residential housing (only for owners of the agricultural operation or immediate family members involved in the agricultural operation on the premises.</li> </ul>	<p><b>Agricultural Uses</b></p> <ul style="list-style-type: none"> <li>• confined feeding operation (3001 animal units or more)</li> </ul> <p><b>Residential Uses</b></p> <ul style="list-style-type: none"> <li>• residential housing (only for employees or tenants employed in the agricultural operation on the premises)</li> </ul>

\*\*\*\* Confined feeding operations are the same as defined by IDEM (IC 13-11-2-40), with animal units being listed in Chapter 5.17 MS-02.

# AGP District

## 3.4 "AGP" District Standards

**Minimum Parcel Size:**

- 40 acres or contiguous to an existing AGP zoning district.
- 80 acres if the use is to establish a new confined feeding operation.

**Minimum Lot Width:**

- 225 feet

**Minimum Lot Frontage:**

- 100 feet on a Public Street with access from said Public Street

**Maximum Structure Height:**

- 50 feet for the Primary Structure
- 30 feet for Accessory Structures
- all agricultural related structures are exempt.

**Additional Provision:**

Any future residential subdivision of property within 300 feet of an AGP zoned property must address as part of the requested Primary Approval the following:

- 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.

**Minimum Front Yard Setback:**

- 50 feet when adjacent to a Principal Arterial
- 40 feet when adjacent to a Minor Arterial
- 40 feet when adjacent to a Collector or Local Road.

**Minimum Side Yard Setback:**

- 25 feet for the Primary Structure
- 10 feet for Accessory Structures

**Minimum Rear Yard Setback:**

- 30 feet for a Primary Structure
- 10 feet for Accessory Structures

**Maximum Lot Coverage:**

- square feet of Primary and Accessory Structures, and impervious surface cannot exceed 20% of the Lot Area.

**Minimum Main Floor Area:**

- 950 square feet for one story Primary Structure; or
- 850 square feet for multiple story Primary Structures, provided that the total Finished Floor Area is 1,200 square feet or more.

**Agricultural Use Notice:**

To help reduce conflicts between farmers and non-farm neighbors, the property owner must post signs along county roads within an AGP District. The signs would identify the areas as an Agricultural Production District and give notice that dust, noise, odors, and other inconveniences may occur due to normal farming activities. Size, design and location of these signs are to be approved by the Plan Commission Staff

- e. A petition to rezone property within Whitley County to the Agricultural Production District, or a petition to rescind such rezoning, must be filed by the owner of the property in question, or with the expressed written consent of the property owner.

Development Standards that Apply		
<b>Lot/Yard(LY)</b> LY-01.....Section 5.3	<b>Floodplain(FP)</b> FP-01.....Section 5.9	<b>Miscellaneous(MS)</b> MS-01..... Section 5.17
<b>Height(HT)</b> HT-01.....Section 5.4	<b>Parking(PK)</b> PK-02,03,05..Section 5.10	<b>Manufactured Home(MH)</b> MH-01-08...Section 5.18
<b>Accessory Structures(AS)</b> AS-02.....Section 5.5	<b>Loading(LD)</b> LD-01.....Section 5.11	<b>Pond(PD)</b> PD-01-13...Section 5.19
<b>Performance Standards(PS)</b> PS-01.....Section 5.7	<b>Sight Triangle Clearance(STC)</b> STC-01.....Section 5.12	
<b>Environmental (EN)</b> EN-01,02... Section 5.8	<b>Home Occupation(HO)</b> HO-01.....Section 5.14	

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: The following information applies to the RR District and lots 80,000 square feet (1.837 acres) and less in the AG District. A minimum parcel size of one (1) acre is required for any farm animal unit, as determined from the following chart. The Zoning Administrator shall determine the minimum acreage for farm animals listed. 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:

Animal Type	Units
Calves (150-750 lbs.) _____	.5
Feeder cattle (750-1,200 lbs.) _____	.75
Cows _____	1
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

Animal Type (Continued)	Units
Boars _____	.5
Sheep and Goats _____	.3
Turkeys and Geese _____	.10
Chickens _____	.05
Ducks _____	.05
Horses _____	1

**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,