



**Regional Roads**  
 Highway:  
 yes <img alt="dashed line symbol" data-bbox="855 825 875 855"/>  
 no <img alt="solid line symbol" data-bbox="825 825 845 855"/>

**Sections**  
 <img alt="square symbol" data-bbox="735 815 755 835"/>

**Roads**  
 <img alt="double line symbol" data-bbox="675 815 695 835"/>

**Highways**  
 <img alt="thick double line symbol" data-bbox="610 815 630 835"/>

**CAFO facilities**  
 type of operation  
 cafo <img alt="blue dot symbol" data-bbox="525 825 545 845"/>  
 cfo <img alt="green dot symbol" data-bbox="495 825 515 845"/>

**CAFO 1 Mile Radi**  
 <img alt="red circle symbol" data-bbox="385 815 405 835"/>

1/2 mile radius  
 of unincorporated  
 areas:  
 1/2 mile each  
 direction from the  
 center of highways  
 that are marked  
 in red



June 3, 2009

TO: Winchester City Council

**CERTIFICATION**

Re: Amend Articles I, II, III, XIII and XV Unified Zoning Ordinance and Zoning Maps of Randolph County, Indiana

This is to certify that at a public hearing held on the 26<sup>th</sup> day of May 2009, the Area Planning Commission of Randolph County, Indiana voted eight YES – 0 NO to repeal the existing Unified Zoning Ordinance of Randolph County, Indiana which appears of record in the Area Planning Department Office of Randolph County, Indiana.

At the same meeting of the Area Planning Commission of Randolph County, Indiana, the proposal to adopt amendments to the Unified Zoning Ordinance and zoning maps of Randolph County, Indiana, received a favorable recommendation by vote of eight YES (Favorable Recommendation) and 0 NO (Unfavorable Recommendation). That by reason of the Favorable Recommendation to adopt such amendments to the Ordinance, the Area Planning Commission of Randolph County, Indiana certifies the same to Winchester City Council included in the geographic area to which such Ordinance applies.

Enclosed is a copy of the amendments to the Unified Zoning Ordinance of Randolph County, Indiana, certified by me. The amendments to the Unified Zoning Ordinance covers Randolph County, together with the towns of Modoc, Farmland, Losantville, Lynn, Parker City, Ridgeville and Saratoga, together with the cities of Winchester and Union City, all of which are situated in Randolph County, Indiana.

Also enclosed is the replacement zoning map for Randolph County.

For the City Council of Winchester to adopt the amendments to the Unified Zoning Ordinance and replacement maps of Randolph County, Indiana, you need to pass the enclosed ordinance and return it to me. At that time, I shall upon adoption see that the text is available as provided by Indiana Law.

Yours very truly,

A handwritten signature in cursive script that reads "Cathy S. Flatter". The signature is written in black ink and is positioned above the printed name of the signatory.

Cathy S. Flatter, Executive Director

ORDINANCE # \_\_\_\_\_

**AN ORDINANCE TO REPEAL THE EXISTING ART. I, II, III, XIII & XV OF  
THE UNIFIED ZONING REGULATIONS AND ADOPT THE AMENDED  
UNIFIED ZONING REGULATIONS ALONG WITH AMENDED ZONING MAP**

WHEREAS, the Area Planning Commission of Randolph County, Indiana has recommended that the existing Art. I, II, III, XIII & XV of the Unified Zoning Regulations and existing zoning maps of Randolph County, Indiana, be repealed and has recommended adopting the amended Unified Zoning Regulations along with amended zoning maps;

WHEREAS, the Area Planning Commission of Randolph County held, pursuant to IC 36-7-4-604, a public hearing on the repeal of the existing Art. I, II, III, XIII & XV of the Unified Zoning Regulations and existing zoning maps and has, by vote made a favorable recommendation to repeal the afore mentioned Articles of the Unified Zoning Regulations and existing zoning maps, and the enactment of the proposed amendments to the Unified Zoning Regulations and new amended zoning maps.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF WINCHESTER OF RANDOLPH COUNTY, INDIANA, that said existing Unified Zoning Regulations and existing zoning maps be repealed, and the enactment of the amended Unified Zoning Regulations and new amended zoning maps.

Passed and adopted by the City Council of Winchester of Randolph County, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

THE CITY COUNCIL OF WINCHESTER OF  
RANDOLPH COUNTY, INDIANA

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ATTEST:  
\_\_\_\_\_

ORDINANCE # \_\_\_\_\_

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Passed and adopted by the City Council of Winchester of Randolph County, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

THE CITY COUNCIL OF WINCHESTER OF  
RANDOLPH COUNTY, INDIANA

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ATTEST:  
\_\_\_\_\_

ARTICLE I

Districts and Boundaries

1.01 Establishment of Districts

For the purposes of this Ordinance, Randolph County is hereby divided into the zoning districts as listed in Table 1.01 below:

TABLE 1.01
Zoning District Classifications and Symbols

Table with 2 columns: Symbol and Description. Rows include A-I (Agricultural, Intensive), A-L (Agricultural, Limited), A-R (Residential, Low Density), R-1 (Residential, Medium Density), R-2 (Residential, High Density, Urban), R-3 (Residential, High Density), C-1 (Commercial, Neighborhood), C-2 (Commercial, Community), C-3 (Commercial, Regional), M-1 (Industrial, Light), M-2 (Industrial, General), FW (Floodway), FF (Floodway Fringe), and PD (Planned Development).

1 Refer to Article 7.03 for the four symbols used to indicate the nature of PD zoning districts.

1.02 Establishment of Boundaries

The Zoning District Classifications and Symbols listed in Table 1.01 are hereby adopted and established as designated on the "Zoning Map of Randolph County, Indiana, its two cities and seven towns", together with all notations, references and other information shown thereon, which map are hereby made a part of this Ordinance and shall remain on file in the Office of the Area Planning Commission of Randolph County, Indiana.

1.03 District Boundaries

The Zoning District boundary lines delineated on the Zoning Map shall be deemed to follow lot or property lines with the following exceptions:

- a. Where the lot or property line coincides with the right-of-way line of a street, alley or railroad, the Zoning District boundary shall be deemed to follow the center line of such right-of-way.
b. Where the lot or property line coincides with the right-of-way line of a state-owned limited access or interstate highway, the Zoning District boundary shall be deemed to follow such right-of-way

#### 1.04 Lot Divided - Extension of District

Where Zoning District boundary lines divide a lot which was a single ownership at the time of the adoption of this Ordinance, the use authorized thereon and the requirements applying to the least restricted portion of said lot shall be considered as extending to the entire lot and the use so extended shall be deemed to be conforming, **excepting therefrom Article III, Agricultural Limited, and Article III.I, Agricultural Intensive, except as otherwise provided in this ordinance. Where an Agricultural Limited District and Agricultural Intensive District divide a lot which was a single ownership at the time of the adoption of this Amendment, the use authorized thereon and the requirements applying to the more restricted zoning district of said lot shall be considered as extending to the entire lot and the use so extended shall be deemed to be conforming. Provided, however, in the event that the zoning district boundary line divides a lot which was a single ownership at the time of the adoption of this Amendment and said lot was on such date an agricultural use and a non-agricultural use, then and in that event, that portion so utilized for agricultural purpose shall continue to be utilized for the agricultural purpose of the effective date of this Amendment, and the use shall be deemed to be conforming. Provided further, that the agricultural purpose may be extended in area on said lot and shall remain the same agricultural purpose as the effective date and shall be deemed to be conforming.**

#### 1.05 Interpretation of Boundaries

All questions concerning the exact location of Zoning District boundary lines shall be determined by the Area Planning Commission of Randolph County, Indiana.

#### 1.06 Annexation and Property Not Included

Except for property designated as limited-access or interstate highway right-of-way, in every case where property has not been specifically included within a district, the same is hereby declared to be in the 'A' district. Territory detached from an incorporated city or town subsequent to the effective date of this Ordinance, upon the effective date of such disannexation, shall be declared to be in the 'A' district until otherwise changed by the Area Planning Commission, and approved by the legislative body having jurisdiction.

Updated 5/18/09

**ARTICLE III****Agricultural *Limited* District****3.01 A. Agricultural Limited District**

An **Agricultural Limited District** is hereby created. The **Agricultural Limited District** is an agricultural district which permits Agricultural Primary Uses, Agricultural Accessory Uses, Agricultural Conditional Uses, and Agricultural Special Exception Uses as hereafter provided in tables 3.01.1, 3.01.2, 3.01.3 and 3.01.4, respectively. **Confinement Operations** are prohibited within an **Agricultural Limited District**.

3.01 B. The geographical area of the **Agricultural Limited District** shall be as follows, to-wit:

- (1) A distance extended one-mile from the existing corporation limits of any incorporated town or city;
- (2) Those areas which are within a one-half (1/2) mile radii of the existing center of any unincorporated area of Randolph County, Indiana, and those areas which are within the one-half (1/2) mile radii of areas which are designated in the Zoning Map that is incorporated into this Zoning Ordinance by reference, which areas within the above designated one-half (1/2) mile radii were formerly in the **Agricultural Zoning District**. Provided, however, any parts of the areas within such one-half (1/2) mile radii, which were in another zoning classification district other than the Agricultural Zoning District as of the date of this Amendment to the Zoning Ordinance shall remain in such other zoning classification district.

(3) An area one-half (1/2) mile in width on each side of the following federal highway or state roads:

(a) State Road 28 commencing at the Delaware County line traveling east on said road and terminating at the center of the intersection of State Road 28 and State Road 1 in Randolph County, Indiana.

(b) State Road 28 commencing at the center of the intersection of Randolph County Road 100 West traveling east on said State Road 28 and terminating (1/2) mile from the center of the unincorporated area of Deerfield, Indiana.

(c) State Road 28 commencing at the center of Randolph County Road 600 East and traveling east on said State Road 28 and terminating one (1) mile west of the current existing corporation limit of Union City, Indiana.

(d) State Road Highway 227 commencing at the center of Randolph County Road 100 South and traveling north on said State Road 227 and terminating one (1) mile south of the current existing corporation limit of Union City, Indiana.

(e) State Road 32 commencing at the center of County Road 300 East and traveling west on said State Road 32 and terminating at the center of the intersection of State Road 32 and Randolph County Road 200 East.

(f) State Road Highway 32 commencing one (1) mile west of the current corporation limit of Farmland, Indiana, continuing west on said Road and terminating one (1) mile east of the current corporation limit of Parker City, Indiana.

(g) Commencing one-half (1/2) mile from the center of the unincorporated area of Deerfield, Randolph County, Indiana, and traveling south on U.S. Highway 27 and terminating at the center line of the intersection of Randolph County Road 600 North and U.S. Highway 27.

### 3.01 C. Permitted Uses

Permitted uses in the **Agricultural Limited District** shall be according to the following tables.

Activities or enterprises not specifically listed thereon may also be permitted if it is of similar character and have no greater adverse influence on adjacent properties, the neighborhood or community than the uses specifically listed. A person who seeks to commence an enterprise or activity not specifically listed

in Tables 3.01.1, 3.01.2, 3.01.3, or 3.01.4 may file a Petition with the Board of Zoning Appeals. The

Executive Director of the Area Planning Commission, prior to the time of filing of such Petition, shall

determine if the same may be within an **Agricultural Limited District** Use Table, and if so which

**Agricultural Limited District** Use Table such activity or enterprise is subject, i.e., Table 3.01.1, 3.02.1,

3.03.1, or 3.04.1. In the event the Executive Director determines such activity or enterprise may be

within an **Agricultural Limited District** Use Table, the person may file a petition seeking the Board of

Zoning Appeals approval for such activity or enterprise as provided by law, Unified Zoning Ordinance of Randolph County, Indiana and Rules of the Board of Zoning Appeals. If the Executive Director determines such activity or enterprise is not within an **Agricultural Limited District** Use Table, the person may appeal the requirement, decision or determination of the Executive Director in the manner prescribed by applicable Rules of the Board of Zoning Appeals, Zoning Ordinance and statute(s).

<b>TABLE 3.01.3</b>	
<b>Agricultural Limited Primary Uses</b>	
	Single family residence, manufactured homes, modular homes and mobile homes
	Barns, sheds, storage buildings and similar structures utilized in an agricultural enterprise
	Commercial greenhouses and plant nurseries, including retail sales of products grown on the site
	Fish hatcheries, lakes and ponds
	Forests, forest propagation nurseries, arboretums
	Granaries, grain process and milling for seed or feed
	Grazing or feeding of livestock for animal increases or value increase
	Production of grains, grasses, plants, vines and orchards
	Stands for the sale of agricultural products

Truck gardens and related field crops, mushroom cellars, general gardening and apiaries

The following accessory uses shall be permitted in an **Agricultural Limited District**, subject to the standards and limitations contained herein:

<b>TABLE 3.01.2</b>  <b>Agricultural <span style="color: red;">Limited</span> Accessory Uses</b>
Amateur radio sending and receiving antennas and amateur radio antenna support structures
Barns, silos, granaries and similar agricultural storage buildings
Common recreational facilities
Child care home
Foster family care
Game courts
Home occupation
Off-street parking areas

Private garages and carports as defined for single family dwelling, porches, decks, awnings, canopies, storage buildings, patios, outdoor fireplaces, porte-cocheres, bathhouses, cabanas, children's playhouses, swings and other play structures or equipment
Private swimming pools
Residential occupancy by domestic employees whose primary duties are performed on the premises
Satellite dish antennas
Signs (See Tables 3.11.1 and 3.11.2)
Storage or parking of accessory vehicles only within enclosed buildings or roofed structures
Underground storage rooms

Unless essential to an agricultural enterprise, accessory uses in an **Agricultural Limited District** shall be customarily incidental, accessory and subordinate to and commonly associated with the operation of the residential use of the lot, shall be operated and maintained under the same ownership and on the same building lot as the residential use, and shall be subordinate in area, build, extent, and purpose to the residential use of the building served. The height of accessory buildings and structures not essential to an agricultural enterprise shall be less than, or equal to, that of the primary structure and shall be located

no closer to the front lot line than the primary structure unless attached to said primary structure. See

**Table 3.04.**

The following uses shall be permitted in an **Agricultural Limited District** upon approval of a

Conditional Use Permit approved by the Board of Zoning Appeals of Randolph County:

<b>TABLE 3.01.3</b>	
<b>Agricultural Limited Conditional Uses</b>	
	Agricultural equipment sales and services
	Athletic fields and courts, public and private
	Cemetery, crematory, mausoleum
	Church, convent, monastery, rectory, parish hall, synagogue
	Country club, golf course, including commercially operated driving range and miniature golf
	Fraternal or religious institution – building and grounds
	Private recreational development
	Public park, public playground and public community center
	Parking, off-site for business or industrial uses

School
Commercial towers and antennas: radio, television and communications, primary communication tower
Municipal sewage disposal facilities and water reservoir, excluding accessory lakes and ponds

The following uses shall be permitted in an **Agricultural Limited District** upon approval of a Petition for Special Exception by the Board of Zoning Appeals of Randolph County:

<b>TABLE 3.01.4</b>	
<b>Agricultural Limited Special Exception Uses</b>	
Advertising or billboard signs <sup>1</sup>	
Airports or aircraft landing field and heliports	
Art gallery, museum	
Child Care Center	
Hospital, sanitarium	
Institution for children	

Land fill
Public library
Mobile home park
Nursing home, senior citizen living facilities and center, assisted living center
Private club or lodge
Public utility or service use, including, but limited to, bus turn-around, fire station, police station, railroad, telephone mechanical or exchange building, water filtration plant, water pumping station
Sand and gravel mining

*1 Unless otherwise authorized by and then subject to the provisions of the federal Highway Beautification Act of 1965,*

*Public Law 89-285, and the Acts of the General Assembly of the State of Indiana, along limited access and interstate highways.*

### 3.02 Appurtenances

Appurtenant features, such as walks, drainage installations, mailboxes, lamp posts, bird baths and feeders, central air conditioning units, and improvements similar and comparable in nature and purpose, shall be permitted on any agricultural lot and shall be exempt from the standards set forth in Tables 3.04 and 3.05.

3.03 Lot Area and Dimensions

A lot meeting the requirements contained in the following table shall be provided for each residence constructed in an **Agricultural Limited District**. In addition, certain agricultural uses shall provide minimum areas and dimensions according to the following table:

**TABLE 3.03**

**Minimum Lot Area and Dimensions**

Use	Lot Area	Street Frontage	Lot Width*
Residence	2 acres	40 feet	100 feet
Livestock Grazing or Feeding	5 acres	none	none
All other uses provided in Tables 3.01.1, 3.01.2, 3.01.3 and 3.01.4	5 acres	none	none

\* As measured at the front building line.

### 3.04 Minimum Front Setbacks

Minimum front setbacks shall be provided for all buildings or structures, except decks and patios the surface of which measure eighteen inches or less from grade level, in an **Agricultural Limited District**

according to the following table:

**TABLE 3.04**

**Minimum Front Setbacks**

Limited Access or Interstate Highway	100 feet
Primary Arterial	50 feet
Secondary Arterial	40 feet
Collector Street	30 feet
Local Street	25 feet
Cul-de-sac Street	20 feet

### 3.05 Minimum Side and Rear Setbacks

Minimum side and rear setbacks shall be provided for all buildings or structures, except decks and patios the surface of which measure eighteen inches or less from grade level, in **an Agricultural Limited District** in accordance with the following table:

Use	Side Setback	Rear Setback
Residence	15 feet	35 feet
Storage building, residential and agricultural	15 feet	15 feet
Livestock and poultry buildings (excluding confinement buildings of any type)	15 feet <sup>1</sup>	15 feet <sup>1</sup>
Lakes and ponds <sup>2</sup>	50 feet	50 feet
Structures and Buildings for Conditional and Special Exception Uses	As determined by the BZA	

<sup>1</sup> The side and rear setback shall be 100 feet if adjacent to a residential zoning district.

<sup>2</sup> The setback shall be measured from and perpendicular to the property line to the nearest top of the bank.

### 3.06 Minimum Floor Area

A minimum ground floor living area of 950 square feet shall be provided for each one-story residence and 600 square feet for each residence of two or more stories constructed within **an Agricultural**

**Limited District.** In the case of residences with two or more stories, the total finished living area of all floors shall equal no less than 950 square feet.

### 3.07 Maximum Height

The maximum height of buildings shall be in accordance with the following table:

<b>TABLE 3.07</b>	
<b>Maximum Height<sup>1</sup></b>	
Residences	35 feet
Detached garages and storage buildings <sup>2</sup>	20 feet
<b>Structures and</b> Buildings for Conditional and Special Exception Uses	As determined by the BZA <sup>3</sup>

<sup>1</sup> The height of buildings and structures essential to an agricultural enterprise shall be limited to the height necessary to serve their intended purpose.

<sup>2</sup> Excluding storage buildings used in an agricultural enterprise.

3 The height of commercial towers and antennas for radio, television and communications, and primary communications tower, shall not exceed 150 feet unless otherwise approved by the Federal Communications Commission and, in addition to the minimum required front, side and rear setbacks as required herein, one additional foot of setback is required for each additional foot above 150 feet of height.

3.08 Parking

Off-street parking, which may include garages and carports, shall be provided in all agricultural zoning districts according to the following table:

<b>TABLE 3.08</b>	
<b>Agricultural Parking</b>	
<b>Use</b>	<b>Requirement</b>
Residence	2 per dwelling unit
Truck Gardens and open produce stands	3
Covered and Enclosed or partially enclosed produce stands	The greater of three (3) or one (1) for each 100 square feet covered, enclosed or partially covered or partially enclosed area
Conditional and Special Exception Uses	As determined by the BZA

### 3.09 Landscaping

In agricultural zoning districts, at least one tree and three shrubs shall be provided for each dwelling unit on the lot. Trees and shrubs may be either deciduous or coniferous. Trees shall measure at least one and one-half inches in caliper, as measured at six inches above the root ball, at the time of planting and have a characteristic mature height of at least twenty feet. Shrubs shall measure at least twelve inches in height at the time of planting and have a characteristic mature height of at least three feet. Existing trees and shrubs, meeting the criteria above-stated for trees and shrubs, whether growing naturally or planted prior to development, shall be counted to comply with this section.

### 3.10 Fencing

Fencing shall be permitted in an **Agricultural Limited District** provided it is not located within any clear-sight triangle, for the premises or adjacent properties. Fencing on the lot of any residence shall be limited to a maximum height of four feet if located in front of the established front building line for the lot; or, six feet in height if located behind the established front building line. Said maximum heights may be reasonably exceeded by up to two feet in additional height for a maximum lineal distance of eight feet to accommodate variations in grade elevations. Height issues, disputes, and other matter regarding fencing shall be resolved by the Board of Zoning Appeals by decision, after notice and hearing, which decision shall apply only to the fencing issue, dispute, other matters and premises

involved in such hearing. A decision of the Board of Zoning Appeals shall be binding and enforceable by the provisions of the Unified Zoning Ordinance of Randolph County as now provided or as the same may from time to time be amended. For agricultural uses and activities, fences shall be limited in height to that which is necessary and essential to such use or activity, provided no fencing shall exceed the provisions of this subsection.

### 3.11 Signs

Signs shall be permitted in an **Agricultural Limited District** only for activities listed and in accordance with the following table:

<b>Activity</b>	<b>Front Setback<sup>1</sup></b>	<b>Area<sup>2</sup></b>	<b>Height</b>
Home Occupation	5 feet	4 square feet	4 feet
Greenhouse, plant nursery	15 feet	32 square feet	10 feet
Truck garden, produce stand	5 feet	9 square feet	4 feet
Temporary real estate	15 feet	9 square feet	3 feet

Weekend directional <sup>3</sup>	2 feet	1 square foot	2 feet
Seed advertising <sup>4</sup>	2 feet	1 square foot	2 feet

*1 Unless otherwise specifically provided, no portion of a sign shall be located within the minimum required setback or any clear-sight triangle, as defined herein, for the premises or adjacent properties.*

*2 Only one side of a double-faced sign shall be used in calculating the permitted area.*

*3 Weekend directional signs for new home developments, real estate open houses, and garage/yard sales may be installed, only with the consent of the property owner, no sooner than 12:00 noon on Friday and shall be removed no later than 9:00 a.m. the following Monday.*

*4 Signs advertising seeds, fertilizers and herbicides, etc., shall be permitted only along the frontage of crop fields and shall advertise only for those products used in the crop field where they are located.*

Signs in **an Agricultural Limited District** shall not be lighted in any manner and shall be located no closer to a side or rear property line than fifteen feet. Only one sign, either attached to a building or free-standing, shall be permitted for each activity listed in Table 3.11.1, Permitted Agricultural **Limited** Signs. Temporary signs shall be removed within twelve months of their erection or as hereinafter provided. The Board of Zoning Appeals may approve, upon petition by decision after notice and hearing, extension(s) not exceeding twelve months each provided such request is made prior to the expiration of the temporary period or extensions thereof. Temporary signs shall be removed immediately upon the cessation of the activity served, regardless of the time remaining on the temporary period or extensions thereof.

The signs listed in the following table shall be prohibited in an agricultural zoning district:

<b>TABLE 3.11.2</b>	
<b>Prohibited Agricultural Limited Signs</b>	
	Signs within a public right-of-way, except official governmental and public signs and projecting, awning, and canopy signs as regulated herein <sup>1</sup>
	Signs which obstruct or otherwise interfere with official signs and traffic devices
	Signs which resemble official signs and traffic devices unless such signs are necessary for internal traffic circulation on the site
	Signs affixed to utility poles, light standards, and public transportation or school bus shelters or benches
	Signs on natural features such as trees and rocks
	Portable and/or flashing signs, whether free-standing or mounted on or otherwise affixed to a trailer or motor vehicle <sup>2</sup>
	Statuary utilized and intended for commercial advertising purposes
	Beacon, strobe and similar flashing or animated light devices

1 Projecting signs, awnings and canopies located within the public right-of-way shall be covered by at least \$300,000 of general liability insurance. A current Certificate of Insurance, naming Randolph County, Indiana, *it's employees, appointed and elected officials*, as additional insured and containing a thirty day cancellation clause, shall be on file with the Area Planning Commission of Randolph County for the duration of the encroachment of such structures. An updated Certificate of Insurance shall be filed with the Area Planning Commission prior to the expiration of the current Certificate of Insurance.

2 This section is not intended to prohibit signs painted on or otherwise affixed to commercial or business vehicles, but does prohibit the parking or storing of such vehicles for the sole purpose of advertising a business or activity.

## **1. MISCELLANEOUS PROVISIONS:**

(a) The Executive Director of the Area Planning Commission shall prescribe and prepare form(s) which shall become part of petitioner's application information packet or the appeal packet from any order, requirement, decision, or determination of the Executive Director of the Area Planning Commission for all matters subject to a hearing before the Area Planning Commission of Randolph County, Indiana or the Board of Zoning Appeals of Randolph County, Indiana, when the property, in whole or in part, subject to such hearing is situated in or adjoining or adjacent to an **Agricultural Limited District**, the **Agricultural Intensive District**, or **both**. Such form(s) shall include any information deemed necessary and appropriate by the Executive Director of the Area Planning Commission to place the petitioner, person appealing action, as above set forth, of said Executive Director and any interested person as defined by the Unified Zoning Ordinance of Randolph

County, Indiana, or by rule of said Area Planning Commission or by rule of said Board of Zoning Appeals that the provisions of **Article III Agricultural Limited District** and/or **Article III.I. Agricultural Intensive District** is/are or maybe applicable to the property or a part of such property or related to the issue(s) subject to the hearing. Said form(s) shall include, but not be limited to, a statement that the **Agricultural Intensive District** permits **Confinement Operations: Confined Feeding Operations (CFO) and Concentrated Animal Feeding Operations (CAFO)** to exist, may permit expansion, enlargement or intensification of a **CFO or CAFO**, or other **CFOs and CAFOs** may come to exist. The form(s) prescribed by the Executive Director pursuant to this subsection shall be included as part of the notice which is mailed to each interested person, as above defined. It shall be the duty and responsibility of the person required to give notice to see that each interested person is provided with proper notice of hearing. **The form(s) prescribed by said Executive Director may be amended as deemed necessary or appropriate from time to time as determined by the Executive Director, the Area Planning Commission of Randolph County, Indiana or the Board of Zoning Appeals of Randolph County, Indiana.**

(b) The Area Planning Commission of Randolph County, Indiana, its Executive Director, employees, and members, and members of the Board of Zoning Appeals of Randolph County, Indiana shall have no duty nor responsibility to determine that any person who receives notice of hearing, described in part (a), above, reads any information furnished to such person or reads the Unified Zoning Ordinance of Randolph County, Indiana.

## ARTICLE III-I

### *Agricultural Intensive District*

#### 3.I-01. A. Agricultural Intensive District

An **Agricultural Intensive District** is hereby created. The **Agricultural Intensive District** is an Agricultural District which permits Agricultural Primary Uses, Agricultural Accessory Uses, Agricultural Conditional Uses and Agricultural Special Exception Uses as hereafter provided in Tables 3.I-01.1., 3.I-01.2., 3.I-01.3. and 3.I-01.4., respectively. **Confinement Operations** are permitted within the **Agricultural Intensive District**.

#### 3.I-01. B. Geographic Area

The geographical area of the **Agricultural Intensive District** in Randolph County, Indiana is any area not otherwise within another zoning district classification as provided by the Zoning Map which is incorporated into this Zoning Ordinance by reference.

#### 3.I-01. C. Permitted Uses

Permitted uses in the **Agricultural Intensive District** shall be according to the following tables. An activity or enterprise not specifically listed thereon may also be permitted if it is of similar character

and has no greater adverse influence on adjacent properties, the neighborhood or community than the uses specifically listed. A person who seeks to commence an enterprise or activity not specifically listed in Tables **3.I-01, 3.I-01-2, 3.I-01-3, or, 3.I-01-4** may file a Petition with the Board of Zoning Appeals. The Executive Director of the Area Planning Commission, prior to the time of filing such petition, shall determine if the activity or enterprise may be within an **Agricultural Intensive District** Use Table, and if so which **Agricultural Intensive District** Use Table such activity or enterprise is subject, i.e. Table **3.I-01-1, 3.I-01-2, 3.I-01-3, or, 3.I-01-4**. In the event the Executive Director determines such activity or enterprise may be within an **Agricultural Intensive District** Use Table, the person may file a petition seeking the Board of Zoning Appeals approval for such activity or enterprise as provided by law, the Unified Zoning Ordinance of Randolph County, Indiana and Rules of the Board of Zoning Appeals. If the Executive Director determines such activity or enterprise is not within an **Agricultural Intensive District** Use Table, the person may appeal the requirement, decision or determination of the Executive Director in the manner prescribed by applicable Rules of the Board of Zoning Appeals, the Unified Zoning Ordinance and statute(s).

**TABLE 3.I-01.1**

**Agricultural Intensive Primary Uses**

Single-family residence, modular homes, manufactured homes and mobile homes
Barns, sheds, storage buildings and similar structures utilized in an agricultural enterprise
Commercial greenhouses and plant nurseries, including retail sales of products grown on site
Fish hatcheries, lakes and ponds
Forests, forest propagation nurseries, arboretums
Granaries, grain process and milling for seed or feed
Grazing or feeding of livestock for animal increases or value increase
<b>Confinement Operations: Confined Feeding Operations &amp; Concentrated Animal Feeding Operations (as defined Article XIII)</b>
Production of grains, grasses, plants, vines and orchards
Stands for the sale of agricultural products
Truck gardens and related field crops, mushroom cellars, general gardening and apiaries

The following accessory uses shall be permitted in the Agricultural Intensive Zoning District, subject to the standards and limitations contained herein:

**TABLE 3.I-01.2**

**Agricultural Intensive Accessory Uses**

Amateur radio sending and receiving antennas and amateur radio antenna support structures
Barns, silos, granaries and similar agricultural storage buildings
Child care home
Foster family care
Game courts
Home occupation
Off-street parking areas
<b>Private swimming pools</b>
<b>Private</b> garages and carports <b>as defined for single-family dwelling</b> , porches, decks, awnings, canopies, storage buildings, patios, outdoor fireplaces, porte-cocheres, bathhouses, cabanas, children's playhouses, swings and other play structures or equipment.
Residential occupancy by domestic employees whose primary duties are performed on the premises
Satellite dish antennas

Signs (See Tables 3.I-11.1. and 3.I-11.2.)
Storage or parking of accessory vehicles only within enclosed buildings or roofed structures
Underground storage rooms

Unless essential to an agricultural enterprise, accessory uses in the Agricultural Intensive Zoning District shall be customarily incidental, accessory and subordinate to and commonly associated with the operation of the residential use of the lot, shall be operated and maintained under the same ownership and on the same building lot as the residential use, and shall be subordinate in area, build, extent, and purpose to the residential use of the building served. Accessory buildings and structures not essential to an agricultural enterprise shall be located no closer to the front lot line than the primary structure unless attached to said primary structure. See Table 3.I-04.

The following uses shall be permitted in the Agricultural Intensive District upon approval of a

Conditional Use Permit approved by the Board of Zoning Appeals of Randolph County:

<b>TABLE 3.I-01.3.</b>
<b>Agricultural Intensive Conditional Uses</b>
Agricultural equipment sales and service

Athletic fields and courts, public or private
Cemetery, crematory, mausoleum
Church, convent, monastery, rectory, <b>parish hall, synagogue</b>
<b>Common recreational facility, private recreational development</b>
Country club, golf course, including commercially operated driving range and miniature golf
Fraternal or religious institution – buildings and grounds
<b>Public park, public playground and public community center</b>
Parking, off-site for business or industrial uses
School
Commercial towers and antennas: radio, television and communications, <b>primary communication tower</b>
Municipal sewage disposal facilities and water reservoir, excluding accessory lakes and ponds

The following uses shall be permitted in **the** Agricultural **Intensive** Zoning Districts upon approval of a Petition for Special Exception by the Board of Zoning Appeals of Randolph County:

**TABLE 3.I-01.4**

**Agricultural Special Exception Uses**

Advertising or billboard signs <sup>1</sup>
Art gallery, museum
Airports or aircraft landing field and heliports
Child Care Center
Hospital, sanitarium
Institution for children
Land fill
Public Library
Mobile home park
Nursing home, senior citizen living center or facility, assisted living center
Private club or lodge
Public utility or service use, including but not limited to, bus turn-around, fire station, police station, railroad, telephone mechanical or exchange building, water filtration plant, water pumping station
Sand and gravel mining

<sup>1</sup> Unless otherwise authorized by and then subject to the provisions of the federal Highway Beautification Act of 1965, Public

Law 89-285, and the Acts of the General Assembly of the State of Indiana, along limited access and interstate highways.

### 3.I-02 Appurtenances

Appurtenant features, such as walks, drainage installations, mailboxes, lamp posts, bird baths and feeders, central air conditioning units, and improvements similar and comparable in nature and purpose, shall be permitted on any agricultural lot and shall be exempt from the standards set forth in Tables 3.I-04. and 3.I-05.

### 3.I-03 Lot Area and Dimensions

A lot meeting the requirements contained in the following table shall be provided for each residence in an Agricultural Intensive District. In addition, certain agricultural uses shall provide minimum areas and dimensions according to the following table:

**TABLE 3.I-03**

**Minimum Lot Area and Dimensions**

Use	Lot Area	Street Frontage	Lot Width <sup>1</sup>
Residence*	2 acres	40 feet	100 feet
<b>Confined Feeding Operation or Concentrated Animal Feeding Operation**</b>	40 acres	40 feet	100 feet
All other uses provided by Tables 3.I-01.1, 3.I-01.2, 3.I-01.3 and 3.I-01.4***	40 acres	40 feet	100 feet

<sup>1</sup> As measured at the front building line.

*\*The minimum lot area for residence use shall be two (2) acres. There shall be no variance granted to reduce said two (2) acres requirement.*

*\*\* The minimum lot area allowed to be granted by variance by the Board of Zoning Appeals for a **Confined Feeding Operation or Concentrated Animal Feeding Operation** shall be no less than ten (10) acres. There shall be no variance granted to reduce said ten (10) acres requirement.*

*\*\*\* The minimum lot size, except as otherwise provided herein, allowed to be granted for all other uses provided in Table 03.I-03 shall be determined by the Board of Zoning Appeals consistent with all provisions of Article III-I. The minimum lot area for any other use in **Article III.I Agricultural Intensive District** shall be no less than two (2) acres. There shall be no variance granted to reduce said two (2) acre requirement.*

### 3.I-04 Minimum Front Setbacks

Minimum front setbacks shall be provided for all buildings or structures, except decks and patios the surface of which measure eighteen inches or less from grade level, in agricultural zoning districts according to the following table:

**TABLE 3.I-04**

#### **Minimum Front Setbacks**

Limited Access or Interstate Highway	100 feet
Primary Arterial	50 feet
Secondary Arterial	40 feet
Collector Street	30 feet
Local Street	25 feet
Cul-de-sac Street	20 feet

**3.I-05 Minimum Side and Rear Setbacks**

Minimum side and rear setbacks shall be provided for all buildings or structures, except decks and patios the surface of which measure eighteen inches or less from grade level, in the **Agricultural Intensive**

**District** in accordance with the following table:

<b>TABLE 3.I-05</b>		
<b>Minimum Side and Rear Setbacks 1</b>		
<b>Use</b>	<b>Side Setback</b>	<b>Rear Setback</b>
Residence	15 feet	35 feet
Storage building, residential and agricultural	15 feet	15 feet

<p><b>Non-Confined Feeding or Non-Concentrated</b></p> <p><b>Animal Feeding</b> Livestock and poultry buildings</p>	<p>15 feet</p>	<p>15 feet</p>
<p>Lakes and ponds <sup>1</sup></p>	<p>50 feet</p>	<p>50 feet</p>
<p>Structures and Buildings for Conditional and Special Exception Uses</p>	<p>As determined by the Board of Zoning Appeals</p>	

<sup>1</sup> The setback shall be measured from and perpendicular to the property line to the nearest top of the bank.

### 3.I-06 Minimum Floor Area

A minimum ground floor living area of 950 square feet shall be provided for each one-story residence

and 600 square feet for each residence of two or more stories constructed within **the Agricultural**

**Intensive District.** In the case of a residence with two or more stories, the living area of all floors shall

equal at no less than 950 square feet.

**3.I-07 Maximum Height**

The maximum height of buildings shall be in accordance with the following table:

<b>TABLE 3.I-07</b>	
<b>Maximum Height<sup>1</sup></b>	
Residences	35 feet
Detached garages and storage buildings <sup>2</sup>	20 feet
<b>Structures and</b> Buildings for Conditional and Special Exception Uses	As determined by the Board of Zoning Appeals <sup>3</sup>

*1 The height of buildings and structures essential to an agricultural enterprise shall be limited to the height necessary to serve their intended purpose.*

*2 Excluding storage buildings used in an agricultural enterprise.*

*3 The height of towers and antennas for radio, television and communications, primary communication tower, shall not exceed 150 feet unless otherwise approved by the Federal Communications Commission and, in addition to the minimum required front, side and rear setbacks as required herein, one additional foot of setback is required for each additional foot above 150 feet of height.*

3.I-08 Parking

Off-street parking, which may include garages and carports, shall be provided in all agricultural zoning districts:

<b>TABLE 3.08.I Agricultural Parking</b>	
<b>Use</b>	<b>Requirement</b>
Residence	2 per dwelling unit
Truck Gardens and open produce stands	3
Covered and Enclosed or partially covered or partially enclosed produce stands	The greater of three (3) or one (1) for each 100 square feet covered or enclosed or partially covered or partially enclosed area
Conditional and Special Exception Uses	As determined by the Board of Zoning Appeals

3.I-09 Landscaping

In all agricultural zoning districts, at least one tree and three shrubs shall be provided for each dwelling unit on the lot. Trees and shrubs may be either deciduous or coniferous. Trees shall measure at least one and one-half inches in caliper, as measured at six inches above the root ball, at the time of planting and have a characteristic mature height of at least twenty feet. Shrubs shall measure at least twelve inches in height at the time of planting and have a characteristic mature height of at least three feet. Existing trees and shrubs, meeting the criteria above-stated for trees and shrubs, whether growing naturally or planted prior to development, shall be counted to comply with this section.

### 3.I-10 Fencing

Fencing shall be permitted in the Agricultural Intensive Zoning District provided it is not located within any clear-sight triangle for the premises or adjacent properties. Fencing on the lot of any residence shall be limited to a maximum height of four feet if located in front of the established front building line for the lot, or, six feet in height if located behind the established front building line. Said maximum heights may be reasonably exceeded by up to two feet in additional height for a maximum lineal distance of eight feet to accommodate variations in grade elevations. Height issues, disputes, and other matters regarding fencing shall be resolved by the Board of Zoning Appeals by decision, after notice and hearing, which decision shall apply only to the fencing issue, disputes, other matters and premises involved in such hearing. A decision of the Board of Zoning Appeals shall be binding and enforceable by the provisions of the Unified Zoning Ordinance of Randolph County as now provided or as the same may from time to time be amended. For agricultural uses and activities, fences shall be limited in height to that which is necessary and essential to such use or activity, provided no fencing shall exceed the provisions of this subsection.

### 3.I-11 Signs

Signs shall be permitted in agricultural zoning districts only for activities listed and in accordance with the following table:

**TABLE 3.I-11.1**

**Permitted Agricultural Signs**

<b>Activity</b>	<b>Front Setback<sup>1</sup></b>	<b>Area<sup>2</sup></b>	<b>Height</b>
Home Occupation	5 feet	4 square feet	4 feet
Greenhouse, plant nursery	15 feet	32 square feet	10 feet
Truck garden, produce stand	5 feet	9 square feet	4 feet
Temporary real estate	15 feet	9 square feet	3 feet
Weekend directional <sup>3</sup>	2 feet	1 square foot	2 feet
Seed advertising <sup>4</sup>	2 feet	1 square foot	2 feet

*1 Unless otherwise specifically provided, no portion of a sign shall be located within the minimum required setback or any clear-sight triangle, as defined herein, for the premises or adjacent properties.*

*2 Only one side of a double-faced sign shall be used in calculating the permitted area.*

*3 Weekend directional signs for new home developments, real estate open houses, and garage/yard sales may be installed, only with the consent of the property owner, no sooner than 12:00 noon on Friday and shall be removed no later than 9:00 a.m. the following Monday.*

*4 Signs advertising seeds, fertilizers and herbicides, etc., shall be permitted only along the frontage of crop fields and shall advertise only for those products used in the crop field where they are located.*

Signs in agricultural zoning districts shall not be lighted in any manner and shall be located no closer to a side or rear property line than fifteen feet. Only one sign, either attached to a building or free-standing, shall be permitted for each activity listed in Table 3.I-11, Permitted Agricultural Signs.

Temporary signs shall be removed within twelve months of their erection or as hereinafter provided.

The Board of Zoning Appeals may upon petition approve, by decision, after notice and hearing, extension(s) not exceeding twelve months each provided such request is made prior to the expiration of the temporary period or extension(s) thereof. Temporary signs shall be removed immediately upon the cessation of the activity served, regardless of the time remaining on the temporary period or extension(s) thereof.

The signs listed in the following table shall be prohibited in all agricultural zoning districts:

<b>TABLE 3.I-11.2</b> <b>Prohibited Agricultural Signs</b>
Signs within a public right-of-way, except official governmental and public signs and projecting, awning, and canopy signs as regulated herein <sup>1</sup>
Signs which obstruct or otherwise interfere with official signs and traffic devices
Signs which resemble official signs and traffic devices unless such signs are necessary for

internal traffic circulation on the site
Signs affixed to utility poles, light standards, and public transportation or school bus shelters or benches
Signs on natural features such as trees and rocks
Portable and/or flashing signs, whether free-standing or mounted on or otherwise affixed to a trailer or motor vehicle <sup>2</sup>
Statuary utilized and intended for commercial advertising purposes
Beacon, strobe and similar flashing or animated light devices

*1 Projecting signs, awnings and canopies located within the public right-of-way shall be covered by at least \$300,000 of general liability insurance. A current Certificate of Insurance, naming Randolph County, Indiana, **it's employees, appointed and elected officials,** as additional insured and containing a thirty day cancellation clause, shall be on file with the Area Planning Commission of Randolph County for the duration of the encroachment of such structures. An updated Certificate of Insurance shall be filed with the Area Planning Commission prior to the expiration of the current Certificate of Insurance.*

*2 This section is not intended to prohibit signs painted on or otherwise affixed to commercial or business vehicles, but does prohibit the parking or storing of such vehicles for the sole purpose of advertising a business or activity.*

**3.I-12. Local Permitting Standards for Confinement Operations: Confined Feeding Operation (CFO) and Concentrated Animal Feeding Operation (CAFO)**

1. **LOCAL STANDARDS:** The local permitting standards for **CFOs** and **CAFOs** shall include provisions of Article III.I, including, but not limited to, the following:

(a) **Confinement Operations** with deep pit manure storage and/or any silage storage that is not within an enclosed structure shall have a set back requirement that such deep pit manure storage, together with any improvement or structure, not fully enclosed, in any way utilized in conjunction with, or to house, said manure pit or silage structure(s) shall be a minimum setback of 1320 feet from the property line upon which such pit or silage is situated and the property line of the property upon which a public gathering place or a protected use is situated.

(b) No **Confinement Operation** is allowed to be sited within one mile of the existing incorporated areas of Randolph County, Indiana.

(c) No **Confinement Operation** of 340 to 519 animal units is allowed to be sited within 870 feet of a residence.

(d) No **Confinement Operation** of 520 to 699 animal units is allowed to be sited within 1000 feet of a residence.

(e) No **Confinement Operation** of 700 to 1400 animal units is allowed to be sited within 1500 feet of a residence.

(f) No **Confinement Operation** of 1401 or more animal units is allowed to be sited within 2000 feet of a residence.

(g) No **Confinement Operation** using an open lagoon for manure storage is allowed to be sited within 1.5 times the setback distance provided hereinabove in subsections 1.(c), 1.(d), 1.(e), and 1.(f).

(h) No **Confinement Operation** for finishers and gilts, according to the (see: Animal Unit Calculation Table), which utilizes naturally ventilated barn(s) is allowed to be sited within 1.5 times the setback distance provided hereinabove in subsections 1.(c), 1.(d), 1.(e), and 1.(f). A naturally ventilated barn is defined as a barn for finishers and gilts in which the barn's fan(s) move less than 25,000 cubic feet per minute of air per 300 animal units.

(i) A **Confinement Operation** with a lagoon, open manure storage, deep pit manure storage and/or any silage storage that is not within an enclosed structure shall have a minimum setback requirement for such lagoon, open manure storage, deep pit manure storage and/or any silage storage that is not within an enclosed structure of 2640 feet from any school. For purposes of this subsection i.e. (i), school shall mean the structure(s) which is the improvement situate upon school property and is the primary structure utilized for classroom academic pursuits and any applicable part of Article XIII definition of school.

(j) General Setback Requirement for Confinement Operations: A **Confinement Operation** shall have a general setback of one hundred (100') feet from the property line of any adjoining or adjacent property regardless of the

zoning classification in which such adjoining or adjacent property is situated. This setback requirement includes any structure or improvement utilized in carrying on of a **Confinement Operation**, together with any lagoon, open manure storage area, deep pit manure storage structure, silage storage area, silage storage building or structure and deep pit manure storage area. This setback requirement shall be applied in conjunction with all other setback requirements provided by this Zoning Ordinance.

## 2. RECIPROCAL SETBACKS:

- (a) The setback requirements for a public gathering place and a protected use shall be the same setback requirements for a **Confinement Operation** which operates in the manner described in subsection 3.I-12.1.(a).
- (b) The setback requirements for a residence shall be the same as the setback requirements for a **Confinement Operation** which operates with the number of animal units provided by subsection 3.I-12.1(c), 1.(d), 1.(e), and 1.(f), respectively.
- (c) The setback requirements for a residence shall be the same setback requirements for a **Confinement Operation** which operates in the manner described in subsection 3.I-12.1.(g).
- (d) The setback requirements for a residence shall be the same setback requirements for a **Confinement Operation** which operates in the manner described in subsection 3.I-12.1.(h).
- (e) The setback requirements for any school shall be the same setback requirements for a **Confinement Operation** which is operated in the manner described in 3.I-12.1.(i).

### 3. SETBACK/SETBACK LINE/SETBACK REQUIREMENT AND RECIPROCAL

#### SETBACK/RECIPROCAL SETBACK LINE/RECIPROCAL SETBACK REQUIREMENT FOR

#### AGRICULTURAL INTENSIVE DISTRICT:

(a) Mean all setback requirements and reciprocal setback requirements which may be applicable to the **Agricultural Intensive District**, each separate or individual **Confinement Operation** within the **Agricultural Intensive District** and a use or property in any other zoning classification district by which the provisions of this Ordinance make such use or property subject to the setback requirement(s) or reciprocal setback requirement(s). In the application of the setback requirement(s) and reciprocal setback requirement(s) if one or more setback requirement(s) or reciprocal setback requirement(s) applies to, or by reason of, the use of the property, including, but not limited to, a particular **Confinement Operation**, such use or **Confinement Operation** shall comply with all applicable setback requirements and all applicable reciprocal setback requirements.

(b) Setback requirement(s) and reciprocal setback requirement(s) for any use, including, but not limited to, a **Confinement Operation**, except as otherwise provided in this Zoning Ordinance, include, but are not limited to, any structure or improvement utilized in the carrying on of the **Confinement Operation**, together with any lagoon, open manure storage area, deep pit manure storage structure, silage storage area, silage storage area, silage storage building or structure and deep pit manure storage area.

(c) Property in the **Agricultural Intensive District** shall be subject to the **Agricultural Intensive District** setback requirements and reciprocal setback requirements notwithstanding that some or all of the adjoining or adjacent property(ies) is in the **Agricultural Intensive District**. A use and property within any other zoning classification district adjoining or adjacent to property within the **Agricultural Intensive District** or by reason of any other provision of the Ordinance shall be subject to all applicable setback requirements and reciprocal setback requirements.

(d) Setback, setback line and setback requirement shall have the same meaning; and, reciprocal setback, reciprocal setback line and reciprocal setback requirement shall have the same meaning.

4. Where a **Confinement Operation** is situated on property with frontage on more than one road, the **Confinement Operation** shall be designed so that the primary access to the **Confinement Operation** structure(s) is onto the road that will link it most directly with a Rural Local Road (as defined in the Comprehensive Plan of Randolph County, Indiana, see p. 32 of said Plan).

5. Any driveway cut to serve a **Confinement Operation** shall be located no less than 250 feet from any existing residential driveway, provided, however, if the existing residential driveway serves a residence upon which a **Confinement Operation** is situated and the distance from the existing driveway is less than 250 feet and more than 50 feet, then the driveway to be cut may be cut no less than 50 feet from the existing driveway. In all cases, except as above provided, when a driveway to be cut to serve a **Confinement Operation** is less than 250 feet

from an existing residential driveway, the person seeking to cut the driveway or to have the driveway cut shall file a petition with the Board of Zoning Appeals of Randolph County, Indiana seeking a variance as provided by Article XVIII of this Ordinance.

6. A **Confinement Operation** shall be designed to allow trucks to leave the premises without backing onto any public way of any description whatsoever. Any proposed turn-around which contemplates T-turns or has a turn-around with a diameter of less than 120 feet shall be shown by the applicant to be adequate to comply with the requirements of this Zoning Ordinance. Driveway, truck turn-around and truck parking must have an all weather surface. An applicant shall take all reasonable steps to prevent mud, manure, gravel and other foreign substances from trucks and other equipment being deposited on any public road. The burden shall be on the applicant to demonstrate that the proposed turn-around and egress complies with the requirements herein.

7. Manure applied on the soil in accordance with the conditions of the **Confinement Operation** operator's permit shall be incorporated into the soil within 24 hours of application.

8. The applicant shall obtain County Drainage Board approval of applicant's storm water management plan before the land-use permit is issued.

#### 9. MISCELLANEOUS PROVISIONS:

(a) No **Confinement Operation** is permitted in an **Agricultural Limited District**. In the event that property owned by a person is partially situated in an **Agricultural Limited District** and the **Agricultural**

**Intensive District**, that portion within the **Agricultural Limited District** shall be subject to **Article III** of this Ordinance; and, that portion within the **Agricultural Intensive District** shall be subject to **Article III-I** of this ordinance. In the event that the part of such person's property which is situated in the **Agricultural Intensive District** is less than ten (10) acres such acreage shall be subject to **Article III** as no **Confinement Operation** shall exist on less than ten (10) acres and no variance shall be granted for operation of the same on less than ten (10) acres. (See **Article III-I**, Table 3-I.03. Footnote \*\*) In the event such person acquires additional acreage so as to increase the person's property or property interest within the **Agricultural Intensive District** to ten (10) acres or more, such property or property interest shall be subject to **Article III-I**. In the event the property or property interest is subsequently reduced to less than ten (10) acres, notwithstanding the type, value or use of any improvements thereon, no **Confinement Operation** shall be operated thereon. Any continued use as a **Confinement Operation** after such reduction to less than ten (10) acres shall be subject to any and all legal and equitable remedies, including, but not limited to, injunctive relief, fines and all other remedies under federal state or local laws, regulations and ordinances.

(b) The Executive Director of the Area Planning Commission shall prescribe and prepare form(s) which shall become part of petitioner's application information packet or the appeal packet from any order, requirement, decision, or determination of the Executive Director of the Area Planning Commission for all matters subject to a hearing before the Area Planning Commission of Randolph County, Indiana or the Board of

Zoning Appeals of Randolph County, Indiana, when the property, in whole or in part, subject to such hearing is situated in, or adjoining or adjacent to, an **Agricultural Limited District**, the **Agricultural Intensive District**, or **both**. Such form(s) shall include any information deemed necessary and appropriate by the Executive Director of the Area Planning Commission to place the petitioner, person appealing action, as above set forth, of said Executive Director and any interested person as defined by the Unified Zoning Ordinance of Randolph County, Indiana, or by rule of said Area Planning Commission or by rule of said Board of Zoning Appeals that the provisions of **Article III Agricultural Limited District** and/or **Article III-I. Agricultural Intensive District** is/are or may be applicable to the property or a part of such property or related to the issue(s) subject to the hearing. Said form(s) shall include, but not be limited to, a statement that the **Agricultural Intensive District** permits **Confinement Operations: Confined Feeding Operations (CFO) and Concentrated Animal Feeding Operations (CAFO)** to exist, may permit expansion, enlargement or intensification of a **CFO or CAFO**, or other **CFOs** and **CAFOs** may come to exist. The form(s) prescribed by the Executive Director pursuant to this subsection shall be included as part of the notice which is mailed to each interested person, as above defined. It shall be the duty and responsibility of the person required to give notice to see that each interested person is provided with proper notice of hearing.

The form prescribed by said Executive Director may be amended or deemed necessary or appropriate from time to time as determined by the Executive Director, the Area Planning Commission of Randolph County, Indiana or the Board of Zoning Appeals of Randolph County, Indiana.

(c) The Area Planning Commission of Randolph County, Indiana, its Executive Director, employees, and members, and members of the Board of Zoning Appeals of Randolph County, Indiana shall have no duty nor responsibility to determine that any person who receives notice of hearing described in part (b) above, reads any information furnished to such person or reads the Unified Zoning Ordinance of Randolph County, Indiana.

(d) The Area Planning Commission of Randolph County, Indiana, its Executive Director, employees, and members, and members of the Board of Zoning Appeals of Randolph County, Indiana shall have no duty nor responsibility to see that a person furnishes the required notice of hearing or that any person who receives such notice reads any information furnished to such person or reads the Unified Zoning Ordinance of Randolph County, Indiana.

## ARTICLE III-I

### APPENDIX AU

- A.
1. Determine the total number of animals by type (column 1) and record that number in column 2.
  2. Multiply the number in column 2 by the “animal unit factor” in column 3 to give the number of animal units by animal type. Record this number in column 4.
  3. If more than one animal type is maintained at a single **Confinement Operation**, all animal units are combined to obtain total animal units for such **Confinement Operation**.
  4. Add all the numbers from column 4 to get the total number of animal units for your facility.

#### **DEFINITION (from Article XIII): Confined Feeding Operation (CFO)**

Animals are confined for forty-five (45) days or more of a year, consecutive or nonconsecutive; and the confinement area is covered with less than fifty percent (50%) vegetation; and the number of animals exceeds the levels detailed below.

1. Three hundred (300) mature cow under 1000 pounds, whether milked or dry;
2. Six hundred (600) swine over 300 pounds;
3. Six hundred (600) sheep;
4. Thirty thousand (30,000) fowl (dry manure system).

**DEFINITION (from Article XIII): Concentrated Animal Feeding Operation (CAFO)**

Means animal feeding operation with any of the following:

1. Seven hundred (700) mature dairy cow, over 1000 pounds, whether milked or dry;
2. One thousand (1,000) calves;
3. One thousand (1,000) cattle other than mature dairy cows over 1,000 pounds or calves. Cattle includes but is not limited to heifers, steers, slaughter or other; bulls; feeder cattle; stock cows; mature dairy cows under 1,000 pounds, whether milked or dry; and cow/calf pairs;
4. Two thousand five hundred (2,500) swine each weighting 55 pounds or more;
5. Ten thousand (10,000) swine each weighing less than 55 pounds;
6. Five hundred (500) horses;
7. Ten thousand (10,000) sheep or lambs;
8. Fifty-five thousand (55,000) turkeys;
9. Thirty thousand (30,000) laying hens or broilers, if the CAFO uses a liquid manure handling system;
10. One hundred twenty-five thousand (125,000) chickens (other than laying hens), if the CAFO uses other than a liquid manure handling system;

11. Eighty-two thousand (82,000) laying hens, if the CAFO uses other a liquid manure handling system;
12. Thirty thousand (30,000) ducks if the CAFO uses other than a liquid manure handling system;
13. Five thousand (5,000) ducks if the CAFO uses a liquid manure handling system.

B. Animal Unit Calculation Table:

1. ANIMAL TYPE	2. NUMBER OF ANIMALS	3. ANIMAL UNIT FACTOR	4. NUMBER OF ANIMAL UNITS
<b>A. Dairy Cattle</b>			
1. Mature cow or bull		1.27	
2. Heifer		0.7	
3. Calf		0.2	
<b>B. Beef Cattle</b>			
1. Slaughter steer or stock cow		1.1	
2. Feeder cattle or heifer		0.7	
3. Cow and calf pair		1.3	
4. Calf		0.2	
<b>C. Swine</b>			
1. Boars or Sows, including litters		0.15	
2. Finishers or Gilts		0.136	
3. Nursery pigs		0.0273	
<b>D. Horse</b>			
		1	
<b>E. Sheep and lambs</b>			
		0.1	
<b>F. Chickens</b>			
1. Laying Hen or broiler (liquid manure system)		0.011	
2. Laying Hen or broiler (dry manure system)		0.005	
<b>G. Turkeys</b>			
1. Over 5 pounds (Finishers)		0.018	
2. Under 5 pounds (Starters)		0.005	
<b>H. Ducks</b>			
		0.01	
<b>I. Animal not listed in item A to H</b>		Avg. weight of animal in lbs. divided by 1,100 lbs.	
Total # of Animal Units (Add all in column 4)			Animal Units =

**C. APPLICATION OF APPENDIX AU TO DETERMINE ANIMAL UNITS**

For the purposes of determining the number of animal units for animals not specifically listed *in the definition of CFO or CAFO*, as defined in this Ordinance, reference shall first be made to the most similar animal type set forth in parts A. through H. of **Appendix AU**; and, if no part thereof is applicable, animal units shall be determined under part I.

It shall be the responsibility of the Executive Director of the Area Planning Commission of Randolph County, Indiana to determine the number of animal units and the applicable part or parts of **Appendix AU**, parts A. through I., as the same apply to a **Confinement Operation** and any issue regarding animal type and animal units.

Any person aggrieved by a determination of said Executive Director under **Appendix AU** may file a petition with the Board of Zoning Appeals of Randolph County, Indiana, which shall resolve the issue or issues after proper notice of hearing and a hearing before said Board.

## **Amendments or repeal of Article XIII definitions**

### **Animal Unit**

See Animal Unit Calculation Worksheet: **Article III.I APPENDIX AU**: For Animal unit calculation .50 unit and above shall be raised to the next full animal unit; and, for animal unit calculation below .50 unit shall be reduced to the next full animal unit.

### **Child Care Home**

Means any residential structure licensed by the State of Indiana where an individual provides child care for compensation for not more than ten children, including children related to the provider.

### **Confined Feeding Operation (CFO)**

Animals are confined for forty-five (45) days or more of a year, consecutive or nonconsecutive; and the confinement area is covered with less than fifty percent (50%) vegetation; and the number of animals exceeds the levels detailed below.

5. Three hundred (300) mature cow under 1000 pounds, whether milked or dry;
6. Six hundred (600) swine over 300 pounds;
7. Six hundred (600) sheep;
8. Thirty thousand (30,000) fowl (dry manure system).

## Concentrated Animal Feeding Operation (CAFO)

Means animal feeding operation with any of the following:

14. Seven hundred (700) mature dairy cow, over 1000 pounds, whether milked or dry;
15. One thousand (1,000) calves;
16. One thousand (1,000) cattle other than mature dairy cows over 1,000 pounds or calves. Cattle includes but is not limited to heifers, steers, slaughter or other; bulls; feeder cattle; stock cows; mature dairy cows under 1,000 pounds, whether milked or dry; and cow/calf pairs;
17. Two thousand five hundred (2,500) swine each weighting 55 pounds or more;
18. Ten thousand (10,000) swine each weighing less than 55 pounds;
19. Five hundred (500) horses;
20. Ten thousand (10,000) sheep or lambs;
21. Fifty-five thousand (55,000) turkeys;
22. Thirty thousand (30,000) laying hens or broilers, if the CAFO uses a liquid manure handling system;
23. One hundred twenty-five thousand (125,000) chickens (other than laying hens), if the CAFO uses other than a liquid manure handling system;

24. Eighty-two thousand (82,000) laying hens, if the CAFO uses other a liquid manure handling system;

25. Thirty thousand (30,000) ducks if the CAFO uses other than a liquid manure handling system;

26. Five thousand (5,000) ducks if the CAFO uses a liquid manure handling system.

### **Confinement Operation**

Means a Confined Feeding Operation (CFO) and/or a Concentrated Animal Feeding Operation (CAFO)

### **Development Standards**

Means the setback, setback line, setback requirement, reciprocal setback, reciprocal setback line, reciprocal setback requirement, bulk, height, and area requirements defined in this Ordinance for each zoning district.

### **Extension/Extended:**

An increase or enlargement in the size of a structure, building or other improvement upon property or an increase in the intensity of the use of a structure, building, other improvement or the use of the property.

### **Lot**

A tract of land occupied or capable of being occupied by one or more structures (This shall be added as part 3 of definitions. Word "either" will be repealed.)

**Naturally Ventilated Barn or Structure:**

Means a barn or other structure in which animal units are housed in a **Confinement Operation** which utilizes fans for ventilation which fans move less than 25,000 cubic feet of air per minute per 300 animal units.

**Non-conforming Building or Structure**

Means a building, structure, fence, or other improvement or portion thereof lawfully existing at the time this ordinance or any of its amendments became effective and which was designed, erected or structurally altered for a use which does not conform to the use of the district in which it is located or, which building, structure, fence, or other improvement or portion thereof, does not comply with all the setback, setback line, height, bulk and area regulations or other requirement of the Zoning Ordinance or amendments thereto of the district in which the same is located.

**Pond**

Means a body of standing water having a depth greater than two (2) feet and an area of no less than 225 square feet.

**Protected Use**

Dwelling unit, nursing home, hospital, fraternity, sorority or student cooperative, hotel, motel,

Industrial park, medical center, planned unit development, residential facility for the developmentally

disabled, shopping center

**Public Gathering Place**

Child care center, a public park, church, convent, monastery, rectory, parish hall, synagogue, historic area, private recreational development and schools.

**Variance (developmental standards)**

Means a specific approval granted by the Board of Zoning Appeals in the manner prescribed by this Ordinance, to deviate from the development standards including, but not limited to, setback, height, bulk, and area that the Ordinance otherwise prescribes, provided, however, no use variance shall be granted.

**Reciprocal Setback/Setback Line/Setback Requirement for Agricultural Intensive District:**

See **Article III-I. 3.I-12** Subsections 1., 2., and 3. (See also: Setback/Setback Line/Setback Requirement).

**Setback/Setback Line/Setback Requirement for Agricultural Intensive District:**

See **Article III-I. 3.I-12** Subsections 1., 2., and 3. (See also: Reciprocal Setback/Setback Line/Setback Requirement).

**Child Care Home - repeal/replace**

**Confined Feeding – repeal**

**Confined Feeding Operation – repeal/replace**

**Existing farm and related uses – repeal**

**Animal Unit** – repeal/replace

**Use, Agricultural** – repeal

**Public Park** – repeal as defined on p. 88; use definition of Park, Public on page 86

**Enlargement** – repeal

**Rural Zone** – repeal

**Temporary Sign** – repeal words “and is used for a period of less than two weeks in any two month period.”

**Antenna** – add words “or to a communication tower.”

**ABZA** – repeal (use definitions on page 66 and 67)

**Director** – amend to provide Executive Director of the Area Planning Commission of Randolph County,

Indiana

**Dwelling Unit** – Amend to provide minimum 950 square feet of living area

**Porch, Enclosed** – Amend by adding “a heated” or unheated area

**Porch, Open** – Amend by changing “three” to one or more side(s)”

## **Article II Effects of Districting and General Regulations**

### **2.05 Substitution and Extension of Nonconforming Uses**

A legally established nonconforming use of any lot, building or structure may be substituted with another similar nonconforming use provided such substituted with another similar nonconforming use

provided such substituted use is not more objectionable, is operated within the same confines, and does not increase parking and traffic. An existing nonconforming use may be extended consistent with the provisions of this Zoning Ordinance and Indiana law. In all cases involving the substitution of a nonconforming use or the extension of a nonconforming use, the person seeking to substitute or extend the nonconforming use shall file a petition with the Board of Zoning Appeals which shall hold a hearing upon such petition after proper notice of such hearing has been given.

**(Repeal first paragraph of Article XVIII and replace with the following paragraph)**

## **ARTICLE XVIII**

### **VARIANCES**

A variance is a variation in the development standards and the variations set forth in paragraph 7. Of this Article which the Board may grant in certain circumstances according to the provisions set forth from the requirements of the Unified Zoning Ordinance of Randolph County, Indiana, which variation would be in conflict with a literal application Ordinance. A variance shall not include authorizing a use not among the permitted uses specified in this Ordinance for the district in which the property is located.

## ARTICLE XV

### Severability

#### 15.01 Severability

If any part of provision of this Zoning Ordinance shall be held invalid or unenforceable, such invalidity or unenforceability shall not affect any other part or provision of this Zoning Ordinance not held so invalid or unenforceable, and such other parts and provisions shall to the full extent consistent with this Zoning Ordinance and applicable law continue in full force and effect. The intentions that this paragraph shall be construed in such a manner that if any part of provision is determined invalid or unenforceable, all remaining parts and provisions shall remain in full force and effect. In the event that any portion of any part or provision is determined invalid or unenforceable, all remaining parts and provisions shall remain in full force and effect. In the event that any portion of any part or provision shall be held invalid or unenforceable, such invalidity or unenforceability shall not effect the remaining portions of such part or provision of this Zoning Ordinance not held so invalid or unenforceable and such remaining portions of such part or provision shall to the full extent consistent with this Zoning Ordinance and applicable law continue in full force and effect. The intention is that this paragraph shall be construed in such a manner that if any portion of any part or provision shall be held invalid or unenforceable, the remaining portions of such part or provision shall remain in full force and effect. For the purposes above provided, the provisions and parts of this Zoning Ordinance are hereby declared to be severable.

#### 15.02 Emergency Clause, Attestation

NOW BE IT FURTHER ORDAINED that an emergency exists for the passage of this Ordinance and that the same shall be in full force and effect from and after its passage by the following:

#### 15.03 Emergency Clause, Attestation

NOW BE IT FURTHER ORDAINED that an emergency exists for the passage of the Amendments to the Unified Zoning Ordinance of Randolph County, Indiana and the same shall be in full force and effect from and after its passage by the following, to-wit: