

Section 3.5 “IO-AGR” Interim Overlay-Agricultural Residential District

The purpose of this section is to establish an overlay district to maintain the existing land uses of certain areas of Whitley County while the Plan Commission undertakes a detailed planning effort that is expected to result in changes to the Zoning Code. The 2011 Comprehensive Plan for the County makes recommendations for the locations and uses of “Agricultural”, “Transitional Agricultural”, and “Rural Residential” development; however, the Zoning Map and districts do not generally reflect these recommendations. Without further planning and establishment of revised regulations, these areas have potential for incongruous land uses to be developed in close proximity to each other without regard to the long-term implications.

The intent of this Interim Overlay-Agricultural Residential District (“IO”) is to restrict temporarily certain types of development in the areas most susceptible to adverse effects of incongruous development while revisions to the Zoning Code and Zoning Map are planned and implemented.

A. Location

The IO-AGR district shall apply to the following:

1. **[OPTION A1]** Any property zoned “AG” Agricultural, “AGP” Agricultural Production, or “RR” Rural Residential.

[OPTION A2] Those areas depicted on the Land Classification Map of the Comprehensive Plan as “Agricultural”, “Transitional Agricultural”, and “Rural Residential”.

[OPTION A3] Those areas depicted on the Land Classification Map of the Comprehensive Plan as “Transitional Agricultural” and “Rural Residential”.

[OPTION A4.1] Any property located within 5,280 feet of the shoreline of a lake that exceeds 40 acres in surface area.

[OPTION A4.2] Any property located in the catchment basin of a lake that exceeds 40 acres in surface area.

[OPTION A5] Any property located between County Roads 600 East and 800 East and County Road 700 South and State Road 114.

[OPTION A6] Any property between State Roads 9 and 109, and any property within 2,640’ of State Road 9 between County Road 500 South and the Columbia City jurisdiction.

2. Any additional territory designated on the Official Zoning Map.

B. Uses

The permitted and special exception uses of the underlying zoning districts shall apply, with the following exceptions:

1. **[OPTION B1.1]** Residential subdivision primary plats exceeding a total of five (5) lots from one (1) parent tract shall be not be approved.

[OPTION B1.2] Residential subdivision primary plats exceeding a total of two (2) lots from one (1) parent tract shall be not be approved.

[OPTION B1.3] Residential subdivision primary plats that are proposed to include the construction of new streets shall not be approved.

[OPTION B1.4] Residential subdivision primary plats that include any lot smaller than five (5) acres in area shall not be approved.

2. **[OPTION B2.1]** Any new confined feeding operations (CFO), as defined by Indiana Code 13-11-2-40, shall not be permitted.

[OPTION B2.2] New confined feeding operations (CFO), as defined by Indiana Code 13-11-2-40, that have not obtained a permit from the Indiana Department of Environmental Management (IDEM) shall not be permitted.

[OPTION B2.3] New confined feeding operations (CFO), as defined by Indiana Code 13-11-2-40, that have not filed an application for a permit with the Indiana Department of Environmental Management (IDEM) shall not be permitted.

[OPTION B2.4] New confined feeding operations (CFO), as defined by Indiana Code

13-11-2-40, of 1,201 Animal Units (defined in Section 5.17) or more shall not be permitted.
[OPTION B2.4] New CFOs of 1,200 Animal Units or less shall be a Special Exception.

3. Special exceptions for the following classes of uses listed in the AG or LR districts shall not be approved:
 - a. Business: General Business
 - b. Business: Auto Sales/Service
 - c. Industrial Uses

C. Development Standards

The development standards of the underlying zoning districts shall apply, with the following exceptions:

1. [OPTION C1] Flag lots for residential subdivisions shall not be approved.
2. [OPTION C2] A minimum of 100 feet of public road frontage on the parent tract shall be maintained for any strip of three (3) new residential parcels that have frontage on existing public roads.
3. [OPTION C3.1] CFOs shall have a minimum setback of 10,560 feet from any area designated Transitional Agriculture, Rural Residential, Residential, Lake Residential, Government and Institutional, Village Commercial, or General Commercial in the Comprehensive Plan.

[OPTION C3.2] CFOs shall have a minimum setback of 2,640 feet from any RR, LR, MR, or MP zoning districts.

[OPTION C3.3] CFOs shall have a minimum setback of 5,280 feet from any municipal corporation boundary, and a minimum setback of 2,640 feet from any church, religious institution, school, or public recreation area.

[OPTION C4.1] CFOs shall have a minimum separation of two (2) miles, based on a radius from the center of the CFO structures.

[OPTION C4.2] CFOs shall have a minimum separation of one (1) mile, based on a radius from the center of the CFO structures.

D. Duration

This overlay district shall automatically expire upon the earliest of the following:

1. Adoption of ordinance(s) intended to revise or modify the underlying zoning districts pursuant to the recommendations of the Comprehensive Plan.
2. Fourteen (14) months from the effective date of this overlay ordinance.