

ARTICLE 9

AGRICULTURAL (A)

SECTION 900– Agricultural (A) District Intent

The purpose of the Agriculture district is to preserve land for agricultural purposes, and to protect agricultural land from premature and unplanned urbanization. The agricultural district is designed to give preference to agricultural uses that need surface and subsurface drainage, soil care and conservation practices, distribution of animal waste, the grazing of animals, the application of chemicals to the soil, and road use by large trucks and equipment. These needs generally conflict with urbanization.

In the agricultural district, residential development is limited to larger lots that can provide substantial area for private water and sewer systems, and to avoid the higher density development of urbanization that requires more intense municipal services and different surface drainage control. Residential development in the agricultural areas of Decatur County requires special care and consideration and should follow the guidelines of the Decatur County Comprehensive Plan.

In addition, the agricultural district is also designed to protect forestry, woodlands, wetlands, pastures, streams, and similar habitats for wildlife. These areas are regarded as a natural resource which is part of the ecology of the agricultural district and need protection from business, industrial or residential development. The Agricultural Districts are divided into two (2) classifications. The Agricultural “A-1” District is designed as a strictly agricultural district without interference from any other development. The Agricultural “A-2” District is also designed for primarily agricultural purposes with limited development or use for non-agricultural purposes.

SECTION 905– Principally Permitted Uses A-1

The following uses are permitted by right on land zoned Agriculture A-1 within Decatur County.

1. Single family dwelling units consisting of a minimum of Seven Hundred Twenty (720) square feet of living space located upon a parcel whose boundaries exist upon the public record before November 1, 1996. Any landowner who is seeking to establish a residence on a parcel with a boundary that did not exist on November 1, 1996, must rezone the parcel to an A-2 Zoning Classification before any building permit can be issued for residential purposes;
2. Farms of field crops, fruits, tree nuts, vegetables, or other agricultural growth products;
3. Farms with no predominant crops, including range and grassland pastures, horticultural specialties, bee hives and insect/worm farms, and other agriculture and related activities;
4. Farms and ranches of dairy production, raising of livestock including cattle, hogs, sheep, goats, horses, poultry or other fowls and other animals raised for food or fur, skin or related uses;

5. Wildlife preserve sanctuaries, habitats, cultures and related activities, botanical gardens and arboretums, nature preserves, wildlife habitats, and other natural exhibitions;
6. Forestry activities including timber production, tree products production, commercial forestry production, forest nurseries, other forestry activities, Christmas tree farming and related services (Excludes sawmills or processing of wood products other than activities necessary to ship timbers from the property);
7. Horticultural, floricultural, viticultural, and other agricultural related uses and services;
8. Animal husbandry, poultry hatching and other services, fish hatcheries and other fish culture activities and related services;
9. Any confined feeding structure or operation shall comply with the following:
 - a. The Confined Feeding Operation (CFO) structures shall be located at least Six Hundred Sixty (660) feet from any residential structure or approved residential building site, other than the residential structure of the owner or operator of the livestock or animal operation.
 - b. The Confined Feeding Operation (CFO) structures shall be located at least One Thousand Three Hundred Twenty (1320) feet from a school property line. Schools shall be define as institutions having acquired tax-exempt status utilized for teaching children or adults.
 - c. The Confined Feeding Operation (CFO) structures shall be located at least One Thousand Three Hundred Twenty (1320) feet from any church and related structures. Churches shall be defined as any tax-exempt entity used for non-profit purposes by a recognized and legally established sect utilized solely for the purpose of worship.
 - d. An open lagoon operation shall be located at least One Thousand Three Hundred Twenty (1320) feet from any residential structure or approved residential building site, other than the residential structure of the owner or operator of the livestock or animal operation.
 - e. All Confined Feeding Operations (CFO) shall include signage at the location of the operation that is visible for emergency purposes. The signage shall include at a minimum the following information: contact name and telephone number of the owner/operator. The owner /operator shall have on file a detailed plan for alternative power, ventilation, and water service in the event of a disruption of the normal services.

SECTION 910 – Uses Not Permitted in the A-1 District

No subdivision for any residential or development purpose is permitted in the A-1 Agricultural District.

SECTION 915 – Creation of A-2 Zoning Classification

All maps designated Agricultural A-1 under the Decatur County Comprehensive Plan and map

on November 1, 1996, shall remain under and retain that classification. The A-2 Agricultural District was created with the Ordinance enacted on November 1, 1996. When considering rezoning from the A-1 classification to the A-2 classification, the Decatur County Area Plan Commission shall consider and evaluate the following characteristics of the area being rezoned:

1. General impact upon surrounding A-1 Districts and compatibility with Comprehensive Plan;
2. Topography;
3. Driveway approval;
4. Water availability;
5. Septic or sewer feasibility;

The Decatur County Area Plan Commission shall also consider the impact of further development upon the natural environment and shall protect wildlife, water, and other natural resources.

SECTION 920 – Principally Permitted Uses A-2

The following are permitted uses in the A-2 Agricultural District:

1. Agriculture, the raising and producing of animals or agricultural products including wood lands, orchards, landscape nurseries and any other food or fiber products and any buildings used specifically and directly for agricultural purposes, unless otherwise restricted under this chapter;
2. Public parks, playgrounds and recreational areas that are located at least One Thousand Three Hundred Twenty feet (1320) from any confined feeding building or operation;
3. Essential services of public utilities systems used to provide utility services but not utility structures. Structures are regulated in this district through the application for a permanent special exception with the Decatur County Board of Zoning Appeals;
4. Cemeteries;
5. Churches, Chapels, parish houses if located upon a lot with an area of at least 1.5 acres and at least One Hundred Fifty (150) feet of road frontage located at least One Thousand Three Hundred Twenty (1320) feet from any confined feeding building or operation;
6. Confined feeding buildings and operation structures shall be located at least One Thousand Three Hundred Twenty (1320) feet from the property line of schools, school buildings and related facilities;
7. A single family detached dwelling, if it is located upon a specifically described lot of at least 1.5 acres with a minimum width of at least One Hundred and Fifty (150) feet

across at least Sixty Percent (60%) of the area of the lot and a minimum of Fifty (50) lineal feet of road frontage. The requirement of a minimum of Fifty (50) lineal feet of road frontage cannot be changed or varied under this Ordinance. The dwelling shall be located at least Six Hundred Sixty (660) feet from any confinement livestock or animal operation or One Thousand Three Hundred Twenty (1320) feet if the operation is an open lagoon, except such distance does not apply to the dwelling of the owner of the livestock or animal operation or its operator.

8. Public transportation right-of-ways and railroad right-of-ways.
9. Any confined feeding structure or operation shall comply with the following:
 - a. The Confined Feeding Operation (CFO) structures shall be located at least Six Hundred Sixty (660) feet from any residential structure or approved residential building site, other than the residential structure of the owner or operator of the livestock or animal operation.
 - b. The Confined Feeding Operation (CFO) structures shall be located at least One Thousand Three Hundred Twenty (1320) feet from a school property line. Schools shall be defined as institutions having acquired tax-exempt status utilized for teaching children or adults.
 - c. The Confined Feeding Operation (CFO) structures shall be located at least One Thousand Three Hundred Twenty (1320) feet from any church and related structures. Churches shall be defined as any tax-exempt entity used for non-profit purposes by a recognized and legally established sect utilized solely for the purpose of worship.
 - d. An open lagoon operation shall be located at least One Thousand Three Hundred Twenty (1320) feet from any residential structure or approved residential building site, other than the residential structure of the owner or operator of the livestock or animal operation.
 - e. All Confined Feeding Operations (CFO) shall include signage at the location of the operation that is visible for emergency purposes. The signage shall include at a minimum the following information: contact name and telephone number of the owner/operator. The owner/operator shall have on file a detailed plan for alternative power, ventilation, and water service in the event of a disruption of the normal services.

SECTION 925 – Permanent Special Exceptions in A-1 and A-2 Districts

The following are permitted as permanent special exceptions in the Agricultural A-1 and A-2 Districts when authorized by the Decatur County Board of Zoning Appeals:

1. Agricultural related businesses such as the retail sale of agricultural products; the sale of orchard products; the direct sale of agricultural components such as fertilizer, seeds or items related to the production of agricultural products; agricultural equipment; repair and service businesses; veterinary clinics; and stockyards.
2. An agricultural related industry that involves the processing of an agricultural product such

as animal processing plants, seed processing plants and similar plants that directly process raw agricultural product;

3. Airports;
4. Privately owned County Clubs, campgrounds, golf courses, riding stables;
5. Group homes or residential rehabilitation facilities;
6. Day care facilities;
7. Recreational developments, campgrounds, outdoor theaters, sports activities or facilities;
8. A bed and breakfast, small tourist facilities, private detached guest house, or special employee living quarters;
9. Public utility structures, radio, microwave, television or other similar towers;
10. Any firearms ranges, game preserves or all-terrain vehicle or motocross courses subject to such conditions as are necessary to protect nearby property and subject to all conditions specified by the Decatur County Board of Zoning Appeals in their approval of the requested Application. The game preserve shall be at least One Hundred Sixty (160) acres. Firearm ranges, all-terrain vehicle, motorcycle, motocross, or any other race track or course shall be located at least One Thousand Three Hundred Twenty feet (1320) from the nearest residential dwelling other than the residence of the person seeking the special exception. All firearms ranges shall follow all requirements as set forth by the Indiana Department of Natural Resources for shooting ranges.
11. Game / Hunting Preserves shall be located on One Hundred Sixty (160) contiguous acres or more of land, shall comply with all regulations and licensing requirements of the Indiana Board of Animal Health and all other State agencies that pertain to a game preserve, and shall comply with any other conditions as set forth by the Decatur County Board of Zoning Appeals in their approval of the requested Application.
12. Any public all-terrain vehicle or motocross courses, motorcycle tracks, or race tracks shall be located One Thousand Three Hundred Twenty (1320) feet from the nearest residential dwelling, other than the residence of the person seeking the special exception, and any other conditions as set forth by the Decatur County Board of Zoning Appeals in their approval of the requested Application.
13. Any public or municipal water reservoir

SECTION 935 – Conditional Uses in A-1 and A-2 Districts

The following are conditional uses allowed in the A-1 and A-2 Districts and are regulated as follows:

- 1) Under this Ordinance in this District, a conditional use shall be limited in duration and specifically described in the approval by the Decatur County Board of Zoning Appeals. A conditional use may be granted by the Decatur County Board of Zoning Appeals upon determination in writing as follows:
 - a) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
 - b) The use and value of the area adjacent to the property included in the conditional use will not be affected in a substantially adverse manner;
 - c) The need for the conditional use arises from some condition peculiar to the property

- involved;
- d) The strict application of the terms of this zoning ordinance will constitute an unnecessary hardship if applied to the property for which the conditional use is sought; and
 - e) The approval does not interfere substantially with the Comprehensive Plan adopted by Decatur County.
- 2) The following conditional uses may be approved by the Decatur County Board of Zoning Appeals in the A-1 and A-2 Districts.
- a) A small business enterprise in development under the following conditions:
 - i) That the business is conducted entirely within a closed structure and such adjacent outside area as permitted under conditions established by the Decatur County Board of Zoning Appeals;
 - ii) That the business is operated by the owner and his family that resides upon the premises and not more than two non-family employees;
 - iii) That the use, when permitted by the Decatur County Board of Zoning Appeals, shall have a definite expiration as determined by the Decatur County Board of Zoning Appeals which shall not exceed five (5) years. Prior to the expiration of the initial conditional use period, the Owner shall be required to complete a renewal application with the Decatur County Area Plan Commission Office. At that time, all adjoining property owners will be provided notice of the request for renewal of the conditional use by Certified Mail. If there are no objections to the renewal of the conditional use, then the conditional use shall be extended administratively by the Area Plan Director. If any objections are made within Thirty (30) days after the notices are sent, then the matter will be scheduled at the next Board of Zoning Appeals meeting. The owner shall be responsible for the cost of the Certified Mail fees if the conditional use is renewed administratively. If the matter is scheduled for a meeting, the owner shall be responsible for the full application fee.
 - iv) Such other specifications that the Decatur County Board of Zoning Appeals determines are necessary for the health, safety, and welfare of the adjoining property owners.
 - v) That no signs or advertisements are displayed upon the premises unless approved by the Decatur County Board of Zoning Appeals.
 - b) Home occupations under the following conditions:
 - i) That the occupation is conducted entirely within the dwelling or in a detached building as approved by the Decatur County Board of Zoning Appeals;
 - ii) That the home occupation is operated by the owner and his family that resides upon the premises and no more than two non-family employees;
 - iii) That no signs or advertisements are displayed upon the premises unless approved by the Decatur County Board of Zoning Appeals;
 - iv) That the occupation customarily will provide its product or service to limited number of customers or clients at the same time;
 - v) That the occupation does not require the storage of materials outside any structure;
 - vi) Such other specifications that the Decatur County Board of Zoning Appeals determines are necessary for the health, safety, and welfare of the adjoining property owners.
 - vii) That the use, when permitted by the Decatur County Board of Zoning Appeals, shall have a definite expiration as determined by the Decatur County Board of Zoning Appeals.

Appeals which shall not exceed five (5) years. Prior to the expiration of the initial conditional use period, the Owner shall be required to complete a renewal application with the Decatur County Area Plan Commission Office. At that time, all adjoining property owners will be provided notice of the request for renewal of the conditional use by Certified Mail. If there are no objections to the renewal of the conditional use, then the conditional use shall be extended administratively by the Area Plan Director. If any objections are made within Thirty (30) days after the notices are sent, then the matter will be scheduled at the next Board of Zoning Appeals meeting. The owner shall be responsible for the cost of the Certified Mail fees if the conditional use is renewed administratively. If the matter is scheduled for a meeting, the owner shall be responsible for the full application fee.

SECTION 940 – Building Permits and Lot Size in A-1 and A-2

The following are requirements for a building permit in both the A-1 and A-2 Agricultural Districts.

1. A residence in the A-1 District shall be located upon a parcel of real estate that existed before November 1, 1996. A residential dwelling in an A-2 District shall be located upon lots or parcels of at least 1.5 acres.
2. After November 1, 1996, any application for a dwelling within this Agricultural District shall include a recorded deed with a survey indicating the boundaries of the area that are dedicated to the dwelling to establish compliance with the regulations under this ordinance.
3. Before any building permit for a single family dwelling is issued, the applicant shall present a permit from the Decatur County Department of Health indicating that the lot is approved for an Individual Sewage Disposal System site designed to the standards to accommodate the residential dwelling. Furthermore, the Petitioner shall comply with the following requirements:
 - a. The septic site shall have a soil test performed by a Soil Science Consultant approved by the Decatur County Health Department to determine the feasibility of the site.
 - b. The corners of the absorption field for the primary septic site must be laid out and marked with a stake by a Decatur County Certified Septic Installer.
 - c. Bearings and distances shall be clearly shown on the plat or survey. The bearings and distances shall be referenced or tied into a minimum of two boundary corners of the property in which the septic site is located. The dimensions of the septic site shall be determined based upon the topography, soil type, size of the residence, and type of Individual Sewage Disposal System being installed. The type of Individual Sewage Disposal System and size of the absorption field must be approved by the Decatur County Department of Health. The prepared survey plat of the septic site shall be included on the survey for the parcel and recorded in the Decatur County Recorder's Office.
4. All sizes, distances of dimensions in this District may be varied by the Decatur County Board of Zoning Appeals, however, the Decatur County Board of Zoning Appeals shall not vary in any way, the minimum area required for construction of a single family

residential dwelling.

SECTION 945 – Size and Distance Regulation – A-1 and A-2

The following applies to both A-1 and A-2 Districts:

1. No structure of any kind, nature or purpose shall be more than 30 feet from the ground in height, except grain elevators, grain storage or other agricultural handling or processing equipment, unless otherwise authorized by the Decatur County Board of Zoning Appeals;
2. No lot for building purpose shall be less than 1.5 acres with a minimum width of at least One Hundred Fifty (150) feet across at least Sixty percent (60%) of the area of the lot and a minimum of Fifty lineal feet (50) of road frontage.
3. All dwellings or other structures shall be at least Seventy (70) feet from the middle of any public road and at least Forty (40) feet from the edge of the right-of-way along any State or Federal Highway, except confinement feeding buildings shall be at least one hundred fifty (150) feet from the edge of the surface of any public road;
4. All dwellings shall be at least Thirty (30) feet from the side or rear lot line. If a structure over Thirty (30) feet in height is authorized by the Decatur County Board of Zoning Appeals, then such structure shall be located from any lot line at least a distance equal to the height that the structure is above ground.
5. All accessory buildings and structures shall be at least fifteen (15) feet from any side or rear lot line.

SECTION 950- Accessory Uses

Accessory buildings and structures, such as garages, private swimming pools, pump houses, or other such buildings are permitted within the A-1 and A-2 Districts under a building permit if the building is incidental or necessary to the residential or agricultural uses allowed in the Districts. All accessory buildings and structures shall comply with the Dimensional Standards for the A-1 and A-2 Zoning Districts as set forth in this Ordinance.

SECTION 955 – Requirements for Single Wide Manufactured Homes

Single Wide Manufactured Homes are not permitted in the A-1 or A-2 Districts unless said Single Wide Manufactured Home existed in said Districts on November 1, 1996. If a Single Wide Manufactured Home existed in either the A-1 or A-2 Districts on November 1, 1996, but would be removed from the A-1 or A-2 District at any point in time after November 1, 1996, then the Single Wide Manufactured Home that was removed after November 1, 1996 must be replaced within six (6) months from the date of removal. If the removed Single Wide Manufactured Home is not replaced in six (6) months, then it cannot be replaced and will only be permitted in an R-4 District designated Single Wide Manufactured Home Park or Single Wide Manufactured Home Subdivision.