

BEFORE THE BOARD OF COMMISSIONERS OF MIAMI COUNTY, INDIANA

ORDINANCE NO. 7/20/2020

AN ORDINANCE AMENDING THE PROVISIONS OF THE MIAMI COUNTY ZONING ORDINANCE RELATED TO CONFINED FEEDING OPERATIONS

It is in the best interests of the citizens of Miami County that the provisions of the county zoning ordinance related to confined feeding operations be amended to ensure that confined feeding operations are constructed and operated in a manner that protects the public health and the environment, and that does not interfere substantially with the Miami County Comprehensive Plan.

IT IS ORDAINED that there is now added to the Miami County Zoning Ordinance, as "Section 4, Confined Feeding Operations," the following:

1. State and Federal Laws and Regulations. The provisions of this Ordinance supplement state and federal laws and regulations that relate to confined feeding operations. To the extent the provisions of this ordinance conflict with any state and federal laws and regulations, those state and federal laws and regulations shall control.

2. Effect of this Ordinance. This Ordinance amends the Miami County Zoning Ordinance by adopting new provisions with regard to confined feeding operations. Any provisions of the Zoning Ordinance in conflict with this ordinance are repealed, and the provisions of this ordinance shall control. However, this Ordinance does not purport to contain all provisions related to CFOs, and any provisions of the Zoning Ordinance not amended by this Ordinance shall remain in full force and effect, applicable to all zoning issues, including CFOs.

3. Definitions. The following definitions shall apply to this Ordinance:

3.1. "Applicant" means a person or entity that wishes to construct and/or operate a CFO, including the developer, contractor, and operator, and the owner of the property on which the CFO is to be constructed if the owner is not the developer, contractor, or operator.



3.2. *“Confined Feeding Operation (“CFO)”* means an operation that feeds 300 or more cattle, 600 or more swine, or 30,000 or more poultry (chicken, turkey, or ducks), or that confines 500 or more horses.

3.3. *“Notice of Application to IDEM”* means the notice required by paragraph 4 of this Ordinance.

4. Notice of Application to IDEM. Within ten (10) days of submitting an application to the Indiana Department of Environmental Management (“IDEM”) for a permit for any type of a confined feeding operation, the Applicant is required to mail a copy of the IDEM document entitled “Notification of Application Submittal” to the Miami County Planning Administrator.

5. Application for an Improvement Location Permit. Notwithstanding the issuance of a permit by IDEM, no confined feeding operation of any type may be constructed and/or operated in Miami County without first applying for an Improvement Location Permit to the office of the Miami County Plan Commission, on a form provided by that office. The Improvement Location Permit shall be issued only upon the Zoning Administrator being satisfied that the IDEM permit is in order, that there has been compliance with all provisions of this Ordinance, and/or that special exceptions and/or variances have been granted by the Miami County Board of Zoning Appeals.

6. Districts. CFOs are permitted in any agricultural district in Miami County, Indiana.

7. Special Exception. An Improvement Location Permit may be issued for a CFO to be constructed on a property consisting of fewer than ten (10) acres only with a special exception granted by Miami County Board of Zoning Appeals. No special exception is required for a CFO to be constructed on a property of ten (10) or more acres.

8. Setbacks. All CFO improvements must meet all of the following setbacks:

8.1. one hundred and fifty feet (150’) from the center line of any federal, state, or county highway that is contiguous to the property on which the CFO is to be constructed;

- 8.2. one thousand (1,000') from any residence;
- 8.3. one thousand feet (1,000') from any residential district;
- 8.4. one thousand three hundred twenty feet (1,320') from any church, school or town;
- 8.5. three hundred feet (300') from any watercourse; and
- 8.6. twenty-five feet (25') from any boundary line for a contiguous property.


9. Inapplicability of other Zoning Ordinance Provisions to CFOs. Any provisions in this Ordinance imposing restrictions related to minimum distances for loading berths, fences or screening, number of required entrances, and minimum parking spaces required, shall not be applicable to CFOs.

10. Notice Requirements. Any notice of public hearing for an application for a special exception or variance must be advertised once at least ten (10) days prior to the date of the hearing in a publication qualified to publish legal notices, and notice of said hearing shall also be mailed via first-class mail, postage pre-paid, addressed to each property owner within one-half (1/2) mile of the property for which the special exception and/or variance is sought.


11. Effective Date. This ordinance shall be effective upon its adoption and publication as required by law.

Adopted this 6th day of July, 2020

MIAMI COUNTY BOARD OF COMMISSIONERS



Alan Hunt, Chairman



Fred Musselman

Larry West

Attest:


Mary Brown, Miami County Auditor