

**AN ORDINANCE TO AMEND SECTIONS OF THE
UNIFIED DEVELOPMENT ORDINANCE**

ORDINANCE NUMBER: 2008-22

AN ORDINANCE TO AMEND SECTIONS OF THE TEXT OF THE UNIFIED DEVELOPMENT ORDINANCE FOR SHELBY COUNTY, INDIANA,

WHEREAS, the Board of County Commissioners of the Shelby County, Indiana recognizes the need for orderly growth and development in Shelby County and those areas within its planning jurisdiction, and

WHEREAS, Indiana Code 36-7-4-600 series outlines the procedures and requirements for Shelby County to amend the text of the Zoning Ordinance, and

WHEREAS, Indiana Code 36-7-4-700 series outlines the procedures and requirements for Shelby County to amend the text of the subdivision control ordinance through Ordinance, and

WHEREAS, the proposed Unified Development Ordinance contains the minimum elements prescribed for a zoning ordinance and a subdivision control ordinance in Indiana Code 36-7-4-600 and 36-7-4-700, and

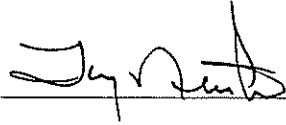
WHEREAS, public notice was given for at least on public hearing on the proposed text amendments to the Unified Development Ordinance in accordance with Indiana Code 36-7-4-600 and 36-7-4-700, and

WHEREAS, the Shelby County Plan Commission has approved a favorable recommendation for the proposed text amendments to the Unified Development Ordinance and certified its approval to the Shelby County Board of County Commissioners as required by Indiana Code 36-7-4-600 and 36-7-4-605.

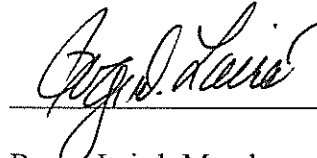
NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Shelby County, Indiana that the proposed text amendments (attached to this document) of the Unified Development Ordinance containing the zoning ordinance and subdivision control ordinance is approved and adopted as required by the Indiana Code 36-7-4-600 and 36-7-4-700 series,

BE IT FURTHER RESOLVED by the Board of County Commissioners of Shelby County, Indiana that further elements of this ordinance may be adopted as prescribed by Indiana Code 36-7-4-600 and 36-7-4-700 series.

ADOPTED this _____ day of December, 2008, by a vote of _____ ayes and _____ nays of members of the Board of Commissioners of Shelby County, Indiana.



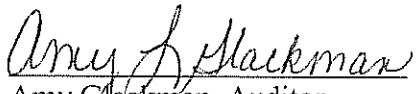
Tony Newton, President



Roger Laird, Member

David Mohr, Member

ATTEST:



Amy G. Mackman, Auditor
Shelby County, Indiana

**A FAVORABLE RECOMMENDATION TO AMEND THE TEXT OF THE
UNIFIED DEVELOPMENT ORDINANCE**

ORDINANCE NUMBER: 2008-

A CERTIFICATION RECOMMENDING THAT THE SHELBY COUNTY BOARD OF COMMISSIONERS TO AMEND CERTAIN SECTIONS OF ARTICLE 1, 6 AND 7 OF THE TEXT OF THE UNIFIED DEVELOPMENT ORDINANCE, WHICH CONTAINS THE ZONING ORDINANCE AND SUBDIVISION CONTROL ORDINANCE, FOR SHELBY COUNTY, INDIANA,

WHEREAS, the Plan Commission of Shelby County, Indiana recognizes the need for orderly growth and development in Shelby County and those areas within its planning jurisdiction, and

WHEREAS, Indiana Code 36-7-4-600 series outlines the procedures and requirements for Shelby County to amend the text of the zoning ordinance and associated zoning map through Ordinance, and

WHEREAS, Indiana Code 36-7-4-700 series outlines the procedures and requirements for Shelby County to amend the text subdivision control ordinance through Ordinance, and

WHEREAS, the proposed Unified Development Ordinance contains the minimum elements prescribed for a zoning ordinance and a subdivision control ordinance in Indiana Code 36-7-4-600 and 36-7-4-700, and

WHEREAS, public notice was given for at least one public hearing on the Unified Development Ordinance in accordance with Indiana Code 36-7-4-600 and 36-7-4-700, and

NOW THEREFORE BE IT RESOLVED by the Plan Commission of Shelby County, Indiana that the proposed text amendments to Articles 1, 6 and 7 of the Unified Development Ordinance containing the zoning ordinance and subdivision control ordinance be approved and adopted as required by the Indiana Code 36-7-4-600 and 36-7-4-700 series.

Certified by the Shelby County Plan Commission on this 25th day of November, 2008.

Chris King, President

Scott Gabbard, Secretary

Shelby County Plan Commission

25 West Polk Street, Room 201

Shelbyville, Indiana 46176

(317) 392-6338

Executive Director
Amy L. Dillon, AICP

DATE: November 25, 2008
TO: Shelby County Plan Commission
FROM: Amy L. Dillon, AICP
Plan Commission Executive Director

RE: Unified Development Ordinance Text Amendments

On November 25, 2008, four general proposals for text amendments to the Unified Development Ordinance will be presented to the Plan Commission for a recommendation to the County Commissioners. Detail on these proposed text amendments will be presented at the public hearing; however, a brief synopsis of the text amendments follows:

Text Amendment #1: The Shelby County Commissioners propose to modify language in Article 1 of the Unified Development Ordinance. The proposed language modification is attached to this report.

Text Amendment #2: When reviewing the final draft of the Unified Development Ordinance, it was discovered that the standards that apply to subdivisions included in Article 7 do not apply to the Simple Subdivision Type. Since Simple Subdivisions will likely be the most frequently used type of subdivision, we need to have standards that apply to this type of subdivision. The symbol for Simple Subdivision should be added to most of the ordinance provisions included in Article 7. A revised copy of Article 7 with the inclusion of Simple Subdivisions is included with this report.

Text Amendment #3: When we were developing the Unified Development Ordinance, we discussed the incorporation of density bonuses or incentives for subdivisions into the document. We specifically wanted to allow for intensity and density incentives for developments that complied with the anti-monotony standards. The incentive tables were not included in the Draft C document that was presented for the public hearing. These tables are proposed to be added to the document at this time. The incentives tables are included in Article 6 for Standard Subdivisions, Conservation Subdivisions and Traditional Subdivisions. A revised copy of these pages of Article 6 is included with this report.

Text Amendment #4: When reviewing the final draft document, we discovered that we should incorporate a disqualification statement in the prerequisite section for Simple Subdivisions. The disqualification states, "Any subdivision with internal streets or public improvement, common area, or amenity center shall not qualify as a Simple Subdivision." This language eliminates abuse of the use of this type of subdivision.

**County Commissioners Proposal for Unified Development Ordinance Changes
Submitted for the November 25, 2008 Plan Commission Meeting**

The Shelby County Commissioners propose that the following amendments be made to the Unified Development Ordinance:

Plan Commission Duties

Section 1.24 A.11 shall be amended to read: "*Waivers:* Approve or deny request for waivers to the subdivision requirements of the Unified Development Ordinance, except for road and drainage requirements which may only be waived by the Board of County Commissioners."