

# Shelby County Plan Commission

October 27, 2020 at 7:00 PM

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# MEETING AGENDA

Shelby County Plan Commission  
October 27, 2020 at 7:00 P.M.

## CALL TO ORDER

## ROLL CALL

## APPROVAL OF MINUTES

Minutes from the September 22, 2020 meeting.

Minutes from the October 6, 2020 executive session.

## OLD BUSINESS

None

## NEW BUSINESS

**SD 20-08 – LAMB SIMPLE SUBDIVISION:** Subdivision of 3.612 acres into a 2-acre building lot and 1.612-acre lot including an existing mobile home. Located at 6801 W 500 N, Fairland, Sugar Creek Township.

**RZ 20-13 – RASNER REZONING:** Rezoning of 38.73 acres from the IS (Institutional) District to the RE (Residential Estate) District to allow for use of the property for single-family residential purposes. Located at 785 N Knightstown Rd, Shelbyville, Addison Township.

**RZ 20-14 – STANTON REZONING:** Rezoning of 4.9 acres from the A2 (Agricultural) District to the RE (Residential Estate) District to allow for one single-family residential building lot. Located at 1390 W Flat Rock Rd, Flat Rock, Washington Township.

**RZ 20-15 – HYATT REZONING:** Rezoning of 21 acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District to allow for construction of a single-family home and residential accessory structures. Located north of and adjoining 7406 W Old SR 252, Edinburgh, Jackson Township.

**HYATT DEVELOPMENT STANDARDS VARAINCE:** Variance of Development Standards to allow for development of a lot without road frontage (minimum 160-feet of road frontage required in the RE District). Located north of and adjoining 7406 W Old SR 252, Edinburgh, Jackson Township.

**RZ 20-16 – HARTMAN REZONING:** Rezoning of 5.704 acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District to allow for a one-lot Simple Subdivision. Located at 3239 S 25 E, Shelbyville, Shelby Township.

**SD 20-06 – HARTMAN SIMPLE SUBDIVISION:** Subdivision of one 5.704-acre single-family residential building lot from a 26.882-acre parent tract. Located at 3239 S 25 E, Shelbyville, Shelby Township.

## **DISCUSSION**

**Shelbyville Extraterritorial Jurisdiction** – Presentation by Adam Rude, Director Planning & Building Department, City of Shelbyville

**SES-01 – Commercial Solar Energy Systems** – Discussion of ordinance amendments.

## **ADJOURNMENT**

The next regular meeting of the Shelby County Plan Commission is scheduled for Tuesday, **November 24, 2020** at **7:00 PM**.

## Property Details

**Location:** 6801 W 500 N, Fairland, Sugar Creek Township.

**Property Size:** 1.584 acres

**Current Land Use:** Residential Estate

**Current Zoning Classification**  
 RE (Residential Estate)

*This district is established for single-family detached dwellings in a rural or country setting.*

**R1 (Single-Family Residential)**

*This district is established for single-family detached, medium to large sized homes on medium to large sized lots*

**Future Land Use per Comp Plan**  
 Estate Residential

*The purpose of this category is to provide for new rural residential housing opportunities in rural areas not well suited for agriculture. New residential development should have reasonable access to roads and utilities and should not significantly disrupt agricultural activities. The residential density of this category should not exceed one lot for every two acres.*

## Surrounding Development

	Zoning	Land Use
North	RE	Residential Estate
South	A1	Cropland
East	R1	Single-Family Residential
West	Re	Residential Estate

# Staff Report

**Case Number:** SD 20-08

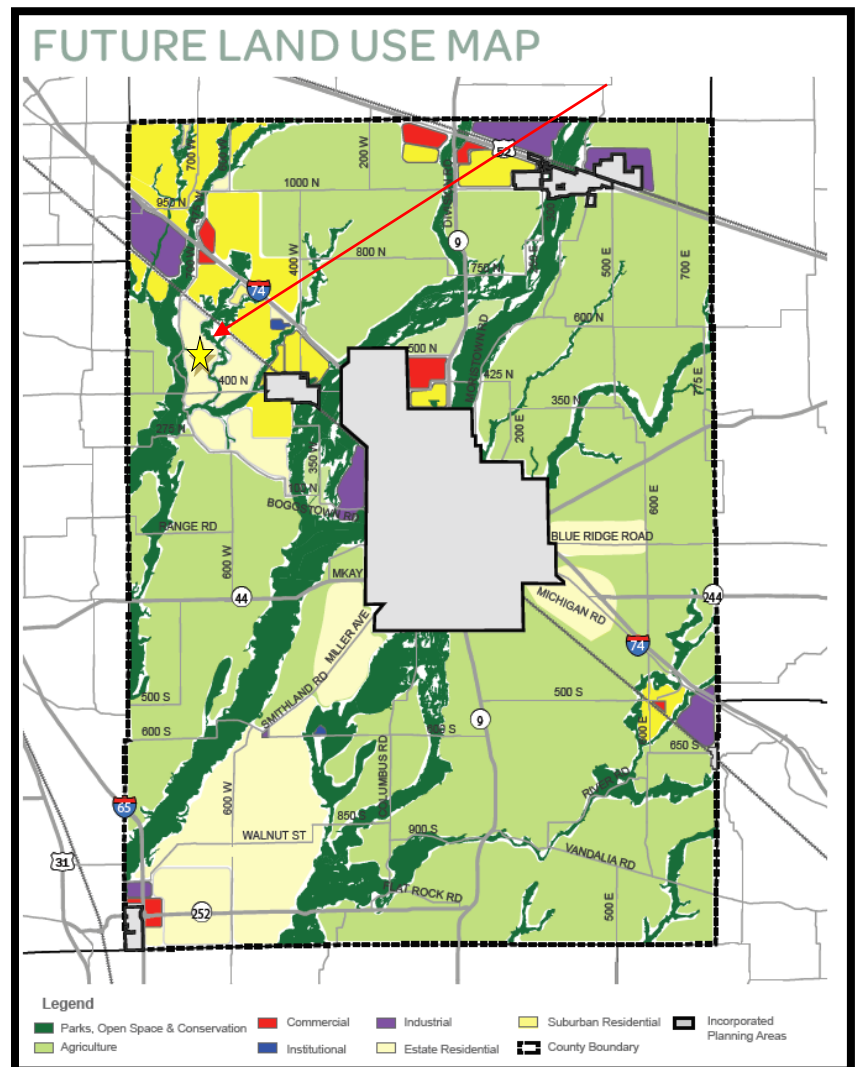
**Case Name:** Lamb Simple Subdivision

## Requests

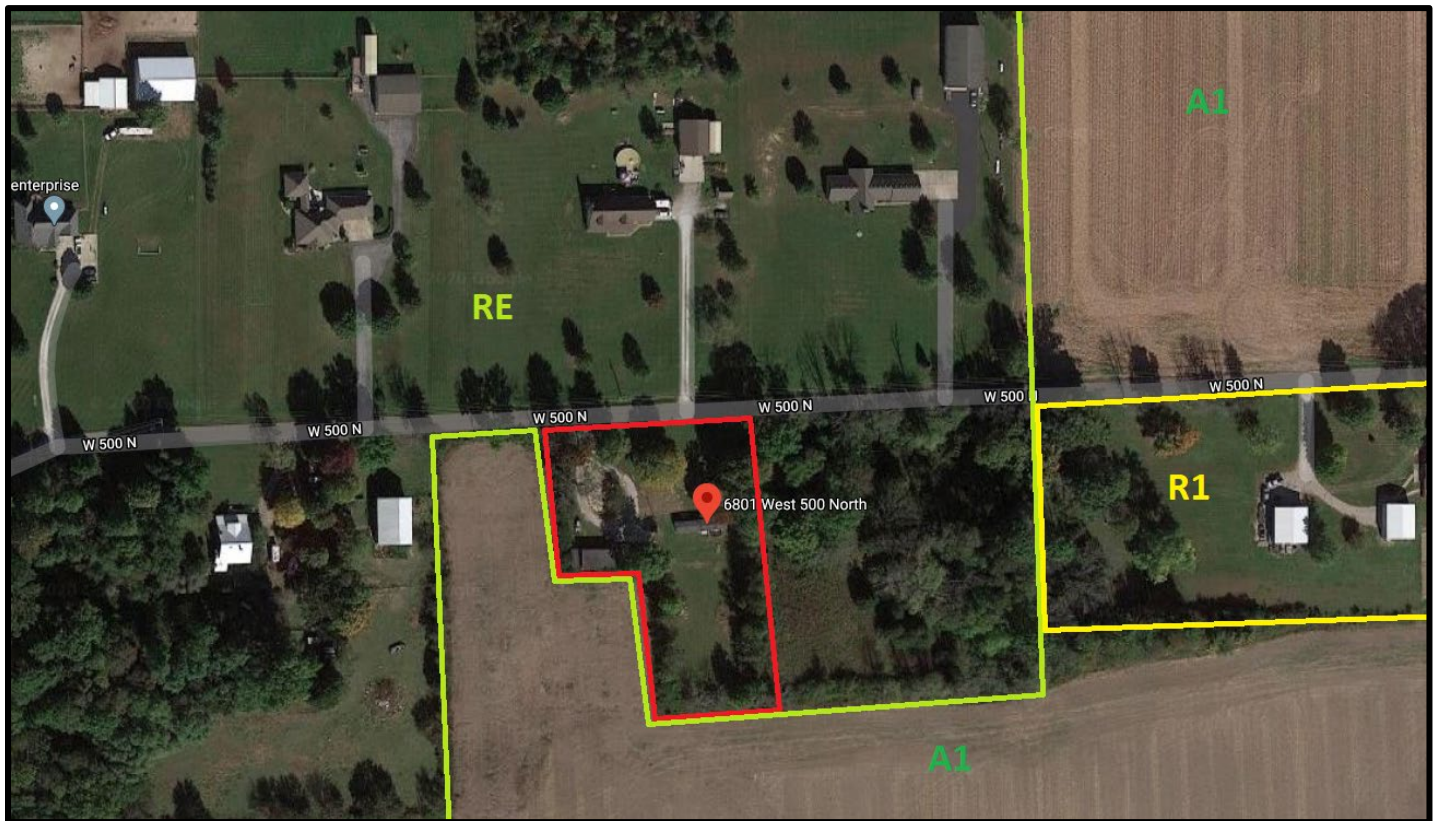
**Simple Subdivision** of 3.612-acres into a 2-acre building lot and 1.612-acre lot including an existing mobile home.

**Waiver** of subdivision design standards to allow for Simple Subdivision of a parent tract less than 6-acres.

## Future Land Use Map



## Property Map



## Case Description

- On March 11, 2020, the petitioner filed an application to rezone the proposed 1.612-acre lot from RE (Residential Estate) to R1 (Single-Family Residential) to allow for a subdivision of the property including a lot less than two acres.
- On June 23, 2020, the Plan Commission forwarded a favorable recommendation to rezone the proposed 1.612-acre lot to the County Commissioners. The County Commissioners approved the rezoning on July 6, 2020.
- The petitioner now requests to subdivide the property. The subdivision plat is consistent with the site plan submitted with the rezoning application.
- The UDO limits the size of the parent tract to at least 6-acres to discourage re-subdivision of 5-acre tracts. Prior to 1999, the County exempted land subdivided into tracts 5-acres or more from platting requirements, which resulted in the creation of an abundance of 5-acre tracts throughout the County. However, the current Plan Commission has allowed subdivisions of tracts under 6-acres because development of these tracts would not eliminate a significant amount of farmland.

## Staff Analysis Findings of Fact

Staff has reviewed the proposed plat and has determined:

1. The subdivision of land is consistent with the Shelby County Comprehensive Plan.
2. The subdivision of land satisfies the development requirements of Article 06: Subdivision Types., pending approval of a waiver allow for subdivision of a parent tract less than 6-acres.
3. The subdivision of land satisfies the standards of Article 07: Design Standards.
4. The subdivision of land satisfies any other applicable provisions of the Unified Development Ordinance.
5. The subdivision of land satisfies the construction requirements of the Shelby County's Construction Standards.
6. Allowing for a waiver of the 6-acre minimum tract requirement would allow for development of property not currently used for agricultural production. Therefore, the approval of the waivers would not contradict the purpose of the UDO or recommendations of the Comprehensive Plan.

### Staff Recommendation

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#### **APPROVAL of the subdivision and waiver.**

#### *Applicant/Owner Information*

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Applicant: Douglas S Lamb  
6800 W 500 N  
Fairland, IN 46126

Owner: Douglas S & Linda K Lamb

# Lamb Simple Subdivision

A part of the Northwest Quarter of the Northwest Quarter of Section 7 in Township 13 North, Range 6 East, Sugar Creek Township, Shelby County, Indiana.

Owner & Client: Douglas S. & Linda K. Lamb  
Site Address: 6801 West 500 North, Fairland, IN 46126

## Parent description of the lands owned by Douglas S. & Linda K. Lamb, recorded in Instrument 2016006866.

Beginning at a point 692.3 feet East of the Northwest corner of the Northwest quarter of the Northwest quarter of Section 7, Township 13 North, Range 6 East and running thence South 177 feet to a gate post; thence East along the existing fence 107.1 feet; thence South along the existing fence 160 feet; thence East along the existing fence 409.1 feet to the East line of said quarter-quarter section; thence North along said line 334.5 feet to the North line of said quarter-quarter section; thence West 525.2 feet to a point of beginning, containing 3.594 acres more or less, in all.

## Description of Lot #1, being a 1.612 Acre tract split from the lands owned by Douglas S. & Linda K. Lamb, recorded in Instrument 2016006866.

A part of the Northwest Quarter of the Northwest Quarter of Section 7 in Township 13 North, Range 6 East, Sugar Creek Township, Shelby County, Indiana, being created from a survey (Job # 74-2020) by Jeffery Powell and being more particularly described as follows: Commencing at a stone marking the Northwest corner of the said quarter-quarter section, thence North 87 degrees 24 minutes 31 seconds East (Bearings based on NAD 83, Indiana East, State plane Coordinates) along the North line of the said quarter-quarter section a distance of 692.30 feet to a mag nail set at the Northwest corner of a 3.59 acre tract of land owned by Douglas S. & Linda K. Lamb, recorded in Instrument 2016006866 and said point being the point of beginning of the tract herein described; thence continuing North 87 degrees 24 minutes 31 seconds East along the said line a distance of 265.15 feet to a mag nail; thence South 00 degrees 32 minutes 11 seconds East a distance of 335.35 feet to a Powell capped rebar set on the South line of the said 3.59 acre tract and being a point on an existing fence line; thence South 87 degrees 14 minutes 26 seconds West along the said South line and being along the said fence line a distance of 147.51 feet to a corner post marking a corner of the said 3.59 acre tract; thence North 02 degrees 45 minutes 42 seconds West along the boundary line of the said 3.59 acre tract and being along an existing fence line a distance of 157.47 feet to a corner post marking a corner of the said 3.59 acre tract; thence South 88 degrees 52 minutes 32 seconds West along the boundary line of the said 3.59 acre tract and being along an existing fence line a distance of 105.33 feet to a corner post marking a corner of the said 3.59 acre tract; thence North 02 degrees 32 minutes 38 seconds West along the West line of the said 3.59 acre tract a distance of 175.40 feet to the point of beginning, containing 1.612 acres more or less and being subject to any and all easements, right of ways and restrictions.

## Description of Lot #2, being a 2.000 Acre tract split from the lands owned by Douglas S. & Linda K. Lamb, recorded in Instrument 2016006866.

A part of the Northwest Quarter of the Northwest Quarter of Section 7 in Township 13 North, Range 6 East, Sugar Creek Township, Shelby County, Indiana, being created from a survey (Job # 74-2020) by Jeffery Powell and being more particularly described as follows: Commencing at a stone marking the Northwest corner of the said quarter-quarter section, thence North 87 degrees 24 minutes 31 seconds East (Bearings based on NAD 83, Indiana East, State plane Coordinates) along the North line of the said quarter-quarter section a distance of 957.45 feet to a mag nail set at the point of beginning of the tract herein described; thence continuing North 87 degrees 24 minutes 31 seconds East along the said line a distance of 260.25 feet to a mag nail set at the Northeast corner of the said quarter-quarter section; thence South 00 degrees 32 minutes 11 seconds East along the East line of the said quarter-quarter section a distance of 334.59 feet to a Powell capped rebar marking the Southeast corner of a 3.59 acre tract of land owned by Douglas S. & Linda K. Lamb, recorded in Instrument 2016006866; thence South 87 degrees 14 minutes 26 seconds West along the South line of the said 3.59 acre tract and being along an existing fence line a distance of 260.28 feet to a Powell capped rebar; thence North 00 degrees 32 minutes 11 seconds West a distance of 335.35 feet to the point of beginning, containing 2.000 acres more or less and being subject to any and all easements, right of ways and restrictions.

## Surveyor's Report:

This report is in accordance with Title 865, Article 1.1, Chapter 12, Sections 1 through 34, of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties in the locations of the lines and corners established on this survey as a result of: Availability and condition of the reference monuments. Occupation or possession lines. Clarity or ambiguity of the record description used and / or adjoiner's description. This survey falls within the classification of a Suburban survey and therefore has a Relative position accuracy of 0.13 feet plus 100 parts per million.

## Purpose of the survey:

The purpose of this survey is to subdivide 3.59 acre tract owned by Douglas S. & Linda K. Lamb, recorded in Instrument 2016006866 into 2 lots, Lot #1 being 1.612 acres containing an existing house trailer and Lot #2 being 2.000 acres and being a new building lot per the owners instructions. The field work was performed on August 11, 2020 and other dates.

## Availability and condition of the reference monuments:

The section corners found and held per this survey are per the Shelby County Ties and monuments found or established per previous surveys.

1. NW cor., NW1/4, 7-13-6, Found a stone below the surface per the ties.
  2. NE cor., E1/2, NW1/4, 7-13-6, Calculated midpoint split of the North line NW1/4, 7-13-6.
  3. NE cor., NW1/4, 7-13-6, Found a Railroad spike ~0.3' below the surface per the ties.
  4. SW cor., NW1/4, 7-13-6, Calculated midpoint split of the West line of section 7-13-6.
  5. SE cor., E1/2, NW1/4, 7-13-6, Calculated midpoint split of the South line NW1/4, 7-13-6.
  6. SE cor., NW1/4, 7-13-6, Found a corner post with a fence line to the North and West.
- The uncertainties associated with the said corners are represented on the hereon drawn survey plat and within this report by Record vs Measured vs Calculated.

## Occupation or possession lines:

There are old existing fence lines along the boundary of the 3.59 acre tract that are called for in the deed. The occupation lines found per this survey are as noted on the survey plat.

## Clarity or ambiguity of the record description used and / or adjoiner's description:

No ambiguities were found per this survey.

## Relative position accuracy of Measurements:

This survey falls within the classification of a Rural survey and therefore has a Relative position accuracy of 0.13 feet plus 100 parts per million plus the above stated uncertainties.

## Flood Hazard Statement:

The surveyed tract is located in a special flood hazard ZONE X per the FEMA Flood Insurance rate map number 181057C0085C, the accuracy of this flood hazard statement is subject to map scale uncertainty in location or elevation on the referenced flood insurance rate map.

Note: At least three deciduous trees with a caliper measurement of over 4-in shall be preserved on the lot.

Note: the building set back lines are 50' Front for primary & accessory structures and 30' Side & Rear for primary & 10' for accessory structures.

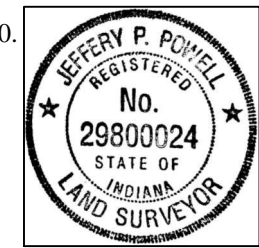
## Surveyor Certification:

I, the undersigned, hereby certify that I am a Land Surveyor registered in compliance with the laws of the State of Indiana; and I do hereby further certify that I have surveyed the real estate described in the caption above and that I have subdivided the same into two tracts as shown on the hereon drawn plot. This plat correctly represents said survey and subdivision in every detail. Monuments shown are in place as located.

Witness my hand this 10 day of September, 2020.

*Jeffery P. Powell*

Jeffery P. Powell  
Registered Land Surveyor  
No. 29800024



## Owners Certification:

We Douglas S. & Linda K. Lamb, do hereby certify that we are the owners of the property described in the above captioned and that as such owners we have caused the said above described property to be surveyed and subdivided as shown on the here on drawn plat, as our free and voluntary act and deed.

Witness my hand this \_\_\_\_ day of \_\_\_\_\_, 2020.

Douglas S. Lamb

Linda K. Lamb

## Notary Certification:

I, \_\_\_\_\_, a Notary Public in and for said County and State, do hereby certify that Douglas S. & Linda K. Lamb, Personally known to me to be the same person whose name is subscribed to the above certificate appeared before me in person and acknowledged that they signed the above certificate as their own free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and notarial seal this \_\_\_\_ day of \_\_\_\_\_, 2020.

Notary Public

## Plan Commission Approval:

Approved by the Shelby County Plan Commission in accordance with Subdivision Regulations with waivers of design standards.

By: \_\_\_\_\_  
Doug Warnecke, President Plan Commission Date

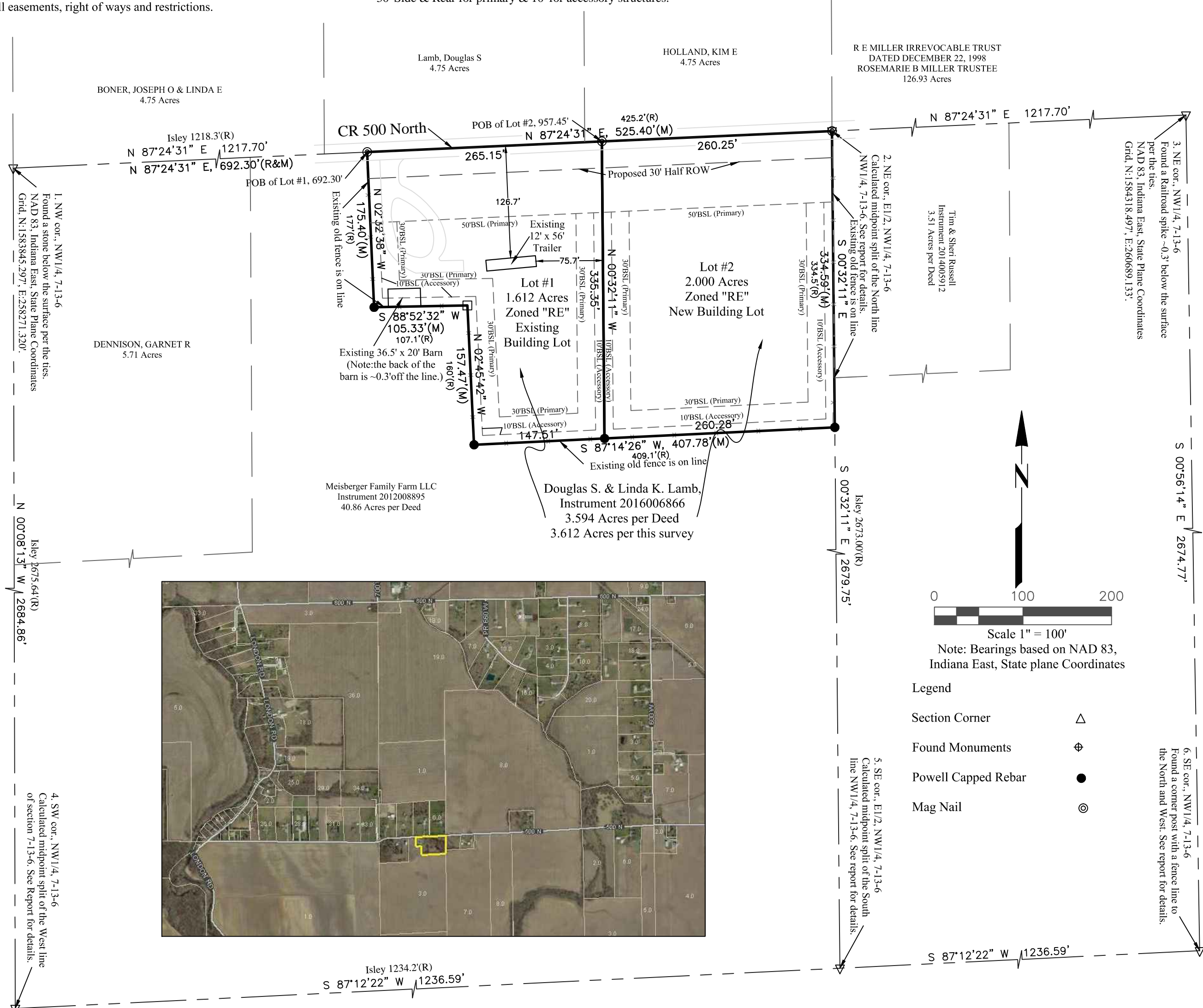
By: \_\_\_\_\_  
Scott Gabbard, Secretary Plan Commission Date

## Re-zoning Approval:

Shelby County Commissioners Rezoning Ordinance # \_\_\_\_\_  
was approved by the Shelby County Commissioners on \_\_\_\_\_

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law."

*Jeffery P. Powell*





## Property Details

**Location:** 785 N Knightstown Rd,  
 Shelbyville, Addison Township.

**Property Size:** 38 +/- acres.

**Current Land Use:** Vacant.

### Current Zoning Classification

IS (Institutional)

*This district is established for institutional and municipal owned lands for public purpose and use.*

### Proposed Zoning Classification

RE (Residential Estate)

*This district is established for single-family detached dwellings in a rural or country setting.*

### Future Land Use per Comp Plan

Incorporated Planning Area / Single-Family Residential

*Single-family residential can indicate a few varieties of densities including high, medium, and low densities...*

*Because Shelbyville has strong utility and infrastructure accessibility, a variety of these single-family residential types should make sense almost anywhere there is available infrastructure...*

### Surrounding Development

	Zoning	Land Use
North	A1	Cropland
South	RE	Estate Residential
East	M2, R1, RE, A2, A1	Multi-Family, Single-Family Residential, Estate Residential, Cropland
West	A1	Cropland

# Staff Report

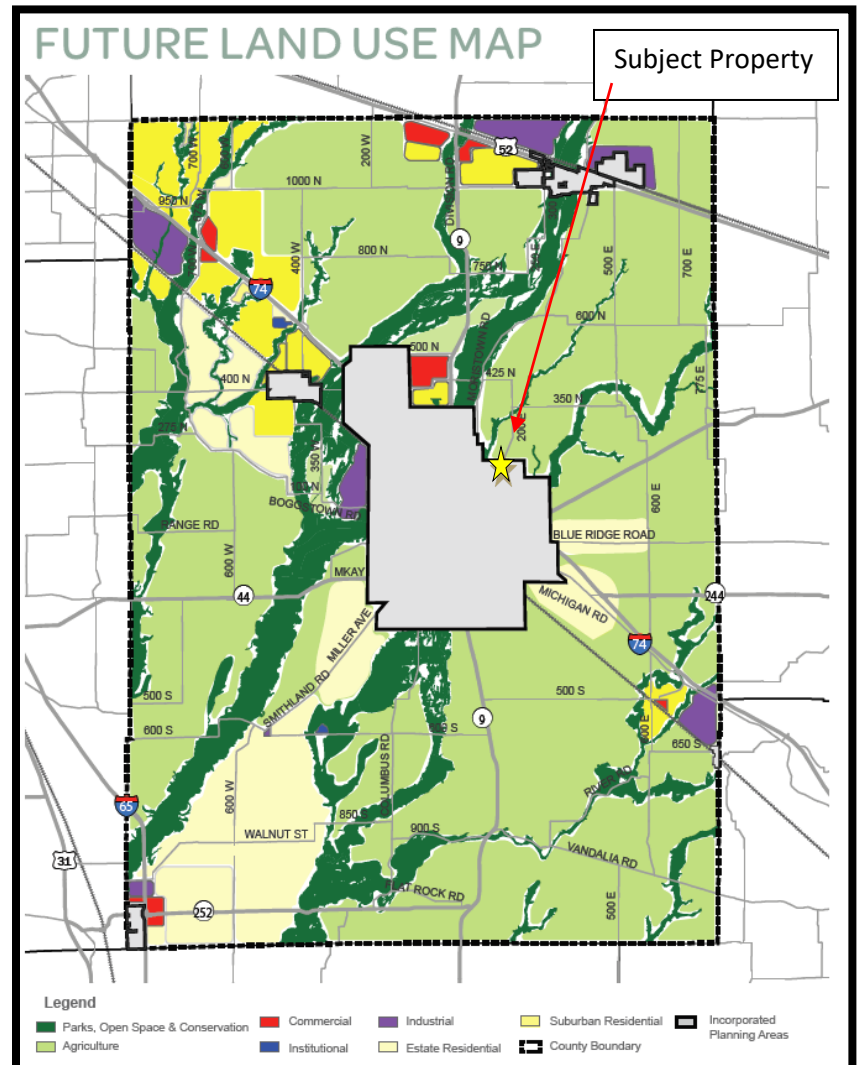
**Case Number:** RZ 20-13

**Case Name:** Rasner Rezoning – IS (Institutional) to RE (Residential Estate)

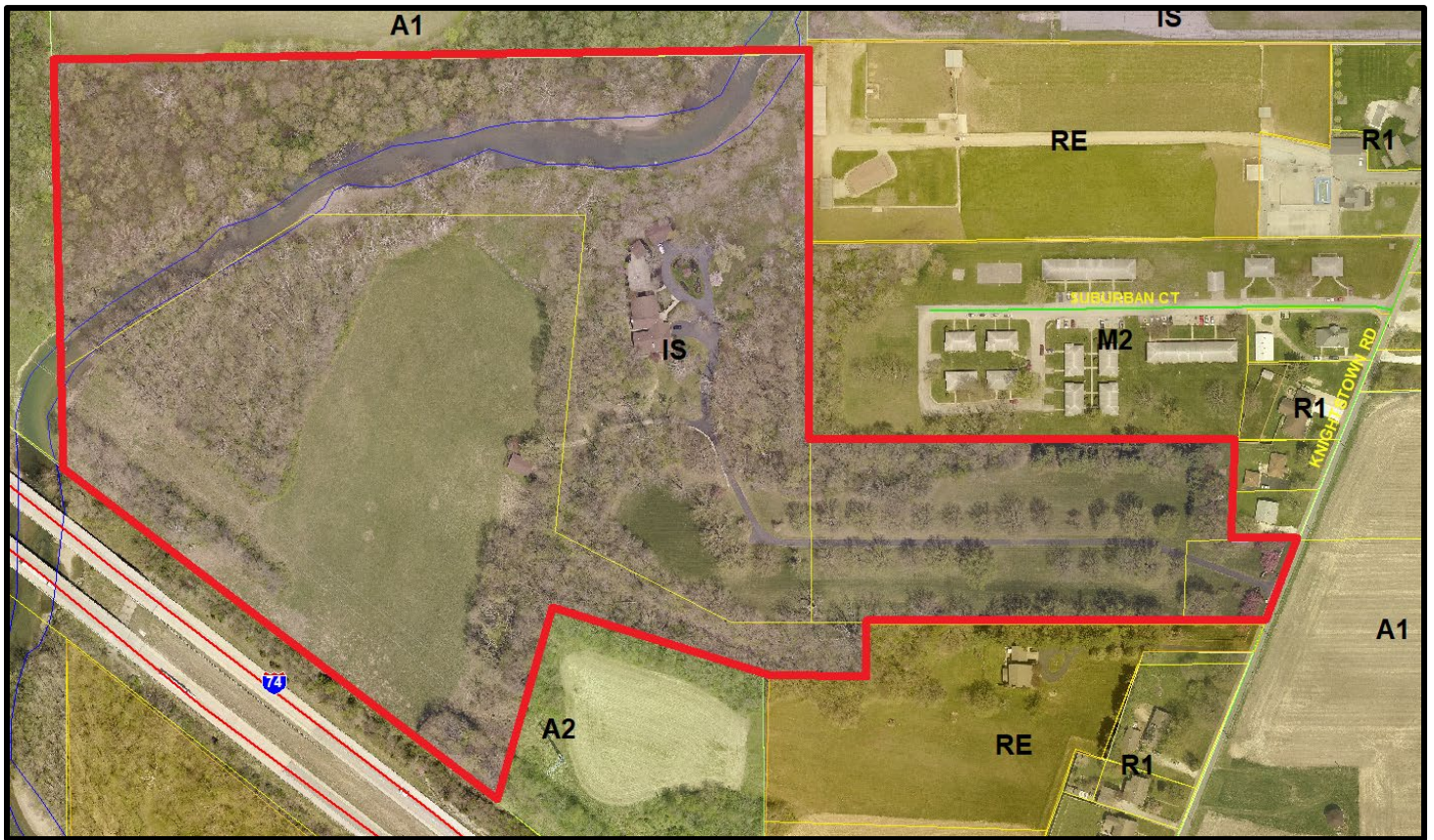
## Requests

**Rezoning** of 38 +/- acres from the IS (Institutional) District to the RE (Residential Estate) District to allow for use of the property for single-family residential purposes.

## Future Land Use Map



## Property Map



## Case Description

- The petitioner plans to use the existing primary structure as a single-family residence and existing accessory structures for residential purposes.
- The property includes four parcels. Rezoning of the property would allow for development of each of the vacant parcels for single-family residential purposes, however the petitioner plans to use the parcels in conjunction as one lot.
- Since 2012, the property has been used as a long-term treatment center for women recovering from drug and alcohol addiction. The treatment center moved to the north side of Indianapolis in the summer of 2020.
- In 2012, the Plan Commission and County Commissioners approved a rezoning of the property from A2 (14.78-acre parcel), RE (17.89-acre parcel & 5.24-acre parcel), and R1 (0.81-acre parcel) to IS to allow for use of the property for the treatment center. The parcels were previously used in conjunction as one single-family residential lot.
- Staff recommended that the petitioner apply to rezone all parcels to RE rather than the previous zoning districts because the petitioner plans to use the parcels in conjunction as one lot.

## Staff Analysis Findings of Fact

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In accordance with IC 36-7-4-603 and the UDO, when considering a rezoning, the Plan Commission shall pay reasonable regard to:

**1. Current Conditions and the Character of Current Structures and Uses in Each District**

The surrounding area includes a variety of residential uses, therefore use of the property for residential purposes would not conflict with the character of the area.

**2. The Most Desirable Use for Which the Land in Each District Is Adapted**

The property includes structures built for and originally used for residential purposes.

**3. The Conservation of Property Values throughout the Jurisdiction**

Use of the property for residential purposes has perceivable impact on property values throughout the County.

**4. Responsible Development and Growth**

The property includes structures built for and originally used for residential purposes. The surrounding area includes a variety of residential uses, therefore use of the property for residential purposes would not conflict with the character of the area.

**5. The Comprehensive Plan**

Approval of the rezoning would allow for low-density, single-family residential use. The City of Shelbyville Comprehensive Plan recommends a variety of densities in the single-family residential future land use category.

## Staff Recommendation

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**APPROVAL** primarily because the property includes structures built for and originally used for residential purposes.

### *Applicant/Owner Information*

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Applicant:	William Rasner	Owner:	Same
	1315 S Miller St.		
	Shelbyville, IN 46176		

**APPLICATION FOR REZONING**  
**FINDINGS OF FACT**

The applicant (or their representative) must fill out the findings of fact on the following pages. The Plan Commission may review the applicant's findings of fact to assist with their decision-making process. Please see below for general guidance related to completing the findings of fact.

Applicant: William Rasner

Case #: \_\_\_\_\_

Location: 785 N Knightstown Rd Shelbyville IN 46126

1. The request is consistent with the Shelby County Comprehensive Plan because: Property was built as residential and converted to commercial. We would like to convert back to residential.

2. The request is consistent with the current conditions and the character of structures and uses in each district because: Property was built for residential

3. The request is consistent with the most desirable use for which the land in each district is adapted because: Property is in residential area

4. The request is consistent with the conservation of property values throughout the jurisdiction because: Property is in residential area

5. The request is consistent with responsible growth and development because: Property was previously residential and not changing anything with property

**General Guidance – Rezoning (not to be considered legal advice):**

**Finding 1:** How is the proposed new zoning designation consistent with the future land use of the property identified in the Comprehensive Plan? If you do not know the future land use of the property, please ask the Planning Director.

**Finding 2:** How is the proposed use, and/or other possible future uses permitted in the proposed zoning district, similar to surrounding structures and uses of land?

**Finding 3:** Why is the proposed use, and/or other possible future uses permitted in the proposed zoning district, the most desirable use for the land?

**Finding 4:** Explain why the proposed use, and/or other possible future uses permitted in the proposed zoning district, would not negatively impact property values.

**Finding 5:** Why is the change in zoning designation consistent with responsible growth and development?

Property Details

**Location:** 1390 W Flat Rock Rd, Flat Rock, Washington Township.

**Property Size:** 4.9 acres.

**Current Land Use:** Vacant.

**Current Zoning Classification**  
 A2 (Agricultural)

*This district is established for general agricultural areas and buildings associated with agricultural production.*

**Proposed Zoning Classification**  
 RE (Residential Estate)

*This district is established for single-family detached dwellings in a rural or country setting.*

**Future Land Use per Comp Plan**  
 Parks, Open Space & Conservation  
*The purpose of this category is to provide for passive and active recreational activities, permanent preservation of significant natural areas, and preservation of natural features within clustered developments. This category applies to public and private lands.*

**Surrounding Development**

	Zoning	Land Use
North	A1	Woodland
South	A1, R1	Cropland, Single-Family Residential
East	A2	Estate Residential
West	A2	Woodland

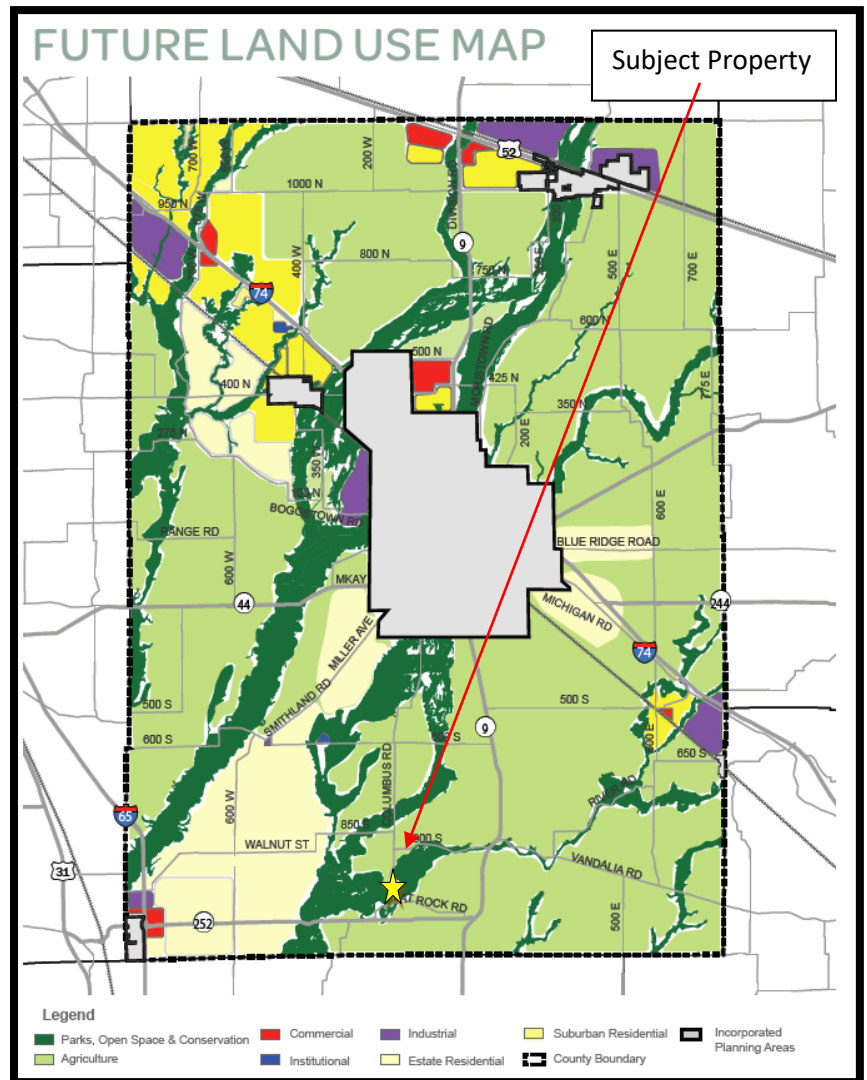
# Staff Report

**Case Number:** RZ 20-14  
**Case Name:** Stanton Rezoning – A2 (Agricultural) to RE (Residential Estate)

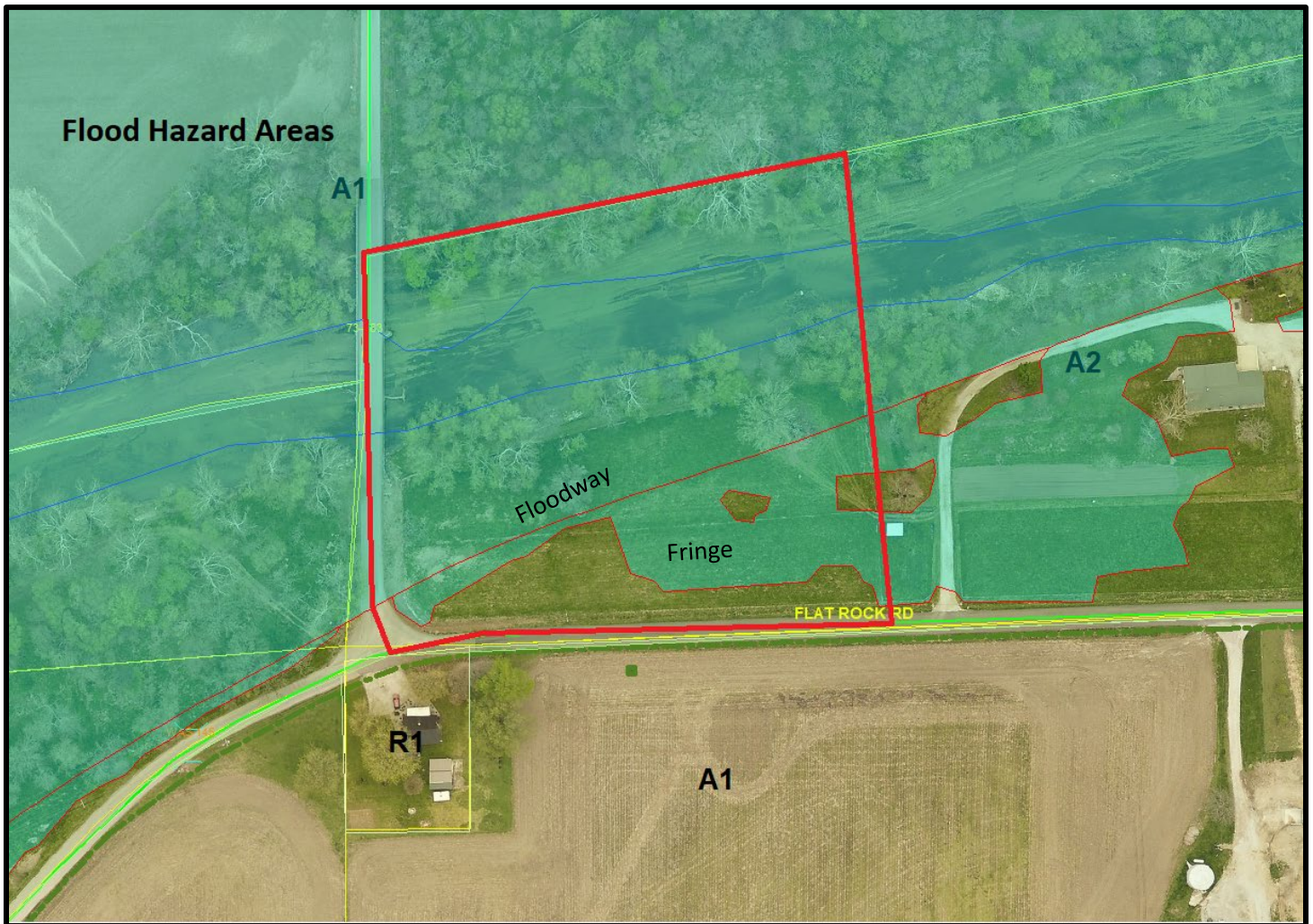
## Requests

**Rezoning** of 4.9 acres from the A2 (Agricultural) District to the RE (Residential Estate) District to allow for one single-family residential building lot.

## Future Land Use Map



## Property Map



## Case Description

- The petitioner plans to subdivide the property from a 10.67-acre homesite and sell the property for development of a single-family residence.
- If the rezoning is approved, the petitioner would apply for a Simple Subdivision at a subsequent Plan Commission meeting.
- The entire property lies within a Special Flood Hazard Area per effective Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM).
- Most of the property lies within the Floodway per Indiana Department of Natural Resources (IDNR) best Available Data. IDNR and the County UDO do not allow for development of new dwellings within the Floodway.

- Most of the remaining portion of the property lies within the flood Fringe per IDNR Best Available Data. The County UDO permits development of new dwellings in the Fringe in compliance with UDO regulations for development within the Fringe, such as elevating the structure to the flood protection grade, allowing for movement of floodwaters through the foundation of the structure, etc. IDNR does not require a state permit for construction within the Fringe.
- IDNR has reviewed the request and did not express any concerns (see attached email).
- The purchaser of the property plans to build the single-family residence at the northeast corner of the Fringe area.
- The County Health Department has approved preliminary plans to place the septic system at the southwest corner of the property outside of the Fringe area.
- The USDA Soil Survey classifies the area outside of the floodway as *All Areas are Prime Farmland*.

### Staff Analysis Findings of Fact

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**In accordance with IC 36-7-4-603 and the UDO, when considering a rezoning, the Plan Commission shall pay reasonable regard to:**

**1. Current Conditions and the Character of Current Structures and Uses in Each District**

The surrounding area includes rural homesites on lots between ½-acre and 8-acres. Therefore, development of the property for single-family residential purposes would not conflict with the character of the area.

**2. The Most Desirable Use for Which the Land in Each District Is Adapted**

The property is most well suited for agricultural use because most of the buildable area of the property consists of prime farmland and lies within the floodplain.

**3. The Conservation of Property Values throughout the Jurisdiction**

Development of the property for residential purposes would have no perceivable impact on property values throughout the County.

**4. Responsible Development and Growth**

Approval of the rezoning would result in alteration of the floodplain and development of prime farmland, which would set a precedent for development and growth in areas more well suited for agricultural use or for preservation of natural resources.

**5. The Comprehensive Plan**

Approval of the request would allow for new residential development on prime farmland and impacting and altering the floodplain. Therefore, the rezoning would not be consistent with the Future Land Use designation or Goal 2, Strategy 3 of the Comprehensive Plan.

*Comprehensive Plan Goal 2: Protect and enhance local water-based resources, such as surface water, ground water and wetlands. Strategy 3: Protect and enhance the county's land-based natural resources, such as floodplains, wooded areas, riparian areas and soils.*

## Staff Recommendation

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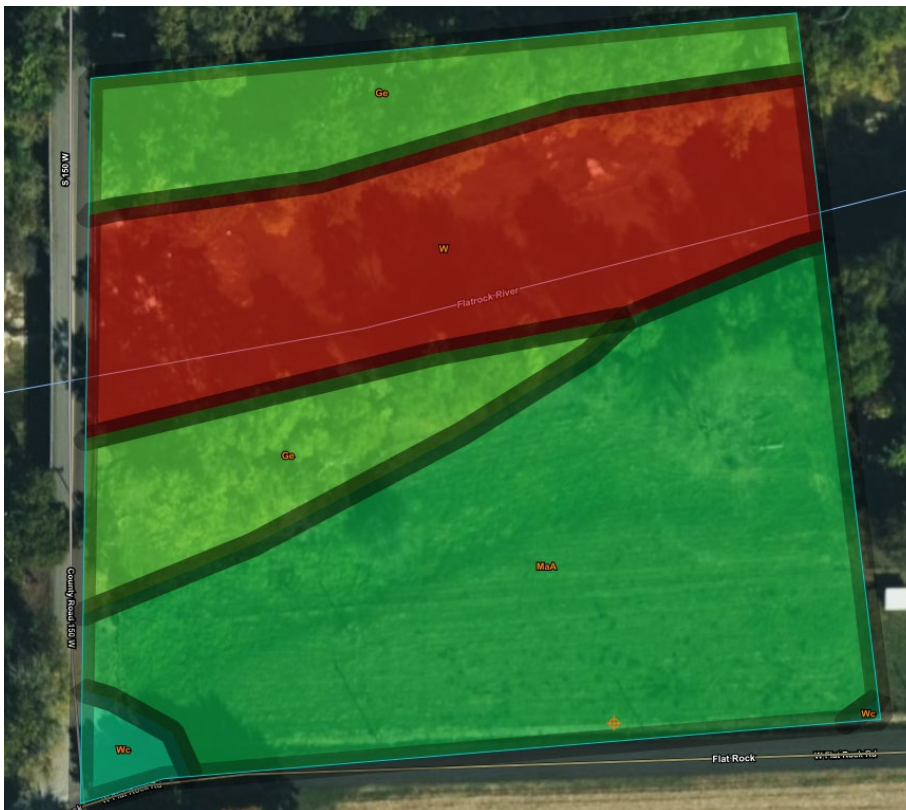
**DENIAL** primarily because approval of the request would allow for new residential development on prime farmland and impacting and altering the floodplain, which is inconsistent with the Comprehensive Plan and does not represent responsible development.

### *Applicant/Owner Information*

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Applicant:	Marty Stanton 1390 Flat Rock Rd. Flat Rock, IN 47234	Owner:	Same
Applicant's Attorney:	N. Gregg Graham 51 W Mechanic St. Shelbyville, IN 46176	Surveyor:	Scott Sumerford 3149 N Riley Hwy. Shelbyville, IN 46176

## Soil Survey - Farmland Classification



- Green – All Areas Prime Farmland
- Light Green - Prime farmland if protected from flooding or not frequently flooded during the growing season
- Turquoise - Prime farmland if drained
- Red – Not prime farmland



## View from intersection of Flat Rock Rd. and S 150 W



Google Maps – Sep. 2015

**From:** [Gaines, Wanda F](#)  
**To:** [Desiree Calderella](#)  
**Subject:** RE: 1390 W FLATROCK RD, FLAT ROCK  
**Date:** Tuesday, October 20, 2020 7:24:35 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)

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Desiree,

Typically the septic is the biggest hurdle when placing a residential structure in the flood fringe. If they have obtained the approval, I don't see any other issues so long as they obtain a permit from you and are able to have the top of the lowest floor to the Flood Protection Grade. The County doesn't have any compensatory storage which could impact the placement of the fill so that won't be any issue either. They will need to file for an eFARA to get an accurate BFE for the site if they end up approving it since it located in a Zone A.

Also, thank you for sending me the spreadsheet. I will be reviewing it over the next week and will let you know if I need anything else.

Best,

**Wanda Gaines, CFM**

Southern Water Planner  
Indiana Department of Natural Resources  
402 W. Washington St., Room W264  
Indianapolis, IN 46204  
317-234-1107 (direct)  
[wgaines@dnr.in.gov](mailto:wgaines@dnr.in.gov)



[www.dnr.IN.gov](http://www.dnr.IN.gov)

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**From:** Desiree Calderella <[dcalderella@co.shelby.in.us](mailto:dcalderella@co.shelby.in.us)>  
**Sent:** Monday, October 19, 2020 10:24 AM  
**To:** Gaines, Wanda F <[WGaines@dnr.IN.gov](mailto:WGaines@dnr.IN.gov)>  
**Subject:** 1390 W FLATROCK RD, FLAT ROCK

**\*\*\*\* This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. \*\*\*\***

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Wanda,

**APPLICATION FOR REZONING**  
**FINDINGS OF FACT BY THE SHELBY COUNTY PLAN COMMISSION**

Applicant: Marty Stanton

Case #: RZ-20-14

Location: 1390 Flat Rock Road, Flat Rock, IN 47234

The Shelby County Plan Commission, having heard the application for rezoning described above and all opposition from parties claiming to be adversely affected thereby, has considered the request based on the provisions of Indiana law and forwards the following findings and recommendation to the Shelby County Commissioners:

1. The request ~~is~~/~~is not~~ (circle one) consistent with the Shelby County Comprehensive Plan because: Changing the use from agriculture to residential meets the goal of Chapter 1 of the CP and there are several RE parcels in the area.
2. The request ~~is~~/~~is not~~ (circle one) consistent with the current conditions and the character of structures and uses in each zoning district because: the subject land is not suitable for farming and the rezoning is consistent with the development objectives in Chapter 2.11 of the Development Ordinance.
3. The request ~~is~~/~~is not~~ (circle one) consistent with the most desirable use for which the land in each district is adapted because: the area is designated open space and conservation on the Land Use Map but has seen several large residential lots. The land is not suitable for agriculture purposes.
4. The request ~~is~~/~~is not~~ (circle one) consistent with the conservation of property values throughout the jurisdiction because: there are several residential lots from 3 to 7+ acres in the immediate area and a residence would add to the tax base of the township
5. The request ~~is~~/~~is not~~ (circle one) consistent with responsible growth and development because: rezoning this parcel is consistent with Goal Three of Chapter Two of the CP by using less desirable agricultural land for residential development using the concept of "infill"

Based on the findings described above, the Plan Commission hereby forwards a **favorable/unfavorable** (circle one) recommendation to the County Commissioners this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Shelby County Plan Commission

By: \_\_\_\_\_  
President

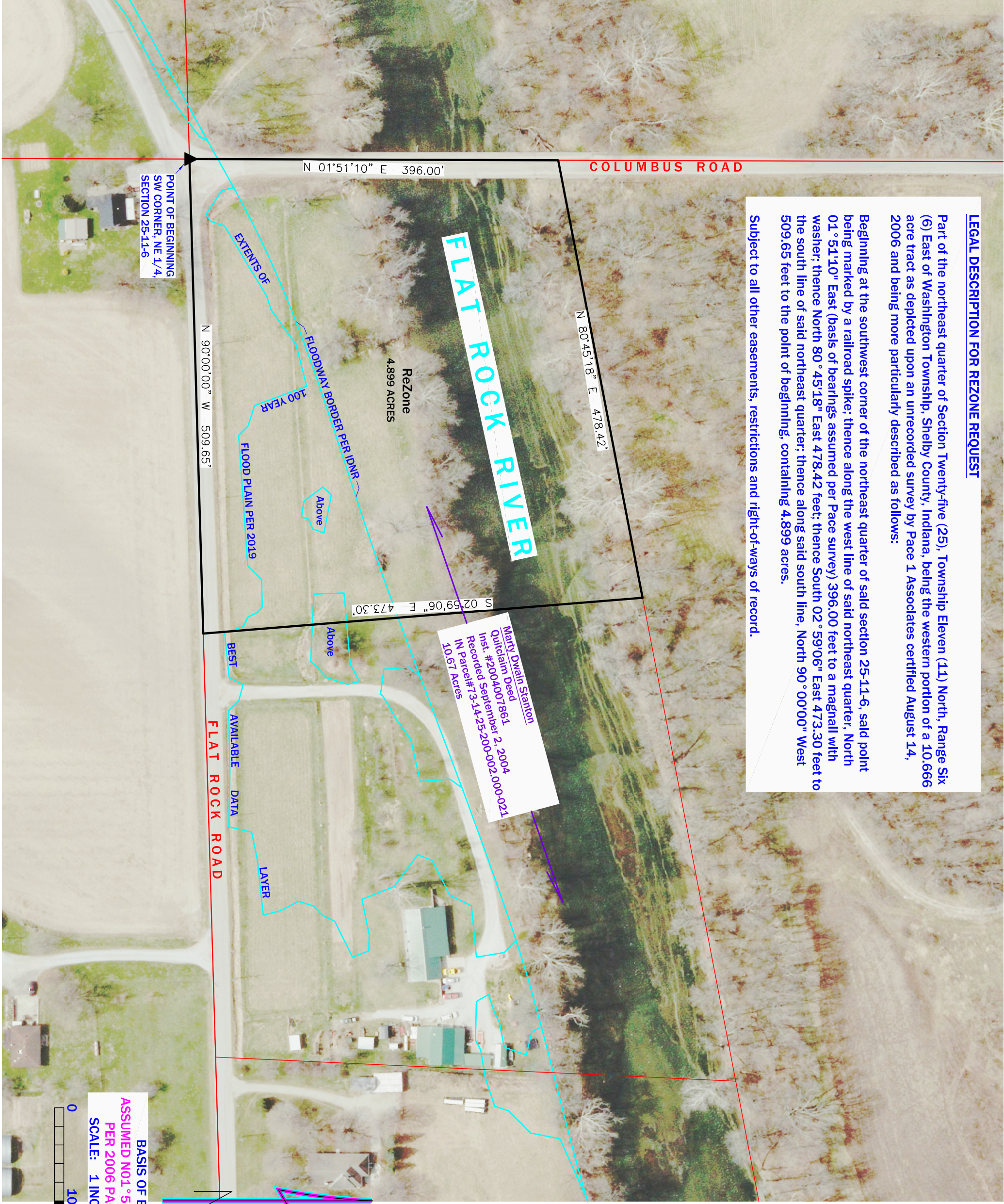
Attest: \_\_\_\_\_  
Secretary

**LEGAL DESCRIPTION FOR REZONE REQUEST**

Part of the northeast quarter of Section Twenty-five (25), Township Eleven (11) North, Range Six (6) East of Washington Township, Shelby County, Indiana, being the western portion of a 10.666 acre tract as depicted upon an unrecorded survey by Pace 1 Associates certified August 14, 2006 and being more particularly described as follows:

Beginning at the southwest corner of the northeast quarter of said section 25-11-6, said point being marked by a railroad spike; thence along the west line of said northeast quarter, North 01° 51'10" East (basis of bearings assumed per Pace survey) 396.00 feet to a magnall with washer; thence North 80° 45'18" East 478.42 feet; thence South 02° 59'06" East 473.30 feet to the south line of said northeast quarter; thence along said south line, North 90° 00'00" West 509.65 feet to the point of beginning, containing 4.899 acres.

Subject to all other easements, restrictions and right-of-ways of record.



POINT OF BEGINNING  
SW CORNER, NE 1/4,  
SECTION 25-11-6

N 01°51'10" E 396.00'

COLUMBUS ROAD

N 80°45'18" E 478.42'

Rezone  
4.899 ACRES

FLAT ROCK RIVER

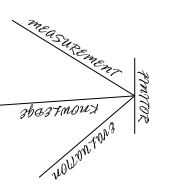
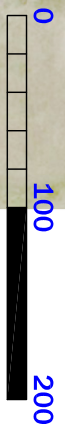
N 90°00'00" W 509.65'

S 02°59'06" E 473.30'

Marty Dwain Stanton  
Quitclaim Deed  
Inst. #2004007861  
Recorded September 2, 2004  
IN Parcel# 73-14-25-200-002,000-021  
IN Parcel# 10.67 Acres

BEST AVAILABLE DATA  
FLAT ROCK ROAD LAYER

**BASIS OF BEARINGS:**  
ASSUMED N01° 51' 10"E 1/4 LINE  
PER 2006 PAGE 1 SURVEY  
SCALE: 1 INCH = 100 FEET



**SCOTT T. SUMERFORD**  
**LAND SURVEYING**  
3149 NORTH RILEY HIGHWAY  
SHELBYVILLE, IN 46176-9462  
BUSINESS PHONE (317) 401-6050  
Indiana Registered Surveyor No. 29800017

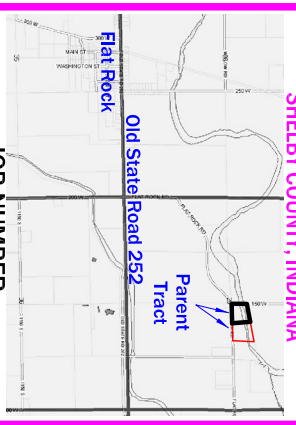
**CLIENT**  
Marty Stanton  
1390 Flat Rock Road  
Flat Rock, IN 47234

**PROJECT**  
Requesting a change in zoning from  
A2 Agricultural to RE Residential Estate.

**DRAWING DATE** October 6, 2020  
PC October 27, 2020  
20 of 40

**REZONE MAP**  
For Proposed Division

**JOB LOCATION**  
PART OF THE NORTHEAST QUARTER OF  
SECTION 25, TOWNSHIP 11 NORTH,  
RANGE 6 EAST, WASHINGTON TWP.,  
SHELBY COUNTY, INDIANA



**JOB NUMBER**  
11N6E25-20-079  
**ORIGINAL DRAWING SIZE** 11x17  
**SHEET** 1 OF 1

## Property Details

**Location:** North of and adjoining  
 7406 W Old SR 252, Edinburgh,  
 Jackson Township.

**Property Size:** 21 acres.

**Current Land Use:** Vacant.

### Current Zoning Classification

A1 (Conservation Agricultural)

*This district is established for the protection of agricultural areas and buildings associated with agricultural production*

### Proposed Zoning Classification

RE (Residential Estate)

*This district is established for single-family detached dwellings in a rural or country setting.*

### Future Land Use per Comp Plan

Estate Residential

*The purpose of this category is to provide for new rural residential housing opportunities in rural areas not well suited for agriculture. New residential development should have reasonable access to roads and utilities and should not significantly disrupt agricultural activities. The residential density of this category should not exceed one lot for every two acres.*

### Surrounding Development

	Zoning	Land Use
North	A1	Cropland
South	RE	Estate Residential
East	A1	Agricultural
West	A1	Estate Residential

# Staff Report

**Case Number:** RZ 20-15

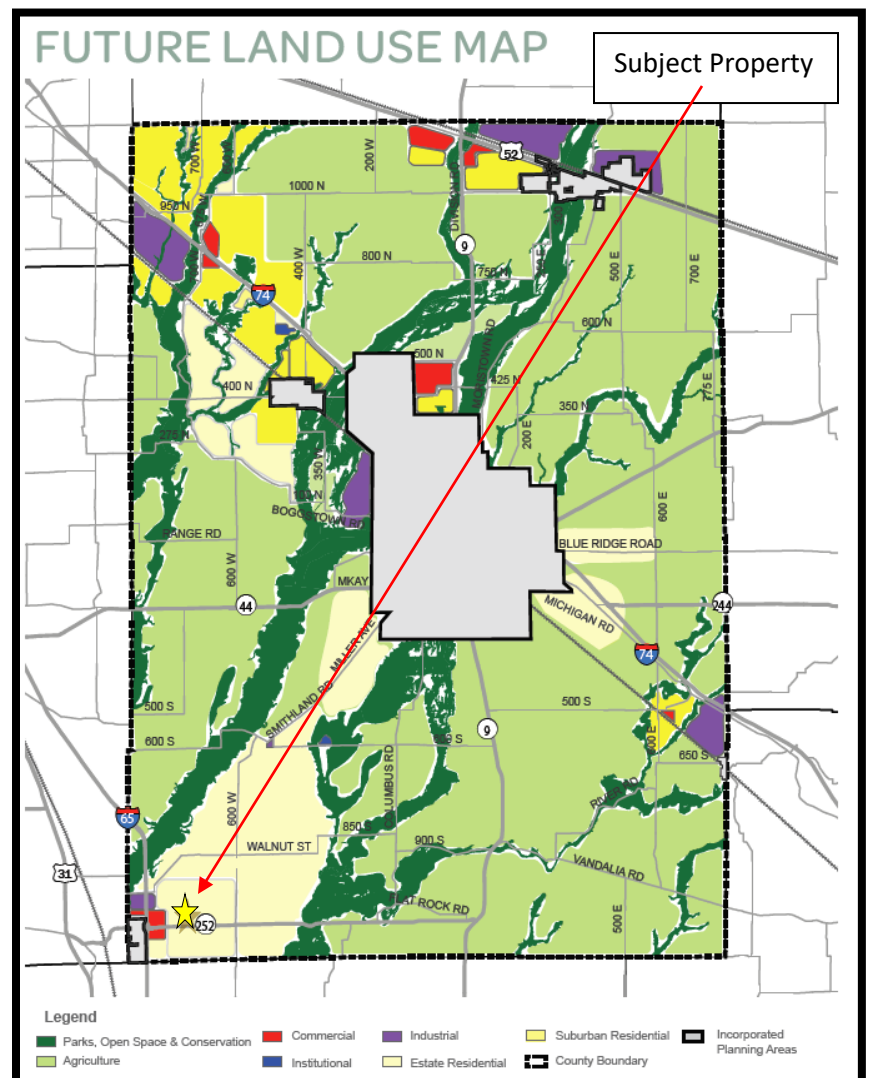
**Case Name:** Hyatt Rezoning – A1 (Agricultural) to RE (Residential Estate)

## Requests

**Rezoning** of 21 acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District to allow for construction of a single-family home and residential accessory structures.

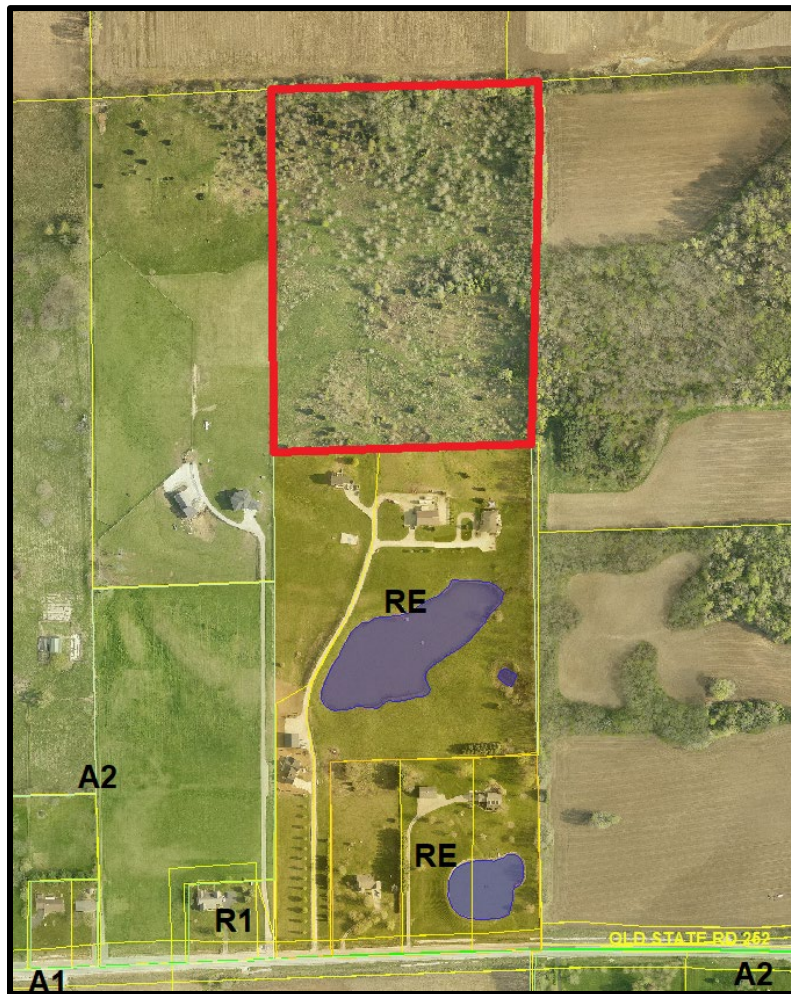
**Variance of Development Standards** to allow for development of a lot without road frontage (minimum 160-feet of road frontage required in the RE District).

## Future Land Use Map



## Property Map

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## Case Description

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- The petitioners plan to purchase the property and construct a single-family residence, pole barn, and swimming pool.
- The petitioners do not plan to subdivide the property.
- The A1 District does not allow for new residential development not used in conjunction with agricultural activities. The property currently does not include any agricultural uses and the petitioners do not plan to use the property for agricultural purposes.
- An existing driveway located on three properties south of the subject property would provide access from Old SR 252. The deed for the subject property includes a roadway and utility easement to allow for use of the driveway by the subject property.

- In 2015, a previous property owner split the subject property and three residential properties to the south from a 41.25-acre tract. The Plan Commission approved a rezoning and simple subdivision of the three residential properties. The subject property became the remaining tract. The subject property currently does not qualify as a building lot because it was not included in the previous rezoning and simple subdivision petitions.
- The property does not qualify for a Plan Commission waiver from the road frontage requirement because it is not included in a plat. Therefore, the BZA Hearing Officer would need to approve a development standards variance from the road frontage requirement to allow for development of the lot.
- The USDA Soil Survey classifies the area of the property proposed for development as Not Prime Farmland.

### Staff Analysis Findings of Fact

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**In accordance with IC 36-7-4-603 and the UDO, when considering a rezoning, the Plan Commission shall pay reasonable regard to:**

**1. Current Conditions and the Character of Current Structures and Uses in Each District**

The majority of the surrounding residential properties do not exceed the acreage of the subject property. Therefore, development of the property for single-family residential purposes would not conflict with the character of the area.

**2. The Most Desirable Use for Which the Land in Each District Is Adapted**

The property is not well adapted for agricultural use because the USDA Soil Survey classifies area of the property proposed for development as Not Prime Farmland. The property also does not currently include any agricultural uses.

**3. The Conservation of Property Values throughout the Jurisdiction**

Development of the property for residential purposes has no perceivable impact on property values throughout the County.

**4. Responsible Development and Growth**

Approval of the rezoning would allow for residential development of a property not well suited for agriculture and for development consistent with the character of the area

**5. The Comprehensive Plan**

Approval of the rezoning would allow for low-density, single-family residential use as recommended by the Comprehensive Plan.

## Staff Recommendation

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**APPROVAL of the Rezoning and Development Standards Variance** primarily because approval would allow for residential development of a property having soils not well suited for agriculture and for development consistent with the character of the area.

### *Applicant/Owner Information*

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Applicant:	Forest & Patricia Hyatt 5318 Grassy Bank Ct. Indianapolis, IN 46237	Owner:	Dennis & Diane Hazelwood 7607 Ardwell Ct. Indianapolis, IN 46237
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# APPLICATION FOR REZONING

## FINDINGS OF FACT

The applicant (or their representative) must fill out the findings of fact on the following pages. The Plan Commission may review the applicant's findings of fact to assist with their decision-making process. Please see below for general guidance related to completing the findings of fact.

Applicant: Forrest and Patricia Hyatt

Case #: \_\_\_\_\_

Location: legally known as PT W2 SE 25 11 5 21.00 AC

1. The request is consistent with the Shelby County Comprehensive Plan because: \_\_\_\_\_  
land development is a fundamental building blocks listed in the building plan. building our forever home is in line with that plan
2. The request is consistent with the current conditions and the character of structures and uses in each district because: \_\_\_\_\_  
we are proposing to build a single family home on this property consistant with homes in the area.
3. The request is consistent with the most desirable use for which the land in each district is adapted because: \_\_\_\_\_  
the land is currently unused at this time
4. The request is consistent with the conservation of property values throughout the jurisdiction because: \_\_\_\_\_  
building a single family home will increase the property value in the area and add future property taxes
5. The request is consistent with responsible growth and development because: \_\_\_\_\_  
we are proposing to build a single family home on this property consistant with homes in the area

### General Guidance – Rezoning (not to be considered legal advice):

**Finding 1:** How is the proposed new zoning designation consistent with the future land use of the property identified in the Comprehensive Plan? If you do not know the future land use of the property, please ask the Planning Director.

**Finding 2:** How is the proposed use, and/or other possible future uses permitted in the proposed zoning district, similar to surrounding structures and uses of land?

**Finding 3:** Why is the proposed use, and/or other possible future uses permitted in the proposed zoning district, the most desirable use for the land?

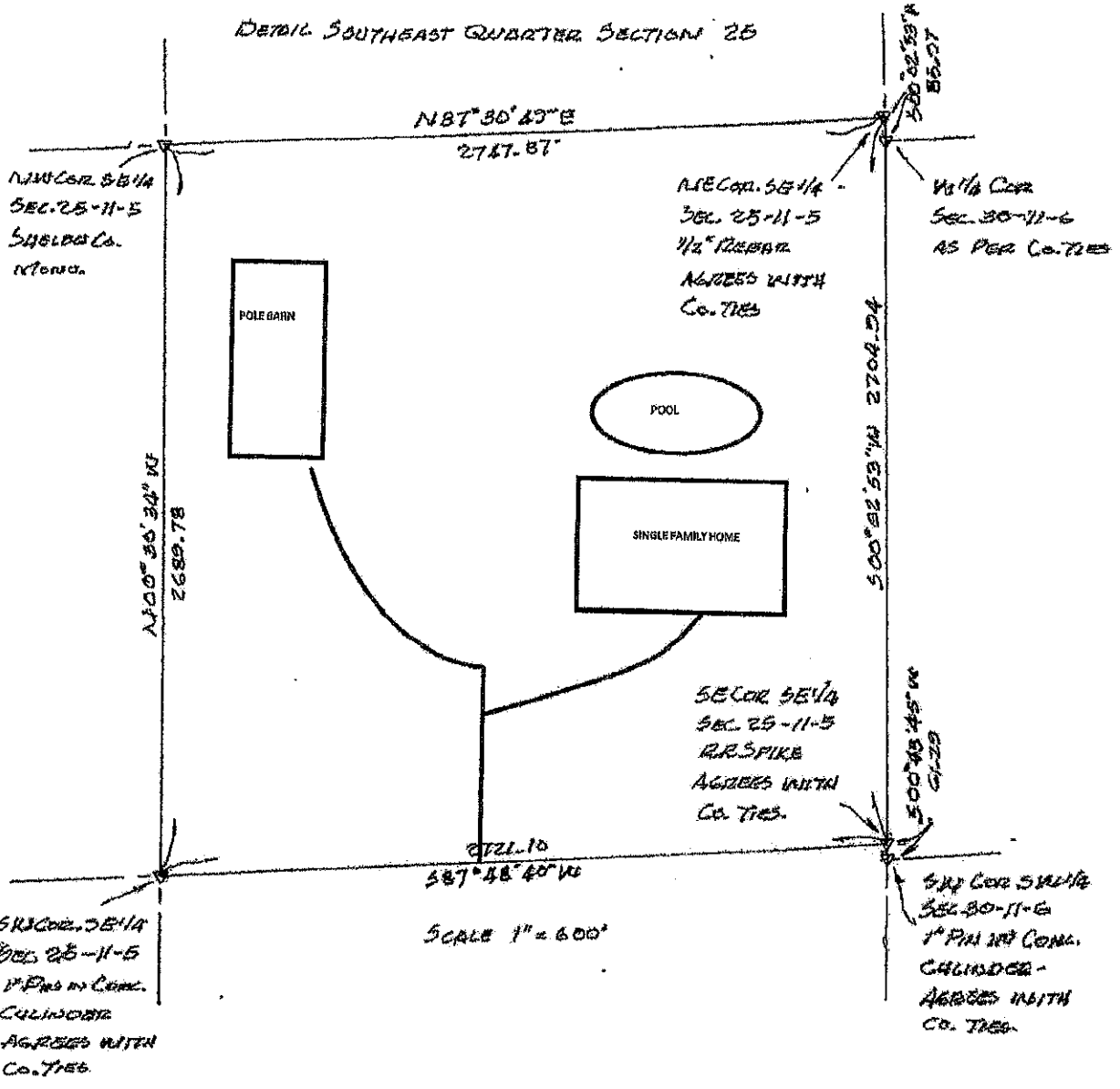
**Finding 4:** Explain why the proposed use, and/or other possible future uses permitted in the proposed zoning district, would not negatively impact property values.

**Finding 5:** Why is the change in zoning designation consistent with responsible growth and development?



DETAIL SOUTHEAST QUARTER SECTION 25

100  
432  
AC  
3 P.B. 308



*W. Taylor Sumnerford, Jr.*  
W. TAYLOR SUMNERFORD, JR.  
L.L. LAND SURVEYOR #11242  
FIELD WORK COMPLETED  
OCTOBER 12, 2015.  
EGGEMENT SHOWN NOVEMBER 6, 2015.

## Property Details

**Location:** 3239 S 25 E, Shelbyville, Shelby Township.

**Property Size:** 5.704 acres.

**Current Land Use:** Agricultural / Natural Resources

### Current Zoning Classification

**A1 (Conservation Agricultural)**  
*This district is established for the protection of agricultural areas and buildings associated with agricultural production.*

### Proposed Zoning Classification

**RE (Residential Estate)**  
*This district is established for single-family detached dwellings in a rural or country setting. Use this zoning district for existing developments and carefully for new residential development. Large subdivisions on well and septic systems are not favored.*

### Future Land Use per Comp Plan Incorporated Planning Area / Single-Family Residential

*Single-family residential can indicate a few varieties of densities including high, medium, and low densities... Because Shelbyville has strong utility and infrastructure accessibility, a variety of these single-family residential types should make sense almost anywhere there is available infrastructure....*

### Surrounding Development

	Zoning	Land Use
North	RE	Estate Residential
South	A1/RE	Cropland
East	A1	Cropland
West	RE	Estate Residential

# Staff Report

**Case Number:** RZ 20-16 / SD 20-09

**Case Name:** Hartman Rezoning – A1 (Conservation Agricultural) to RE (Residential Estate) & Hartman Simple Subdivision

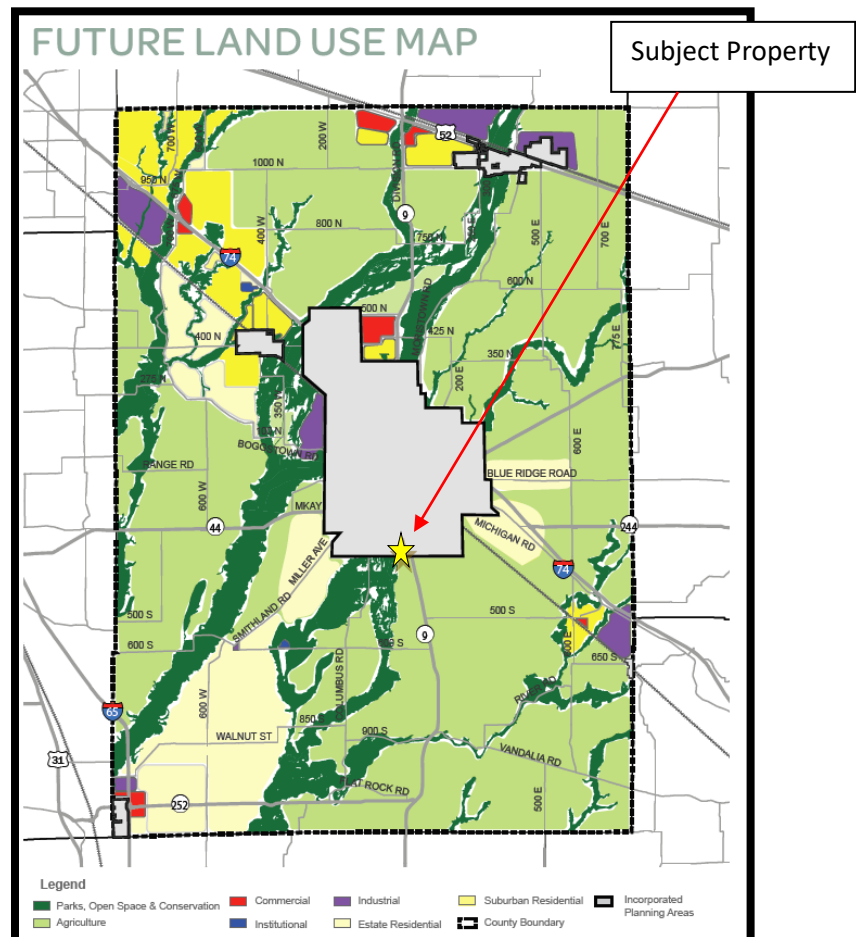
## Requests

**Rezoning** of 5.704 acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District to allow for a one-lot Simple Subdivision.

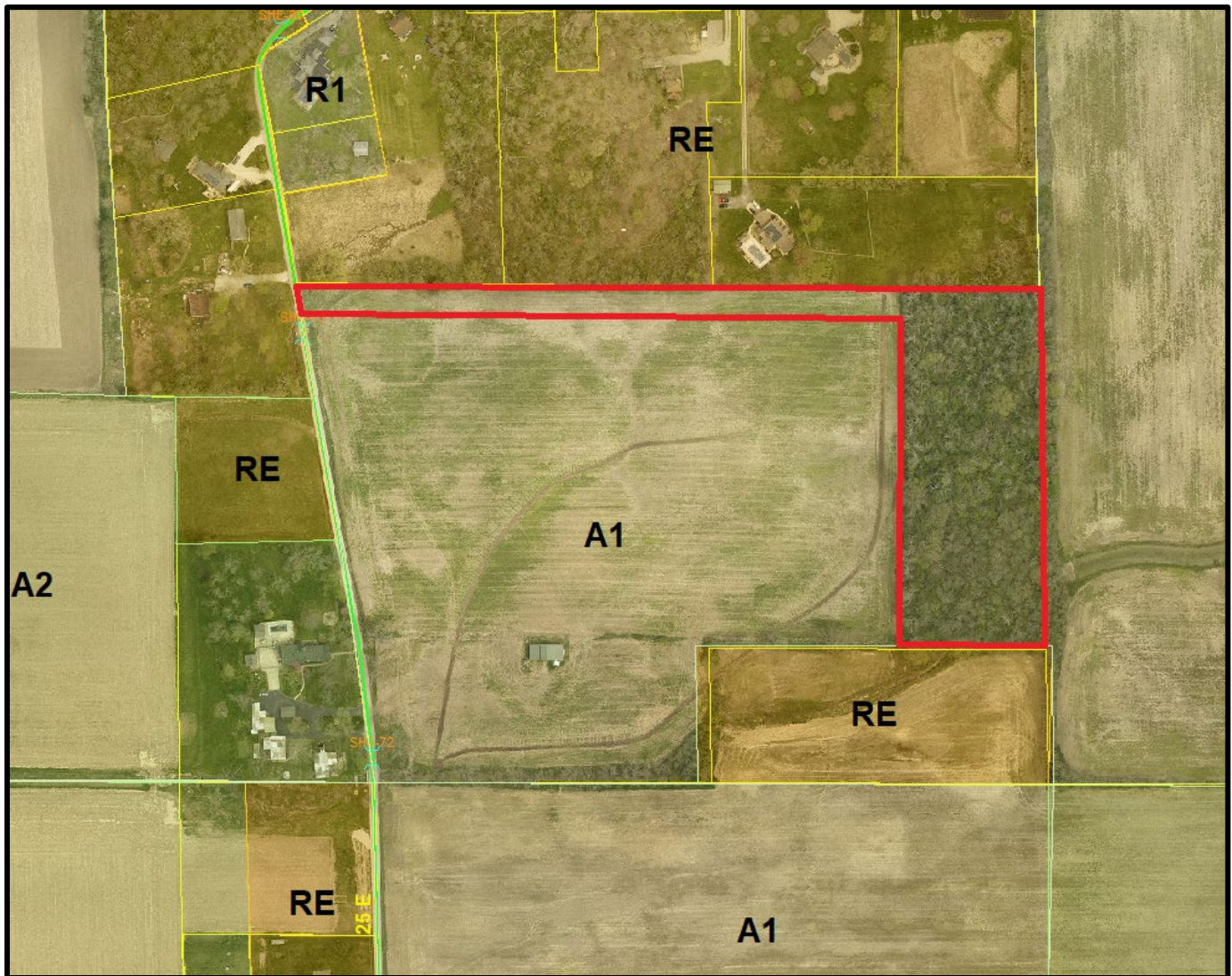
**Simple Subdivision** to allow for subdivision of one 5.704-acre single-family residential building lot from a 26.882-acre parent tract.

**Waiver** of subdivision design standards to allow for a lot having 50-feet of road frontage (160-feet of road frontage required).

## Future Land Use Map



## Property Map



## Case Description

- Approval of the requests would allow for development of one single-family residential lot.
- Woodland covers most of the proposed lot and historical aerial photography indicates that the wooded area has existed since at least 1998.
- The lot would include a 50-foot wide portion providing access to S 25 E along the northern portion of the parent tract. The owner of the lot would own the strip of land rather than utilizing an access easement.
- The USDA Soil Survey classifies approximately half of the building portion of the site as 'Not Prime Farmland' and the other half as 'Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season'.

## Staff Analysis Findings of Fact

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**Rezoning:** In accordance with IC 36-7-4-603 and the UDO, when considering a rezoning, the Plan Commission shall pay reasonable regard to:

**1. Current Conditions and the Character of Current Structures and Uses in Each District**

The majority of the surrounding residential properties do not exceed the acreage of the subject property. Therefore, development of the property for single-family residential purposes would not conflict with the character of the area.

**2. The Most Desirable Use for Which the Land in Each District Is Adapted**

The site historically and currently consists entirely of passive woodland, which supports use of the property for residential purposes rather than agricultural purposes. The property is also not well adapted for agricultural use because the USDA Soil Survey classifies much of the buildable area of the property as Not Prime Farmland.

**3. The Conservation of Property Values throughout the Jurisdiction**

Development of the property for residential purposes has no perceivable impact on property values throughout the jurisdiction.

**4. Responsible Development and Growth**

Approval of the rezoning would allow for residential development of a property not well suited for agriculture and for development consistent with the character of the area.

**5. The Comprehensive Plan**

Approval of the rezoning would allow for low-density, single-family residential use. The City of Shelbyville Comprehensive Plan recommends a variety of densities in the single-family residential future land use category.

**Simple Subdivision:** Staff has reviewed the proposed plat and has determined:

1. The subdivision of land is consistent with the Shelby County Comprehensive Plan.
2. The subdivision of land satisfies the development requirements of Article 06: Subdivision Types., pending approval of a waiver allow for subdivision of a parent tract less than 6-acres.
3. The subdivision of land satisfies the standards of Article 07: Design Standards.
4. The subdivision of land satisfies any other applicable provisions of the Unified Development Ordinance.
5. The subdivision of land satisfies the construction requirements of the Shelby County's Construction Standards.
6. A waiver from the road frontage requirement limits the amount of farmland brought into the lot.

## Staff Recommendation

---

**APPROVAL of the Rezoning, Simple Subdivision, and Waiver** primarily because approval would allow for residential development of a property having soils not well suited for agriculture and for development consistent with the character of the area. A waiver from the road frontage requirement limits the amount of farmland brought into the lot.

### *Applicant/Owner Information*

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Applicant:	Nick Hartman 2404 Overlook Dr. Shelbyville, IN 46176	Owner:	James D Kolkmeier 6457 E Middletown Rd Waldron, IN 46182
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Surveyor: Jeffery Powell, Powell Land Surveying LLC  
4634 N 575 E  
Shelbyville, IN 46176

# Hartman Simple Subdivision

## Part of the Southwest quarter of Section 17, Township 12 North, Range 7 East, Shelby Township, Shelby County, Indiana.

Owner: **James D. Kolkmeier, 6457 East Middletown Rd., Waldron, IN 46182**  
 Client: **Nick Hartman**  
 Site Address: **3239 South, 25 East, Shelbyville IN 46176**

Parent description of a 26,882 acre tract owned by James D. Kolkmeier, recorded in Instrument 2015006933.

A part of the Southwest quarter of Section 17, Township 12 North, Range 7 East, Shelby Township, Shelby County, Indiana, and being contained within the lands described in Deed Record Book 324, Page 213 and being more particularly described as follows: Beginning at the Southeast corner of the said Southwest quarter of Section 17, Township 12 North, Range 7 East, thence North 89 degrees 49 minutes 54 seconds West (bearings per this description are based on State Plane Coordinates NAD 83, Indiana East), along the South line of the said quarter section a distance of 660.00 feet to a Powell capped rebar set at the Southwest corner of a 4 acre tract described as an exception per Deed Record Book 324, Page 213, said point being the point of beginning of the tract herein described; thence continuing along the said line North 89 degrees 49 minutes 54 seconds West a distance of 666.51 feet to a mag nail with a Powell washer at the Southwest corner of the East half of the said quarter section; thence North 00 degrees 44 minutes 52 seconds West, along the West line of the said half-quarter section a distance of 122.65 feet to mag nail with a Powell washer at the at the intersection of the projected centerline of County Road 25 East and the said half-quarter section; thence North 09 degrees 53 minutes 37 seconds West, along the center of the said road a distance of 870.64 feet to a mag nail with a Powell washer set at the Northwest most corner of the 46 acre tract described in Deed Record Book 324, Page 213; thence South 89 degrees 15 minutes 58 seconds East, along the North line of the said 46 acre tract a distance of 1458.21 feet to Powell capped rebar set at the Northeast corner of the said 46 acre tract, said point being on the East line of the said quarter section; thence South 01 degrees 09 minutes 50 seconds East, along the East line of the said quarter section a distance of 701.75 feet to a Powell capped rebar set at the Northwest corner of the said 4 acre exception; thence North 89 degrees 49 minutes 54 seconds West, along the North line of the said 4 acre tract a distance of 660.00 feet to a Powell capped rebar set at the Northwest corner of the said 4 acre tract; thence South 01 degrees 09 minutes 50 seconds East, along the West line of the said 4 acre tract a distance of 264.00 feet to the point of beginning, containing 26,882 acres more or less and being subject to the right of way of County Road 25 East along a part of the East line, also subject to any and all easements, right of ways and restrictions.

**Lot 1, Description of the 5.704 acre tract being split from a 26,882 acre tract owned by James D. Kolkmeier, recorded in Instrument 2015006933 per this survey.**

A part of the Southwest quarter of Section 17, Township 12 North, Range 7 East, Shelby Township, Shelby County, Indiana, and being contained within the lands described in Instrument 2015006933 and being created from a survey (Job # 99-2020) by Jeffrey P. Powell and being more particularly described as follows:

Commencing at the Southeast corner of the Southeast quarter of Section 17, Township 12 North, Range 7 East, thence North 00 degrees 09 minutes 50 seconds West (bearings per this description are based on State Plane Coordinates NAD 83, Indiana East), along the East line of the said quarter-section a distance of 764.00 feet to a Powell capped rebar marking the corner of a 26,882 acre tract described in Instrument 2015006933 and being the Northeast corner of a 4 acre tract described as an exception per Deed Record Book 324, Page 213, said point being the point of beginning of the tract herein described; thence North 89 degrees 49 minutes 54 seconds West along the South line of the said 26,882 acre tract a distance of 280.00 feet to a Powell capped rebar; thence North 00 degrees 44 minutes 52 seconds East a distance of 654.13 feet to a Powell capped rebar; thence North 89 degrees 15 minutes 58 seconds West a distance of 1192.08 feet to a mag nail set in the centerline of County Road 25 East; thence North 09 degrees 53 minutes 37 seconds West along the said centerline a distance of 50.87 feet to a mag nail with a Powell washer marking the Northwest corner of the said 26,882 acre tract; thence South 89 degrees 15 minutes 58 seconds East along the North line of the said 26,882 acre tract a distance of 1458.21 feet to a Powell capped rebar marking the Northeast corner of the said 26,882 acre tract and being a point on the East line of the said quarter-section; thence South 01 degrees 09 minutes 50 seconds East along the said line a distance of 701.75 feet to the point of beginning, containing 5.704 acres more or less and being subject to any and all easements, right of ways and restrictions.

**Description of the 21.178 acre remainder tract owned by James D. Kolkmeier, recorded in Instrument 2015006933 per this survey.**

A part of the Southwest quarter of Section 17, Township 12 North, Range 7 East, Shelby Township, Shelby County, Indiana, and being contained within the lands described in Deed Record Book 324, Page 213 and being created from a survey (Job # 99-2020) by Jeffrey P. Powell and being more particularly described as follows: Commencing at the Southeast corner of the said Southwest quarter of Section 17, Township 12 North, Range 7 East; thence North 89 degrees 49 minutes 54 seconds West (bearings per this description are based on State Plane Coordinates NAD 83, Indiana East), along the South line of the said quarter section a distance of 660.00 feet to a Powell capped rebar set at the Southwest corner of a 4 acre tract described as an exception per Deed Record Book 324, Page 213, said point being the point of beginning of the tract herein described; thence continuing along the said line North 89 degrees 49 minutes 54 seconds West a distance of 666.51 feet to a mag nail with a Powell washer at the Southwest corner of the East half of the said quarter section; thence North 00 degrees 44 minutes 52 seconds West, along the West line of the said half-quarter section a distance of 122.65 feet to mag nail with a Powell washer at the at the intersection of the projected centerline of County Road 25 East and the said half-quarter section; thence North 09 degrees 53 minutes 37 seconds West, along the center of the said road a distance of 819.77 feet to a mag nail; thence South 89 degrees 15 minutes 58 seconds East a distance of 1192.08 feet to Powell capped rebar; thence South 00 degrees 44 minutes 02 seconds West a distance of 654.13 feet to a Powell capped rebar set on the North line of the said 4 acre exception; thence North 89 degrees 49 minutes 54 seconds West, along the North line of the said 4 acre tract a distance of 380.00 feet to a Powell capped rebar set at the Northwest corner of the said 4 acre tract; thence South 01 degrees 09 minutes 50 seconds East, along the West line of the said 4 acre tract a distance of 264.00 feet to the point of beginning, containing 21.178 acres more or less and being subject to the right of way of County Road 25 East along a part of the East line, also subject to any and all easements, right of ways and restrictions.

### Surveyor's Report:

This report is in accordance with Title 865, Article 1.1, Chapter 12, Sections 1 through 34, of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties in the locations of the lines and corners established on this survey as a result of: Availability and condition of the reference monuments, Occupation or possession lines, Clarity or ambiguity of the record description used and / or adjoining's description. This survey falls within the classification of a Suburban survey and therefore has a Relative position accuracy of 0.13 feet plus 100 parts per million.

### Purpose of the survey:

The purpose of this survey is to subdivide a 5.704 acre tract to be a new building lot from a 26,882 acre tract of lands owned by James D. Kolkmeier recorded in Instrument 2015006933 per the owners instructions. The field work was performed on October 14, 2020 and other dates.

### Availability and condition of the reference monuments:

The section corners found and held per this survey are per the Shelby County Ties and monuments found or established per previous surveys. The uncertainties associated with the said corners are represented on the hereon drawn survey, plat and within this report by Record vs Measured vs Calculated.

### Occupation or possession lines:

There are remains of an old existing fence line along the North and east lines. There are no occupation line along the South, West or South line of the 50' strip split per this survey. The occupation lines found per this survey are as noted on the survey plat.

### Clarity or ambiguity of the record description used and / or adjoining's description:

There were no ambiguities found per this survey.

### Relative position accuracy of Measurements:

This survey falls within the classification of a Rural survey and therefore has a Relative position accuracy of 0.13 feet plus 100 parts per million plus the above stated uncertainties.

NW cor. E1/2, SW1/4, 17-12-7,  
 Found a railroad spike below  
 the surface per the county ties.

**Surveyor Certification:**  
 I, the undersigned, hereby certify that I am a Land Surveyor registered in compliance with the laws of the State of Indiana; and I do hereby further certify that I have surveyed the real estate described in the caption above and that I have subdivided the same into two tracts as shown on the hereon drawn plat. This plat correctly represents said survey and subdivision in every detail. Monuments shown are in place as located.

Witness my hand this 22 day of October, 2020.

*Jeffery P. Powell*  
 Registered Land Surveyor  
 No. 29800024



**Owners Certification:**  
 I, James D. Kolkmeier, do hereby certify that we are the owners of the property described in the above captioned and that as such owners we have caused the said above described property to be surveyed and subdivided as shown on the here on drawn plat, as our free and voluntary act and deed.

Witness my hand this \_\_\_ day of \_\_\_\_\_, 2020.

James D. Kolkmeier

### Notary Certification:

\_\_\_\_\_, a Notary Public in and for said County and State, do hereby certify that James D. Kolkmeier, Personally known to me to be the same person whose name is subscribed to the above certificate appeared before me this day, in person and acknowledged that they signed the above certificate as their own free and voluntary act and deed for the uses and purposes therein set forth.

S 89°35'51" E, 1319.87'

Given under my hand and notarial seal this \_\_\_ day of \_\_\_\_\_, 2020.

Notary Public

**Plan Commission Approval:**  
 Approved by the Shelby County Plan Commission in accordance with Subdivision Regulations with waivers of design standards.

By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Doug Warncke, President Plan Commission  
 By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Scott Gabhardt, Secretary Plan Commission

**Rezoning Approval:**  
 Shelby County Commissioners Rezoning Ordinance # \_\_\_\_\_ was approved by the Shelby County Commissioners on \_\_\_\_\_ "I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law."

Note: The proposed Subdivision is located in a special Flood hazard ZONE X, per the FEMA Flood Insurance rate map number 18145C0085C, the accuracy of this flood hazard statement is subject to map scale uncertainty in location or elevation on the referenced flood insurance rate map.

Note: At least three deciduous trees with a caliper measurement of over 4-in shall be preserved on the lot.

Note: the building set back lines are 50' Front for primary & accessory structures and 30' Side & Rear for primary & 10' for accessory structures.

S 89°15'58" E

N 89°15'58" W

Existing Fiber Optic line with a 30' Easement (shown per the GIS location)

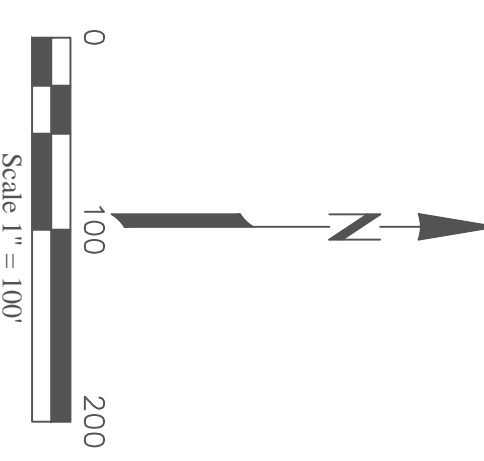
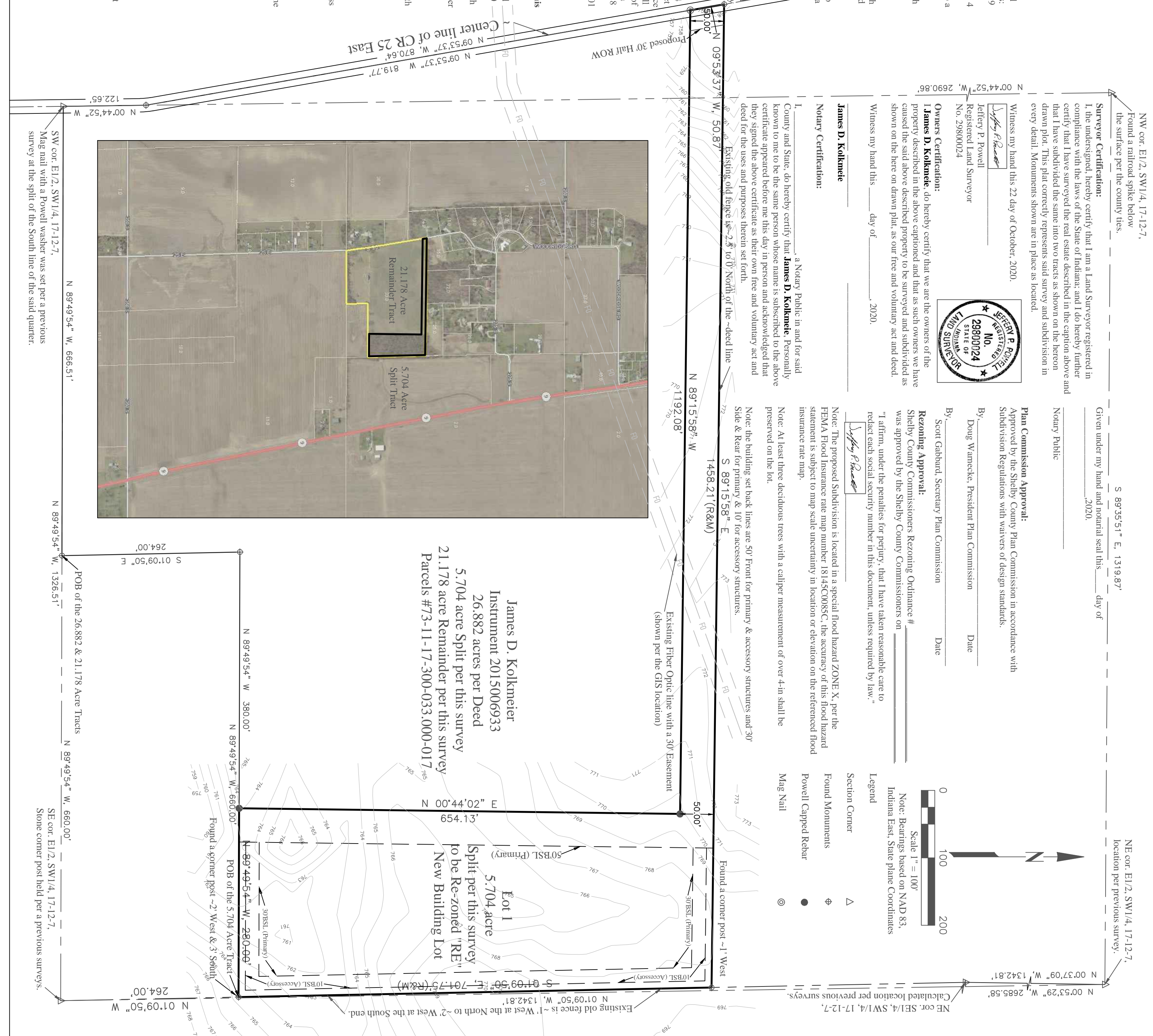
Found a corner post ~1' West

50.00'

James D. Kolkmeier  
 Instrument 2015006933  
 26,882 acres per Deed

5.704 acre Split per this survey  
 21.178 acre Remainder per this survey  
 Parcels #73-11-17-300-033,000-017

Found a corner post ~1' West  
 5.704 acre Split per this survey to be Re-zoned "RE" New Building Lot



# SES-01 – Commercial Solar Energy Systems – Amendment Summery

- Document Re-organization
  - More clearly outlines the steps in the approval process
  - Matches the main body of the Unified Development Ordinance
    - Easier to cross-reference and interpret
  - The language in black is in the current ordinance
  - The language in red shows the amendments and additions
- Ordinance length
  - Increased from 4 pages to 8 pages (likely to 10-12 pages if in old format)
- Specific Amendments
  - Sections added/changed previously discussed by the Plan Commission
    - D. Setbacks
    - G. Landscape Buffer
    - R. Decommissioning
    - P. County Roads
  - Section added discussed by the Planning Director and Purdue Extension
    - O. Groundcover
  - Sections added/changed by the Planning Director
    - B. Application and Land Use Approvals
    - C. Application Fees
    - J. Electrical Wires & Utility Connection
    - M. Proximity to Airport
    - N. Security
    - Q. Maintenance
    - UDO 2.03, 2.05, 2.07, 2.09 District Intent
  - Section not changed previously discussed by the Plan Commission
    - A. Permitted Districts
  - Sections not changed
    - F. Height
    - H. Wireless Communication Single Disturbance
    - I. Glare
    - K. Lighting
    - L. Signage
    - Definitions



# Ordinance Amendments

## B.05 SES-01 – Commercial Solar Energy Systems

The Commercial Solar Energy Systems Standards apply to the following zoning districts: **A1, A2, A3, A4, C1, C2, I1, I2, HI**

The intent of these performance standards are to enable Shelby County to regulate the permitting of commercial solar energy systems; be informed of the placement of commercial solar energy systems; preserve and protect public health and safety; allow for the orderly development of land; and protect property values in Shelby County.

A. Permitted Districts: Zoning approval required for a CSES is displayed in Table SES-A: CSES Permitted Districts.

Table SES-A: CSES Permitted Districts

CSES Permitted Districts									
Zoning District	A1	A2	A3	A4	C1	C2	I1	I2	HI
<b>CSES</b>	SE	SE	SE	SE	SE	SE	D	D	D

SE-Special Exception D- Development Standards  
(To be added to the two-page layout in Article 02: Zoning Districts, for the applicable districts)

B. Application Procedure and Land Use Approvals Required: Applications for CSES land use approvals and permits shall be filed on forms provided by the Zoning Administrator:

1. Special Exception: For any CSES requiring a Special Exception: Refer to Shelby County U.D.O. *Section 9.13 Special Exception.*
2. Development Standards Variance: For any CSES requiring a Development Standards Variance(s): Refer to Shelby County U.D.O *Section 9.17 Variance.*
3. TAC Site Plan Approval: **Subsequent to any required Special Exception and/or Development Standards Variance approval**, the applicant shall be required to submit a commercial site plan to the Technical Advisory Committee (TAC) for review. The plan should be submitted in accordance with the Class 1 Site Plan requirements as listed in Table A of the Shelby County Storm Drainage, Erosion and Sediment Control Ordinance. In addition to the Class 1 Site Plan, the following **supplementary documentation** shall be required:
  - a. The building envelope (i.e. the resulting developable area after applying setbacks).
  - b. A calculation of the existing lot coverage expressed as a percentage.
  - c. A calculation of the lot coverage as it would be upon completing the project, expressed as a percentage.
  - d. Denotation of any existing structure on an adjacent parcel if within 100 feet of the subject parcel's property line.
  - e. Denotation of adjacent zoning districts if different than the subject parcel.

**Commented [DC1]:** Clarifies steps in approval process

# Ordinance Amendments

Appendix B

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- f. Denotation of wildlife corridors to allow wildlife to navigate through the CSES.
- g. Landscape Plan drawn and certified by a Registered Engineer or Landscape Architect.
- h. Groundcover Plan in accordance with U.D.O *Section SES-01 O*. The Groundcover Plan may be incorporated into the Landscape Plan.
- i. Bond to cover costs associated with repair to County roads and roadway infrastructure in accordance with U.D.O *Section SES-01 P*
- j. Decommissioning Plan in accordance with U.D.O *Section SES-01 R*
- k. Documentation, such as a certified mail receipts, that the applicant has submitted the Site Plan and all required Supplementary Documentation to the following entities:
  - i. Federal Aviation Administration (FAA)
  - ii. Department of Defense (DOD), National Oceanic Administration Association (NOAA)
  - iii. Environmental Protection Agency (EPA)
  - iv. U.S. Fish & Wildlife Service (USFWS)
  - v. Army Corps of Engineers
  - vi. Indiana Department of Environmental Management (IDEM)
  - vii. Indiana Department of Natural Resources (IDNR)
  - viii. Indiana Department of Transportation (if adjacent to a State Road, U.S. Road, or Interstate)
  - ix. Shelbyville Municipal Airport
  - x. Telecommunications Infrastructure Owners & Operators within 2 miles of the CSES perimeter boundary
  - xi. Fire Department(s) having jurisdiction over the project area
  - xii. Shelby County Sheriff's Department
  - xiii. Shelby County Highway Department
  - xiv. Office of the Shelby County Commissioners
  - xv. Building Departments of all incorporated municipalities within Shelby County
  - xvi. Shelby County Emergency Management Service
  - xvii. Shelby County Soil & Water Conservation District
  - xviii. Shelby County Purdue Extension Office
  - xix. If any portion of the CSES is located in a Wellhead Protection Area(s), the water utility(s) that maintains the wellhead(s).

**Commented [DC2]:** Addresses wildlife concerns.

**Commented [DC3]:** Not currently required as part of the Class 1 Site Plan Approval.

**Commented [DC4]:** Encourages review by the appropriate agencies to address environmental concerns and safety concerns. Includes agencies listed in Posey County ordinance as well as local agencies.

# Ordinance Amendments

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Approval of the project by any of these entities shall not be required for approval of any permits required by the Shelby County Plan Commission.

1. Any other information necessary to support a thorough review of the project as requested in writing by the Zoning Administrator.

**Commented [DC5]:** We should not require approval of these agencies as a condition of our permit because we do not require their approval for any other commercial projects. We also cannot legally enforce the rules and regulations of other agencies.

4. Improvement Location Permit: Subsequent to any required Special Exception and/or Development Standards Variance approval and TAC Site Plan approval, the applicant shall be required to submit an application for an Improvement Location Permit (ILP) in accordance with Shelby County U.D.O Section 9.05 Improvement Location Permit. In addition to the ILP Application, the following supplementary documentation shall be required:

**Commented [DC6]:** 'catch-all' in case we determine other information is needed after adoption of the ordinance.

**Commented [DC7]:** Clarifies steps in approval process

- a. Solar system specifications, including typical manufacturer and model. The manufacturer specifications for the key components of the solar energy system shall be submitted with the application.
- b. Array/module design and site plans.
- c. Certification that layout, design, and installation conform to and comply with all applicable industry standards, such as:
  - i. National Electrical Code (NEC)(NFPA-70)
  - ii. American National Standards Institute (ANSI)
  - iii. Underwriter's Laboratories (UL)
  - iv. American Society for Testing & Materials (ASTM)
  - v. Institute of Electric & Electronic Engineers (IEEE)
  - vi. Solar Rating & Certification Corporation (SRCC)
  - vii. Electrical Testing Laboratory (ETL), and other similar certifying organizations
  - viii. Federal Aviation Administration (FAA)
  - ix. Indiana Building Code (IBC)
- d. The CSES applicant shall certify that they will comply with the utility notification requirements contained in Indiana law and accompanying regulations through the Indiana Public Utility Commission, unless the applicant intends, and so states on the application, that the system will not be connected to the electricity grid.
- e. Documented approval of any other permits as required by Shelby County.

C. Application Fees: The following fees shall accompany any CSES application:

1. Special Exception Application Fee: \$450
2. Variance Fee: \$375
3. TAC Site Plan Fee: \$100 per hour of review

# Ordinance Amendments

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- 4. **Improvement Location Permit Fee:** \$0.05 per pile plus \$0.05 per sq. ft. of substation area
- 5. **Third-Party Review Fees:** The applicant shall pay all attorney fees, costs associated with third-party review, and any other costs in the enforcement of the terms of this ordinance.
- D. **Setbacks:** Any CSES ground mounted equipment, excluding any security fencing, poles, and wires necessary to connect to facilities of the electric utility, shall be located:
  - 1. A minimum of 300-feet from any residential structure on property not owned by a person(s) and/or corporate entity owning land within the CSES.
  - 2. A minimum of 150-feet from any adjoining property line which is a perimeter boundary line of the CSES.
  - 3. A minimum of 100-feet from the edge of pavement of any public road.
- E. **Lot Coverage:** Any CSES shall be exempt from the maximum lot coverage requirement of each zoning district.
- F. **Height:** The height of any CSES ground mounted solar equipment is limited to 20 feet, as measured from the highest natural grade below each solar panel.
- G. **Landscape Buffer:** Any CSES shall be required to meet the landscape standards as listed in Shelby County U.D.O. *Section 5.49 LA-07: Buffer Yard Landscaping Standards*. All CSES installations shall require a minimum of a Buffer Yard "A C" where the subject parcel abuts a parcel with an equal or lower intensive zoning category than the subject parcel. This shall not apply to any CSES property abutting land zoned A1.
- H. **Wireless Communication Single Disturbance:** Any CSES shall be installed so as not to cause any wire or wireless communication signal disturbance.
- I. **Glare:** Any CSES shall be situated to eliminate concentrated glare onto abutting structures and roadways.
- J. **Electrical Wires & Utility Connections:** To the greatest practical extent, all electrical wires and utility connections for any CSES shall be installed underground, except for transformers, inverters, substations and controls. ~~The Board of Zoning Appeals~~ **The Zoning Administrator** shall take into consideration prohibitive costs and site limitations in making ~~their~~ **his/her** determination.
- K. **Lighting:** Exterior lighting for any CSES shall be limited to that required for safety and operational purposes.
- L. **Signage:** All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a solar panel array and/or modules, building, or other structure associated with any CSES shall be prohibited.
- M. **Proximity to Airport:** Any CSES located within 500 feet of an airport or within approach zones of an airport, the applicant must complete and provide the results of a glare analysis through a qualitative analysis of potential impact, field test demonstration, or geometric analysis of ocular impact in consultation with the Federal Aviation Administration (FAA) Office of Airports, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.

**Commented [DC8]:** We should increase permit fees due to the amount of effort the County devotes to review of these projects. These fees are similar to the proposed fee update for 2021, however are based on panels rather than square footage. Under this fee structure Ranger Power would pay approximately a \$9,000 permit fee.

**Commented [DC9]:** Ensures county does not pay for additional review.

**Commented [DC10]:** Setbacks increased to voluntary setbacks agreed to by Ranger Power. Allow for consistency among projects.

**Commented [DC11]:** Lot coverage standards in the main body of the ordinance would technically apply to the panels. Lot coverage standards are intended to allow for adequate impervious surface for drainage purposes and prevent the appearance of an 'over-built' lot. Therefore, applying the lot coverage standards to solar does not serve the intent of the regulation.

**Commented [DC12]:** Requires additional landscaping consistent with voluntary landscaping standards agreed to by Ranger Power. Allow for consistency among projects.

**Commented [DC13]:** Not all projects require a special exception so mote appropriate to designate this to the zoning administrator. If a special exception is required, the BZA can choose to review this requirement.

# Ordinance Amendments

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N. Security: All ground-mounted electrical and control equipment for CSES shall be fenced and labeled or secured to prevent unauthorized access. The solar array and/or modules shall be designed and installed to prevent access by the public, and access to same shall be through a locked gate.

~~1. All ground-mounted electrical and control equipment for PRSES shall be labeled and secured to prevent unauthorized access.~~

O. Groundcover: Groundcover within any CSES shall comply with the following standards:

1. Groundcover within any CSES shall be planted and maintained to be free of all invasive species, as listed by the Indiana Invasive Species Council.
2. No insecticide use is permitted on the site. This provision does not apply to insecticide use in on-site buildings, in and around electrical boxes, or as otherwise may be deemed necessary to protect public health and safety.
3. Legally applied herbicides by a licensed applicator for the control of weeds is permitted.
4. Prime Farmland:
  - a. Within any CSES project area, management of groundcover located on land classified as *All Areas Are Prime Farmland* by the *National Cooperative Soil Survey*, is required to adhere to guidance set forth by the Purdue University Extension, or an Indiana state government agency, on pollinator-friendly management practices, except as permitted in *U.D.O Section SES-01 O 2 b*. If no such guidance is established, such sites shall meet the following best management practices for creating pollinator habitat:
    - i. Ground around and under solar panels and in project site buffer areas shall be planted, established, and maintained for the life of the solar project in perennial vegetated ground cover to the maximum extent feasible and economical.
    - ii. To the maximum extent feasible and economical, perennial vegetation ground cover shall be based on a diverse seed mix of native species, or in the alternative, based on guidance specific to the local area provided by the National Resources Conservation Service, Soil and Water Conservation District, or Conservation District.
    - iii. The site shall be planted and maintained to be free of all invasive species, as listed by the Indiana Invasive Species Council.
  - b. Within any CSES project area, other agronomic practices may be permitted on land classified as *All Areas Are Prime Farmland* by the *National Cooperative Soil Survey* in lieu of pollinator-friendly management practices as described in *U.D.O Section SES-01 O 2 a* at the discretion of the Zoning Administrator. The Zoning Administrator shall take into consideration prohibitive costs and site limitations in making his/her determination.
5. Groundcover Plan: The applicant for any CSES shall submit a groundcover plan approved by a USDA Farm Bill biologist, local Soil and Water Conservation District professional, or other qualified professional as determined by the Zoning Administrator.

P. County Roads: The applicant for any CSES shall provide financial assurance to cover any costs associated with repair to County roads and roadway infrastructure due to construction activity

**Commented [DC14]:** Only applies to private systems, which are not covered by this ordinance.

**Commented [DC15]:** Mandates use of prime farmland in a manner that benefits local agricultural or for agronomic purposes. Helps to address concerns with removal of prime farmland from production and consistency with the references to agricultural conservation in the Comp Plan. I worked on this with Scott.

# Ordinance Amendments

related to the CSES:

1. The applicant shall provide financial assurance in an amount determined by a State licensed professional engineer chosen by the County.
2. The financial assurance shall be in the form of a performance bond or a surety bond issued by an AM Best Company.
3. The bond shall name the Shelby County Commissioners as the beneficiary, and default to the applicable municipality should the CSES become annexed.

Q. **Maintenance:** The applicant for any CSES or its successor shall be responsible for regular maintenance of the CSES. Failure to maintain the CSES is a violation of the Unified Development Ordinance. At a minimum, regular maintenance includes:

1. Physical improvements, including but not limited to electric systems, buildings, cabling, electrical components, security barriers, roads, foundations, and pilings, shall be maintained in good working order at the cost of the applicant.
2. Panels shall be repaired or replaced when either nonfunctional or in visible disrepair.
3. Weed control, mowing, and removal of invasive species shall be performed routinely.
4. All fences shall be maintained in accordance with U.D.O Section 5.23 D
5. All landscaping shall be maintained in accordance with U.D.O Section 5.43 D

R. **Decommissioning:** Any CSES which has reached the end of its useful life or has ceased electrical power generation or transmission for **six (6) consecutive months** shall be removed at the expense of the applicant or its successor in compliance with a decommissioning plan approved by the County. The following standards apply:

1. Decommissioning Plan: The applicant shall submit a decommissioning plan to the County for approval in conjunction with application for TAC Site Plan approval. At a minimum, the decommissioning plan shall include:
  - a. Description of Implementation, including but not limited to:
    - i. Removal of all surface and subsurface physical improvements including but not limited to electric systems, buildings, cabling, electrical components, security barriers, roads, foundations, pilings, and fences. At the discretion of the Zoning Administrator, the plan may incorporate agreements between the applicant and owners of leased property with the CSES to allow access roads and/or fencing to remain in place.
    - ii. Restoration of surface grade, soil, and vegetation to pre-construction conditions.
    - iii. Disposal of all CSES equipment and materials in compliance with Federal, State, and Local laws at the time of decommissioning.
    - iv. Decommissioning Cost Estimate in accordance with U.D.O Section SES-01 R 2
    - v. Financial Assurance for Decommissioning in accordance with U.D.O Section SES-01 R

**Commented [DC16]:** Addresses concerns with upkeep of facility. I do not recommend requiring a maintenance bond because we do not require those for other projects. Under our current enforcement process, the zoning administrator or BZA would determine if a lack of maintenance has occurred and send the applicant a violation letter.

**Commented [DC17]:** Changed from 12 months. Also, exceptions for force majeure eliminated.

# Ordinance Amendments

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2. Decommissioning Cost Estimate:
  - a. The applicant shall submit a decommissioning cost estimate for the gross estimated cost to decommission the CSES in accordance with the decommissioning plan.
  - b. The cost estimate shall be prepared by a State licensed professional engineer chosen by the County.
  - c. The cost estimate shall be submitted in conjunction with the TAC Site Plan application and updated every five years by a State licensed professional engineer chosen by the County.
  - d. The applicant or its successor shall reimburse the County for any analysis by the State licensed engineer and any other third party of the initial and updated decommissioning cost estimates.
  - e. The decommissioning cost estimate shall not include any estimates or offsets for the resale or salvage values of the CSES equipment and materials.
3. Financial Assurance for Decommissioning:
  - a. The applicant shall provide financial assurance for the total estimated cost of decommissioning, in accordance with *U.D.O Section SES-01 R 2*
  - b. The financial assurance shall be in the form of a performance bond or a surety bond issued by an **AM Best Company**.
  - c. The bond shall name the **Shelby County Commissioners as the beneficiary, and default to the applicable municipality should the CSES become annexed.**
  - d. The bond shall be in place prior to issuance of an ILP and the applicant or its successor shall submit an updated bond to the County every five years.
4. Partial Decommissioning: If decommissioning is triggered for a portion, but not the entire CSES, then the applicant or its successor will commence and complete decommissioning, in accordance with the decommissioning plan, for the applicable portion of the CSES; the remaining portion of the CSES would continue to be subject to the decommissioning plan. Any reference to decommissioning the CSES shall include the obligation to decommission all or a portion of the CSES whichever is applicable with respect to a particular situation.
5. Amendments to the Decommissioning Plan: Any amendment to an approved decommissioning plan shall comply with all standards of this ordinance and shall be approved at the discretion of the Zoning Administrator.

**Board of Zoning Appeals (to be added to U.D.O Section 2.03 A1 District Intent, 2.05 A2 District Intent, 2.07 A3 District Intent, 2.09 A4 District Intent)**

Allow a Special Exception when potential impacts to prime agricultural land on adjacent property and rural residential home-sites sites can be reasonably avoided.

**Commented [DC18]:** Would be added to current zoning districts *as a guide* for the Board of Zoning Appeals when granting a special exception. Provides for consistency between the solar ordinance, overall ordinance, and comp plan.

# Ordinance Amendments

Appendix B

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**Definitions: (to be added to Article 11 of the Shelby County U.D.O)**

**Commercial Solar Energy Systems (CSES):** An area of land or other area used by a property owner and/or corporate entity for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power, and supply electrical or thermal power, primarily or solely for off-site utility grid use, and consisting of one or more free-standing, ground-mounted, solar arrays or modules, or solar related equipment, intended to primarily reduce offsite consumption of utility power and/or fuels. CSES are a minimum of ¼ acre in total area.

**Private Residential Solar Energy Systems (PRSES):** An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power, and supply electrical or thermal power, primarily or solely for on-site residential use, and consisting of one or more free-standing, ground or roof mounted, solar arrays or modules, or solar related equipment, intended to primarily reduce on-site consumption of utility power and/or fuels. PRSES shall be permitted in all zoning districts and shall be treated as accessory structures in each zoning district they are erected in. The maximum size of a PRSES is limited to the maximum size allowed for an accessory structure in each zoning district (other accessory structures shall not be included in maximum size calculations).