

Shelby County Plan Commission

October 27, 2026, at 7:00 PM

Table of Contents

Agenda.....	3
RZ 26-13 / SD 26-12 Kova Fertilizer, Inc. Rezoning & Reed Simple Subdivision.	5
Staff Report	5
A4 District Intent, Permitted Uses, and Special Exception Uses.....	10
Petitioner’s Statement of Intent	11
Petitioner’s Findings of Fact	12
Site Plan	13
Plat.....	14
RZ 26-17 Schwier & Co. LLC Rezoning.....	15
Staff Report	15
Site Plan	19
RZ 26-20 / SD 26-18 Doty Rezoning & Doty Simple Subdivision	20
Staff Report	20
Plat.....	24
RZ 26-19 Shelby County Board of Commissioners Rezoning.....	25
Staff Report	25
Site Plan	29
Public Hearing to Review UDO with the goal of increasing housing development	30
Revision to PC Rules of Procedure.....	34

MEETING AGENDA

Shelby County Plan Commission
October 27, 2026

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes from the September 22, 2026, meeting.

OLD BUSINESS

RZ 26-13 – KOVA FERTILIZER, INC. REZONING: Rezoning of 12-acres from the A1 (Conservation Agricultural) District to the A4 (Agricultural Commercial) District to allow for development of a fertilizer and agricultural supply distribution facility. Located at 4571 E Michigan Rd, Shelbyville, Liberty Township.

SD 26-12 – REED SIMPLE SUBDIVISION: Simple Subdivision of a 12-acre agricultural commercial lot from a 30.20-acre parent tract and waiver of subdivision standards. Located at 4571 E Michigan Rd, Shelbyville, Liberty Township.

RZ 26-17 – SCHWIER & CO. LLC REZONING: Rezoning of 9.42-acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District to allow for future development of two single-family building lots. Located at the northeast corner of CR 1050 N & CR 400 W, New Palestine, Moral Township

NEW BUSINESS

RZ 26-20 – DOTY REZONING: Rezoning of 1.589-acres from the A2 (Agricultural) District to the R1 (Single-Family Residential) District to allow for a one-lot Simple Subdivision. Located at 10800 S 50 E, Flat Rock, Washington Township.

SD 26-18 – DOTY SIMPLE SUBDIVISION: Simple Subdivision to divide a 1.589-acre lot including an existing single-family residence from a 10.95-acre parent tract and waiver of subdivision standards. Located at 10800 S 50 E, Flat Rock, Washington Township.

RZ 26-19 – SHELBY COUNTY COMMISSIONERS REZONING: Rezoning of 6-acres to the OP (Open Space & Parks) District to allow for development of a public access site to Big Blue River. Located on the north side of CR 600 N, between CR 150 E and Morristown Rd, Marion Township.

PUBLIC HEARING TO REVIEW THE UNIFIED DEVELOPMENT ORDINANCE WITH THE GOAL OF INCREASING HOUSING DEVELOPMENT AS REQUIRED BY IC 36-7-4.3

REVISION TO PLAN COMMISSION RULES OF PROCEDURE AS REQUIRED BY IC 36-7-4-218

DISCUSSION

None.

ADJOURNMENT

The next regular meeting of the Shelby County Plan Commission is scheduled for Tuesday, **November 24, 2026**, at **7:00 PM**.

Meeting Information

Location: Conference Room 208A of the Shelby County Courthouse Annex Building, 25 West Polk Street, Shelbyville, Indiana

Time: 7PM

Zoom Link: <https://us06web.zoom.us/j/81569523313?pwd=cF99Ro7oH7LTZCct6A1gY7pgmUTmOS.1>

Password: Shelby

Board Members & Staff

Kevin Carson, President: Appointed by County Commissioners, Term 1/1/25 – 1/1/29

Jason Abel, Vice President: Commissioners Representative

Megan Hart, Secretary: Appointed by County Commissioners, Term 1/1/23 – 1/1/27

Jeremy Ruble, Member: Council Representative

Jeff Powell, Member: County Surveyor

Jenna Martin, Member: Appointed by County Commissioners, Term 1/1/26 – 1/1/30

Alicia Barr, Member: Appointed by County Commissioners, Term 1/1/25 – 1/1/29

Andrew Newkirk, Member: Appointed by County Commissioners, Term 1/1/25– 1/1/29

Matthew Tobias, Member: Appointed by Agricultural Extension Office, Term 9/1/26 – 9/1/27

Desiree Calderella, Planning Director

Jody Butts, Board Attorney

In accordance with the **Americans with Disabilities Act**, Shelby County will, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so that they can participate equally in Shelby County's public meetings. For special accommodations for a meeting, please call the County's ADA Coordinator at 317-392-6338 at least two (2) business days prior to the scheduled meeting or event to request an accommodation.

Property Details

Location: 4571 E Michigan Rd,
Shelbyville, Liberty Township.

Property Size: 12-acres.

Current Land Use: Agriculture /
Cropland.

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

A4 (Agricultural Commerical)

This district is established for commercial and industrial uses directly related to agriculture and compatible with rural/agricultural areas.

**see attached district intent, permitted uses, special exception uses, and development standards.*

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	A1 / A2	Cropland / Cellular Communications Facility / Single- Family Residential
East	A2	Cropland / I-74
West	A1	Cropland

Staff Report

Case Number: RZ 26-13 / SD 26-12

Case Name: Kova Fertilizer, Inc. Rezoning – A1
(Conservation Agricultural) to A4
(Agricultural Commerical) & Reed Simple
Subdivision

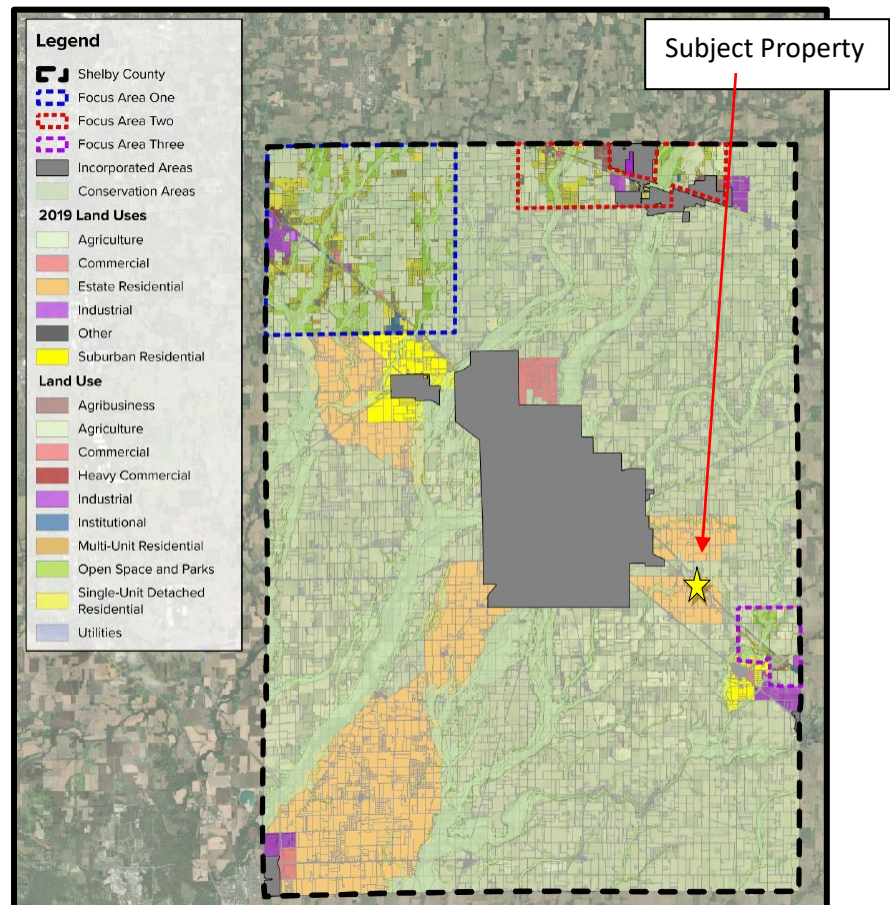
Requests

Rezoning of 12-acres from the A1 (Conservation Agricultural) District to the A4 (Agricultural Commerical) District to allow for development of a fertilizer and agricultural supply distribution facility.

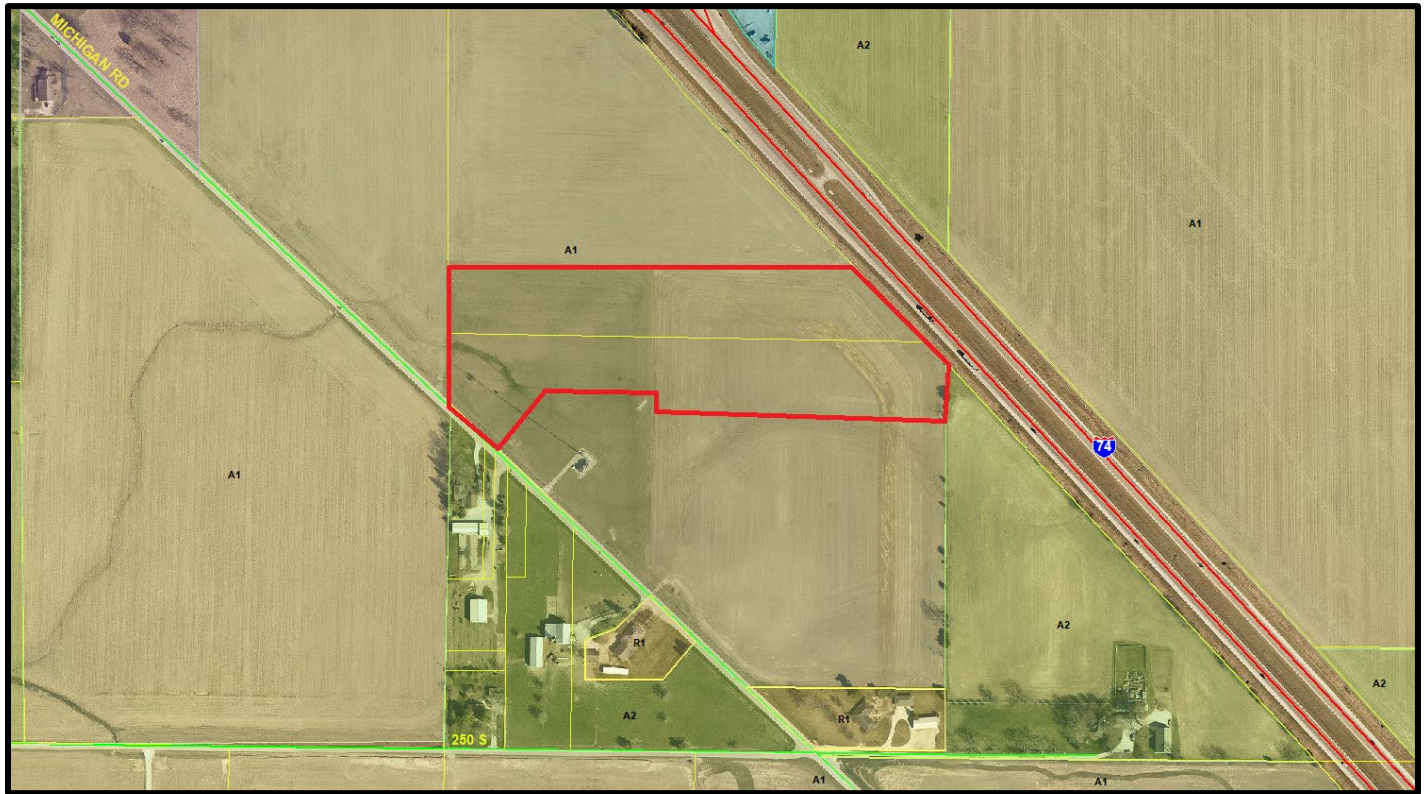
Simple Subdivision of a 12-acre agricultural commercial lot from a 30.20-acre parent tract.

Waiver of Simple Subdivision design standards to allow side lot lines not within a 15-degree angle to the right-of-way.

Future Land Use Map



Property Map



Case Description

- Kova Fertilizer currently has the subject property under contract for purchase and intends to develop the property for a fertilizer and agricultural supply distribution facility.
- Kova Fertilizer has provided agricultural services throughout the Midwest for several decades.
- Proposed development includes an office building, chemical facility and warehouse, fertilizer storage building, shop, septic system, detention area, paved driveway and parking area, and gravel yard. The petitioner indicated that the submitted site plan represents a conceptional plan for development which may change prior to application for permits.
- Notable development standards which would apply to the development include:
 - Enclosed structures must have similar finish and façade materials and be similar in color.
 - Landscape Buffer “A” required along the property lines: One (1) canopy tree and one (1) ornamental or evergreen tree shall be planted for every seventy (70) feet of contiguous boundary with the adjacent lot. Each tree shall be planted within twenty (20) feet of the property line, but no closer than five (5) feet to the property line.

- All site lighting must be full cut-off fixtures.
- The development would utilize a commercial septic system. The State Department of Health reviews plans for commercial septic systems.
- The property is located less than a mile from the I-74 / SR 244 interchange. The property has access to the interchange from Michigan Rd. INDOT classifies Michigan Rd. as a Major Collector, which can typically accommodate heavy traffic.
- The property adjoins cropland, a cellular communications facility, and I-74. Five single-family residential homesites are located within 1/3-mile of the property.
- Potential impacts of fertilizer/chemical storage and distribution to adjacent properties include increased truck traffic, noise and dust generated by truck traffic and on-site activities, chemical odor, air particulate, chemical spills, and safety concerns associated with storage of hazardous materials.
- The plat shows the Rosenfield Legal Drain tile easement terminating at the east property line and the drain tile running into the property. The legal description for the tile indicates that the tile runs across the property parallel to Michigan Rd. The County Surveyor will need to determine the actual tile location prior to development of the site.
- The plat references two easements that affect the property, an easement for underground utilities and incidental purposes in favor of Shelby County Rural Electric Membership Corporation and a Consent and Non-Disturbance agreement between previous property owners and Farm Credit Services of Mid-America, FLCA. Kova Fertilizer should determine if or how these easements would affect development of the site.
- The UDO only permits the proposed use in the A4 District. Only the A4 District allows for all uses which pertain to a fertilizer and agricultural supply distribution, including processing of agricultural products, sale of agricultural products, storage of agricultural products, and liquid fertilizer storage and distribution.
- The Site Plan/Technical Advisory Committee, which consists of the Planning Director, Health Department Environmental Technician, and a representative from the County Commissioners would review a detailed site plan prior to issuing construction permits. USI Consultants, Inc would review the drainage plans to ensure that the project complies with the County's Drainage & Sediment Control Ordinance.

Staff Analysis Findings of Fact

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 proposed zoning and development would not conflict with existing agricultural uses and development within the area.
- The property does not directly adjoin any residential properties.

- The UDO designates the adjacent A1 (Conservation Agricultural) and A2 (Agricultural) Districts as compatible districts with the A4 District.
- The UDO recommends use of the A4 District for new commercial and industrial development directly related to agricultural operations, compatible with the character of the area and adjacent to existing agricultural land.

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

- The property has access to the I-74 / SR 244 interchange by Collector Roads which can accommodate heavy traffic, which renders the property desirable for commercial distribution development.
- Approval of the rezoning would allow for development of a fertilizer and agricultural supply distribution facility to serve local farms.

3. The Conservation of Property Values throughout the Jurisdiction

- Agricultural commercial use of the property would not conflict with existing agricultural uses and development within the area.
- The current A1 District allows for agricultural uses that could pose similar impacts to nearby residential properties, including small confined feeding operations, storage of agricultural products, and bio-diesel production. The area currently experiences heavy traffic due to proximity to Michigan Rd, SR 244, and I-74. Therefore, commercial agricultural use of the property should not have a significant impact on surrounding residential property values.

4. Responsible Development and Growth

- The property has access to the I-74 / SR 244 interchange by Collector Roads which can accommodate heavy traffic.
- The proposed development must undergo County Site Plan/Technical Advisory Committee review and approval prior to construction.

5. The Comprehensive Plan

- The Comprehensive Plan identifies a key plan theme as 'enhance agribusiness expansion while protecting existing agricultural entities.' Approval of the rezoning would allow for agribusiness development, which provides a needed service to local agricultural entities promoting the growth and prosperity of local agriculture.

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.
3. The subdivision of land satisfies the standards of Article 07: Design Standards, pending:
 - a. Approval of a waiver to allow side lot lines not within a 15-degree angle to the right-of-way.
 - i. The angle of the lot lines match the angle of the lots lines of nearby properties fronting upon Michigan Rd.

- b. Accurate identification of the Rosenfield Legal Drain tile easement.
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 Shelby County's Construction Standards.

Staff Recommendation

Staff recommends **APPROVAL** of the **Rezoning, Simple Subdivision, and Waiver** primarily because approval would allow for development of agribusiness serving the local agricultural community which would have convenient access to the I-74 / SR 244 interchange along a road which can accommodate heavy truck traffic.

Staff recommends the following **stipulation**:

1. Development of the site shall be consistent with the Site Plan submitted with the rezoning application. The Zoning Administrator shall have the discretion to require Plan Commission approval of any modification to the site plan.
2. The Rosenfield Legal Drain tile easement shall be accurately identified and documented on the plat. Any site work that may impact the easement or drain tile as determined by the County Surveyor shall require County Drainage Board review and approval.

Applicant/Owner Information

Applicant:	Kova Fertilzier, Inc. 1330 N Anderson Street Greensburg, IN 47240	Owner:	Raymond Todd Runnebohm 4571 E Michigan Rd. Shelbyville, IN 46176
Surveyor:	Christopher M. Cooper COOR Consulting & Land Services Corporation 303 West Main Street Knightstown, IN 46148	Attorney:	Jacob Brattain, McNeely Law LLP 2177 Intelliplex Drive, Ste. 251 Shelbyville, IN 46176

Agricultural Commercial (A4) District

Article
02

2.09 A4 District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
The A4 (Agricultural Commercial) District is intended to be used as follows: Use, Type and Intensity - Commercial and industrial uses directly related to agricultural operations and compatible with the character of the area Application of District - Existing or new development - Spot zoning adjacent to existing agricultural land Development Standards - Enact development standards to minimize the impacts on adjacent properties while encouraging economic vitality within the Agricultural Commercial District Appropriate Adjacent Districts - OP, A1, A2, A3, A4, RE, and IS Plan Commission - Use this zoning district for agricultural uses and other commercial and industrial uses that are supportive of agricultural operations - Protect the adjacent agricultural land and operations from uses that may conflict with their continued operation through the use of appropriate buffers and setbacks Board of Zoning Appeals - Protect the adjacent land and uses by through the use of appropriate buffers and setbacks - Be sensitive to the potential for water pollution and other negative impacts to nearby agricultural, residential, and commercial land	Accessory Permitted Uses - agricultural tourism Agricultural Permitted Uses - agricultural crop production - equestrian exercise facility - equestrian training facility - grain elevator - processing of agricultural products - raising of farm animals - sale of agricultural products - stable (private) - storage of agricultural products Commercial Permitted Uses - farm implement sales - farmers market - equestrian trailer sales - plant nursery - research laboratory - stable - tack shop - testing laboratory - tools/equipment sales/rental - veterinarian clinic/hospital - veterinarian supply Industrial Permitted Uses - bio-diesel production ≤ 5,000 gallons per year - food processing - heavy equipment repair - liquid fertilizer storage/distribution - outdoor storage - storage tanks (nonhazardous) - welding	Commercial Special Exception Uses kennel

July 8, 2026

Shelby County Plan Commission
25 W Poly Street, Room 201
Shelbyville, IN 46176*Re: Rezone Request for Shelby County Parcel # 73-11-13-200-002.000-011*

Dear Plan Commission Members:

This letter serves as a letter of intent for the proposed zoning map amendment for approximately 12.00 acres of Parcel Number: 73-11-13-200-002.000-011, as shown on the site plan submitted as part of the rezone application (the "Property"). McNeelyLaw LLP represents the prospective purchaser of the Property, Kova Fertilizer, Inc. ("Kova"). Kova is currently under contract to acquire the Property and wishes to rezone only the Property from the A1 to the A4 zoning district.

The Property is currently being used primarily for agricultural and farming uses and is zoned A-1. Kova desires to have the Property rezoned to A4, Agricultural Commercial, to accommodate modifications in the use of the Property. If approved, Kova will construct a fertilizer and agricultural supply distribution location.

To facilitate this proposed use of the Property, Kova believes a rezone from the current zoning classifications to A-4 would be most appropriate, because the A-4 district allows for "commercial and industrial uses directly related to agriculture and compatible with rural and agricultural areas." Specifically, the A-4 district permits uses for the "sale of agricultural products," "storage of agricultural products," and "liquid fertilizer storage and distribution." The proposed use is appropriate for the Property because it is in a largely rural area, adjacent to the interstate, and the proposed uses will be directly related to agriculture.

Kova is primarily located in Decatur County, Indiana and has been serving local farmers for more than seven decades. The proposed location would serve Shelby County farmers already being supplied by Kova, in a more convenient location that provides a direct benefit to Shelby County.

At this time, Kova is seeking a favorable recommendation to rezone the Property from its current A1 zoning to A4. The proposed A4 zoning designation is the most appropriate zoning designation for the Property and its proposed future uses.

Very truly yours,

McNeelyLaw LLP

Jacob S. Brattain

Jacob S. Brattain

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: Kova Fertilizer, Inc. by Jacob S. Brattain, McNeelyLaw LLP

Case #:

Location: 4571 E Michigan Road, Shelbyville, IN 46176

1. The request is consistent with the Shelby County Comprehensive Plan because: The Shelby County Comprehensive Plan states that agriculture will continue to have an important role in the county and that the county should find positive ways to support the need for measured growth while also enabling continued agricultural operations as an important need for the future of the county.
2. The request is consistent with the current conditions and the character of structures and uses in each district because: The proposed operations will be operated in agricultural-style buildings, consistent with those used to support other agricultural operations in the vicinity and throughout the County.
3. The request is consistent with the most desirable use for which the land in each district is adapted because: Shelby County recognizes that agriculture is an important part of our history and future, and this rezone will allow the Property to continue to be used for agricultural purposes and to support many local farmers.
4. The request is consistent with the conservation of property values throughout the jurisdiction because: Adjacent property values will not be diminished by the proposed use as it will continue to be agricultural in nature and because the surrounding area is primarily agricultural, the rezone will be consistent with adjacent uses.
5. The request is consistent with responsible growth and development because: The rezone will ensure that the agricultural nature of the Property is preserved and that no additional development inconsistent with agricultural districts occurs at the 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: Northeast corner of CR 1050 N & CR 400 W, New Palestine, Moral Township.

Property Size: 9.42-acres.

Current Land Use: Cropland.

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

Agriculture

The purpose of this category is to provide for traditional agricultural practices (such as crop production and livestock grazing) and modern agricultural practices (such as agricultural research facilities and CAFOs). Rural home sites may also occur within this category; however, the emphasis should remain on agriculture.

New residential subdivisions that remove prime farmland from production should be discouraged. The residential density of this category should be one lot for every five acres.

Surrounding Development

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

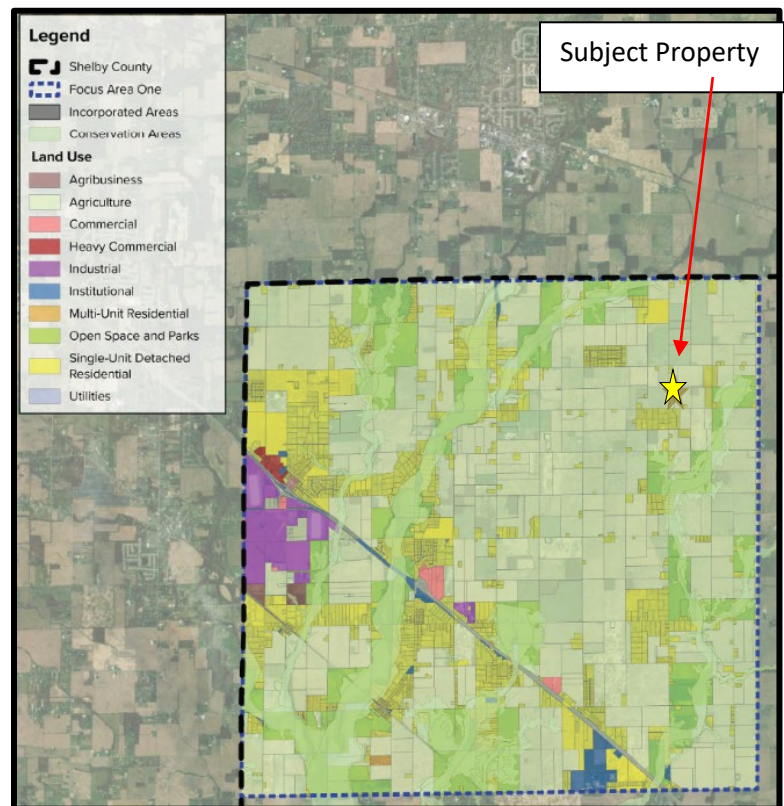
Staff Report

Case Number: RZ 26-17 (amended)
Case Name: Schwier & Co. LLC Rezoning – A1 (Conservation Agricultural) to RE (Residential Estate).

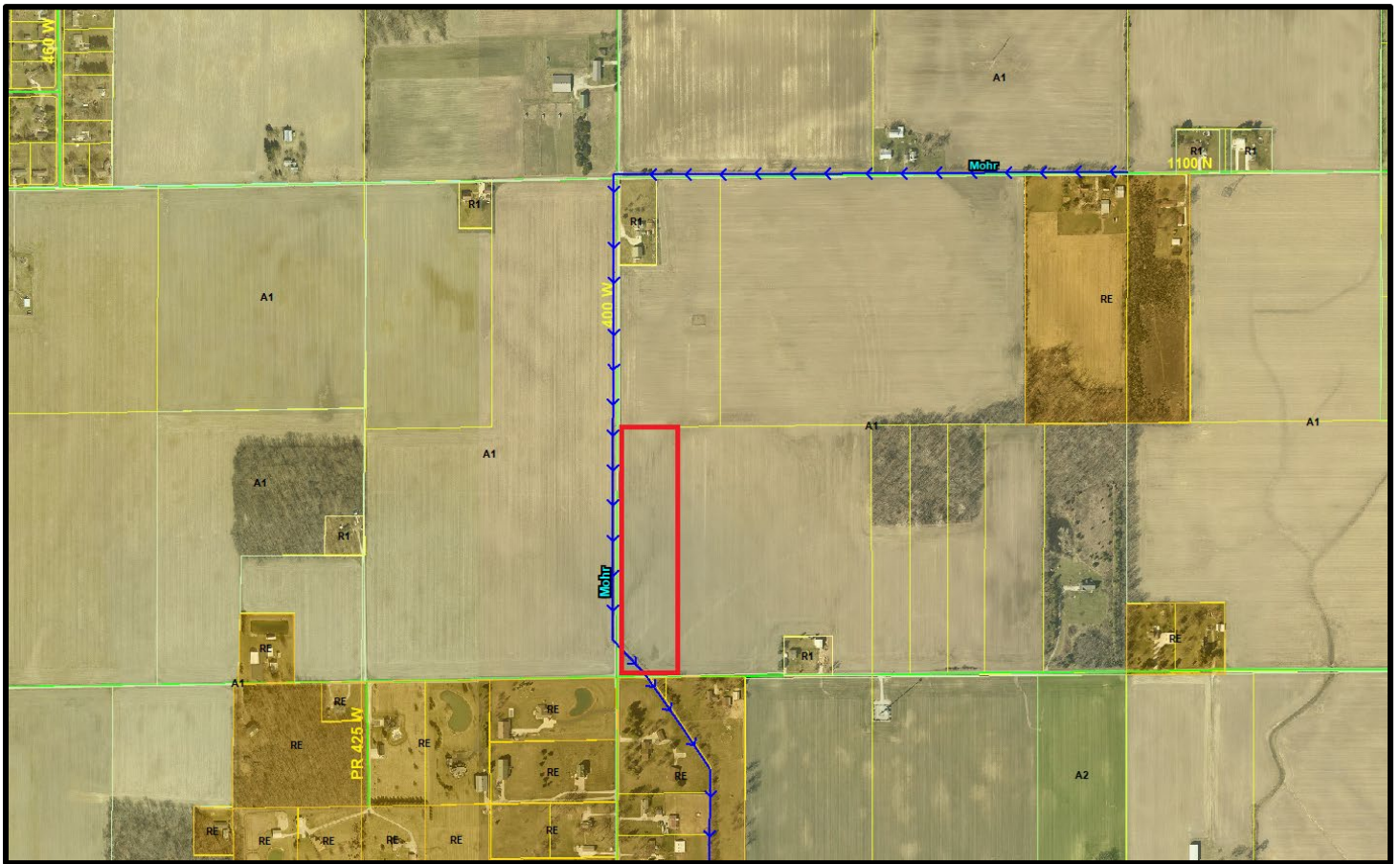
Requests

Rezoning of 9.42-acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District to allow for future development of two single-family building lots.

Future Land Use Map – Moral Township



Property Map



Case Description

- Approval of the request would assign the appropriate zoning to the property for future single-family residential development.
- The petitioner had previously intended to subdivide the property into three building lots and then subdivide the larger lot after five years, resulting in subdivision of the property into a total of five building lots.
- The petitioner now intends to subdivide the property into two, 4.71-acre building lots.
- Subdivision of the property would require a public hearing and Plan Commission approval of a Simple Subdivision. The Plan Commission must approve any subdivision in compliance with subdivision standards. Subdivision of the property into two or three building lots would comply with all subdivision standards.
- The petitioner has not indicated an intent to re-subdivide the lots. However, re-subdivision of each lot into two building lots after five years would comply with all current subdivision standards and therefore would qualify for required Plan Commission approval.

- The Mohr Legal Drain open ditch runs across the southwest corner of the property. Water in the ditch flows south through the neighborhood located at the intersection of CR 400 W & CR 1050 N. Any septic systems on the lots with perimeter drains would likely outlet to this ditch.
- A neighborhood consisting mostly of 5-acre single-family residential lots is located directly south of the property. Lakeview Estates, which includes mostly 0.6-acre single-family lots, is located half a mile west of the property. The remaining surrounding area consists of cropland and scattered rural homesites.
- The USDA Soil Survey classifies the property as 'Prime Farmland if Drained.'
- The Technical Advisory Committee (TAC) / Site Plan Review Committee would review a detailed site plan including structure layout, elevation of development, drainage infrastructure, and septic system design for compliance with County codes prior to issuance of permits for any new single-family residence.
- The petitioner also owns the adjacent property to the north. The petitioner has withdrawn the zoning petition seeking to allow for residential development of this property.

Staff Analysis Findings of Fact

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

Considerations Supporting Approval: The adjacent neighborhood to the south includes single-family residential development at a similar density to the density of residential development allowed by the rezoning. Approval of the rezoning would allow for a logical extension of this neighborhood.

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

Considerations Supporting Approval: Approval would allow for residential development in a rural area that includes similar residential development patterns. Several single-family residential neighborhoods including properties of similar or smaller size as the lots permitted by the rezoning exist within 1.5-miles of the property.

Considerations Supporting Denial: The USDA Soil Survey classifies the property as 'Prime Farmland if Drained' and adjoining farmland renders the property desirable for continued agricultural use.

3. The Conservation of Property Values throughout the Jurisdiction

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

4. Responsible Development and Growth

Considerations Supporting Approval: The Technical Advisory Committee (TAC) / Site Plan Review Committee would review a detailed site plan including structure layout, elevation of development, drainage infrastructure, and septic system design for compliance with County codes prior to issuance of permits for any new single-

family residence. Approval would allow for residential development in a rural area that includes similar residential development patterns.

5. The Comprehensive Plan

Considerations Supporting Approval: Approval of the rezoning would not result in the residential density of the immediate area exceeding one lot for every five acres as recommended for residential development in agricultural areas by the Comprehensive Plan.

Staff Recommendation

Staff recommends **APPROVAL** primarily because approval would allow for residential development in an area that includes similar residential development patterns.

Applicant/Owner Information

Applicant: Schwier & Co. LLC (Randy Schwier)
6158 W 300 S
New Palestine, IN 46163

Surveyor: Scott T Sumerford
3149 N Riley Hwy.
Shelbyville, IN 46176

Owner: Same

FOUNTAIN FARMS



Property Details

Location: 10800 S 50 E, Flat Rock, Washington Township.

Property Size: 1.589-acres.

Current Land Use: Single-Family Residential.

Current Zoning Classification

A2 (Agricultural)

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

Proposed Zoning Classification

R1 (Single-Family Residential)

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

Plan Commission: Use this zoning district for existing developments and carefully for new residential development.

Future Land Use per Comp Plan

Agriculture

The purpose of this category is to provide for traditional agricultural practices (such as crop production and livestock grazing) and modern agricultural practices (such as agricultural research facilities and CAFOs). Rural home sites may also occur within this category; however, the emphasis should remain on agriculture. New residential subdivisions that remove prime farmland from production should be discouraged. The residential density of this category should be one lot for every five acres.

Surrounding Development

	Zoning	Land Use
North	A1	Cropland
South	A2	Natural Resources
East	A1	Cropland
West	A1	Cropland

Staff Report

Case Number: RZ 26-20 / SD 26-18

Case Name: Doty Rezoning – A2 (Agricultural) to R1 (Single-Family Residential) & Doty Simple Subdivision

Requests

Rezoning of 1.589-acres from the A2 (Agricultural) District to the R1 (Single-Family Residential) District to allow for a one-lot Simple Subdivision.

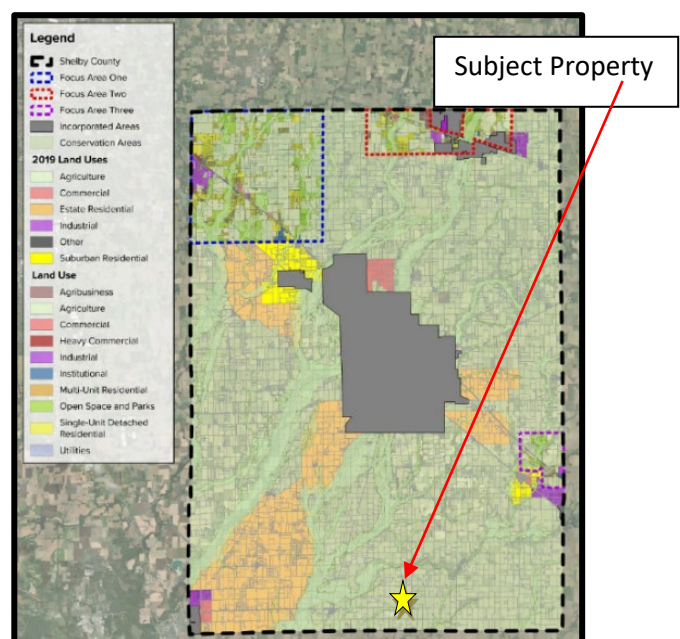
Simple Subdivision to divide a 1.589-acre lot including an existing single-family residence from a 10.95-acre parent tract.

Waiver of Simple Subdivision prerequisites to allow Simple Subdivision of property zoned R1.

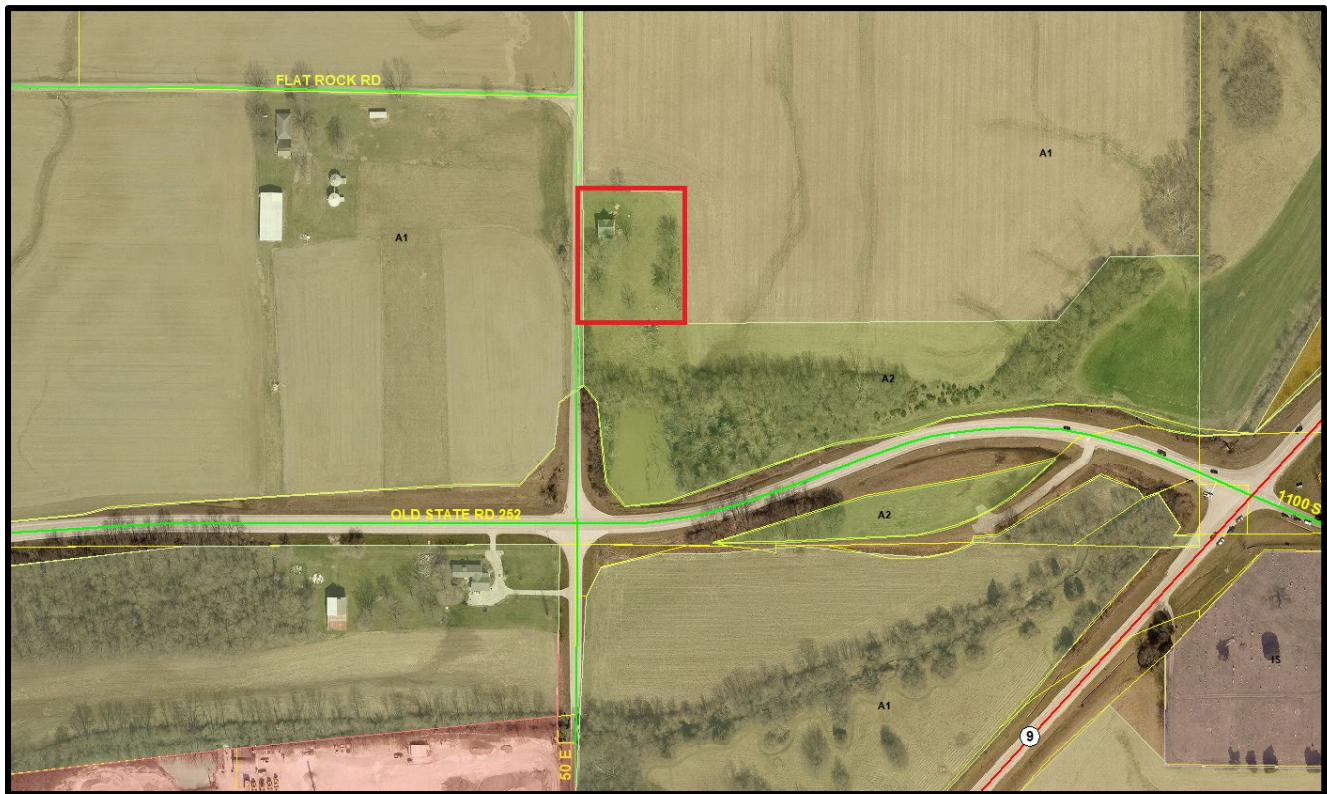
Purpose of Subdivision Code Requirement

The UDO restricts residential zoning in Simple Subdivisions to the RE (Residential Estate) District, which prohibits lots less than two-acres, to maintain low density residential development in rural areas. The requirement also allows for adequate lot size for installation of a septic system, and adequate area for a new septic system in the case of septic system failure.

Future Land Use Map



Property Map



Case Description

- Approval of the requests would allow for subdivision of an existing homesite on 1.589-acres from a 10.95-acre parent tract.
- The 1.589-acre lot would encompass the existing single-family residence, gravel driveway, and septic system.
- The remaining 9.361-acre tract would also qualify as a single-family residential building lot.
- Typically, subdivision of existing homes from agricultural land qualify for the agricultural homestead exemption, which allows for subdivision of homes constructed prior to October 18, 2008 from a parent tract of at least 20-acres by survey and without Plan Commission approval. The parent tract is only 10.95-acres.
- The R1 District does not allow for any use of property not permitted in the current A2 District.
- The USDA Soil Survey classifies approximately 70% of the property as 'Prime Farmland if Drained' and approximately 30% of the property as 'Prime Farmland'.
- The surrounding area includes cropland, scattered single-family homesites, and quarries.

Staff Analysis Findings of Fact

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 existing residential use of the property does not conflict with the scattered residential homesites in the area. Approval of the rezoning would not allow for any change in use of the property.

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

The property has been used for residential purposes for several decades. Approval of the rezoning would not allow for any change in use of the property.

3. The Conservation of Property Values throughout the Jurisdiction

Approval of the rezoning would not allow for any change in use of the property.

4. Responsible Development and Growth

Approval of the rezoning would not allow for any change in use of the property.

5. The Comprehensive Plan

Approval of the rezoning would not allow for any change in use of the property or increase the residential density of an area recommended for agriculture by the Comprehensive Plan.

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 to allow Simple Subdivision of property zoned R1.
 - a. The existing single-family residence, gravel driveway, and septic system encompass approximately 1.589-acres. A 1.589-acre lot does not comply with the minimum lot size requirement for the RE District, however, does comply with the minimum lot size requirement for the R1 District.
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 Shelby County's Construction Standards.

Staff Recommendation

Staff recommends **APPROVAL of the Rezoning and Simple Subdivision** primarily because the existing single-family residence, gravel driveway, and septic system encompass approximately 1.589-acres.

Applicant/Owner Information

Applicant: Scott & Ann Doty
1620 W 1200 S
Flat Rock, IN 47234

Surveyor: Scott T Sumerford
3149 N Riley Hwy.
Shelbyville, IN 46176

Owner: Same

CENTER OF SECTION 29-11.7
1/2" Rebar found 0.1' below asphalt in C&GCE and about 1 foot west of the centerline. It was perpetuated by the County Surveyor's Office in 1992 and apparently set by County Surveyor Kenneth Williams in 1985. The stone is a 12" x 12" x 12" limestone. A stone was indicated by County Surveyor Jason Dargatzis in 1985, but excavation attempts are not known. The rebar measures about 4.4 feet north and 11.7 feet east of a bearing bearing calculation.

N 43.601222.27
E: 298.9822.44

29

LEGAL DESCRIPTION OF PARENT TRACT

Warranty Deed
Instrument No. 2020001003, Recorded February 18, 2020
Metin O
Michael Scott Doty and Ann Marie Doty

A part of the Southeast Quarter of Section 29, Township 11 North, Range 7 East, in Shelby County, Indiana, more particularly described as follows:

Beginning at the Southwest Corner of the Southeast Quarter of said quarter section, said corner being a railroad spike (found); thence North 00 degrees 00' 00" (assumed bearing) along the West line of said quarter section 785.20 feet to a road nail; thence North 89 degrees 28' 49" East 232.93 feet to an iron pin; thence South 00 degrees 00' 00" 297.15 feet to a road nail; thence North 89 degrees 28' 49" East 818.81 feet to an iron pin; thence North 49 degrees 11' 24" East 152.81 feet to an iron pin; thence North 89 degrees 28' 49" East 198.81 feet to an iron pin on the East line of the Southeast Quarter of said quarter section; thence South 00 degrees 00' 00" 297.15 feet to a road nail; thence North 89 degrees 28' 49" East 131.43 feet to an iron pin; thence North 80 degrees 02' 35" West 131.43 feet (formerly described as 128.32 feet) to an iron pin; thence South 78 degrees 35' 31" West 131.30 feet to an iron pin at the back edge (North side) of the remnants of an Indiana State Highway right-of-way marker; thence South 47 degrees 05' 40" West 145.19 feet to an iron pin at the back edge (North side) of the remnants of an Indiana State Highway right-of-way marker, said pin being the point of curvature of a curve to the right; thence along said curve to the right for a distance of 345.29 feet, said curve having a radius of 532.96 feet and a long chord with a bearing and length of South 70 degrees 52' 11" West 339.29 feet to the point of tangency of said curve, and pin being an iron pin at the back edge (North side) of the remnants of an Indiana State Highway right-of-way marker; thence South 78 degrees 55' 49" West 124.95 feet to an iron pin; thence South 00 degrees 00' 00" 15.55 feet to a road nail, said nail being on the South line of the Southeast Quarter of said section 29; thence South 89 degrees 16' 53" West 558.95 feet to a railroad spike and the point of beginning, containing 15.041 acres, more or less.

EXCEPT

A 4.091 acre tract belonging to County of Shelby, Parcel 73-15-29-400-006 000-021. (Full description text not recited for this survey)

LEGAL DESCRIPTION LOT 1

Part of the west half of the southeast quarter of Section Twenty-nine (29), Township Eleven (11), North, Range Seven (7) East, Washington Township, Shelby County, Indiana, being the northwestern portion of a 15.041 acre tract as described in Instrument No. 2020001003, recorded February 18, 2020 in the Office of the Shelby County Recorder and being part of survey Job #141NTE29-56-07.1 by Scott T. Sumnerford, RLS#25800017, certified October 27, 2026 and being more particularly described as follows:

Commencing at the southwest corner of the southeast quarter of said section 29-11.7, said point being marked with a monument box; thence along the west line of said quarter, North 00° 15' 02" East (basis of bearings being Indiana State Plane East Zone 488.28 feet to a mag nail with washer stamped "S. Sumnerford 9800017", said point being the point of beginning of the herein described tract.

Thence continuing along said west line, North 00° 15' 02" East 297.15 feet to the northwest corner of said 15.041 acre tract, said point being marked by a mag nail with washer stamped "S. Sumnerford 9800017"; thence along the north line of said tract and the line as surveyed for the adjoining 33.004 acre tract to the north per Pace Engineering, Inc. survey Job 4047-86, certified January 15, 1986 and on file in the Office of the Shelby County Recorder, North 89° 44' 30" East 232.92 feet to a buried rebar as set on said survey; thence parallel to the west line of said quarter, South 00° 15' 02" West 297.15 feet to the northwest corner of said quarter section 29-11.7, containing 1.589 acres, more or less.

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

FINAL PLAT FOR

DOTY SIMPLE SUBDIVISION

NOTES

- Lot 1 is being rezoned to R1 (Single Family Residential) from an A2 (Agricultural) zoning.
- The rezoning was approved on _____ per Ordinance No. _____ by the Commissioners of Shelby County.
- Waiver of Simple Subdivision prerequisites required to allow Simple Subdivision of property zoned R1.
- At least three deciduous trees with a caliper measurement over 4-in shall be preserved on the lot.

FLOOD STATEMENT

Lot 1 does not lie within a special Flood hazard area per effective FEMA Flood Insurance Rate Map, Panel Number 1314502060C, effective date of November 5, 2014. Lot 1 does not lie within a flood zone according to the 2025 Indiana Best Available Floodplain layer. The easterly end of the parent tract does lie within a floodplain and floodway according to the portal. The 100 year flood elevation per the Indiana DNR floodplain portal is somewhere around 716.2 feet. The contributing stream is Tough Creek.

OWNERSHIP CERTIFICATE

We, Michael Scott Doty and Ann Marie Doty of Shelby County, Indiana, do hereby certify that we are the owners of the property described in the above captioned and that as such owners have caused the property to be surveyed and subdivided as shown on the hereon drawn plat, as our own free and voluntary act and deed.

Owner, Michael Scott Doty (Seal)
Owner, Ann Marie Doty (Seal)
State of Indiana)
County of Shelby)

I, _____, a Notary Public in and for said County and State, do hereby certify that _____

personally known to me to be the same persons whose name is subscribed to the above certificate appeared before me this day in person and acknowledge 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 _____

Notary Public _____ (Seal)

PLAN COMMISSION APPROVAL

Approved by the Shelby County Plan Commission in accordance with all applicable Subdivision Regulations.

By: _____ Date _____
President, Jon Kevin Carson
By: _____ Date _____
Secretary, Megan Hart

LEGEND
INDIANA STATE PLANE
GRID COORDINATE VALUE
SCALE FACTOR = 0.9993936
DATUM: NAD83(2011)

- SECTION CORNER PERPETUATED ON CURRENT SHELBY COUNTY SURVEY OR THE SHEETS
- SECTION CORNER PER OLDER COUNTY SURVEY
- RECORD BOOKS OR BEST AVAILABLE EVIDENCE
- MAGNAL AND WASHER STAMPED "S. SUMNERFORD L59800017" RECESSED IN ROAD SURFACE
- 5.8" REBAR WITH PLASTIC CAP STAMPED "S. SUMNERFORD L529800017" SET AT GRADE, UNLESS NOTED OTHERWISE
- REBAR FOUND AS NOTED
- INDICATES RECORD DIMENSION

SURVEYORS REPORT

The old dwelling at 10800 S 50 E, Flat Rock has been under major renovation and the client is now desiring to sell of the house and yard area, but retain the remaining ground. The current parent tract has an existing notch in the northwestern corner and this rectangular portion is what is being divided off.

In accordance with Title 865, Article 1, Chapter 12, Section 12.2 of the Indiana Administrative Code, the Surveyor is required to provide a written report to the client, stating the basis of the survey, the surveyed property and discusses the surveyor's opinion of the cause and amount of uncertainty in those lines and corners because of the following:

- A) Availability and condition of reference monuments.
- The subject parent tract appears to have been broken out when a 1986 survey by Pace Engineering was done on the now owned lsey tract to the north. It was a 3.33 acre split from the Rush Farm which was 44 acres at the time. The survey was tied to the west line of the quarter section, to the same perpetuated corners and eventually at the same measured distance between corners. The subject parent tract is described as 15.041 acres, with an exception taken out for the newer section of Old State Road 292.
- The parent tract legal description calls out nails and iron pins as controlling calls at corners. The west line of the quarter and two rebars along the north line were recovered and held. The nail in the road could not be detected, but the 16.5 foot offset on the east side of the road was found. The northeast corner was buried deep in the field and probably was done on purpose due to the farm field edge pricing over the corner as it is now. An additional rebar was found on east, past the relevant part to verify original stakes. That distance measures 0.36 feet long compared to the 1986 survey. This is measured from a calculated position at the southeast corner of Lot 1, which iron pin could not be recovered. It was reestablished as parallel to a quarter line as originally intended. The other measurements along the road and north line were within 0.1 feet.
- B) Occupation or possession lines
- The visibility of the north line of the parent tract is pretty much non-existent. The field edge and grass edges have not been maintained to the parcel lines. In fact, the tillable portion of the subject parent, east of Lot 1, is being farmed by lsey the owner to the north by verbal agreement.
- Lot 1 was configured as a parallelogram.
- C) Clarity or ambiguity of record descriptions
- As stated in section A), the boundary between lsey and Doty was created by the 1986 Pace survey. The only noted difference between deeds, involves the north line of Lot 1. The written title for lsey stated a distance of 233.18 feet and the written title for Doty was 232.99 feet. The actual measurement appears to match the Doty title closer. This difference is immaterial in that the original iron pins as found appear undisturbed and do control. No other title issues or differences were discovered that affect Lot 1.
- Bearing basis for the 1986 Pace survey assumed due north on the west line of the quarter. State Plane basis was selected for this project with the highway exception being in a different system.
- D) Relative positional accuracy of measurements
- The lines and corners retraced or established by this survey have been executed meeting Title 865, Indiana Administrative Code 1-12.7 and falls under a Suburban Survey Classification with a relative positional accuracy of 0.13 feet + 100 ppm.

SURVEY CERTIFICATION

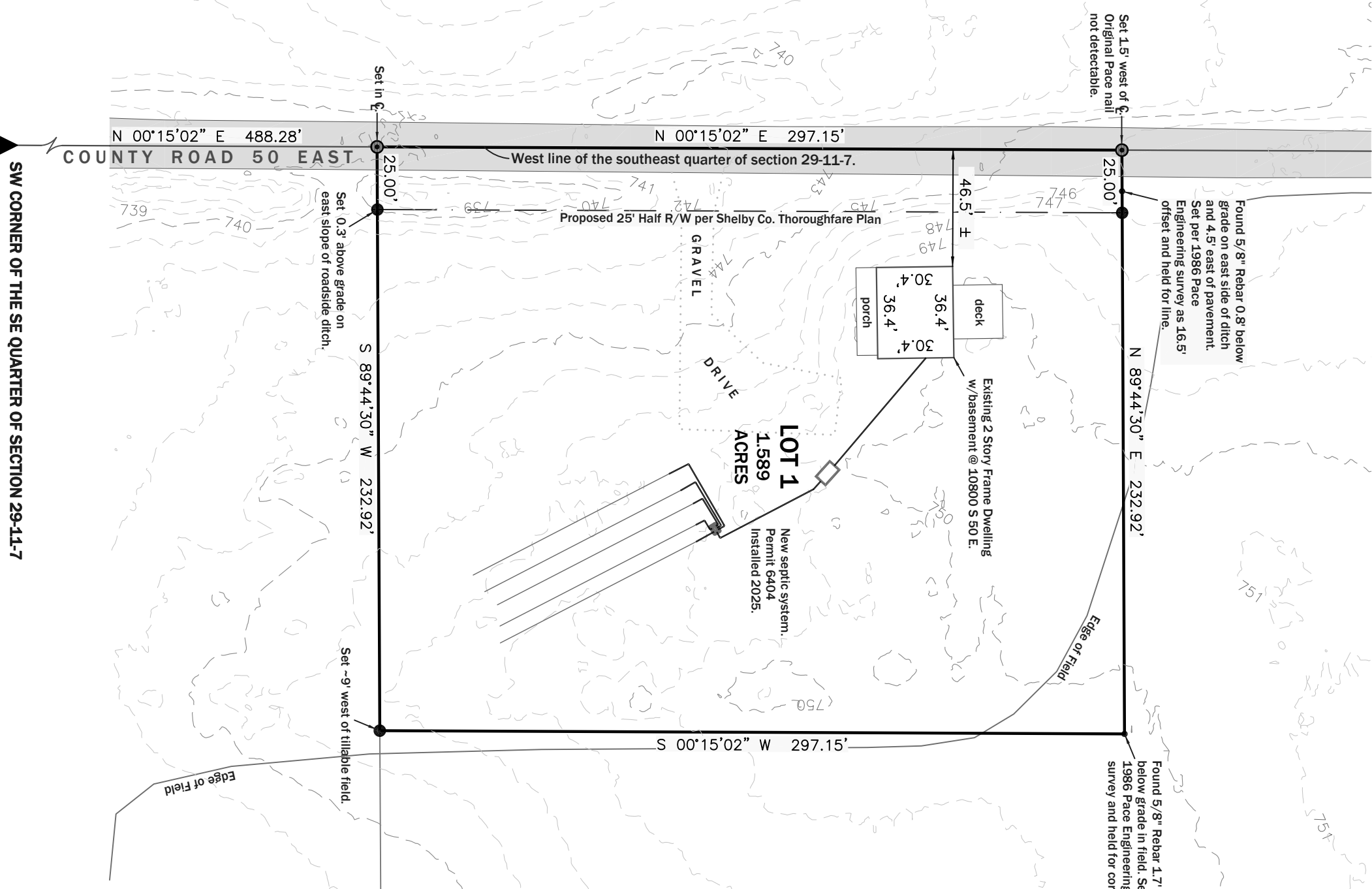
I hereby certify that this survey was performed under my direct supervision and to the best of my knowledge and belief was executed to minimum standards of practice as contained in Rule 12.2 of Title 865, Article 1 of the Indiana Administrative Code.

DATE: October 27, 2026

Signed: _____
Scott T. Sumnerford Registration Number: 9800017

TOPOGRAPHY AND IMPROVEMENTS

SCALE: 1" = 50'



SCOTT T. SUMERFORD
LAND SURVEYING
3149 NORTH RILEY HIGHWAY
SHELBYVILLE, IN 46176-9462
BUSINESS PHONE (317) 401-6050

Indiana Registered Surveyor No. 29800017

Copyright © 2026 by Scott T Sumnerford
This document is only considered an original copy if an inked seal and original signature is affixed.

LAST DATE OF FIELDWORK
CERTIFICATION DATE
NOTES/REVISIONS
NONE TO DATE

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.
NAME: _____
Prepared By: Scott T. Sumnerford

CLIENT
Scott and Ann Doty
1620 W 1200 S
Flat Rock, IN 47234

PROJECT
Simple Subdivision of a 10.95 acre parent tract at 10800 S 50 E, Flat Rock to convey the renovated dwelling on a separate lot.

INDIANA TITLE 865
BOUNDARY SURVEY

JOB LOCATION
PART OF THE WEST HALF OF THE
THE SOUTHEAST QUARTER OF SECTION 29
TOWNSHIP 11 NORTH, RANGE 7 EAST
WASHINGTON TWP., SHELBY COUNTY, IN

JOB NUMBER
11NTE29-26-071
SHEET 1 OF 1

ORIGINAL DRAWING SIZE ARCH D

Property Details

Location: North side of CR 600 N, between CR 150 E and Morristown Rd, Marion Township.

Property Size: 6-acres.

Current Land Use: Natural Resources / Cropland.

Current Zoning Classification
None.

Proposed Zoning Classification
OP (Open Space and Parks)
*This district is established for open space, parks, trails and recreational areas.
see attached district intent, permitted uses, special exception uses, and development standards.

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 / A2	Cropland / Natural Resources
South	A1 / OP	Cropland / Natural Resources
East	A1	Cropland
West	A1	Cropland

Staff Report

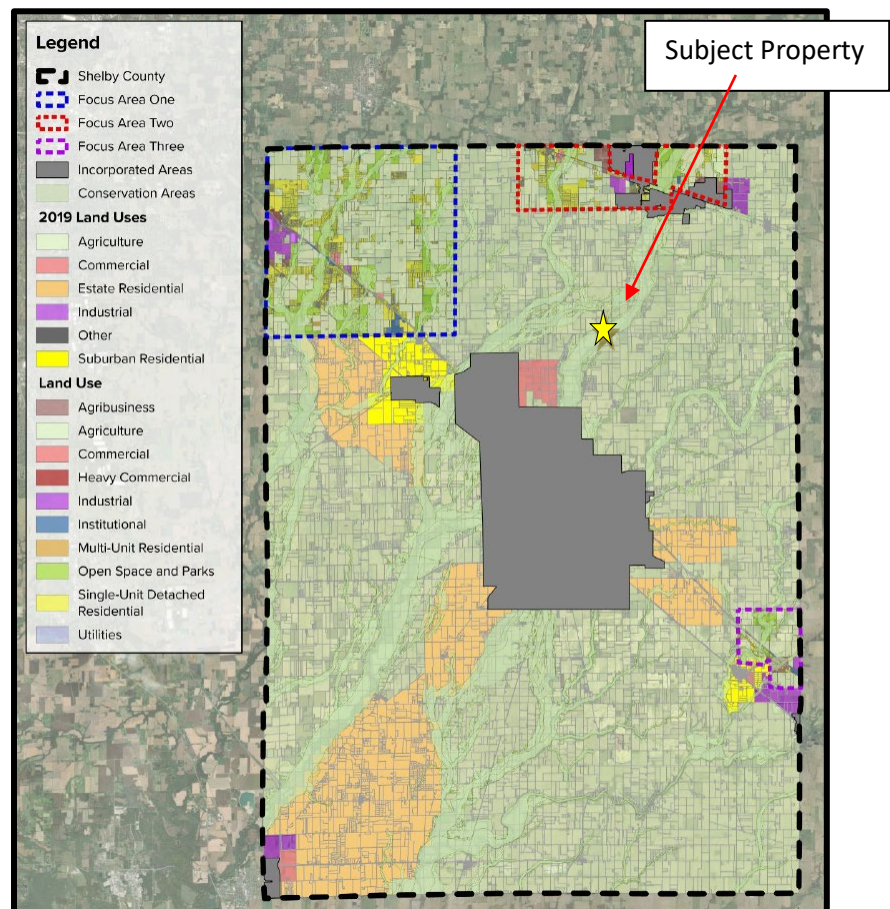
Case Number: RZ 26-19

Case Name: Shelby County Board of Commissioners
Rezoning – OP (Open Space & Parks)

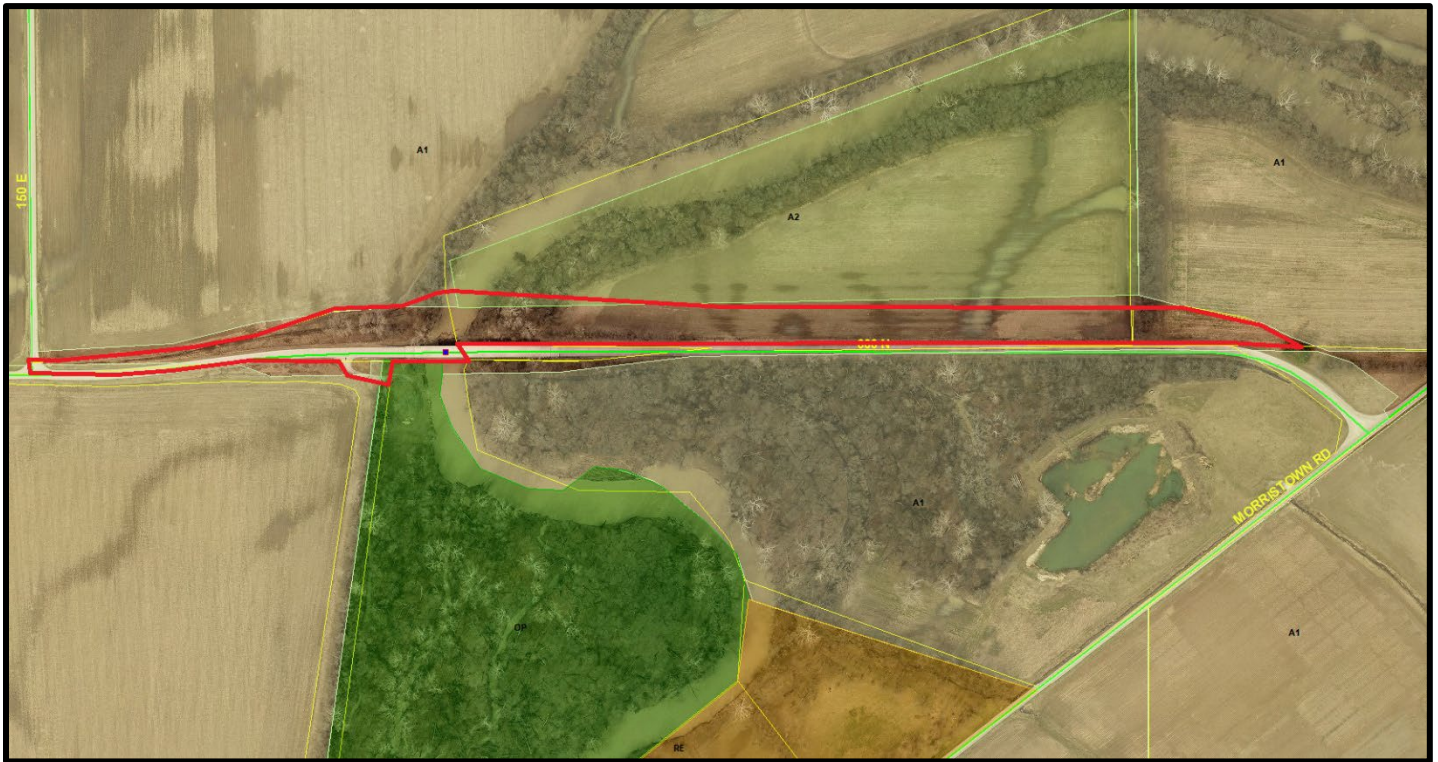
Requests

Rezoning of 6-acres to the OP (Open Space & Parks) District to allow for development of a public access site to Big Blue River.

Future Land Use Map



Property Map



Case Description

- The Shelby County Commissioners own approximately 6-acres of property along the north side of CR 600 N. The Commissioners intend to install a gravel driveway and gravel parking area adjacent to the east side of the CR 600 N bridge to provide public access to Big Blue River.
- Proposed Development
 - Gravel driveway, 18-feet-wide and 469.60-feet in length, entering the property 600-feet east of the center point of the bridge and curving west toward Big Blue River.
 - Parking area accommodating 21 parking spaces, including gravel parking and paved ADA spaces.
 - The UDO requires paved driveways and parking area for public uses. BZA approval of development standards variances will be required to allow for the gravel driveway and parking area. The proposed development complies will all other UDO development standards.
- The development site lies within the Federal Emergency Management Agency (FEMA) designated Flood Hazard Area and Indiana Department of Natural Resources (IDNR) designated Floodway of Big Blue River.
 - The development will require a Flood Control Act permit from IDNR.

- The County has provided public notice of the pending IDNR permit application to adjacent property owners.
- Per State statute, IDNR offers an informal public hearing on the pending permit application if requested by at least twenty-five residents of the County.
- The development will require a local Floodplain Development Permit. Local floodplain development standards do not include any regulations that apply to non-structural development.
- The Shelby County Stormwater Management Ordinance, scheduled to become effective on January 1, 2027, may require compensatory storage which requires replacement of floodplain volume lost as a result of fill used in development of the site.
- The property is located less than a mile from State Road 9 and Morristown Rd. Most visitors would use these roads to access the site. INDOT classifies State Road 9 as a Minor Arterial and Morristown Rd. as a Major Collector. Both roads can accommodate significantly more traffic than local County roads
- The property adjoins cropland and wooded areas. Adjacent property on the south side of CR 600 N lies within the OP District and was previously used as public park space.
- The County purchased the subject property in 1990 for the purpose of bridge improvements. When the County updated the County-wide zoning maps in 2008, the County did not assign a zoning district to the property.
- The UDO only permits public parks in the OP District.
- The Shelby County Stormwater Management Ordinance, scheduled to become effective on January 1, 2027, will likely require a Stormwater Permit for development of the site. Stormwater permits require submittal of engineered drainage plans for review and approval by an engineering firm contracted by the County.

Staff Analysis Findings of Fact

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

- Land on the south side of CR 600 N lies within the OP District and was previously used as public park space.
- The property does not directly adjoin any residential properties and use of the property by the public would not prevent continued use of adjacent property for agricultural production.
- The UDO designates the adjacent A1 (Conservation Agricultural) and A2 (Agricultural) Districts as compatible districts with the OP District.
- The UDO establishes the OP District for open space, parks, trails and recreational areas.

- The UDO recommends use of the OP District to protect land for open space and conservation areas. Zoning of the property to OP would protect existing natural resources and river frontage.

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

- Direct access from the public road to the river frontage renders the property desirable for public access to the river and public water-based recreational activities.

3. The Conservation of Property Values throughout the Jurisdiction

- Communities with public recreational resources tend to have higher property values.

4. Responsible Development and Growth

- Development of the property will require a permit from the Indiana Department of Natural Resources to ensure that the project complies with the Flood Control Act. Development of the property will require review of a plot plan by the County to ensure that the project complies with applicable zoning, drainage, and erosion control requirements. The public can access the site from nearby arterial and collector roads.

5. The Comprehensive Plan

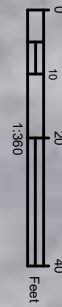
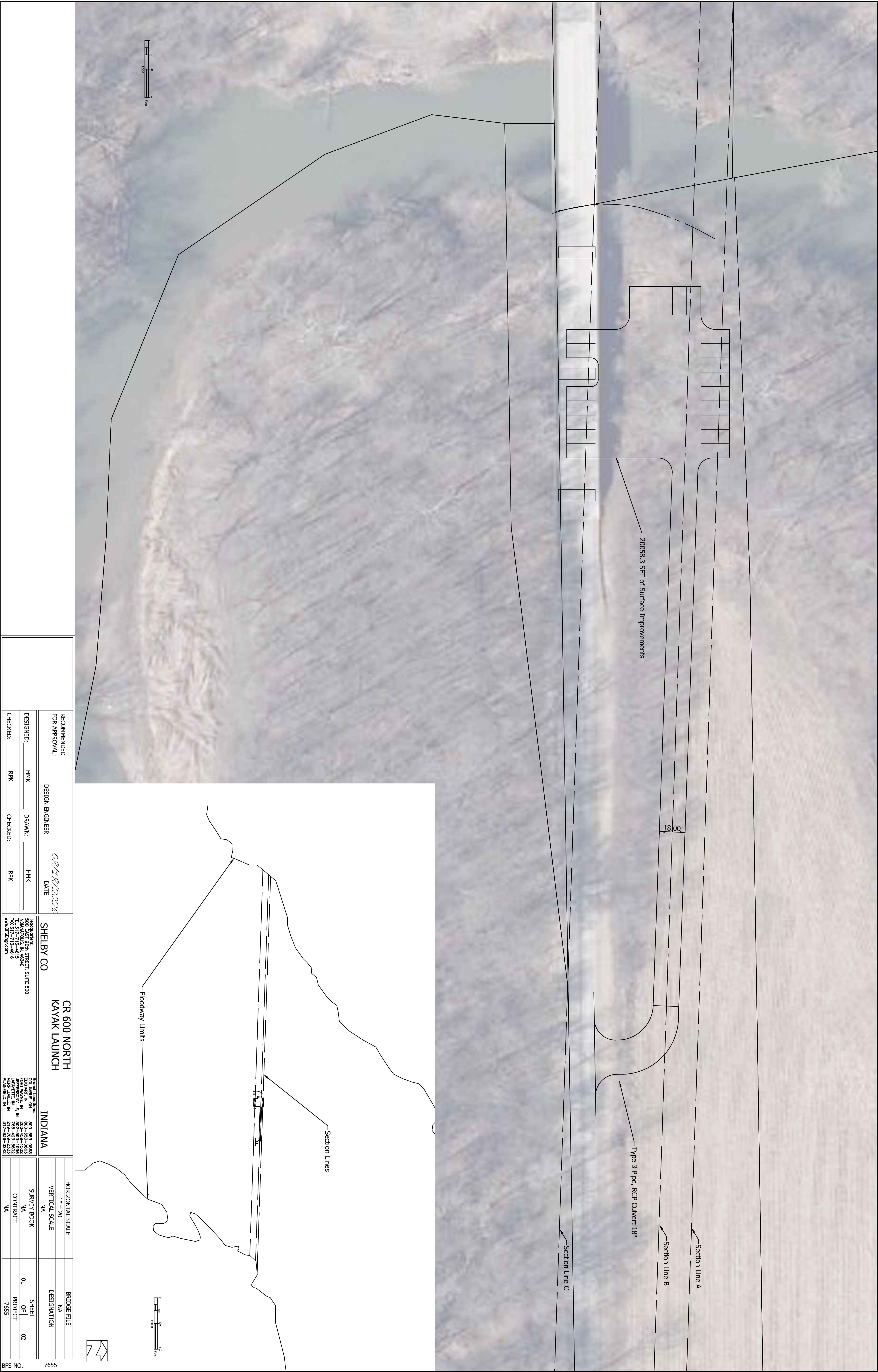
- The Comprehensive Plan recommends open space uses for the property.

Staff Recommendation

Staff recommends **APPROVAL** because all Plan Commission legal considerations for rezoning decisions substantially support approval of rezoning the property to OP.

Applicant/Owner Information

Applicant:	Shelby County Commissioners 25 W Polk St. Shelbyville, IN 46176	Owner:	Same
------------	---	--------	------



Floodway Limits

Section Lines

20058.3 SFT of Surface Improvements

Type 3 Pipe, RCP Culvert 18"

18.00

Section Line A

Section Line B

Section Line C



RECOMMENDED FOR APPROVAL:		DESIGN ENGINEER	DATE
			08/18/2026
SHELBY CO		CR 600 NORTH KAYAK LAUNCH	
INDIANA			
Headquarters: 500 EAST 96th STREET, SUITE 400 TEL 317-713-4615 FAX 317-713-4616 www.shelbyco.in		Branch Location: 800-454-4863 ELKHART, IN 46525-0863 JEFFERSONVILLE, IN 47401-1982 MAMMOTH, IN 47424-3302 PLAINFIELD, IN 47137-839-3362	
DESIGNED:	CHK	DRAWN:	CHK
CHECKED:	RPK	CHECKED:	RPK
HORIZONTAL SCALE		BRIDGE FILE	
1" = 20'		NA	
VERTICAL SCALE		DESIGNATION	
NA			
SURVEY BOOK		SHEET	
NA		01 OF 02	
CONTRACT		PROJECT	
NA		7655	

BFS NO. 7655

Shelby County Plan Commission

Memo

To: Shelby County Plan Commission

From: Desiree Calderella, Planning Director

Review of UDO regulations with the goal of increasing housing development.

The Indiana State Legislature has enacted a law (IC 36-7-4.3) which requires all local jurisdictions to conduct one public hearing to review the local Unified Development Ordinance, with the goal of increasing housing development using the factors highlighted below. Local jurisdictions must submit the meeting minutes of this public hearing to the Indiana Housing and Community Development Authority (IHCDA) by January 1, 2027. The law also requires that local jurisdictions submit housing data to IHCDA. IHCDA has not provided information on how it intends to use information gathered from local jurisdictions. This legislation resulted from the scaling back of a housing bill that would have usurped local control over certain housing regulations.

Staff has described how the current UDO addresses each of the factors for consideration. As the result of any public comment and Board review, the Board may vote to initiate one or more ordinance amendments to increase housing development, or may take no additional action.

The UDO currently allows housing in the following zoning districts:

A1 Conservation Agricultural District
A2 Agricultural District
RE Residential Estate District
R1 Single-family Residential

R2 Single-family Residential
VR Village Residential
M1 Multiple-family Residential District
M2 Multiple-family Residential District
MP Manufactured Home Park District
VM Village Mixed Use District

25 W Polk St, Shelbyville, IN 46176
T: 317-392-6338 W: <https://www.co.shelby.in.us/plan-commission/>

(1) Providing for higher density development of duplexes, triplexes, and fourplexes in areas designated for single family homes.

The UDO only allows both single-family homes and multi-family homes in the VM (Village Mixed Use) District. The County has assigned this district to the downtown areas of the unincorporated communities which include a mix of existing land uses.

(2) Constructing other housing types including accessory dwelling units and manufactured and modular housing.

The UDO does not permit accessory dwelling units (a smaller dwelling unit permitted on the same property as a single-family home). The UDO only permits manufactured homes in the MP (Manufactured Home Park) District. The UDO permits modular housing in all districts which permit single-family homes.

(3) Adaptive reuse of commercial buildings for residential use such as allowing multifamily development in retail, office, and light manufacturing zones.

The UDO only allows adaptive reuse of commercial buildings for residential use in the VM (Village Mixed Use) District. The County has assigned this district to the downtown areas of the unincorporated communities which include a mix of land existing uses.

(4) Increasing the allowable floor area ratio in multifamily housing areas.

The maximum lot coverage for multi-family housing districts are:

Multiple-family Residential (M1) District – 45 %

Multiple-family Residential (M2) District – 60 %

Village Mixed Use (VM) District – 70 %

(5) Waiving or eliminating regulations such as requirements for:

(A) garage size and placement;

The following garage requirements apply to RE, R1, R2, VR, and M1

Minimum Garage Capacity: Minimum two-car attached garage required for all single-family detached and two-family buildings.

Garage-forward Design: Front-loading garages shall not be located forward of the main living area by more than eight (8) feet.

(B) steeper roof pitch;

The following roof pitch requirements apply to RE, R1, R2, VR, and M1

Minimum Pitch: 4 (vertical units):12 (horizontal units)

Minimum Eave/Overhang: All dwellings shall have eaves or overhangs a minimum of twelve (12) inches from the facade's siding material on at least eighty percent (80%) of the roofline. The eave/ overhang shall be determined after the installation of masonry.

(C) minimum lot size and square footage;

The following lot size and minimum dwelling size requirements apply:

	Lot Size	Minimum Dwelling Size
A1	20 acres	1,200 sq. ft.
A2	5 acres	1,200 sq. ft.
RE	2 acres	1,600 sq. ft.
R1	20,000 sq. ft.	1,600 sq. ft.
R2	15,000 sq. ft.	1,400 sq. ft.
VR	6,500 sq. ft.	900 sq. ft.
M1	14,500 sq. ft.	1,000 sq. ft. per unit (min. 2 units)
M2	4 acres	700 sq. ft. per unit (min. avg. unit size 900 sq. ft.)
MP	3 acres	700 sq. ft.
VM	6,000 sq. ft.	900 sq. ft.

(D) greater setbacks;

The following primary structure setback requirements apply:

	Front (ft)	Side (ft)	Rear (ft)
A1	50	40	40
A2	60	40	40
RE	50	30	30
R1	35	15	30
R2	30	10	25
VR	25	8	20
M1	30	15	20
M2	25	15	30
MP	40	20	20
VM	25	15	20

(E) off-street parking;

A1, A2, RE, R1, R2, VR, M1 – 2 hard surface parking spaces per dwelling unit
M2, MP, VM - 2 hard surface parking spaces per dwelling unit + 1 hard surface visitor parking space per three units

(F) design standards that restrict or prohibit the use of code compliant products; or

The UDO does not restrict the use of code compliant products.

(G) property height limitations.

The UDO limits the height of primary residential structures to 35 feet.

(6) Reviewing impact fee zones with zone advisory committee for improvements.

The County does not have impact fee zones.

(7) Streamlining or shortening the permitting processes and timelines, including through one stop and parallel process permitting by fifteen (15) days or more.

The UDO requires submittal of zoning, subdivision, and development applications at least 28 days prior to the public hearing. As policy, the office will accept an application three weeks prior to the public hearing and issues most improvement location permits on the same day as submittal of an application. The Plan Commission and Building Inspector Department is a one stop permitting office.

(8) Using property tax abatements to enable higher density and mixed income communities.

The UDO does not address tax abatements. Tax abatements fall under the prevue of the County Council.

(9) Donating vacant land for affordable housing development.

The UDO does not address donation of land. Donation of land falls under the prevue of the County Commissioners.

Bylaws & Rules of Procedure

Shelby County Plan Commission

ARTICLE ONE NAME AND RULES

- 101 NAME: The legal name of the Board shall be the “Shelby County Plan Commission”.
- 102 RULES OF PROCEDURE: Procedures provided by statute, county ordinances, the Unified Development Ordinance, or these by-laws, shall govern the conduct of the Board meetings.
- 103 MEETING VERSUS HEARING: Within these Rules of Procedure, the word ‘meeting’ refers to all business conducted by the Board and the word ‘hearing’ refers to each individual petition.

ARTICLE TWO MEMBERSHIP, OFFICERS, AND STAFF

- 201 QUALIFICATION OF MEMBERS:
- a. No members of an advisory plan commission may hold an elected office (as defined in IC 3-5-2-17); or any other appointed office, except as permitted by section IC 36-7-4-208, in municipal, county, or state government.
 - b. Members must be a resident of the jurisdictional area of the board or the member must be a resident of a municipality within the county and also an owner of real property located in whole or in part in the jurisdictional area of the board.
 - c. Member Appointments
 - i. One member appointed by the county commissioners from its membership.
 - ii. One member appointed by the county council from its membership.
 - iii. The county surveyor or the county surveyor’s designee.
 - iv. The county agricultural extension educator. If the county does not have an agricultural extension educator or the agricultural extension educator is not a resident of the county, then the county extension board shall select a resident of the county who is a property owner with agricultural interest to serve on the Board for a period not to exceed one (1) year. The county

agricultural extension educator who is not a resident of the county shall serve the commission in a nonvoting advisory capacity.

- v. Five citizen members appointed by the County Commissioners, of whom not more than three may be of the same political party. Each of the five members must be:
 - 1. A resident of an unincorporated area of the county; or
 - 2. A resident of the county who is also an owner of real property in whole or in part in an unincorporated area of the county. However, a majority of the citizen member must reside in the unincorporated county.

202 TERM OF MEMBERSHIP:

- a. The terms of the commissioner member, council member, county surveyor or his/her designee, and the county agricultural extension educator shall coincide with the time he/she holds their elected or appointed position.
- b. Citizen Members
 - i. Each citizen member appointment is for a four-year term of membership. A member is eligible for reappointment. If the term of an appointed member of the Board expires and the appointing authority does not make an appointment to fill the vacancy, the member may continue to serve until the member's successor is appointed. If a vacancy occurs among the members of the Board, the appointing authority shall appoint a member for the unexpired term of the vacating member.
 - ii. The appointing authority may also appoint up to three alternate members to participate with the commission in a hearing or decision if a regular member has a disqualification under section 506 of these Rules of Procedure. The alternate member must have the same qualifications as the disqualified member and has all the powers and duties of a regular member while participating in the hearing or decision.

203 REMOVAL OF MEMBERS:

- a. The appointing authority may remove an appointed member without cause as provided in IC 36-7-4-218 so long as:
 - i. The officeholder who appointed the individual continues to hold the office; or

ii. The board, committee, or body that appointed the individual retains all of the same members who served on the board, committee, or body when the individual was appointed.

b. If Section 203 does not apply, the appointing authority may remove an appointed member for cause as provided in IC 36-7-4-218 or for missing three (3) or more regular consecutive meetings as provided in IC 36-7-4-220 (c). The appointing authority must mail notice of the removal, along with written reasons, to the member at his/her residence address. A member who is removed may appeal the removal within thirty days of receiving notice to circuit or superior court of the County.

204 ELECTION OF OFFICERS: At its first regular meeting in each year, the Board shall elect from its members a President, Vice-President and Secretary.

205 DUTIES OF THE PRESIDENT AND VICE PRESIDENT: The President shall preside over all Board meetings, determine points of order and procedure, and sign all official documents. The Vice-President shall have authority to act as President of the Board during the absence or disability of the President and shall automatically succeed to the office of President upon the resignation or death of the President. In the event the President and Vice-President are unavailable or otherwise unable to preside over a Board meeting, then the Secretary shall have authority to act as President of the Board while such absence continues. If each of the President, Vice-President, and Secretary are unavailable or otherwise unable to preside over a Board meeting, then the Board members present at such hearing shall nominate and approve, by voice vote, a member of the Board in attendance to preside over the meeting.

201 DUTIES OF THE PLANNING DIRECTOR:

- a. The Director shall conduct roll call, read each petition into the record, and provide technical assistance to the Board.
- b. The Director shall be responsible for recording minutes of all Board proceedings.
- c. The Director shall process applications for petitions, shall be responsible for the custody and preservation of the official file for each petition, shall establish the petition docket, and shall write the public notice for each petition.
- d. The Director shall prepare a staff report for each petition to be brought before the Board and an agenda for each meeting.

ARTICLE THREE

MEETINGS

- 301 MEETING CALENDAR: The Plan Commission Director shall prepare an annual meeting calendar including the scheduled date for each hearing, filing deadline, and deadline to provide notice. The filing deadline shall be at least twenty-eight (28) days prior to the meeting at which a petition will be considered. The Plan Commission shall adopt the meeting calendar.
- 302 QUORUM: The presence of five members of the Board shall constitute a quorum. Five members are also required for quorum in case of a vacancy.
- 303 DISPENSATION OF MEETINGS: Whenever there is a lack of business or whenever a quorum will not be available, the President or Plan Commission Director may dispense with a regular meeting by giving written notice to any petitioner and written or oral notice to all members.
- 304 SPECIAL MEETINGS: Special meetings of the Board may be called by the President or by two members of the Board giving written notice to all members at least three days prior to the meeting and provided that in all cases where notice by publication or notice to interested parties is required, such notice shall be in accordance with IC 5-3-1-2 and IC 5-3-1-4.
- 305 OFFICIAL ACTION: No action of the Board shall be official unless it is authorized at a regular or special meeting by a majority of the entire membership of the Board.
- 306 PARTICIPATION BY ELECTRONIC MEANS OF COMMUNICATION: Board members may participate in meetings and authorize official action by electronic means of communication as specified in the most current resolution of the Shelby County Plan Commission establishing the policy by which members of the Plan Commission may participate by electronic means of communication.

ARTICLE FOUR PROCEDURE FOR PETITION TO THE BOARD

- 401 APPLICATION: Any petition to the Plan Commission shall be in writing on forms (including electronic forms) supplied by the Planning Director. These forms shall be executed and filed in the Office of the Plan Commission.
- 402 DOCKET: A docket shall be maintained by the Planning Director.
- 403 DATE OF HEARING: A petition, when filed, shall be initially docketed for hearing at the next regularly scheduled meeting of the Plan Commission after the application deadline.
- 404 NOTICE OF PUBLIC HEARING:

- a. The Planning Director shall write each notice of public hearing. The notice of public hearing shall contain at least the following information: 1) the substance of the petition; 2) the address of the subject property; 3) the name of the petitioner; 4) the time and place set for the hearing; 5) a statement that any interested party may voice an opinion upon said hearing date and/or file written comments concerning the petition; 6) the place where a copy of the proposal is on file; and 7) that the meeting may be continued from time to time.
- b. Notification by Publication: The Planning Director shall publish in the local newspaper all public hearings in accordance with Indiana Code 5-3-1 and Indiana Code 5-3-1-4.
- c. Notification to Interested Parties: The Plan Commission Director shall provide the mailing address of all interested parties to the petitioner prior to the notice deadline. Interested parties are defined as all property owners of record, as shown in the County Auditor's Office, of all land within six-hundred and sixty (660) feet of any property line of the petition site.
- d. Notice must be provided a minimum of ten (10) days prior to the public hearing. The petitioner shall be responsible for providing proof of notice to interested parties under subsection (c) to the Planning Director.
- e. Notice, on a sign having a minimum area of 18" x 27" and content as prescribed by the Board, shall be posted on the subject property at least ten (10) days prior to the public hearing. Said notice shall be located in a place on the property visible from the public roadway along each public street frontage and shall remain posted until resolution of the petition. One sign per street frontage may be displayed for multiple petitions that apply to a single property.
- f. Except for costs of publication under subsection (b), all costs of notification to interested parties shall be borne by the petitioner.

405 REPRESENTATION: An applicant may be represented by counsel or other representative at a hearing; however, the applicant must also be present at the hearing in person or by electronic means of communication. No Board member may represent a petitioner at any meeting or hearing.

406 ADDITIONAL REQUIREMENTS FOR TEXT AMENDMENTS:

- a. Petitions to amend the text of the Unified Development Ordinance shall only be initiated by the Plan Commission, Planning Director on behalf of the Plan Commission, or the County Commissioners.

- b. Notice of petitions to amend the text of the Unified Development Ordinance in relation to Enforcement and Penalties shall include the entire text of the amendment.

ARTICLE FIVE

CONDUCT & PROCEEDURE OF MEETINGS

501 ORDER OF BUSINESS: The order of business of regular meetings shall be as follows:

- a. Roll Call
- b. Approval of Minutes
- c. Requests for Continuance and Miscellaneous Requests
- d. Public Hearings
- e. Discussion
- f. Adjournment

The order of business may be changed on a per meeting basis in the discretion of the President.

502 PUBLIC HEARINGS: The order and format of each public hearing shall be as follows:

- a. The President shall call up for public hearing and make a determination that the petitioner is present and desires to proceed, or in the alternative, that action to continue, withdraw, dismiss, or amend may be in order. The petitioner can make a request to amend, continue, or withdraw a petition at any time during the public hearing.
- b. The President shall ask the Planning Director to read the petition into the record.
- c. The petitioner(s) must appear in person or by electronic means of communication, but may be represented by agent or attorney, and shall generally have fifteen (15) minutes to present their supporting testimony, evidence, and arguments in favor of the matter being heard.
- d. Any person having an interest in the petition being considered may appear in person, by electronic means of communication, by agent, or by attorney and shall generally have three (3) minutes per person to present testimony, evidence, and arguments for or against the petition, and to ask any questions about the petition. Questions shall be directed to the Board only. Any person interested in any petition

shall have the right to enter oral and written comments concerning the petition.

- e. The petitioner(s) shall generally have fifteen (15) minutes to rebut any opposing testimony, evidence, and arguments and to answer questions posed by the public.
- f. The President shall then close the public comment portion of the hearing and open up the hearing for questions from the Board directed to the petitioner(s), remonstrator(s), Planning Director, Board Attorney, and general public.
- g. The Board may discuss the evidence presented in open meeting.
- h. Any member of the Board may call for Official Action of the Board by motion (see section 508 for procedure regarding Official Action). The motion shall specifically state the Official Action under Section 508(a)(i)-(iv) requested.
- i. The Board may, on its own motion, the motion of a petitioner, or the motion of any person having an interest in the petition, grant any request to exceed the general time allotment for presentation of testimony, evidence, or argument as to a petition.
- j. The Board Attorney shall read the Board's Findings of Fact into the record unless the President or Planning Director requests that the Findings of Fact be prepared after the conclusion on the Meeting, which case said Findings of Fact shall be submitted to the Board and approved by voice vote at a subsequent meeting of the Board.

503 TESTIMONY AND ARGUMENT: Commentary from the public shall at all times be addressed to the Board through the President and shall not be permitted between opposing parties without consent of the President. The President shall have the authority to terminate repetitious and irrelevant testimony and shall have the authority to extend such time to petitioners and interested parties as is appropriate in his/her sole judgment in the interest of affording a fair hearing to all.

504 BURDEN OF PROOF: In all petitions the burden of proof is upon the petitioner.

505 OPEN MEETING: No member of the Board shall communicate with any petitioner, advocate, opponent, any other Board member, or any other persons with interest in the petition concerning the merits of any petition pending before the Board at any time before final action thereon, except in a public meeting of said Board. Notwithstanding the foregoing, any member may discuss the merits of a petition pending before the Board with the Planning Director and/or Board Attorney prior to the public meeting.

506 RECUSALS: A member of the Board must recuse himself/herself from consideration of a petition if one of the following applies:

- a. The member is biased or prejudiced or otherwise unable to be impartial; or
- b. The member has a direct or indirect financial interest in the outcome of the zoning decision.

A member who is unsure whether he or she must recuse from consideration of a petition shall consult with the Planning Director and the Board Attorney in advance of the meeting during which the petition will be heard. In the event that a member recuses himself/herself, he/she shall do so as soon as the conflict becomes apparent, and such fact shall be entered in the minutes of the Board. Any recused member must sit in the audience or outside the meeting room during the subject hearing.

507 ABSTENTIONS: An abstention will not count in favor or in opposition of the matter of proposition being considered.

508 OFFICIAL ACTION:

- a. Official Action shall be limited to one of the following options:
 - i. Vote to approve or not approve (deny).
 - ii. Vote to approve with stipulations(s) or not approve (deny).
 - iii. Vote to continue. If the vote to continue fails (i.e., receives five votes in the negative), then the Board must take other Official Action listed in this section.
 - iv. Vote to return to the Commissioners with no recommendation. This option only applies to rezonings. If a vote to return a petition to the Commissioners with no recommendation fails (i.e., receives five votes in the negative), then the Board must take other Official Action listed in this section.
- b. Five members of the board must vote in the affirmative for Official Action to pass. Five members of the board must vote in the negative for Official Action to not pass. If an Official Action does not receive five votes in the affirmative or the negative, a member of the Board may call for a vote on an alternative Official Action. If Official Action is not taken, the hearing will be automatically continued to the next regularly scheduled meeting.
- c. Except where a petition has been continued pursuant to these Rules of Procedure, a petition is deemed denied if Official Action does not result in approval, denial, or no recommendation by the third hearing on the petition.

- d. The Board shall vote on Official Action by ballot.
- e. No member of the Board shall vote on a petition if he /she is not present during the presentation of the petition during the hearing. The Secretary of the Board shall read each ballot aloud and indicate the vote of each member. The President shall declare the petition approved, approved with stipulations, denied, granted not recommendation, or continued.

- 509 FINDINGS OF FACT: All decisions of the Board with respect to map and text amendments, primary subdivision approval, and plat vacations shall be supported by written findings of fact which shall be made a matter of public record in the official file in the Office of the Plan Commission. Findings of Fact for any denial shall specify the reason for non-compliance.
- 510 PREVIOUSLY DENIED PETITIONS: Upon denial of a petition by the Board, and for a period of twelve (12) months after such denial, the Planning Director shall not docket for a hearing a substantially similar petition. The Planning Director shall have the sole authority and discretion to determine that an application containing major changes is not substantially similar and may be docketed for hearing within the aforementioned twelve-month period.

ARTICLE SIX DISPOSITION OF MATTERS

- 601 IN GENERAL: Generally, the final disposition of a petition is in the form of a vote by the Board approving, approving with conditions, denying the petition, or returning to the Commissioners with no recommendation.
- 602 WITHDRAWAL BY PETITIONER:
- a. A petitioner may withdraw their petition at any time before or during the hearing. Withdrawal of petition during a hearing is at the discretion of the petitioner (or petitioner's authorized representative) and shall not require the approval of the Board.
 - b. Withdrawals shall be given in writing prior to the meeting and may be given orally at the meeting.
 - c. Absence of the petitioner from the meeting shall be deemed a withdrawal.
 - d. No petition which has been withdrawn by the petitioner shall again be placed before the Plan Commission for a hearing within a period of three months from the date of said withdrawal, except upon motion of the petitioner to permit re-docketing, adopted by a vote of the majority of the Board's members.

603 CONTINUANCES:

- a. A petitioner may request a continuance of their petition:
 - i. In writing prior to the meeting; or
 - ii. Orally at any time during their hearing.
- b. The Planning Director may continue any petition prior to the meeting at his/her discretion.
- c. Any other interested party may request a continuance from the Planning Director orally prior to the public hearing portion of the meeting in which a petition is to be heard.
- d. Except for a motion made by a Board member, the party requesting the continuance shall have the burden of showing good and sufficient cause.
- e. It shall be within the discretion of the Planning Director to grant or deny requests for continuances made prior to the meeting by a petitioner or by an interested party under subsection (c) above.
- f. It shall be within the discretion of the Board to grant or deny requests for continuances made at a meeting.
- g. The Board on its own motion may continue the hearing of any petition at any time during the meeting.
- h. A continuance shall be automatically re-docketed to be heard at the next regularly scheduled meeting of the Board. Re-notification is not required.
- i. Only two continuances requested by the petitioner shall be permitted. All petitions not withdrawn by the petitioner and which do not qualify for a dismissal must be heard by the Board no later than three (3) meetings after the time of application.



ADOPTED this ___ day of _____ 2026 by a vote of _____ ayes and _____ nays of
members of the Shelby County Advisory Plan Commission of Shelby County, Indiana.

Kevin Carson, President

Megan Hart, Secretary

ATTEST:

Jody M. Butts

Plan Commission Attorney