

Shelby County Plan Commission

April 22, 2025, at 7:00 PM

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MEETING AGENDA

Shelby County Plan Commission
April 22, 2025, at 7:00 P.M.

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes from the March 25, 2025, meeting.

NEW BUSINESS

RZ 25-06 – VEST REZONING: Rezoning of 1.49-acres from the RE (Residential Estate) District to the R1 (Single-Family Residential) District allow for a two-lot Simple Subdivision. Located at 7764 N 625 E, Shelbyville, Hanover Township.

SD 25-05 – VEST SIMPLE SUBDIVISION: Simple Subdivision to create one new 5.584-acre, single-family building lot and a 1.49-acre lot including an existing single-family residence and waiver of subdivision standards. Located at 7764 N 625 E, Shelbyville, Hanover Township.

RZ 25-05 – STEPHENSON REZONING: Rezoning of 1.208-acres from the RE (Residential Estate) District to the VR (Village Residential) District to allow for a one-lot Simple Subdivision. Located south of and adjoining 4372 S Smithland Rd, Shelbyville, Hendricks Township.

SD 25-04 – STEPHENSON FAMILY TRUST SIMPLE SUBDIVISION: Simple Subdivision of a 1.213-acre, single-family building lot from a 3.572-acre parent tract and waivers of subdivision standards. Located south of and adjoining 4372 S Smithland Rd, Shelbyville, Hendricks Township.

OLD BUSINESS

RZ 25-04 – FEINSTEIN REZONING: Rezoning of +/- 1.4-acres from the A2 (Agricultural) District to the R1 (Single-Family Residential) District to establish an existing accessory structure on a separate lot from the associated existing single-family residence. Located at 6184 W 900 S, Edinburgh, Jackson Township.

RZ 25-03 – SHORT-TERM RENTAL STANDARDS TEXT AMENDMENT – Amendment of Article 2 and Article 5 to add Section 5.86 STR-01: Short-Term Rental Standards. Applies to unincorporated Shelby County.

SHELBY COUNTY 2025 SUB-AREA ECONOMIC DEVELOPMENT PLAN & AMENDMENT TO SHELBY COUNTY 2019 COMPREHENSIVE PLAN. Applies to unincorporated Shelby County.

DISCUSSION

None.

ADJOURNMENT

The next regular meeting of the Shelby County Plan Commission is scheduled for Tuesday, **May 27, 2025**, at **7:00 PM**.

Property Details

Location: 7764 N 625 E, Shelbyville, Hanover Township.

Property Size: 7.074-acres.

Current Land Use: Estate Residential.

Current Zoning Classification

RE (Residential Estate)

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

Proposed Zoning Classification for Lot 2

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	A1	Cropland
East	A1	Cropland
West	A1	Cropland

Staff Report

Case Number: RZ 25-06 / SD 25-05

Case Name: Vest Rezoning – RE (Residential Estate) to R1 (Single-Family Residential) & Vest Simple Subdivision

Requests

Rezoning of 1.49-acres from the RE (Residential Estate) District to the R1 (Single-Family Residential) District allow for a two-lot Simple Subdivision.

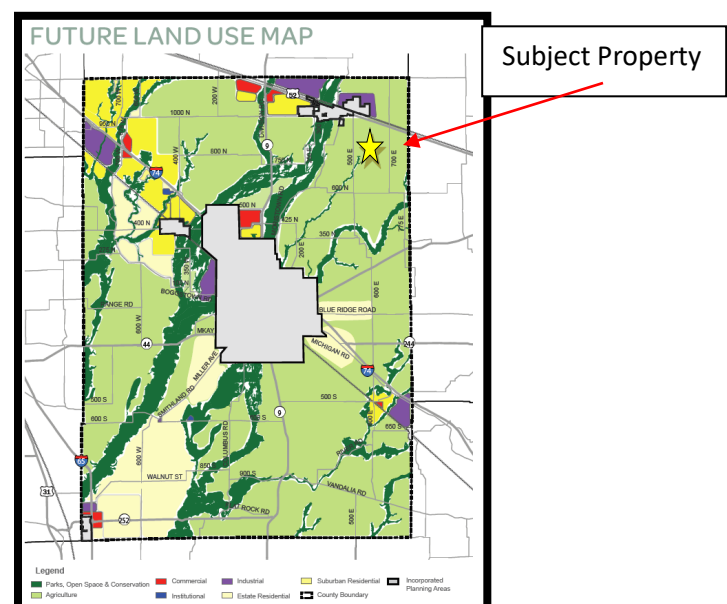
Simple Subdivision to create one new 5.584-acre, single-family building lot and a 1.49-acre lot including an existing single-family residence.

Waiver of Simple Subdivision prerequisites to allow for 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



This aerial map shows a triangular land parcel outlined in red. The parcel is situated at the intersection of a vertical road labeled '626 E' and a horizontal road. The parcel is divided into two sections: a smaller triangular section labeled 'Woodyard' and a larger section labeled 'RE'. The parcel is bordered by a blue line with arrows pointing towards the parcel. The surrounding area is mostly agricultural fields. A label 'A1' is visible in the top left corner of the map. The text 'HANOVER, TN' is also present on the right side of the map.

- Approval of the requests would allow for development of one new single-family residential building lot. The plat designates Proposed Lot #1 as the new 5.584-acre building lot. Proposed Lot #2 includes an existing single-family residence, septic system, and two accessory structures.
- The rezoning only applies to Lot #2 because Lot #2 would retain less than 2-acres. The UDO requires a minimum lot size of 2-acres for properties in the current RE zoning district.
- The Woodyard Open Ditch Legal Drain runs along the east property line. The plat designates the portion of the 150-foot legal drain easement crossing the property as a 'no-disturb, no-till, no-structure' easement. The property includes approximately 3.3-acres of developable area outside of the easement.
- No development exists within the vicinity of the property. The Speedway Solar Farm is located approximately ¼-mile south of the property.
- 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 a new single-family residence.

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

Approval of the rezoning would not result in removal of farmland from production in a predominantly agricultural area.

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

Approval of the rezoning would allow for continued residential use of the property.

3. The Conservation of Property Values throughout the Jurisdiction

Approval of the rezoning would allow for creation of an additional building lot on the property. 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 permit continued residential use of the property. The property has access to all utilities to support residential development.

5. The Comprehensive Plan

Approval of the rezoning would allow for residential development of property currently used for residential purposes rather than removing farmland from production in 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. A waiver to allow for R1 zoning rather than RE zoning would allow for creation of an additional building lot on a residential property rather than removing farmland from production in a predominantly agricultural area.
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

Approval would allow for creation of an additional building lot on a residential property rather than removing farmland from production area recommended for agriculture by the Comprehensive Plan. Therefore, Staff recommends **APPROVAL of the Rezoning and Simple Subdivision.**

Applicant/Owner Information

Applicant:	Kathleen Ann Vest 7764 N 625 E Shelbyville, IN 46176	Surveyor:	Powell Land Surveying LLC 4634 N 575 E Shelbyville, IN 46176
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Owner: Same

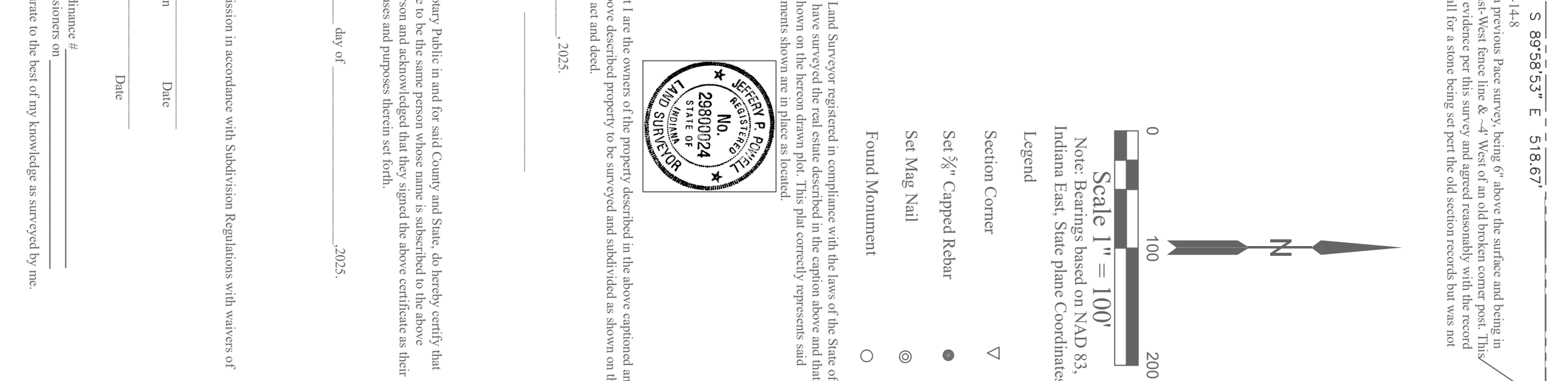
NE cor, NE 1/4, 29-14-8
Found a stone 9" below the surface being per the county ties.

$$\overline{00} \quad \overline{N}$$

09'28"

E cor. SE1/4, SE1/4, 29-148
 excavated midpoint split beine 145' East of a stone post. Note there is a call for a bolder beine

NE cor. SE1/4, SE1/4, 29-14-8
Calculated midpoint split being 14.5' East of a stone post. Note there is a call for a bolder being set part the old section records and this corner should to be dug before concluding it's location.
N 89°56'55" E 1/2687.56'



All the following lands are property together with all improvements located there on, lying in the Township of Hancock, County of Shelby, State of Indiana, to wit:

Part of the Southeast quarter of the Northwest quarter of Section 29, Township 14 North, Range 8 East in Shelby County, Indiana, more particularly described as follows:

Commence at the Southwest corner of said quarter-quarter section; thence North 00 degrees 00 minutes 00 seconds (assumed bearing) 575.20 feet along the

All the following lands and property together with all improvements located there on, lying in the Township of Hanover, County of Shelby, State of Indiana, to wit:

Part of the Southeast quarter of the Northwest quarter of Section 29, Township 14 North, Range 8 East in Shelby County, Indiana, more particularly

described as follows:

commencing at the Southwest corner of said quarter-quarter section; thence North 00 degrees 00 minutes 00 seconds (assumed bearing) 575.20 feet along the

West line of said Southeast quarter-quarter section to the point of beginning said point being a boat spike; thence continuing North 00 degrees 00 minutes 00 seconds (assumed bearing) 272.20 feet along the

The point of beginning, containing 613 acres, more or less and subject to all existing legal highways rights of way and easements of record.

Lot 1, Description of proposed new 5.584 Acre split from the lands owned by Kathleen Ann Vest described in Instrument #2023004234

Part of the Southeast quarter of the Northwest quarter of Section 29, Township 14 North, Range 8 East in Shelby County, Indiana, being created from a survey (Job #989-2024) by Jeffrey Powell and being more particularly described as follows:

Commenting at the Southwest corner of the said quarter-quarter section, said point being marked by a boat spike found 4" below grade, thence North 00 degrees 45' 20" West (Bearings based on NAD 83, Indiana East, State plane Coordinates) along the West line of the said quarter-quarter section a distance of 575.06 feet to a boat spike found 7" below grade marking the Southwest corner of a 61.3 acre tract described in Instrument 202 040424

said point also being the point of beginning of the tract herein described, thence continuing North 00 degrees 02 minutes 45 Seconds West along the West side of the said quarter-quarter section a distance of 483.56 feet to a mang hole, a Powell wellsite, thence South 89 degrees 58 minutes 55 Seconds East a distance of 7445.00 feet to a Powell named corner, thence South 02 minutes 45 Seconds West a distance of 6745.00 feet to a Powell named corner east of

the North line of the said quarter-quarter section, thence South 89 degrees 58 minutes 35 seconds East along the North line of the said quarter-quarter section a distance of 578.30 feet to a Powell capped cedar set at the Northeast corner of the said 6.13 acre tract, said point being in the bottom of the

Acres more or less and being subject to any and all easements, right of ways and restrictions.

Lot 2: Description of proposed new 1,400 Acre remainder of the lands owned by Kathleen Ann Vest described in Instrument #2023004234

Part of the Southeast quarter of the Northwest quarter of Section 29, Township 14 North, Range 8 East in Shelby County, Indiana, being created from a survey (Job #89-2024) by Jeffrey Powell and being more particularly described as follows:

Commencing at the South-south-west of the said quarter-quarter section, said point being marked by a boat spike found 47' below grade, thence North 00 degrees 02 minutes 45 Seconds West (Bearings based on NAD 83, Indiana East, State plane Coordinates) along the West line of the said quarter-quarter section a distance of 1085.62 feet to a man nail with a Powell washer, said point being the point of beginning of the tract herein described; thence continuing

North 00 degrees 02 minutes 45 Seconds West a distance of 265.00 feet to the Northwest corner of the said quarter-quarter section, said point being marked by a small black spike "below grade; thence South 89 degrees 58 minutes 53 Seconds East along the North line of the said quarter-quarter section a distance of 724.50 feet to a Powell owned corner thence South 02 degrees 02 minutes 45 Seconds East a distance of 3765.00 feet to a Powell owned corner thence

North 89 degrees 38 minutes 35 Seconds West a distance of 245.00 feet to the point of beginning of the tract herein described, containing 1.490 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 Article 17, paragraph 1, of the Italian Data Protection Act (Legge n. 675 del 1996). The information provided in this report is based on the data collected by the National Institute of Statistics (ISTAT) and is intended to provide a general overview of the situation in Italy. The information is not intended to be used for individual purposes or to identify specific individuals. The information is provided for informational purposes only and does not constitute a recommendation or endorsement of any product or service. The information is provided as is, without warranty of any kind, express or implied, including but not limited to accuracy, completeness, and reliability. The information is provided under the condition that it will be used solely for the purpose for which it was collected and will not be disclosed to third parties without the prior written consent of the National Institute of Statistics.

This survey falls within the classification of a Suburban survey and therefore has a relative position accuracy of 0.15 feet plus 100 parts per million.

The field work was performed on November 7, 2024 and other dates.

Availability and condition of the reference monuments:
The monuments found and held per this survey to establish the West & North lines of the Southeast quarter of Section 29, Township

14 North, Range 8 East are as follows:
 -SW cor. SE1/4, NW1/4, 29-14-8. Found a boat spike 4" below the surface being in line with occupation/tree line to the East and was called for per the record description & survey. Note there is a call for a stone being set per the old section records, however no search was made per this survey.

NE cor. SE 1/4, NW 1/4, 29-1-48, Found a 5/8" rebar set per a previous Pace survey, being 6" above the surface and being in line with an existing old record description & survey. Note there is a call for a stone being set per the old section records, however no search was made per this survey.

All the found monuments are shown and noted on the survey plat and the uncertainties associated with the said corners are represented on the hereon drawn record generally. Note there is a call for a stone being set by the old corner but was not found per this survey.

Occupation or possession lines:
survey plat and within this report by Record vs Measured vs Calculated.

The new East boundary lines of Lot #2 was established East of the existing North-South fence to allow for the existing septic system to remain on Lot #2 as shown per the record drawing provided by the Shelby County Health Department and the new South line of Lot #2 was established to allow for the proposed County Road 625 East to the West line, the Woodyard Open Ditch is along the Southeast line and there is only a field occupation line along the North line. The proposed boundary lines of Lot #2 are shown in the attached map.

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

The parent 6.13 acre tract created per a previous Survey by Pace Engineering Inc., 4-5-1976 which has two found discrepancies. The record description begins at the Southwest corner of the quarter-quarter section, a boat spike which was found per this survey and appears to agree with occupation. Then it has recorded distance of 575.2' to another called for boat spike which was also found at a distance of 575.06', then a distance of 648.6' to the North to another boat spike.

to a concrete headwall which has been removed, however this survey held the record distance of 823.7' to the Northeast corner of the parent tract being in the bottom of the Woodward ditch and being approximately in line with the projection of the Southeast post of bank. The record description calls for the Southeast boat spike at the Northwest corner of the said quarter-quarter section, however this distance was found to be 748.56' being 100' long. Then to the East 823.7'

line to be along an existing fence line which has been removed. Therefore it is the findings of this survey that the parent tract measures 7.074 acres and that the Southeast property line is along the approximate Southeast top of bank of the Woodyard legal drain.

Flood Hazard Statement: The surveyed tract is located in a special flood hazard ZONE X per the FEMA Flood Insurance rate map number 18145C0070C, the accuracy of this flood hazard statement is subject to map scale uncertainty in location or elevation on the referenced flood insurance rate map.

General Subdivision Notes:
 Note: At least three deciduous trees with a caliper measurement of over 4-in shall be preserved on the Lot #1.

Note: Lot #1 "RE" Zoning: the building set back lines are 50' Front for primary & accessory structures and 30' Side & 30' Rear for primary and 10' for accessory structures;
 Note: Lot #2 "R1" Zoning: the building set back lines are 35' Front for primary & accessory structures and 15' Side & 30' Rear for primary and 5' for accessory structures;

Note: Waiver of Simple Subdivision prerequisites to allow for Simple Subdivision of property zoned R1.

4634 North, 575 East, Shelbyville, IN 46176	SE cor, NE1/4, 29-148
Jeffery P. Powell, PLS	
Rowell Land Surveying LLC	N 89 56 33 E 1.2000.00

Cell 317-694-6073
Email: powellandlaurerjng@aol.com
This Document was prepared by Jeffrey Powell.

	1	2	3	4
1	1			
2		1		
3			1	
4				1

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Property Details

Location: South of and adjoining
4372 S Smithland Rd, Shelbyville,
Hendricks Township.

Property Size: 1.213-acres.

Current Land Use: Estate
Residential.

Current Zoning Classification

RE (Residential Estate)

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

Proposed Zoning Classification

VR (Village Residential)

Intent: *This district is established for existing residential uses in small unincorporated towns and villages.*

Plan Commission: *Use this zoning district for existing development in unincorporated villages and limited use for new development.*

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	Estate Residential
South	VR / VM	Single-Family Residential / Commercial
East	VR	Single-Family Residential
West	VR	Single-Family Residential

Staff Report

Case Number: RZ 25-05 / SD 25-04

Case Name: Stephenson Rezoning – RE (Residential Estate) to VR (Village Residential) & Stephenson Family Simple Subdivision

Requests

Rezoning of 1.208-acres from the RE (Residential Estate) District to the VR (Village Residential) District to allow for a one-lot Simple Subdivision.

Simple Subdivision of a 1.213-acre, single-family building lot from a 3.572-acre parent tract.

Waivers of Simple Subdivision prerequisites to allow:

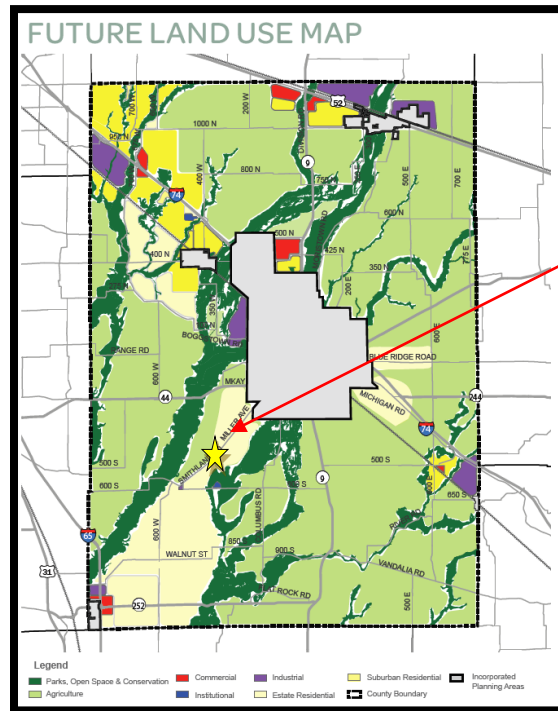
1. Simple Subdivision of property zoned VR.
2. Simple Subdivision of property under 6-acres.

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.

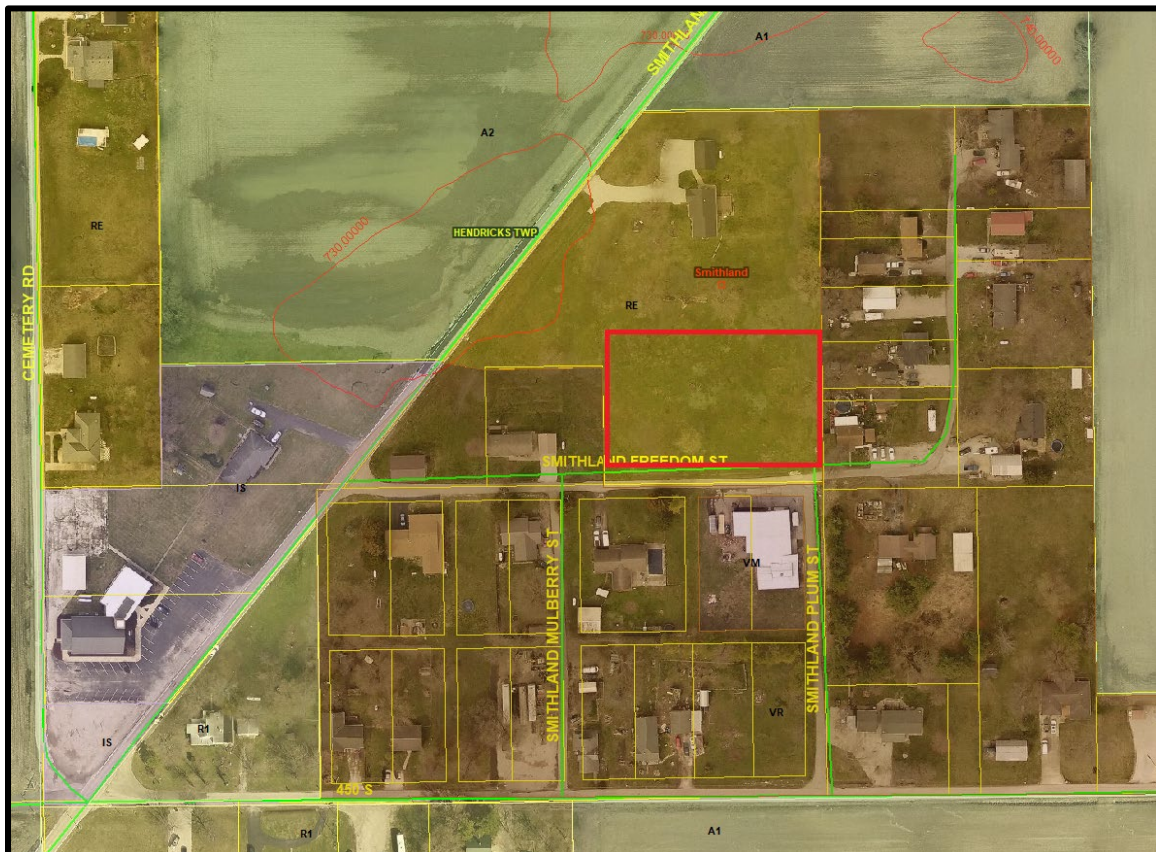
The UDO requires a minimum parent tract size of 6-acres to maintain low residential density in rural areas and to prohibit re-subdivision of properties under 6-acres created under the '5-acre rule'. Prior to 2008, the County allowed subdivision of property into minimum 5-acre building lots without Plan Commission review.

Future Land Use Map



Subject Property

Property Map



Case Description

- Approval of the requests would allow for development of one, 1.213-acre single-family residential building lot.
- The Smithland Tile Legal Drain runs through the southwest corner of the property. The plat designates the portion of the 150-foot legal drain easement crossing the property as a 'no-disturb, no-till, no-structure' easement. The property includes approximately 0.9-acres of developable area outside of the easement.
- The property does not lie in a designated flood zone, however, temporarily held water after the most recent flood event. The petitioner's surveyor believes that an issue with the legal drain tile may have caused the flooding. The County Surveyor plans to address this issue prior to development of the property.
- The unincorporated town of Smithland includes single-family residential development within the VR District at a density of approximately two homesites per acre. A commercial building also sits directly south of the property.
- 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 a new single-family residence.

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 unincorporated town of Smithland includes single-family residential development within the VR District at a density of approximately two homesites per acre. Rezoning of a 1.213-acres to VR to allow for a single-family residential building lot would not increase the residential density of the town or conflict with the zoning of single-family properties in the town.

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

Approval of the rezoning would allow for continued residential use of the property and development of a single-family building lot within an existing residential neighborhood.

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. Construction of a higher-value home on the property relative to nearby homes may increase surrounding property values.

4. Responsible Development and Growth

The UDO recommends that the Plan Commission limit use of the VR District for new development. However, the property lies within an unincorporated town including properties in the VR District which supports use of the VR District. The property has access to all utilities to support residential development.

5. The Comprehensive Plan

Approval of the rezoning would allow for development of a single-family residential lot which has access to roads and utilities, and which would not disrupt agricultural activities as recommended for Estate Residential areas 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 waivers to allow Simple Subdivision of property zoned VR and of property under 6-acres.
 - a. A waiver to allow for VR zoning rather than RE zoning would allow for creation of a residential lot consistent with the zoning of single-family residential lots in the area.
 - b. A waiver to allow for subdivision of property under 6-acres would not result in creation of a lot that conflicts with the residential density of the area.
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

Approval of the rezoning would allow for development of a single-family building lot within an existing residential area which may positively impact the value of adjacent property. Therefore, Staff recommends **APPROVAL of the Rezoning and Simple Subdivision.**

Applicant/Owner Information

Applicant:	Steven R Stephenson 4372 S Smithland Rd. Shelbyville, IN 46176	Surveyor:	Powell Land Surveying LLC 4634 N 575 E Shelbyville, IN 46176
Owner:	Stephenson Family Trust 4372 S Smithland Rd. Shelbyville, IN 46176		

NW cor. NE1/4, 27-12-6
Railroad spike found 2" below the surface being over a stone per the Shelby County ties.
NAD 83, Indiana East, 1301, State Plane Grid Coordinates, N:1536779.15', E:279843.55'

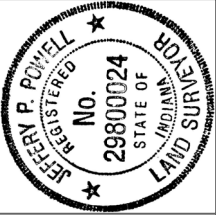
Stephenson Family Simple Subdivision

Part of the Northeast Quarter of Section 27, in Township 12 North,
Range 6 East, in Hendricks Township, Shelby County, Indiana.

Owner: Steve & Nancy Stephenson , Client: Steve Stephenson & Jason Chrzan
Site Address: 4372 South Smithland Road, Shelbyville, IN 46176

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 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 16 day of April, 2025.



Jeffery P. Powell
Registered Land Surveyor
No. 29800024

Owners Certification:
I, **Steve & Nancy Stephenson**, do hereby certify that I are the owners of the property described in the above captioned and that as such owners I 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 _____, 2025.

Steve Stephenson _____ Nancy Stephenson _____

Notary Certification:

I, _____, a Notary Public in and for said County and State, do hereby certify that **Steve & Nancy Stephenson**, 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.

Given under my hand and notarial seal this ____ day of _____, 2025.

Notary Public _____

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

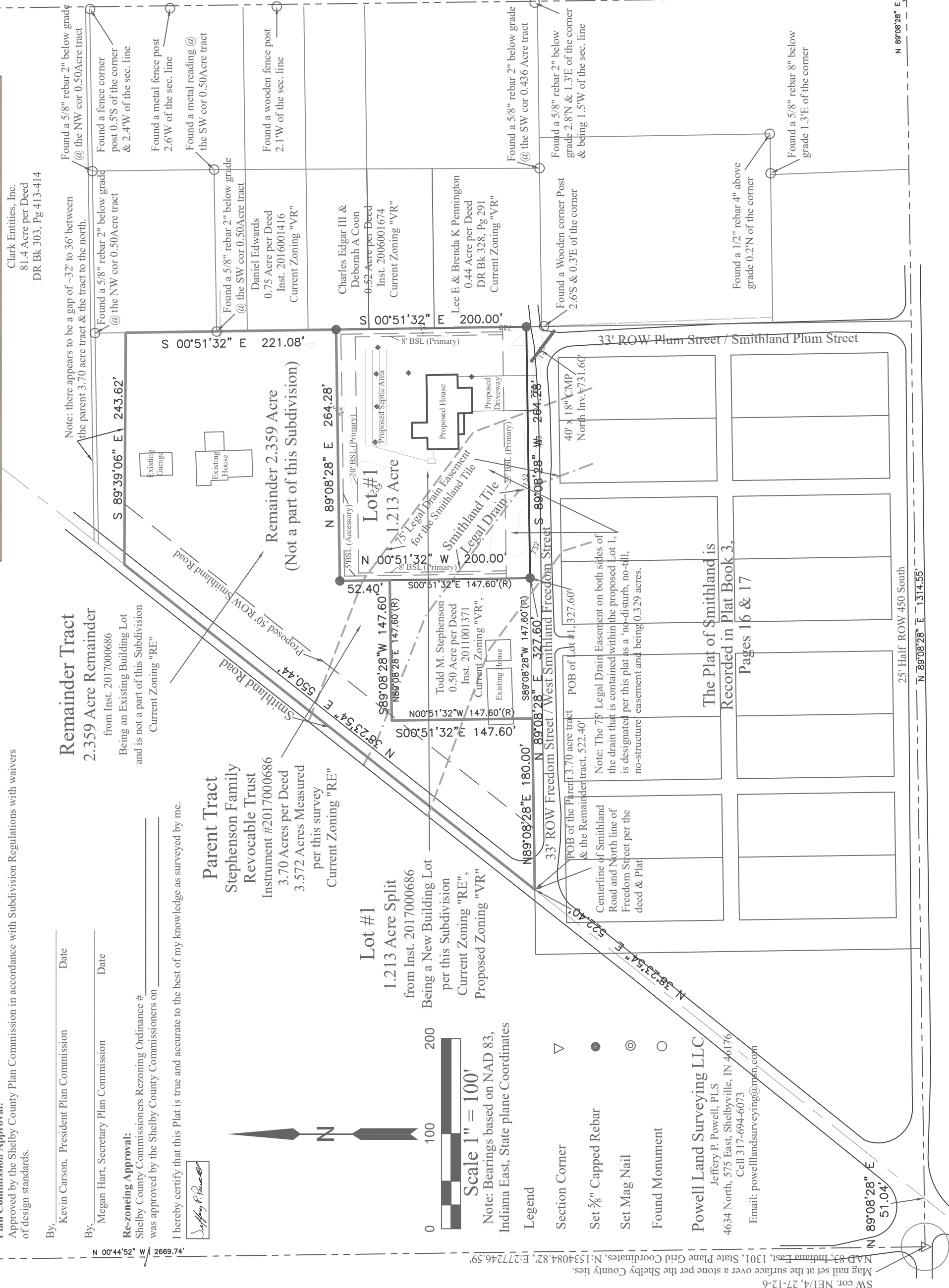
By: Kevin Carson, President Plan Commission _____ Date _____
By: Megan Hart, Secretary Plan Commission _____ Date _____
Re-zoning Approval:
Shelby County Commissioners Rezoning Ordinance # _____
Was approved by the Shelby County Commissioners on _____
I hereby certify that this Plat is true and accurate to the best of my knowledge as surveyed by me.

Parent Tract
Stephenson Family Revocable Trust
Instrument #2017000686
3.70 Acres per Deed
3.572 Acres Measured per this survey
Current Zoning "RE"

Lot #1
1.213 Acre Split
from Inst. 2017000686
Being a New Building Lot per this Subdivision
Current Zoning "RE",
Proposed Zoning "VR"

Scale 1" = 100'
Note: Bearings based on NAD 83,
Indiana East, State plane Coordinates

Legend
Section Corner
Set 3/8" Capped Rebar
Set Mag Nail
Found Monument
Powell Land Surveying LLC
Jeffery P. Powell, PLS
4634 North, 575 East, Shelbyville, IN 46176
Email: powelllandsurveying@ppls.com



N 89°08'28" E 262.07'
NE cor. W1/2, NE1/4, 27-12-6
Calculated midpoint split being in open field, no corner was found.

Parent description of the 3.70 acre tract owned by Stephenson Family Revocable Trust described in Instrument #2017000686.

Beginning in the center of the Shelbyville, Smithland and Marietta Turnpike Rd. at the crossing of the North line of Freedom St. and the Town of Smithland and in Section 27 in Township 12 North in Range 6 East, and running thence East 9 chains and 38 links; thence North 6 chains and 38 links; thence West 3 chains and 45 links to the center of the said turnpike road; thence Southwest in the center of said road 8 chains and 34 links to the place of beginning, containing 4 acres, more or less.

ALSO, all that part of Freedom St. which commences on the east line of the Edinburgh and Shelbyville Rd. where Freedom St. intersects the same in the Town of Smithland, and running thence East to the West line of Mulberry Street in said Town of Smithland, Indiana, said part of said Street having heretofore been vacated by of the Shelby Circuit Court.

EXCEPTING THEREFROM THE FOLLOWING: Part of the Northeast Quarter of Section 27, Township 12 North, Range 6 East in the Shelby County, Indiana, more particularly described as follows:

Beginning at a point on the North line of Freedom St. in the Town of Smithland, Indiana, said point being 180.0 feet East of the intersection of said North line and the center line of the Smithland Rd; thence North 147.6 feet; thence East 147.6 feet; thence South 147.6 feet to the North line of Freedom St.; thence West along said North line 147.6 feet to the point of beginning, containing 0.5 acres, more or less.

Parced #73-10-27-200-029,000-009

Lot 1, Description of proposed new 1.213 Acre split from the lands owned by Stephenson Family Revocable Trust described in Instrument #2017000686.

Part of the Northeast Quarter of Section 27, in Township 12 North, Range 6 East, in Hendricks Township, Shelby County, Indiana, being created from a survey (Job #12-2025) by Jeffery Powell and being more particularly described as follows:

Commencing at a mag nail being over a stone at the Southwest corner of the said Northeast quarter section per the Shelby County ties, thence North 89 degrees 08 minutes 28 Seconds East (Bearings based on NAD 83, Indiana East, State plane Coordinates) along the South line of the said quarter section a distance of 51.04 feet to a point of intersection with the centerline of Smithland Road as located in 2025; thence North 38 degrees 23 minutes 54 Seconds West along the centerline of the said road a distance of 522.40 feet to a point of intersection with the North line of Freedom Street as established per the Plat of Smithland recorded in Plat Book 3, pages 16 & 17 in the Shelby County Recorder's Office; thence North 89 degrees 08 minutes 28 Seconds East parallel to the South line of the said quarter section and being along the North line of the said Freedom Street a distance of 327.60 feet to a Powell capped rebar set at the Southeast corner of a 0.50 acre tract recorded in Instrument 2011001371, said point being the point of beginning of the tract herein described; thence North 00 degrees 51 minutes 32 Seconds West along the East line of the said 0.50 acre tract and its projection a distance of 200.00 feet to a Powell capped rebar; thence North 89 degrees 08 minutes 28 Seconds East parallel to the South line of the said quarter section and the North line of the said Freedom Street a distance of 264.28 feet to a Powell capped rebar set on the East line of a 3.70 acre tract recorded in Instrument 2017000686, being established per the projection of the East line of Plum Street and the best fit of other found monuments; thence South 00 degrees 51 minutes 32 Seconds East along the North line of the said 3.70 acre tract a distance of 200.00 feet to the Northeast corner of the said Plat of Smithland, being the intersection of the East line of the said Freedom Street and the East line of the said Plum Street as established per the said Plat of Smithland; thence South 89 degrees 08 minutes 28 Seconds West along the North line of the said Freedom Street a distance of 264.28 feet to the point of beginning of the tract herein described, containing 1.213 Acres more or less and being subject to any and all easements, right of ways and restrictions.

Remainder description of the 2.359 Acre tract, being the remainder of the lands owned by Stephenson Family Revocable Trust described in Instrument #2017000686 and is not a part of this Subdivision.

Part of the Northeast Quarter of Section 27, in Township 12 North, Range 6 East, in Hendricks Township, Shelby County, Indiana, being created from a survey (Job #12-2025) by Jeffery Powell and being more particularly described as follows:

Commencing at a mag nail being over a stone at the Southwest corner of the said Northeast quarter section per the Shelby County ties, thence North 89 degrees 08 minutes 28 Seconds East (Bearings based on NAD 83, Indiana East, State plane Coordinates) along the South line of the said quarter section a distance of 51.04 feet to a point of intersection with the centerline of Smithland Road as located in 2025; thence North 38 degrees 23 minutes 54 Seconds West along the centerline of the said road a distance of 522.40 feet to a point of intersection with the North line of Freedom Street as established per the Plat of Smithland recorded in Plat Book 3, pages 16 & 17 in the Shelby County Recorder's Office, being the Southwest corner of a 3.70 acre tract recorded in Instrument 2017000686, and said point being the point of beginning of the tract herein described; thence continuing North 38 degrees 23 minutes 54 Seconds East along the said centerline of the road the record distance of 550.44 feet to the Northwest corner of the said 3.70 acre tract; thence South 89 degrees 39 minutes 00 Seconds East along the North line of the said 3.70 acre tract a distance of 243.62 feet to the Northeast corner of the said 3.70 acre tract being established per the projection of the East line of Plum Street per the said Plat of Smithland and the best fit of other found monuments; thence South 00 degrees 51 minutes 32 Seconds East along the East line of the said 3.70 acre tract a distance of 221.08 feet to a Powell capped rebar; thence South 89 degrees 08 minutes 28 Seconds West parallel to the South line of the said quarter section and the North line of the said Freedom Street a distance of 264.28 feet to a Powell capped rebar; thence South 00 degrees 51 minutes 32 Seconds East a distance of 52.40 feet to the Northeast corner of the said 0.50 acre tract recorded in Instrument 2011001371; thence South 89 degrees 08 minutes 28 Seconds West a distance of 147.60 feet to the Northwest corner of the said 0.50 acre tract; thence South 00 degrees 51 minutes 32 Seconds East a distance of 147.60 feet to the Northwest corner of the said 0.50 acre tract, being a point on the North line of the said Freedom Street; thence South 89 degrees 08 minutes 28 Seconds West along the North line of the said Freedom Street a distance of 180.00 feet to the point of beginning of the tract herein described, containing 2.359 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 split off a new proposed building site, being Lot #1, being a 1.213 acres tract in the Southeast corner of the parent 3.70 Acre tract owned by Stephenson Family Revocable Trust described in Instrument #2017000686. The field work was performed on March 1, 2025 and other dates.

Availability and condition of the reference monuments:

The monuments found and held per this survey to establish the West half of the Northeast quarter of Section 27, Township 12 North, Range 6 East are as follows:
-SW cor. NE1/4, 27-12-6, Mag nail set at the surface over a stone per the Shelby County ties.-NW cor. SE1/4, NW1/4, 29-14-8, Found a boat spike 4" below the surface being in line with occupation/field line to the East and was called for per the record description & survey. Note there is a call for a stone being set per the old section records, however no search was made per this survey.
-SE cor. NE1/4, 27-12-6, Railroad spike below the surface and being per the Shelby County ties.
-NE cor. NE1/4, 27-12-6, Stone found at the surface and being per the Shelby County ties.
-NE cor. NE1/4, 27-12-6, Calculated midpoint split being in open field, no corner was found.
-SE cor. W1/2, NE1/4, 27-12-6, Found a reading 3.3'E & 0.9'N of the calculated midpoint split and being in line with a broken old wooden corner post 14"N and being in agreement with the old section records. This corner need to be dug to determine its location.
-The Plat of Smithland is recorded in Plat Book 3, pages 16 & 17 and was established per the record distances and the North-South lines were held to be at right angles to the South line of the quarter section.
-All the found monuments are shown and noted on the survey plat and 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:

The parent 3.70 acre tract is bounded by Smithland County Road along the Northwest line, the North line of the 33' ROW of Freedom Street along the South line and the East line was held to be perpendicular to the South line of the quarter section which agreed with found monuments to the North. The Southeast corner of the 3.7 acre tract was held to be tat the Northeast corner of Freedom and Plum Street. The new boundary lines for the proposed lot #1 was created per the owner's instructions.

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

The South line of the parent 3.7 acre tract was created by holding the North line Freedom Street of the plat of Smithland to be parallel to the South line of the quarter section and holding the East line of Plum Street to be perpendicular to the said South line and holding the record distances per the said plat and projecting the said East line North to create the East line of the 3.7 acre parent tract which appears to agree with some of the found monuments along the said East line. It is to be noted that there were discrepancies found within the record descriptions of deed to the East and some of the found monuments did not agree and are as noted on the survey plat.

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 fee 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 18145C0180C, the accuracy of this flood hazard statement is subject to map scale uncertainty in location or elevation on the referenced flood insurance rate map.

General Subdivision Notes:

Note: At least four deciduous trees with at least 1 1/4 - inch DBH at the time of planting shall be planted or preserved on the property prior to issuance of a certificate of occupancy for any residence on the Lot #1.
Note: Lot #1 - VR' Zoning, the building set back lines are 25' Front for primary & accessory structures and 8' Side & 20' Rear for primary and 5' for accessory structures.
Note: Waiver of Simple Subdivision prerequisites to allow for Simple Subdivision of property zoned VR and waiver of Simple Subdivision prerequisites to allow for Simple Subdivision of property under 6-acres.

N 89°08'28" E 262.07'
SE cor. W1/2, NE1/4, 27-12-6
Found a broken metal post 2" above grade -2'E & 13.31'N of the

Found a reading 3.3'E & 0.9'N of the calculated midpoint split and being in line with a broken old wooden corner post 14"N and being in agreement with the old section records. This corner need to be dug to determine its location.

N 89°08'28" E 1302.95'

SE cor. NE1/4, 27-12-6
Road spike below the surface and being per the Shelby County ties.
NAD 83, Indiana East, 1301, State Plane Grid Coordinates, N:1534154.13', E:279868.64'

Property Details

Location: 6184 W 900 S, Edinburgh, Jackson Township.

Property Size: +/- 1.4-acres.

Current Land Use: Estate 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

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	A2	Estate Residential
South	A2	Estate Residential
East	R1	Single-Family Residential
West	A2	Estate Residential

Staff Report

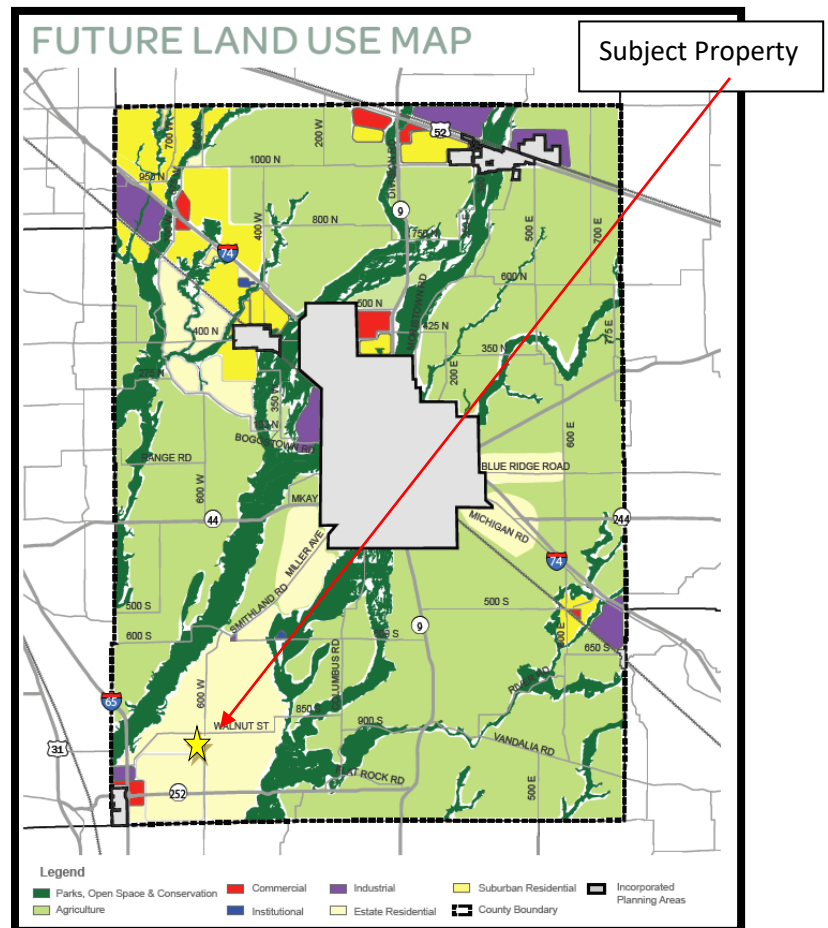
Case Number: RZ 25-04

Case Name: Feinstein Rezoning – A2 (Agricultural) to R1 (Single-Family Residential)

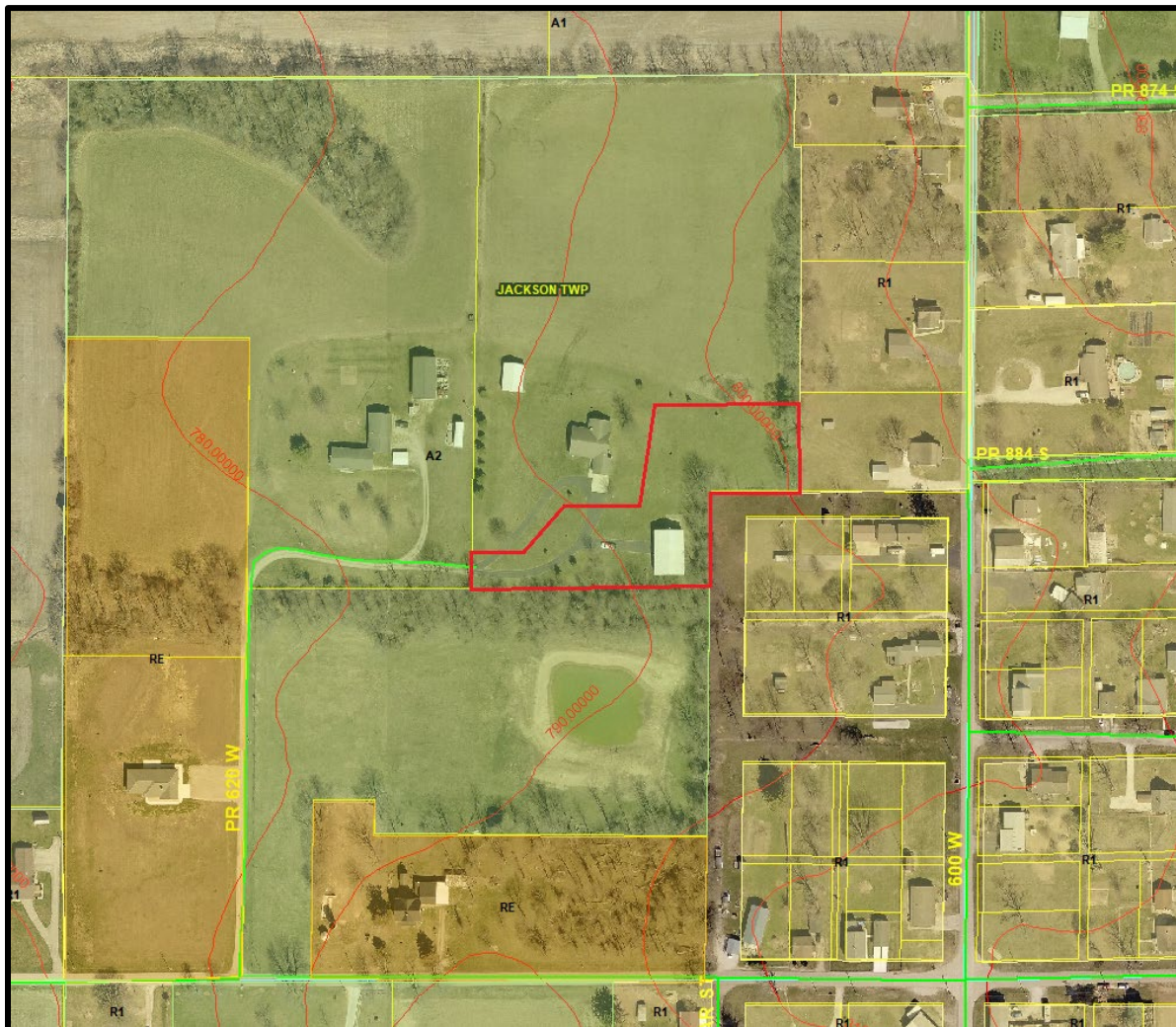
Requests

Rezoning of +/- 1.4-acres from the A2 (Agricultural) District to the R1 (Single-Family Residential) District to establish an existing accessory structure on a separate lot from the associated existing single-family residence.

Future Land Use Map



Property Map



Case Description

- The subject 1.4-acre property is currently part of a 7.9-acre property owned by the petitioner. The petitioner intends to subdivide the property to establish an existing residential accessory structure on a separate lot from the existing single-family residence.
- The petitioner intends to sell the lot including the single-family residence and retain the lot including the residential accessory structure. The petitioner intends to use the residential accessory structure for storage. The accessory structure includes plumbing facilities and utilizes an approved septic system.
- The UDO does not permit primary use of property for storage in the R1 District or in any other zoning district. Prohibiting storage structures without a single-family home protects the character of residential neighborhoods and discourages use of a structure for activities that would generally pose a nuisance to a home located on the lot.

- The petitioner currently utilizes PR 620 W to access the property from CR 900 S. The petitioner has not provided documentation showing a legal access easement over PR 620 W.
- The property may have legal access from CR 600 W through undeveloped streets in Mt. Auburn currently maintained as yard by the adjacent properties. The petitioner has not provided documentation showing legal access from CR 600 W.
- The Unified Development Ordinance includes a minimum size requirement for lots in the current A2 District of five-acres. Therefore, the petitioner must obtain approval of a rezoning of the property to the R1 District, which requires a minimum lot size of 0.47-acres, in order to subdivide the property. If the County approves the rezoning, the petitioner will request Simple Subdivision approval from the Plan Commission at a later date.
- The property and intended use for the property do not comply with several standards identified in the Unified Development Ordinance. If the County approves the rezoning, the petitioner must obtain additional approvals prior to subdividing and use of the lot. Specifically:
 - New residential lots in Simple Subdivisions must have the RE (Residential Estate) zoning designation – subdivision waiver approval required from Plan Commission.
 - New residential lots must have frontage on a public street built to County street standards - subdivision waiver approval required from Plan Commission.
 - New residential lots must have side lot lines within a 90-degree angle to the right-of-way - subdivision waiver approval required from Plan Commission.
 - Primary use of property for storage not permitted in the R1 District – use variance approval required from BZA
 - No more than two lots shall utilize a shared driveway – development standards variance approval required from BZA.

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 Rezoning: The adjacent area to the east includes properties within the R1 District similar in size to the subject property. The rezoning would allow for future conversion of the existing accessory structure into a residence with subdivision approval and applicable permits.

Considerations Contradicting Rezoning: The petitioner intends to use the property for residential storage. Adjacent properties in the R1 District do not appear to be used primarily for storage.

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

Considerations Supporting Rezoning: Approval of the rezoning would not result in an immediate change in use of the property. The rezoning would allow for future conversion of the existing accessory structure into a residence with subdivision approval and applicable permits.

Considerations Contradicting Rezoning: The petitioner intends to use the property for residential storage. The UDO does not permit primary use of property for storage in the R1 District.

3. The Conservation of Property Values throughout the Jurisdiction

Considerations Supporting Rezoning: Approval of the rezoning would not result in an immediate change to the use of the property and future development of the property for residential purposes would have no perceivable impact on property values throughout the County.

Considerations Contradicting Rezoning: Additional traffic on a gravel private road could impact the use and enjoyment of the three properties currently utilizing the road for access.

4. Responsible Development and Growth

Considerations Contradicting Rezoning: The petitioner has not provided documentation that the property has a legal means of access. Use of the property in the manner desired by the petitioner does not comply with several UDO requirements.

5. The Comprehensive Plan

Considerations Contradicting Rezoning: The Comprehensive Plan recommends residential development at a density of no more than one lot per two acres having access to roads and utilities in areas designated for estate residential development. The petitioner does not intend to use the property for single-family residential purposes, the property is smaller than two acres, and the property does not have proven legal access to a public road.

Staff Recommendation

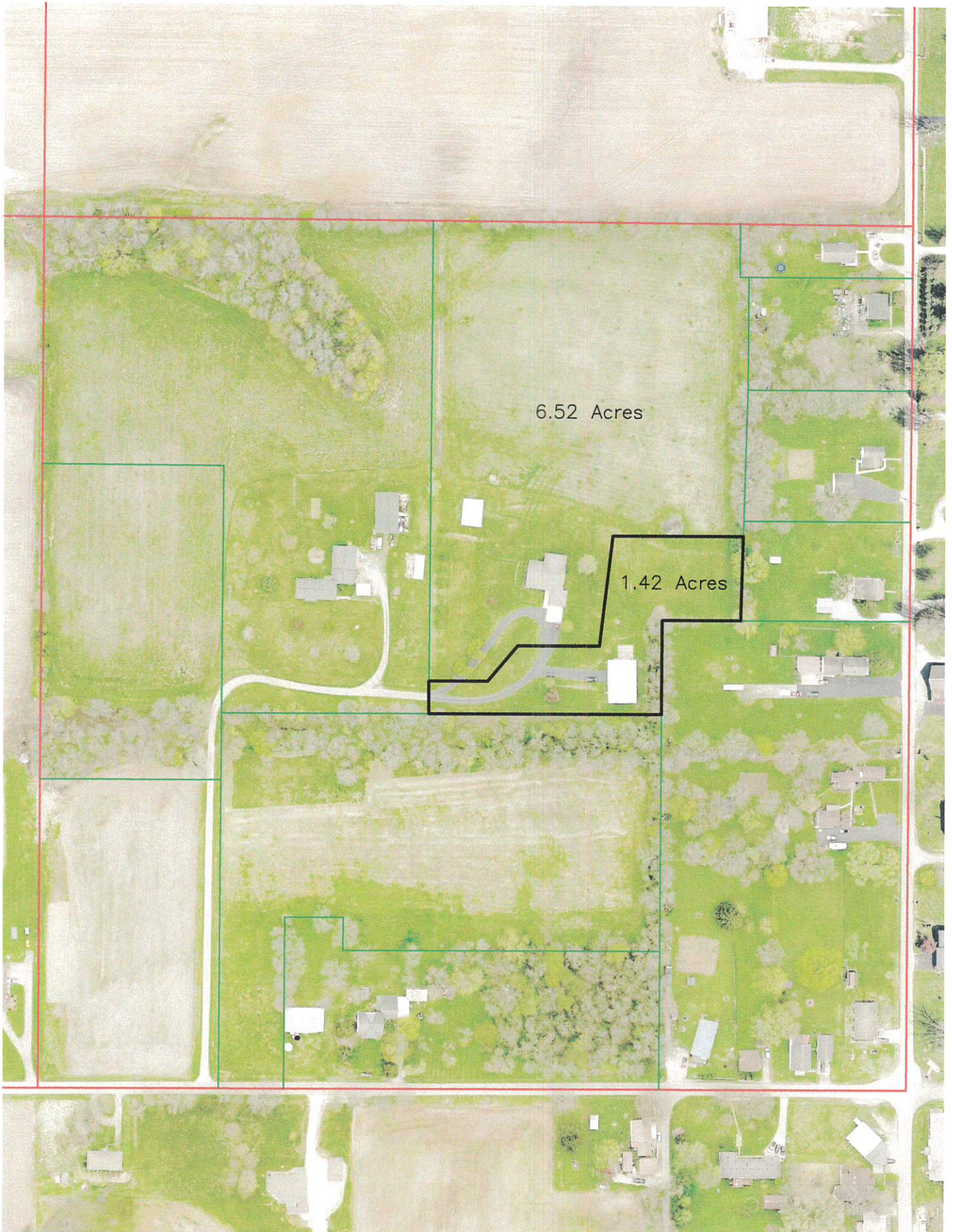
Staff recommends **DENIAL** primarily because the property does not have proven legal access to a public road and use of the property in the manner desired by the petitioner does not comply with several requirements of the Unified Development Ordinance.

Applicant/Owner Information

Applicant: Steven Feinstein
6184 W 900 S
Edinburgh, IN 46124

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

Owner: Same



1" = 200'

Shelby County Plan Commission

Memo

To: Shelby County Plan Commission

From: Desiree Calderella, Planning Director

RZ 25-3: Amendment of Article 2 and Article 5 to add Section 5.86 STR-01: Short-Term Rental Standards

The Board held a second public hearing on the Ordinance Amendment at their March 25, 2025 meeting. The amendment did not receive five votes to approve, therefore the Board continued the case to their April 22, 2025 meeting. Board member Andrew Newkirk raised concerns about lack of option for grandfathering status for existing short-term rentals and potential overreliance on septic system capacity as determined by the Health Department for variance approval. Staff proposes a minor revision to section 5.86 C 2 to help address Mr. Newkirk's second concern:

Requests to Increase the Maximum Occupancy Limit: The owner of a short-term rental may request an increase to the maximum occupancy limit when the owner submits a Short-Term Rental Permit Application. The Zoning Administrator shall have the discretion to approve an increase to the maximum occupancy limit for short-term rental structures ~~exceeding the typical size of dwellings in the zoning district or for property not adjacent to other residential development. The Zoning Administrator and~~ may place conditions on approval. The Zoning Administrator may also request submittal of a variance application to the Board of Zoning Appeals seeking approval to increase the maximum occupancy limit. ~~One or more of the following conditions may qualify a short-term rental for approval of an increase in the maximum occupancy limit from the Zoning Administrator or Board of Zoning Appeals: short-term rental structures exceeding the size of a typical dwelling in the zoning district, short-term rental properties in locations not adjacent to residential development, short-term rental properties that commit to limit the amount of days that the short-term rental will accommodate guests.~~

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This amendment would provide guidance to the Zoning Administrator and Board of Zoning Appeals when making a decision, but does not limit the criteria for consideration or dictate approval or denial of a request.

Approval Process

Approval of the Ordinance requires a public hearing before the Plan Commission and an approval, denial, or approval with conditions recommendation of the document by the Plan Commission to the County Commissioners. The County Commissioners may then adopt the final ordinance, deny the final ordinance, or send the ordinance back to the Plan Commission with amendments for consideration. This month's Plan Commission agenda includes the third public hearing on the ordinance.

Staff recommends that the Plan Commission first vote to either approve or deny the proposed amendment of Section 5.86 C 2. The Plan Commission can then vote to forward a favorable recommendation to the County Commissioners on the ordinance as presented or ordinance as amended.

If the Plan Commission does not have five votes to make a decision on either the amendment or the ordinance, Staff recommends that the Board forward the ordinance amendment as presented with no recommendation to the County Commissioners.

County Commissioners review of the Ordinance Amendment is tentatively scheduled for May 5th, 2025, at 8:00 AM in Conference Room 208A located in the Shelby County Courthouse Annex at 25 W. Polk St, Shelbyville.

ORDINANCE NO 2025 -

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF SHELBY COUNTY, INDIANA, AMENDING THE SHELBY COUNTY UNIFIED DEVELOPMENT ORDINANCE - SPECIFICALLY AMENDING ARTICLE 2: ZONING DISTRICTS AND ADDING ARTICLE 5, SECTION 5.86 STR-01: SHORT-TERM RENTAL STANDARDS

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

WHEREAS, Shelby County has an existing Unified Development Ordinance that regulates development within its jurisdictional areas;

WHEREAS, Shelby County desires to update its development regulations to meet current economic conditions, current trends, and to promote quality growth;

WHEREAS, Public Notice was given for at least one public hearing as required by Indiana Code 36-7-4-604; and

WHEREAS, the Shelby County Plan Commission has recommended approval of the amendment to the Unified Development Ordinance as required by Indiana Code 36-7-4-605.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of Shelby County, Indiana as follows:

SECTION 1: Amendment of Article 2, Sections 2.03, 2.05, 2.11, 2.13, 2.15, 2.17, 2.19, 2.21, 2.25 to add Short-Term Rental as a Permitted Use.

SECTION 2: Add Article 2, Section 5.86 STR-01: Short-Term Rental Standards: **see attached**

SECTION 3: Effective Date. This ordinance shall be in full force and effect from and after its adoption by the Board of Commissioners of Shelby County, Indiana.

SECTION 4: Repealable Provisions. All ordinances and parts of ordinances in conflict with the specific amendment herein are hereby repealed.

ADOPTED this ____th day of ____, 2025 by a vote of _____ ayes and _____ nays of members of the Board of Commissioners of Shelby County, Indiana.

Jason Abel, President

David Lawson, Member

Nathan Runnebohm, Member

ATTEST:

Amy Glackman, Auditor
Shelby County, Indiana

5.86 STR-01: Short-Term Rental Standards

This Short-Term Rental section applies to the following zoning districts:



The intent of the Short-Term Rental Standards is to ensure compliance with the provisions of IC 36-1-24 and to protect the health, safety, and welfare of the residents of the County, while providing an income opportunity for owners of residential property and addressing the unmet demand for lodging within the County. The following standards apply:

A. Exemptions:

1. Short-term rental of a dwelling on owner-occupied short-term rental property is exempt from the regulations of *Section 5.86: Short Term Rental Standards* and shall be regulated as a residential dwelling.
2. Rental of a dwelling for (30) days at a time or more is exempt from the regulations of *Section 5.86: Short Term Rental Standards* and shall be regulated as a residential dwelling.
3. Rental of a dwelling not through a short-term rental platform is exempt from the regulations of *Section 5.86: Short Term Rental Standards* and shall be regulated as a residential dwelling.
4. Any structure not defined as a type of dwelling in *Section 11.02 Defined Words* is exempt from the regulations of *Section 5.86: Short Term Rental Standards* and shall be regulated by the development standards applicable to the defined use.

B. Short Term Rental Permit: Subsequent to (six months from ordinance adoption) any property used for a short-term rental shall be registered separately and annually with the County.

1. Application: Application for a Short-Term Rental Permit shall be made on forms provided by the Zoning Administrator in accordance with IC 36-1-24-11 (b) and the requirements for an ILP established in *Section 9.05 Improvement Location Permit* to ensure that the structure is safe and habitable. The application shall be signed by the property owner.
2. Duty to Update Permit Information: If any information provided by an owner to the County in the Short-Term Rental permit application changes, the owner shall provide updated information to the County in writing within thirty (30) business days.
3. Expiration: A Short-Term Rental permit expires one (1) year after the date the permit is issued.
4. Short-Term Rental Permit Fees:
 - a. The initial permit application fee shall be one hundred and fifty dollars (\$150).
 - b. There shall be no fee for permit renewals.
5. Revocation of Short-Term Rental Permits: In accordance with IC 36-1-24 (14-16) the County Board of Zoning Appeals may revoke a Short-Term Rental permit if three (3) or more citations for ordinance violations are issued to the owner of the permitted short-term rental within a calendar year.
6. A Short-Term Rental Permit is nontransferable to a new property owner.

C. Occupancy Limits:

1. Maximum Occupancy: Two (2) people per short-term rental structure plus two (2) people per bedroom in the structure. The number of bedrooms shall be determined by septic system capacity.
2. Requests to Increase the Maximum Occupancy Limit: The owner of a short-term rental may request an increase to the maximum occupancy limit when the owner submits a Short-Term Rental Permit Application. The Zoning Administrator shall have the discretion to approve an increase to the maximum occupancy limit for short-term rental structures exceeding the typical size of dwellings in the zoning district or for property not adjacent to other residential development. The Zoning Administrator may place conditions on approval. The Zoning Administrator may also request submittal of a variance application to the Board of Zoning Appeals seeking approval to increase the maximum occupancy limit.

D. Structure Standards:

1. Permitted Structures: Short-term rentals shall be permitted in:
 - a. A legally established primary dwelling in compliance with all residential building code requirements.
 - b. An accessory dwelling legally established by the Board of Zoning Appeals and in compliance with all residential building code requirements.
2. Prohibited Structures, Vehicles, and Facilities: Short-term rentals shall be prohibited in:
 - a. Mobile homes.
 - b. Passenger vehicles, trucks, tractors, tractor-trailers, truck-trailers, trailers, boats, recreational vehicles, semitrailers, and any other vehicle propelled or drawn by mechanical power.
 - c. Pools, game courts, and similar outdoor recreational facilities without the short-term rental of a dwelling on the property.
 - d. Any structure not legally established for human occupancy.

E. Site Standards:

1. Appearance: The appearance of any short-term rental structure and site shall not conflict with the character of the community. Determination of a conflict of appearance shall be at the discretion of the Zoning Administrator.
2. Off-Street Parking: A minimum of one (1) parking space plus one (1) parking space per bedroom.
3. Utilities: Water and sewage disposal shall comply with all requirements of the Indiana Department of Health and Shelby County Health Department.
4. Signage: One (1) wall sign not to exceed three (3) square feet in area is permitted on the structure used for a short-term rental. All other signage, other than signage permitted in *Section 5.73: General Sign Standards*, is prohibited.
5. Additional Standards: All other development standards of the subject zoning district shall apply.

F. Existing Short-Term Rentals: Any property including a short-term rental structure established prior to (date of ordinance adoption) shall be granted relief from the standards of Section 5.86 for a period of one year. After (one year from date of ordinance adoption) all standards of Section 5.86 shall apply to any property including a short-term rental structure.

G. Variance: The standards of *Section 9.17: Variance* apply to any request for a Use Variance or Development Standards Variance related to Short-Term Rentals.

Definitions (added to Article 11, Section 11.02):

Owner-Occupied Property: In accordance with IC 36-1-24-6, property that is the owner's primary residence and is offered to the public as a short-term rental. Homestead Deduction documentation may be used to show proof of primary residence.

Short-Term Rental: In accordance with IC 36-1-24-6, the rental of a dwelling unit for terms of less than thirty (30) days at a time through a short-term rental platform.

Short-Term Rental Platform: In accordance with IC 36-1-24-7, an entity that provides an online platform through which unaffiliated parties offer to rent a short-term rental to an occupant and collect fees for the rental from the occupant.

Shelby County Plan Commission

Memo

To: Shelby County Plan Commission

From: Desiree Calderella, Planning Director

2025 Shelby County Sub-Area Economic Development Plan

To view the Draft Plan, please visit the Plan Commission website:

https://www.in.gov/counties/shelby/files/plan-commission/2023.01884-Shelby-County_subarea_digitalDRAFT.pdf

Summary of Public Hearing on February 25, 2025

The Board initially reviewed the Plan at their February 25, 2025 meeting. Members of the public and the elected and appointed officials of Morristown provided comment. Members of the public generally spoke in favor of the Plan, however, the elected and appointed officials of Morristown expressed concern with the reduction of land designated for industrial development adjacent to the Town limits as compared to the Shelby County 2019 Comprehensive Plan. The Board suggested that the County's Plan consultant, American Structurepoint, and Morristown's comprehensive plan consultant, HWC engineering, discuss a compromise and present a potential amendment to the Morristown Area Map for review by the Plan Commission at their March meeting. The Board did not express any concern with the other portions of the Plan. See February 25, 2025 Plan Commission Meeting Minutes for additional information.

Summary of Public Hearing on March 25, 2025

The Board reviewed three alternatives for the Morristown Area Map and heard comment on the map alternatives from the public, representatives for the Town Council of Morristown, and American

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Structurepoint. Each Board member chose a map alternative and outlined their reasoning for their choice. No map alternative received five votes in favor, therefore the Board continued their decision on the map and recommendation on the resolution to adopt the Plan to their April 22nd meeting. See March 25, 2025 Plan Commission Meeting Minutes for additional information.

Morristown Area Map Amendment

American Structurepoint and County Staff have provided three alternative maps for the Morristown Area (see attached maps) for consideration by the Plan Commission.

- **Map A – Map currently included in the Plan**
- **Map B – Map including areas designated for industrial development approved by the Morristown Town Council at their March 12, 2025 meeting.**
 - Revises approximately 350-acres of land adjacent to the east side of the CGS property from agriculture & open space to industrial.
 - Revises approximately 350-acres of land adjacent to the west side of the CGS property from agribusiness & agriculture to industrial.
 - The current Map and Morristown's Map both show industrial for approximately 140-acres of land within the interior of the CGS property.
- **Map C – Map currently included in the Plan with a Morristown Comprehensive Plan Overlay recommendation over the areas desired for industrial development approved by the Morristown Town Council.**

Considerations Regarding Alternative Map C

- Alternative Map C would allow for continued discussion between the County and Town of Morristown regarding the proposed land uses for the designated hatched areas shown on the map. This approach would allow Morristown to have a role in planning for the areas that have a reasonable chance of becoming incorporated into the Town during the lifespan of the Sub-Area Plan.
- Morristown has begun their planning process for an upcoming Town Comprehensive Plan. Morristown would include the designated hatched areas on their future land use map in their Plan and should ensure that County leadership participates in the decision-making process for assigning land uses to these areas. State Code requires at least one public hearing prior to adoption of a Comprehensive Plan.

- While the Town Plan would designate future land uses for the area, the County would have no obligation to consider the land uses designated by the Town in future zoning decisions unless the County adopts the land uses designated by the Town as an amendment to the County Plan. If the County does not adopt Morristown's recommendations, the uses designated on Map A would remain as the recommendations for the properties in the hatched areas.
- If the County does not adopt the land use recommendations of the Town, the Town could only consider their designated land use for a particular property if the Town annexes that particular property into the Town limits.

Approval Process



Approval of the Plan requires a public hearing before the Plan Commission and an approval, denial, or approval with conditions recommendation of the document by the Plan Commission to the County Commissioners. The County Commissioners may then adopt the final document by resolution, deny the final document, or send the document back to the Plan Commission with amendments for consideration. This month's Plan Commission agenda includes the third public hearing before the Plan Commission.

Staff recommends that the Plan Commission first vote to approve either Morristown Area Map A, B, or C. After approval of the Map, Staff recommends that the Plan Commission vote to recommend approval of the Plan by resolution (see attached), conditional on any amendment to the Morristown Map.






If no Morristown Map receives five votes, Staff recommends that the Board recommend approval of the Plan by resolution with no recommendation on the Morristown Map. In this scenario, the County Commissioners would choose a map absent of any recommendation from the Plan Commission.

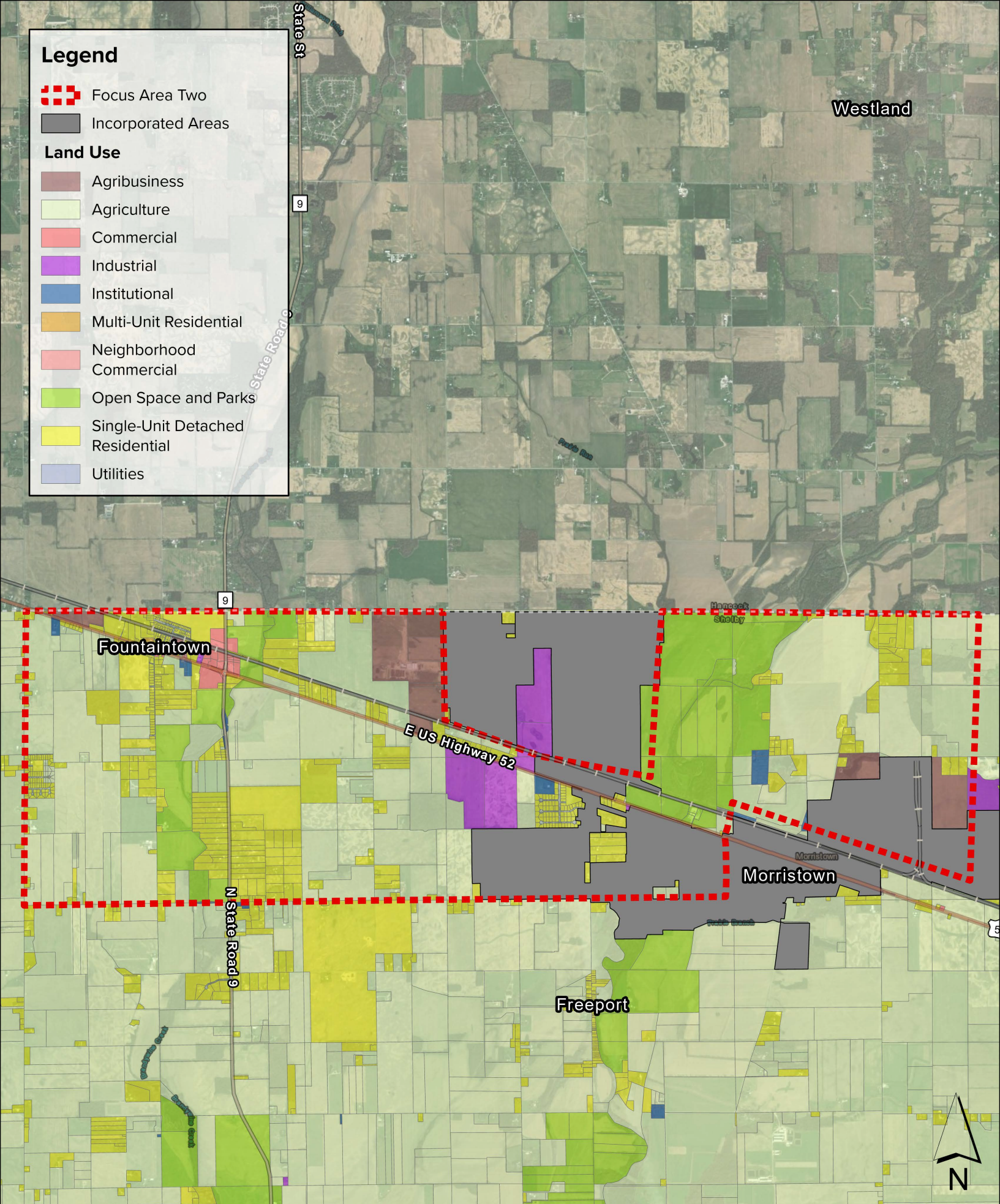
County Commissioners review of the Plan is tentatively scheduled for May 5th, 2025, at 8:00 AM in Conference Room 208A located in the Shelby County Courthouse Annex at 25 W. Polk St, Shelbyville.

Legend



-  Focus Area Two
-  Incorporated Areas

Land Use






-  Agribusiness
-  Agriculture
-  Commercial
-  Industrial
-  Institutional
-  Multi-Unit Residential
-  Neighborhood Commercial
-  Open Space and Parks
-  Single-Unit Detached Residential
-  Utilities

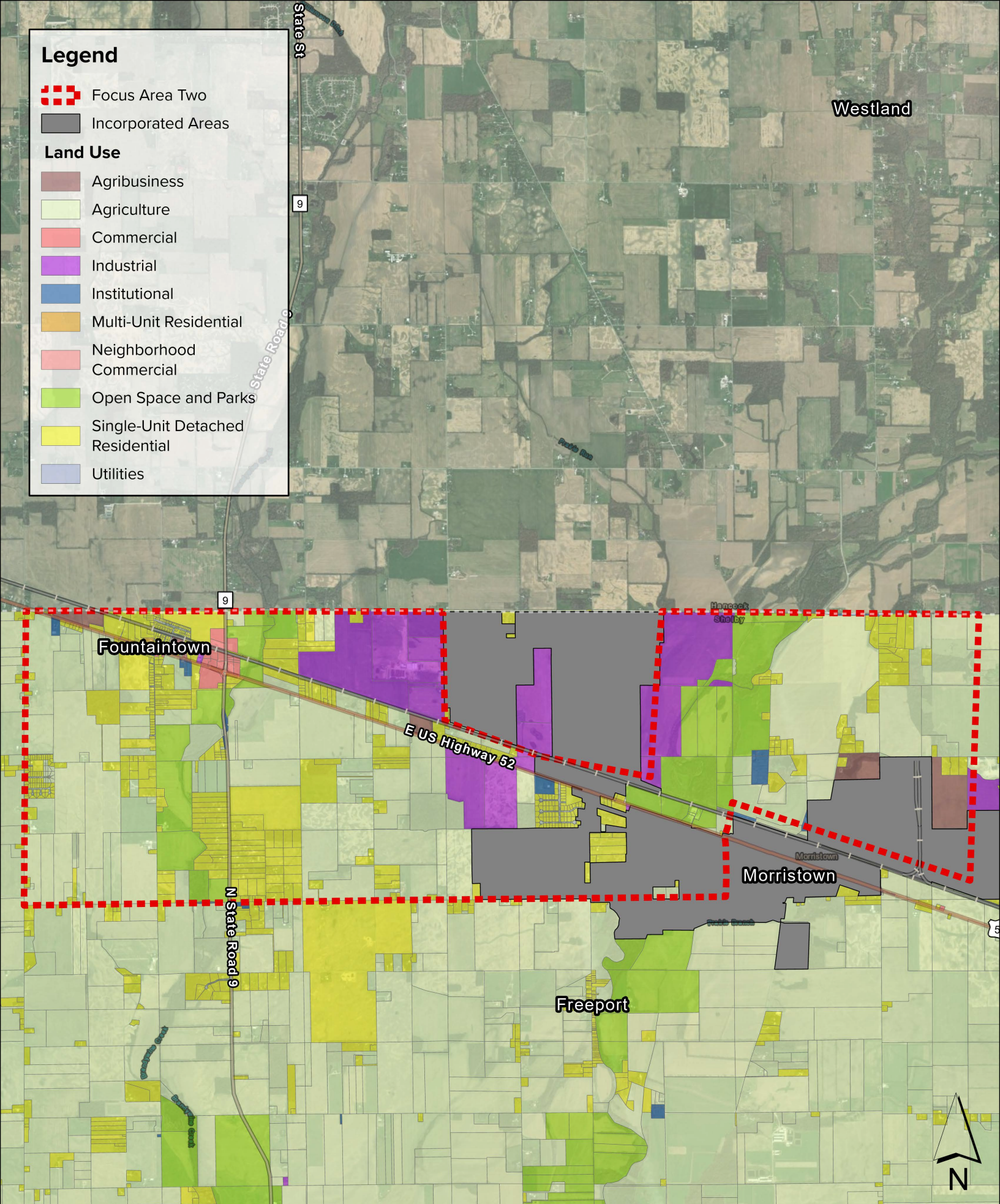


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
-  Focus Area Two
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Land Use






-  Agribusiness
-  Agriculture
-  Commercial
-  Industrial
-  Institutional
-  Multi-Unit Residential
-  Neighborhood Commercial
-  Open Space and Parks
-  Single-Unit Detached Residential
-  Utilities

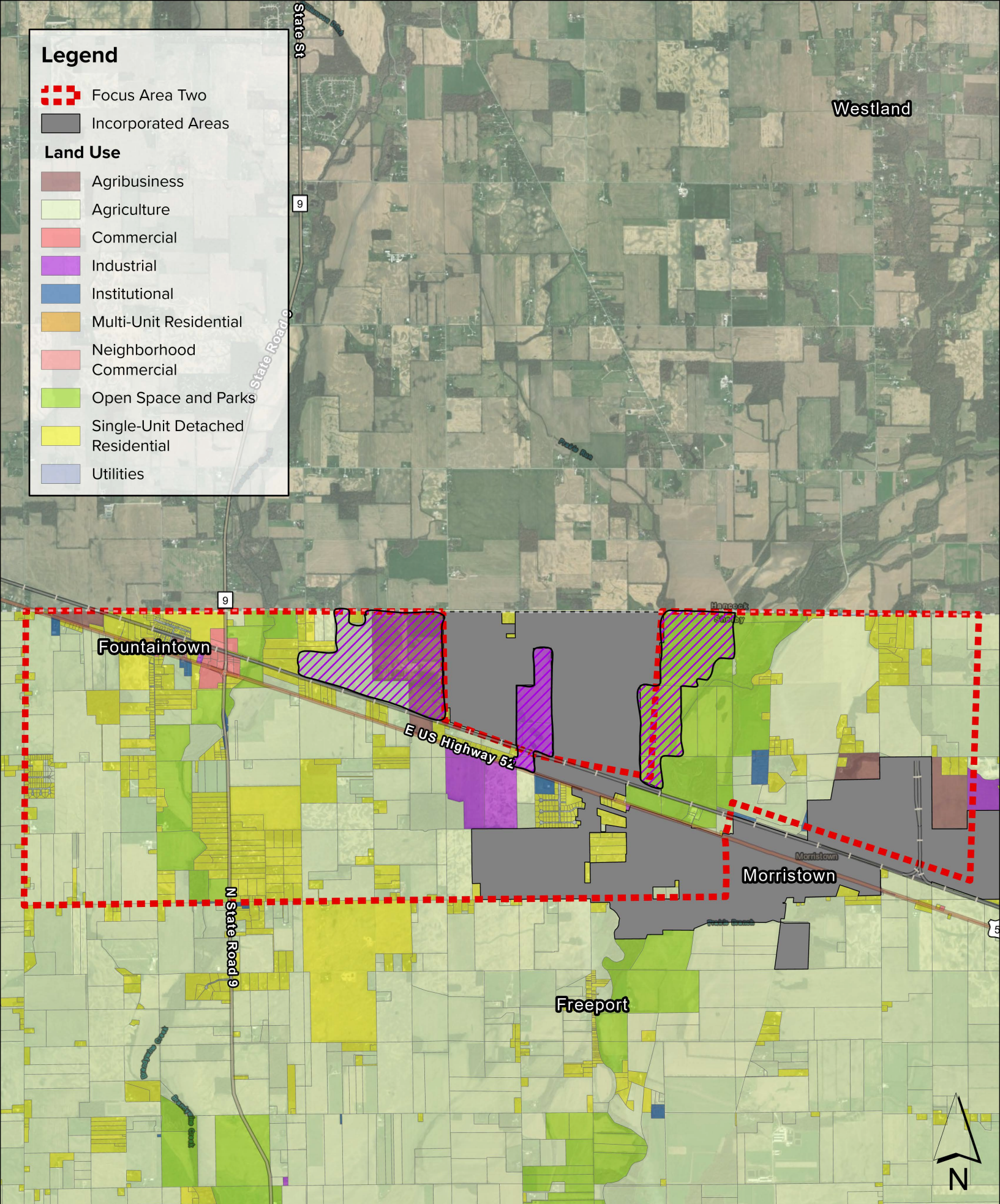


Legend

-  Focus Area Two
-  Incorporated Areas

Land Use

-  Agribusiness
-  Agriculture
-  Commercial
-  Industrial
-  Institutional
-  Multi-Unit Residential
-  Neighborhood Commercial
-  Open Space and Parks
-  Single-Unit Detached Residential
-  Utilities



RESOLUTION NO 2025 - 01

A RESOLUTION AMENDING THE SHELBY COUNTY COMPREHENSIVE PLAN

WHEREAS, Shelby County has engaged in a planning process to amend elements of its Comprehensive Plan, involving public input, stakeholder feedback, and professional analysis, to develop a vision for the future of the community; and

WHEREAS, the Comprehensive Plan provides guidance on land use, economic development, housing, transportation, parks and recreation, environmental protection, and other areas of concern to the community's growth and development; and

WHEREAS, the Plan has been reviewed by the Shelby County Advisory Plan Commission, which held a series of public hearings as required by law; and

WHEREAS, the Shelby County Advisory Plan Commission has found that the adoption of the Comprehensive Plan is in the best interest of the Shelby County and its citizens; and

WHEREAS, the amendment of the Comprehensive Plan is in compliance with the Indiana Planning and Zoning Enabling Act (IC 36-7-4) and other applicable state and local laws;

NOW, THEREFORE, BE IT RESOLVED, that the Shelby County Advisory Plan Commission hereby recommends the Shelby County Comprehensive Plan amendments, as presented on 22nd day of April, 2025 and as set forth in Exhibit A attached hereto, for adoption by the Shelby County Board of Commissioners.

BE IT FURTHER RESOLVED, that the Comprehensive Plan shall be used as a guiding document for the future development, redevelopment, and zoning decisions in the Shelby County, and that the Shelby County Planning Commission is hereby authorized to take the necessary steps to implement the recommendations outlined in the Plan.

ADOPTED AND PASSED by the Shelby County Advisory Plan Commission this 22nd day of April, 2025

Kevin Carson, President

Megan Hart, Secretary

Exhibit ‘A’

This amendment to the Shelby County Comprehensive Plan dated October 7, 2019 contains the following changes:

Shelby County Sub-Area Economic Development Plan

Chapter 10: Shelby County Sub-Area Economic Development Plan shall be added to the Shelby County Comprehensive Plan (see attached).

The Shelby County Sub-Area Economic Development Plan shall only apply to the Focus Areas outlined on the 2025 Future Land Use Map (other than with regard to transportation as indicated here within). The 2019 Shelby County Comprehensive Plan shall also apply to the Focus Areas outlined on the 2025 Future Land Use Map. In the case of conflicting data or recommendations between the 2019 Shelby County Comprehensive Plan and the Shelby County Sub-Area Economic Development Plan, the data and/or recommendations of the Shelby County Sub-Area Economic Development Plan shall apply to the Focus Areas outlined on the 2025 Future Land Use Map.

The Transportation section of the Shelby County Sub-Area Economic Development Plan (pg. 72, pg. 73, pg. 74) shall apply to the entire unincorporated County in addition to the Transportation data and recommendations of the 2019 Shelby County Comprehensive Plan. In the case of conflicting data or recommendations between the 2019 Shelby County Comprehensive Plan and the Shelby County Sub-Area Economic Development Plan, the data and/or recommendations of the Shelby County Sub-Area Economic Development Plan shall apply to the unincorporated area of the County.

Shelby County 2025 Future Land Use Map

The future land use map on Page 93 shall be replaced with the following map (as adjusted for any revision to Focus Area 2 approved by the Plan Commission) :

