

Shelby County Plan Commission

April 27, 2021 at 7:00 PM

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MEETING AGENDA

Shelby County Plan Commission
April 27, 2021 at 7:00 P.M.

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes from the March 23, 2021 meeting.

OLD BUSINESS

None.

NEW BUSINESS

SD 21-05 – GRIFFEY SIMPLE SUBDIVISION: Subdivision of one 2.96-acre building lot from a 74-acre parent tract. Located at east of and adjoining 8291 S 500 W, Edinburgh, Jackson Township.

RZ 21-06 – PAUL REZONING: Rezoning of 2.11 acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District. Located at 3136 E 500 S, Waldron, Shelby Township.

SD 21-06 – PAUL SIMPLE SUBDIVISION: Subdivision of one 2.11-acre building lot from an 80-acre parent tract. Located at 3136 E 500 S, Waldron, Shelby Township.

RZ 21-07 – CARLTON REZONING: Rezoning of 4 acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District. Located south of and adjoining 10787 N 800 E, Arlington, Hanover Township.

SD 21-07 – CARLTON SIMPLE SUBDIVISION: Subdivision of one 4-acre building lot from a 35-acre parent tract. Located south of and adjoining 10787 N 800 E, Arlington, Hanover Township.

DISCUSSION

Ordinance Amendments

Fence & Wall Standards, Driveway Standards, Accessory Structure Placement, Floodplain Setback, Sewer & Water Standards, Facade Orientation

ADJOURNMENT

The next regular meeting of the Shelby County Plan Commission is scheduled for Tuesday, **May 25, 2021 at 7:00 PM.**

Property Details

Location: East of and adjoining 8291 S 500 W, Edinburgh, Jackson Township.

Property Size: 2.96 acres.

Current Land Use: Vacant.

Current Zoning Classification

RE (Residential Estate)

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

Future Land Use per Comp Plan

Estate Residential

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

Surrounding Development

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

Staff Report

Case Number: SD 21-05

Case Name: Griffey Simple Subdivision

Request

Simple Subdivision of one 2.96-acre building lot from a 74-acre parent tract.

Property Map



Case Description

- Approval of the request would allow for development of one single-family residential building lot.
- The current RE zoning designation of the property eliminates the need to rezone the property prior to the subdivision of the property.
- The adjoining property to the west includes a driveway that would adjoin the south property line of the subject property. The owner of the driveway plans to grant a 16-foot-wide access easement over the driveway to provide access to the subject property.

Staff Analysis Findings of Fact

Staff has reviewed the proposed plat and has determined:

1. The subdivision of land is consistent with the Shelby County Comprehensive Plan.

2. The subdivision of land satisfies the development requirements of Article 06: Subdivision Types.
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

Applicant/Owner Information

Applicant:	Donna Griffey 8411 S 500 W Edinburgh, IN 46124	Surveyor:	Scott Sumerford 3149 N Riley Hwy. Shelbyville, IN 46176
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Owner: Louise A Griffey Life Estate
707 Eberhart Drive
Shelbyville, IN 46176

RECORD DESCRIPTION OF PARENT TRACT

Trustee's Deed Instrument No. 200706277, Recorded August 21, 2007 Brett Griffey and Donna Griffey as Trustees of the Griffey Trust to Louise A. Griffey, trustee of the Griffey Trust

The South Half of the Northeast Quarter of Section 17 In Township 11 North and Range 6 East, containing 80 Acres, more or less.

EXCEPTING THEREFROM THE FOLLOWING: A part of the South Half of the Northeast Quarter of Section 17, Township 11 North, Range 6 East, Shelby County, Indiana, described as follows:

Commencing at the southeast corner of the above described Northeast Quarter of Section 17; thence with the east line of said Northeast Quarter North 00 degrees 00 minutes 00 seconds East 1090.00 feet to the true point of beginning of the tract herein described;

Thence South 84 degrees 04 minutes 18 seconds West 331.06 feet; thence North 90 degrees 00 minutes 00 seconds West 322.21 feet; thence South 00 degrees 00 minutes 00 seconds East 127.60 feet to an iron pin; thence North 90 degrees 00 minutes 00 seconds West 343.60 feet to an iron pin; thence North 00 degrees 00 minutes 00 seconds East 350.00 feet to an iron pin; thence South 00 degrees 00 minutes 00 seconds East 206.40 feet; thence North 90 degrees 00 minutes 00 seconds East 322.21 feet; thence North 84 degrees 01 minute 18 seconds East 331.06 feet to the east line of the quarter section; thence with said east line South 00 degrees 00 minutes 00 seconds East 16.00 feet to the point of beginning, containing 3,000 acres, more or less, and subject to the right of way of County Road 500 West on the extreme east side of the tract and also subject to any other existing right of ways, easements or restrictions.

Course data used in this description assumes the East line of the quarter to run North.

ALSO EXCEPTING THEREFROM THE FOLLOWING:

(Parcel Number 73-14-17-200-005-000-010, containing 3.00 acres, not recited for this survey.)

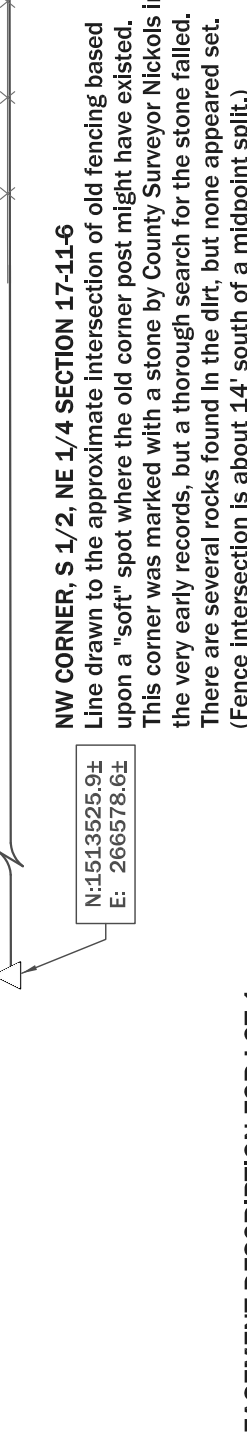
LEGAL DESCRIPTION OF LOT 1

Part of the south half of the northeast quarter of Section Seventeen (17), Township Eleven (11) North, Range Six (6) East of Jackson Township, Shelby County, Indiana, being part of survey Job #11NGE17-20-087 by Scott T. Sumnerford, RLS#29800017, certified April 27, 2021, and being more particularly described as follows:

Commencing at the southeast corner of the northeast quarter of said section 17-11-6, said point being marked by a Shelby County Surveyor Monument; thence along the east line of said northeast quarter, North 00° 00'00" East (basis of bearings assumed per adjacent record) 1106.00 feet to the northeast corner of a 3.00 acre tract as described in Deed Book 330 Page 859 in the Office of the Shelby County Recorder, said point being marked by a magnall and washer stamped "S, Sumnerford 9800017" and being the point of beginning of the herein described tract;

Thence along the partial north and east sides of said 3.00 acre tract the following Three (3) courses: (1) South 84° 01'18" West 331.06 to a point being marked by a capped rebar stamped "S, Sumnerford 29800017", said monument being hereinafter referred to as a capped rebar; (2) North 90° 00'00" West 322.21 feet to a point marked by a capped rebar; (3) North 90° 00'00" East 206.40 feet to the northeast corner of the main portion of said 3.00 acre tract; thence North 90° 00'00" East 651.47 feet to a magnall and washer stamped "S, Sumnerford 9800017" on the east line of said northeast quarter; thence along said east line, South 00° 00'00" West 171.92 feet to the point of beginning, containing 2,956 acres.

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



EASEMENT DESCRIPTION FOR LOT 1

An easement for ingress and egress being a strip sixteen (16) feet wide located in the south half of the northeast quarter of Section Seventeen (17), Township Eleven (11) North, Range Six (6) East of Jackson Township, Shelby County, Indiana, being part of survey Job #11NGE17-20-087 by Scott T. Sumnerford, RLS#29800017, certified April 27, 2021, and being more particularly described as follows:

Commencing at the southeast corner of the northeast quarter of said section 17-11-6, said point being marked by a Shelby County Surveyor Monument; thence along the east line of said northeast quarter, North 00° 00'00" East (basis of bearings assumed per adjacent record) 1090.00 feet to the southeast corner of a 3.00 acre tract as described in Deed Book 330 Page 859 in the Office of the Shelby County Recorder, said point being the point of beginning of the herein described easement;

Thence along the partial north line of said 3.00 acre tract the following two (2) courses:

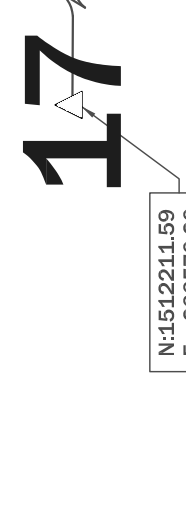
- (1) South 84° 01'18" West 331.06 feet; (2) North 90° 00'00" West 322.21 feet; thence North 00° 00'00" East 16.00 feet to the partial north line of said 3.00 acre tract; thence along said partial north line the following two (2) courses: (1) North 90° 00'00" East 322.21 feet; (2) North 84° 01'18" East 331.06 feet to the east line of said northeast quarter; thence along said east line, South 00° 00'00" West 16.00 feet to the point of beginning, containing 0.239 acres.

SURVEYOR'S REPORT

The client is desiring to build a new home on the northeasterly portion of the family farm that is titled in the Griffey Trust. They are intentionally leaving a 50 foot strip along the north side of their parcels for future access purposes should it ever be needed. An easement description has been included with this plat across the Barry Griffey tract for future house access for Lot 1. The probable house location is in the east half of the proposed lot.

In accordance with Title 865, Article 12, Chapter 12, Section 12, of the Indiana Administrative Code, the following report explains the theory of location applied in reticulating the lines and corners of 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 parent tract is the north half of the northeast quarter section. This survey and plat is tied to the east line which has perpetuated history as shown. There is large discrepancy in the center of section location. It has been calculated as a bearing bearing intersection in the past, but fencing does differ significantly. The northwest corner of the Griffey parent tract, being a sixteenth corner, has past history with a stone by the county surveyor. An attempt was made to find said stone, but only an approximate fence intersection was determined. No additional effort was expended or needed for the purposes of this survey. - Lot 1 is being taken from the land left after a 3.00 acre tract was created by survey back in 1996 by Taylor Sumnerford for Brett Griffey. The survey is on file in the Auditor's Office. The legal description and survey call for iron pins at the corners and with the ones recovered, they checked to within 0.2 feet of calculated position. B) Occupation or possession lines - The boundaries of Lot 1 fall within pasture ground, not following any particular fence line. The south line of Lot 1 generally follows the north edge of the gravel drive back to the 3.00 acre tract belonging to Barry Griffey. C) Clarity or ambiguity of record descriptions - There are no ambiguities in title. All descriptions make calls to common aliquot lines. 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.



FINAL PLAT FOR GRIFFEY SIMPLE SUBDIVISION

OWNERSHIP CERTIFICATE

I, _____ of _____ County, Indiana, do hereby certify that as shown on the hereon drawn plat, as my own free and voluntary act and deed.

Louise A. Griffey, Trustee of the Griffey Trust State of Indiana County of Shelby

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

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 acknowledge that they signed the above certificate as their own free and voluntary act and deed for the purposes therein set forth.

Given under my hand and notarial seal this _____ day of _____

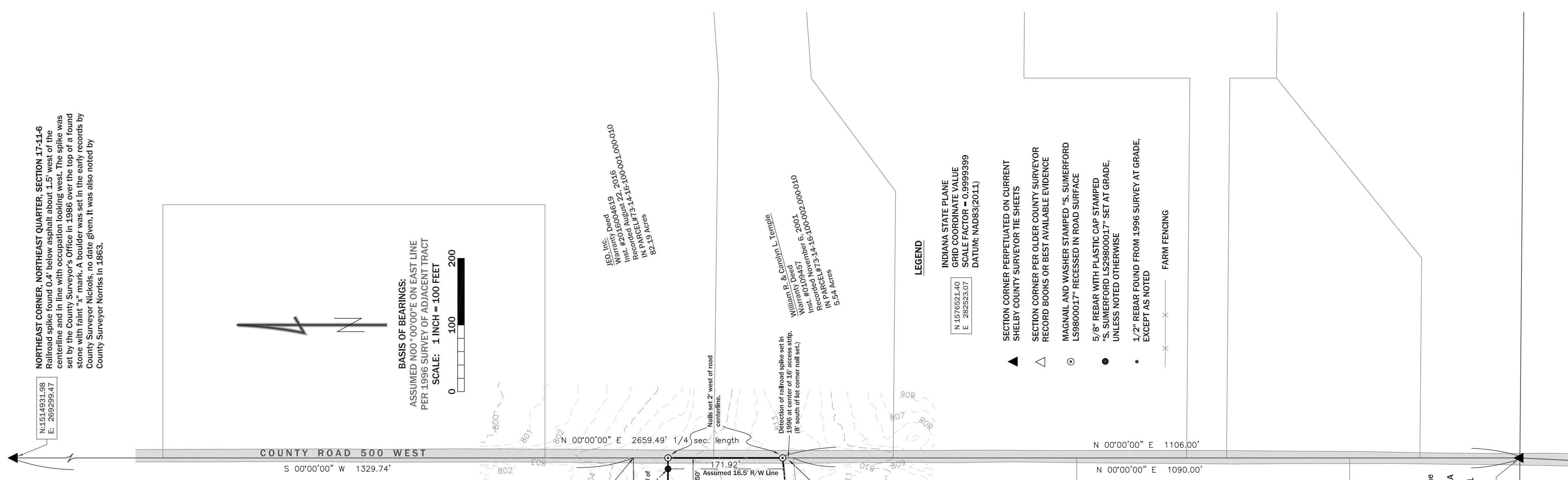
Notary Public _____

PLAN COMMISSION APPROVAL

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

By: _____ Date: _____ President, Douglas Warnecke Secretary, Scott Gabbard

Approximate property address 200 S 500 W, Edinburg



NORTHEAST CORNER, NORTHEAST QUARTER, SECTION 17-11-6 Railroad spike found 0.4' below asphalt about 1.5' west of the centerline of CR 500 West. This monument was set by the County Surveyor's Office in 1986 over the top of a found stone with faint "x" mark. A boulder was set in the early records by County Surveyor Nickols, no date given. It was also noted by County Surveyor Norris in 1863.

SOUTHEAST CORNER, NORTHEAST QUARTER, SECTION 17-11-6 Shelby County Surveyor Monument found 0.6' below asphalt in the centerline of CR500W. This monument was set in 1986 in the place of a PK nail in line with occupation by the surveyor's office. A corner was made without success. The only historic record states that this monument was preserved with witness stones in 1941 by County Surveyor Ohlman.

SECTION CORNER PERPETUATED ON CURRENT SHELBY COUNTY SURVEYOR TIE SHEETS SECTION CORNER PER OLDER COUNTY SURVEYOR RECORD BOOKS OR BEST AVAILABLE EVIDENCE MAGNALL AND WASHER STAMPED "S, SUMNERFORD LS9800017" RECESSED IN ROAD SURFACE 5/8" REBAR WITH PLASTIC CAP STAMPED "S, SUMNERFORD LS29800017" SET AT GRADE, UNLESS NOTED OTHERWISE 1/2" REBAR FOUND FROM 1996 SURVEY AT GRADE, EXCEPT AS NOTED FARM FENCING

INDIANA STATE PLANE GRID COORDINATE VALUE SCALE FACTOR = 0.99998399 DATUM: NAD83(2011) SECTION CORNER PERPETUATED ON CURRENT SHELBY COUNTY SURVEYOR TIE SHEETS SECTION CORNER PER OLDER COUNTY SURVEYOR RECORD BOOKS OR BEST AVAILABLE EVIDENCE MAGNALL AND WASHER STAMPED "S, SUMNERFORD LS9800017" RECESSED IN ROAD SURFACE 5/8" REBAR WITH PLASTIC CAP STAMPED "S, SUMNERFORD LS29800017" SET AT GRADE, UNLESS NOTED OTHERWISE 1/2" REBAR FOUND FROM 1996 SURVEY AT GRADE, EXCEPT AS NOTED FARM FENCING

INDIANA TITLE 865 BOUNDARY SURVEY JOB LOCATION PART OF THE SOUTH HALF OF THE NORTHEAST QUARTER, SECTION 17 TOWNSHIP 11 NORTH, RANGE 6 EAST, JACKSON TWP., SHELBY COUNTY, IN JOB NUMBER 11NGE17-20-087 ORIGINAL DRAWING SIZE ARCH D SHEET 1 OF 1

CLIENT Donna Griffey 8411 S 500 W Edinburg, IN 46124 PROJECT Subdividing approximately 3 acres from the Griffey Trust for a planned residential home for the client.

LAST DATE OF FIELDWORK December 11, 2020 CERTIFICATION DATE April 27, 2021 NOTES/REVISIONS NONE TO DATE Prepared by: Scott T. Sumnerford

LAND SURVEYING SCOTT T. SUMNERFORD 3149 NORTH RILEY HIGHWAY SHELBYVILLE, IN 46176-9462 BUSINESS PHONE (317) 401-6050 Indiana Registered Surveyor No. 29800017 Copyright © 2021 by Scott T. Sumnerford This document is only considered an original copy if it has inked and signed original signature to be affixed.

Property Details

Location: 3136 E 500 S, Waldron, Shelby Township.

Property Size: 2.111 acres.

Current Land Use: Agricultural.

Current Zoning Classification

A1 (Conservation Agricultural)

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

Proposed Zoning Classification

RE (Residential Estate)

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

Future Land Use per Comp Plan

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 21-06 / SD 21-06

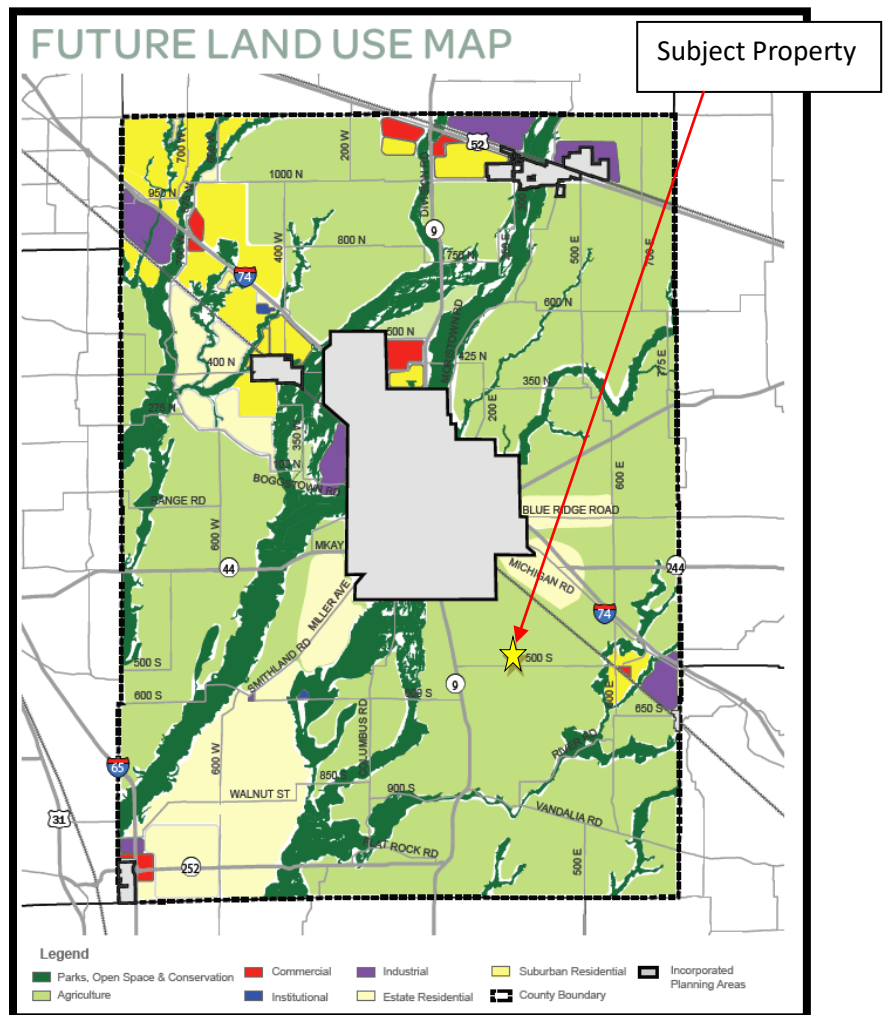
Case Name: Paul Rezoning – A1 (Conservation Agricultural) to RE (Residential Estate) & Paul Simple Subdivision

Requests

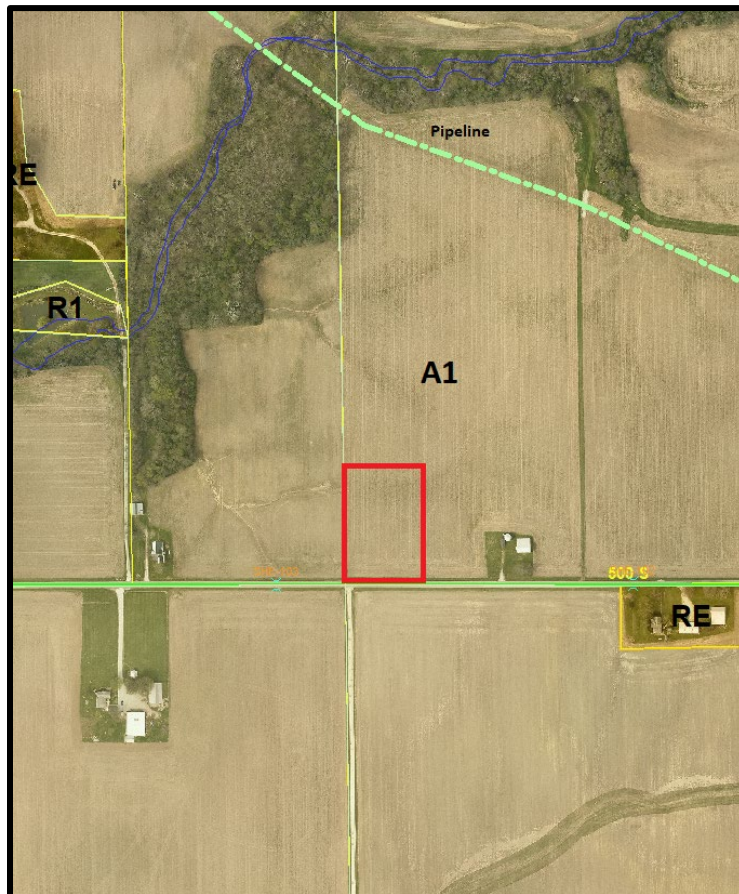
Rezoning of 2.111 acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District to allow for a one-lot Simple Subdivision.

Simple Subdivision of one 2.111-acre building lot from an 80-acre parent tract.

Future Land Use Map



Property Map



Case Description

- Approval of the requests would allow for development of one single-family residential building lot.
- The USDA Soil Survey classifies the entire property as 'Prime Farmland if Drained.'

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 proposed building lot would resemble the size and configuration of other rural homesites in the area.

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

Development of the property would increase the value of the property.

3. The Conservation of Property Values throughout the Jurisdiction

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

4. Responsible Development and Growth

Approval of the rezoning would result in a minimal increase in the density of residential development in the area.

5. The Comprehensive Plan

Approval of the rezoning would not result in an overall residential density of the area exceeding one lot for every five acres. Therefore, approval of the rezoning would not significantly conflict with the Agriculture land use recommendation of 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.
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** and **Simple Subdivision** primarily because approval would result in a minimal increase in the overall residential density of the surrounding agricultural area and therefore not impact the character of the area.

Applicant/Owner Information

Applicant:	Austin Paul 43 Walker St. Shelbyville, IN 46176	Surveyor:	Scott T Sumerford 3149 N Riley Hwy. Shelbyville, IN 46176
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Owner: Dennis & Stefanie Gilles, Larry Gilles, & Karen Bowman
2572 E 500 S
Waldron, IN 46182

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

Applicant: Scott Sumnerford for Austin Paul
Case #: RZ 21-06
Location: 3136 E 500 S, Waldron Part of SW 1/4, Sec. 26-12-7

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

1. The request **is/is not** (circle one) consistent with the Shelby County Comprehensive Plan because: _____
May or may not be consistent with the comprehensive plan, but the new home is replacing a former farm dwelling from years past.
2. The request **is/is not** (circle one) consistent with the current conditions and the character of structures and uses in each zoning district because: _____
The prospective new dwelling will resemble the dwellings immediately to the east and west on the north side of the road.
3. The request **is/is not** (circle one) consistent with the most desirable use for which the land in each district is adapted because: _____
The farm ground that would be taken out of production is somewhat in a low area with less crop yield potential.
4. The request **is/is not** (circle one) consistent with the conservation of property values throughout the jurisdiction because: _____
Should make little difference with mix of newer ranch style housing and older farm steads.
5. The request **is/is not** (circle one) consistent with responsible growth and development because: _____
May or may not be consistent, This request is for family members who want to raise family next to the family farm.

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

Shelby County Plan Commission

By: _____
President

Attest: _____
Secretary

FINAL PLAT FOR PAUL SIMPLE SUBDIVISION

WEST QUARTER CORNER OF SECTION 26-12-7
S. 5/8" Rebar, 8" x 8" wood corner post. The stone measures roughly 10" by 8" and was located at the center peak. This stone was added to the perpetuation records in 2005. A stone was indicated by County Surveyor Dargin in the old records, no date given.

LEGEND

INDIANA STATE PLANE
GRID COORDINATE VALUE
N: 15786521.40
E: 282523.07
DATUM: NAD83(2011)

SECTION CORNER PERPETUATED ON CURRENT
SHELBY COUNTY SURVEYOR TIE SHEETS

SECTION CORNER PER OLDER COUNTY SURVEYOR
RECORD BOOKS OR BEST AVAILABLE EVIDENCE

MAGNAIL AND WASHER STAMPED "S. SUMERFORD
LS980017" RECESSED IN ROAD SURFACE

5/8" REBAR WITH PLASTIC CAP STAMPED
"S. SUMERFORD LS29800017" SET AT GRADE

BASIS OF BEARINGS:
INDIANA STATE PLANE GRID
SCALE: 1 INCH = 100 FEET

SURVEYOR'S REPORT

The intent of this survey and subdivision is to create a buildable lot for the client who is planning on constructing a new home. Proposed Lot 1 is coming out of the very southwest corner of an 80 acre tract belonging to Gillies.

In accordance with Title 865, Article 1, Chapter 12, Section 12. of the Indiana Administrative Code, the following report explains the theory of location applied in retracing the lines and corners of 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:

- Availability and condition of reference monuments.**
 - The parent tract is a half quarter section and lies in a quarter section that has been fully perpetuated by the surveyor's office. See drawing for history details. There were no surveys of record found involving the adjacent properties.
- Occupation or possession lines**
 - Lot 1 is being carved out of tillable ground. Besides County Road 500 South, there is only rough, assumed field division evident along the west side. There are remains of an old concrete corner post near the southwest corner, at the right-of-way line. An offset monument could not be set due to the base of said post still existing underground on line.
- Clarity or ambiguity of record descriptions**
 - Surrounding properties are all aliquot in nature and no conflicts in title were discovered.
- 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. of Title 865, Article 1, of the Indiana Administrative Code.

DATE: April 27, 2021

Signed: _____
Scott T. Sumerford Registration Number: 9800017

OWNERSHIP CERTIFICATE

_____ of _____ County, Indiana
_____ of _____ County, Indiana
_____ of _____ County, Indiana
_____ of _____ County, Indiana

We do hereby certify that as 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.

Dennis R. Gillies _____ (Seal)
Stefanie L. Gillies _____ (Seal)
Larry R. Gillies _____ (Seal)
Karen Bowman _____ (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 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 _____, 2021.

Notary Public _____ (Seal)

PLAN COMMISSION APPROVAL

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

By: _____, President, Douglas Wamecke
By: _____, Secretary, Scott Gabbard

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

March 30, 2021
April 27, 2021

Prepared by: Scott T. Sumerford
NAME: _____
THIS DOCUMENT, UNLESS REQUIRED BY LAW, SHALL REMAIN THE PROPERTY OF THE SURVEYOR AND NOT BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE SURVEYOR.

INDIANA REGISTERED SURVEYOR No. 2980017
BUSINESS PHONE (317) 401-6050
SHELBYVILLE, IN 46176-9462
3149 NORTH RILEY HIGHWAY
LAND SURVEYING
SCOTT T. SUMERFORD

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This document is only considered an original copy if an inked seal and original signature is affixed.

INDIANA TITLE 865
BOUNDARY SURVEY

JOB LOCATION
PART OF THE WEST HALF OF THE
SOUTHWEST QUARTER, SECTION 26
TOWNSHIP 12 NORTH, RANGE 7 EAST,
SHELBY TWP., SHELBY COUNTY, IN

Subdividing 2.1 acres from the Gillies Farm for the purpose of creating a building lot for the client to construct a new home.

CLIENT
Austin Paul
43 Walker St.
Shelbyville, IN 46176

INDIANA TITLE 865
BOUNDARY SURVEY

JOB NUMBER
12N7E26-21-026

ORIGINAL DRAWING SIZE ARCH D
SHEET 1 OF 1

INDIANA TITLE 865
BOUNDARY SURVEY

JOB LOCATION
PART OF THE WEST HALF OF THE
SOUTHWEST QUARTER, SECTION 26
TOWNSHIP 12 NORTH, RANGE 7 EAST,
SHELBY TWP., SHELBY COUNTY, IN

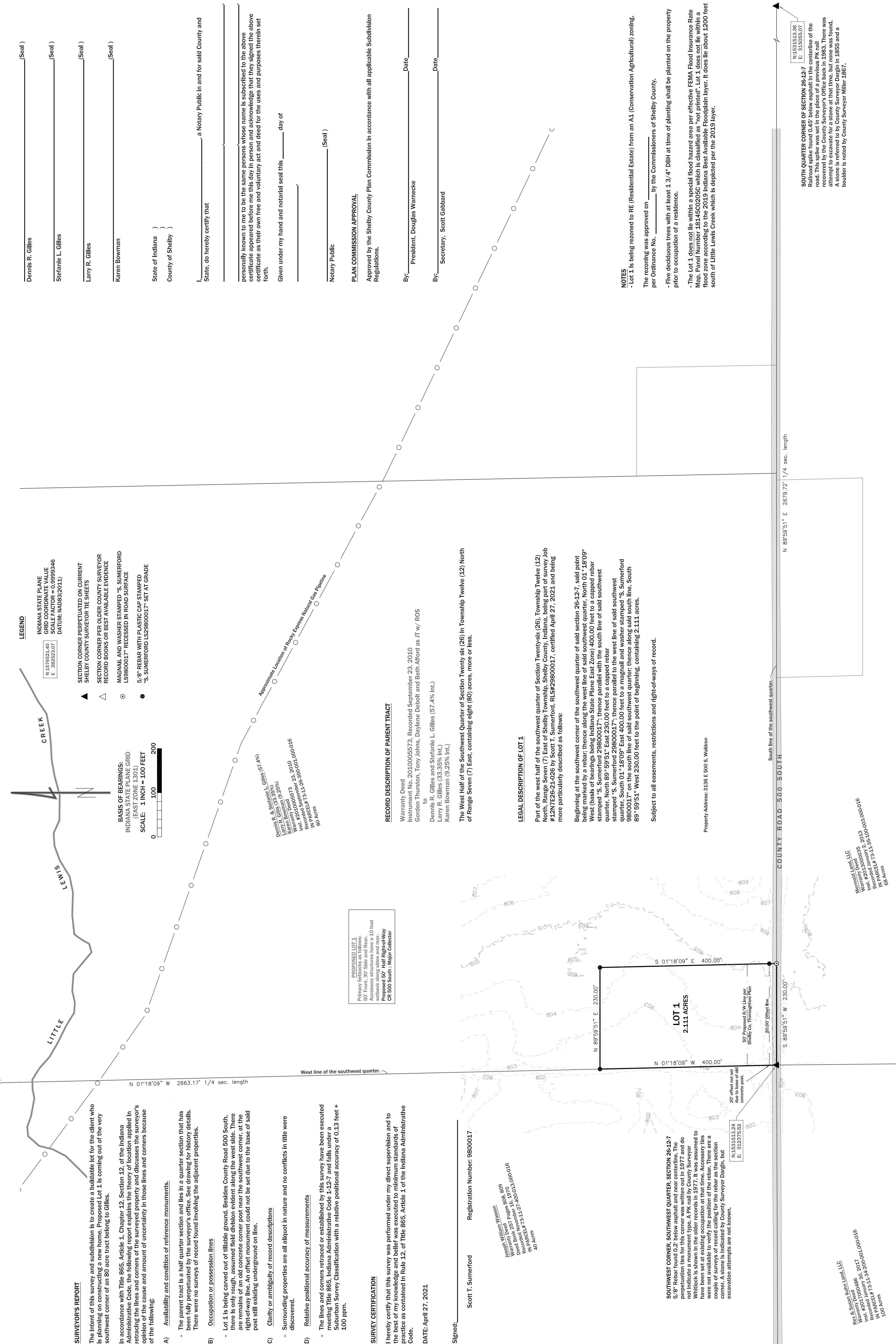
Subdividing 2.1 acres from the Gillies Farm for the purpose of creating a building lot for the client to construct a new home.

CLIENT
Austin Paul
43 Walker St.
Shelbyville, IN 46176

INDIANA TITLE 865
BOUNDARY SURVEY

JOB NUMBER
12N7E26-21-026

ORIGINAL DRAWING SIZE ARCH D
SHEET 1 OF 1



PROPOSED LOT 1
Plat Area: 2.111 Acres
50' Front, 30' Side and Rear.
Accessory structures have a 10 foot setback along sides and rear.
Recorded in Plat Book 257 Page 808, 809
Decoded New Year 16, 30, 013, 000+016
IN PARCELS # 73-11-27-00-013, 000+016
40 acres

RECORD DESCRIPTION OF PARENT TRACT
Warranty Deed
Instrument No. 2010005573, Recorded September 23, 2010
Gordon Thurston, Tony Johns, Daylene Deboit and Beth Alford as JT w/ ROS
Dennis R. Gillies and Stefanie L. Gillies (67.4% Int.)
Larry R. Gillies (33.35% Int.)
Karen Bowman (9.25% Int.)
The West Half of the Southwest Quarter of Section Twenty six (26) In Township Twelve (12) North of Range Seven (7) East, containing eight (80) acres, more or less.

LEGAL DESCRIPTION OF LOT 1
Part of the west half of the southwest quarter of Section Twenty-six (26), Township Twelve (12) North, Range Seven (7) East of Shelby Township, Shelby County, Indiana, being part of survey Job #12N7E26-21-026 by Scott T. Sumerford, RLS#29800017, certified April 27, 2021, and being more particularly described as follows:
Beginning at the southwest corner of the southwest quarter of said section 26-12-7, said point being marked by a rebar; thence along the west line of said southwest quarter, North 01°18'09\"/>

NOTES
- Lot 1 is being rezoned to RE (Residential Estate) from an A1 (Conservation Agricultural) zoning. The rezoning was approved on _____ by the Commissioners of Shelby County.
- Five deciduous trees with at least 1.3/4\"/>

PROPERTY ADDRESS: 3136 E 900 S, Walkerton
N: 15786521.40
E: 282523.07
DATUM: NAD83(2011)

APPROXIMATE LOCATION OF REBAR
Dennis R. & Stefanie L. Gillies (67.4% Int.)
Larry R. Gillies (33.35% Int.)
Karen Bowman (9.25% Int.)
Warranty Deed
Instrument No. 2010005573, Recorded September 23, 2010
Gordon Thurston, Tony Johns, Daylene Deboit and Beth Alford as JT w/ ROS
Dennis R. Gillies and Stefanie L. Gillies (67.4% Int.)
Larry R. Gillies (33.35% Int.)
Karen Bowman (9.25% Int.)
The West Half of the Southwest Quarter of Section Twenty six (26) In Township Twelve (12) North of Range Seven (7) East, containing eight (80) acres, more or less.

REBAR FOUND
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Property Details

Location: south of and adjoining 10787 N 800 E, Arlington, Hanover Township.

Property Size: 4 acres.

Current Land Use: Agricultural.

Current Zoning Classification

A1 (Conservation Agricultural)

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

Proposed Zoning Classification

RE (Residential Estate)

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

Future Land Use per Comp Plan

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	A2	Estate Residential
South	A1	Estate Residential
East	A3 (Rush County)	Cropland
West	A1	Cropland

Staff Report

Case Number: RZ 21-07 / SD 21-07

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

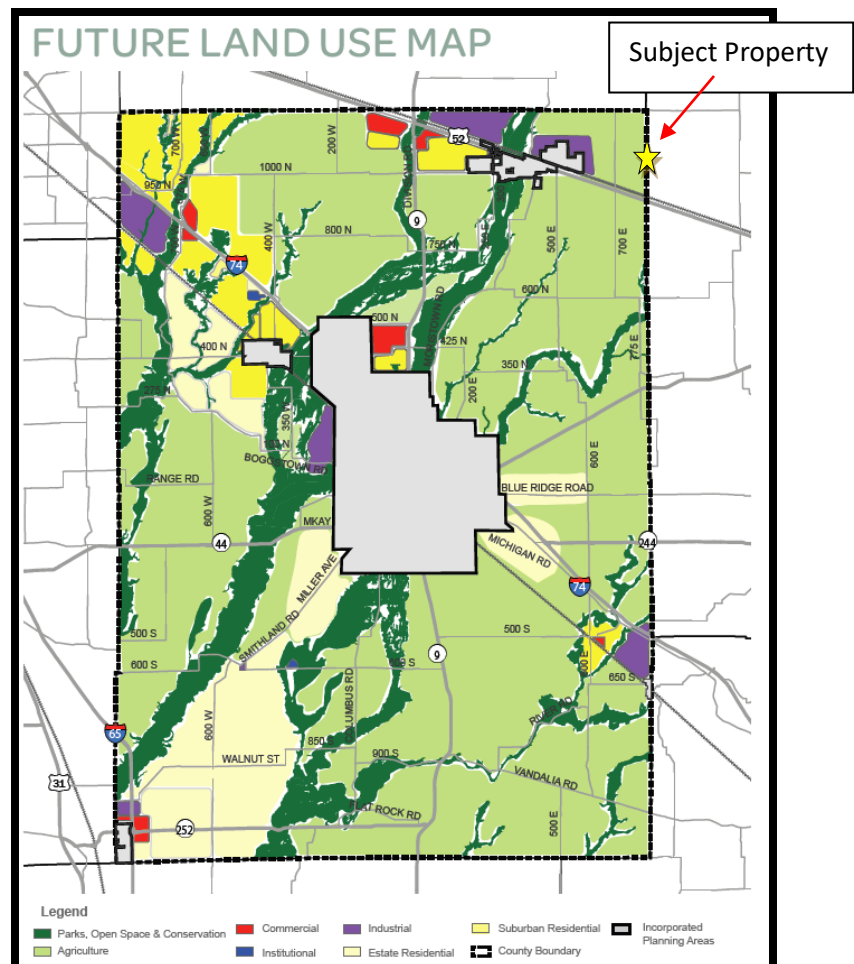
Requests

Rezoning of 4 acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District to allow for a one-lot Simple Subdivision.

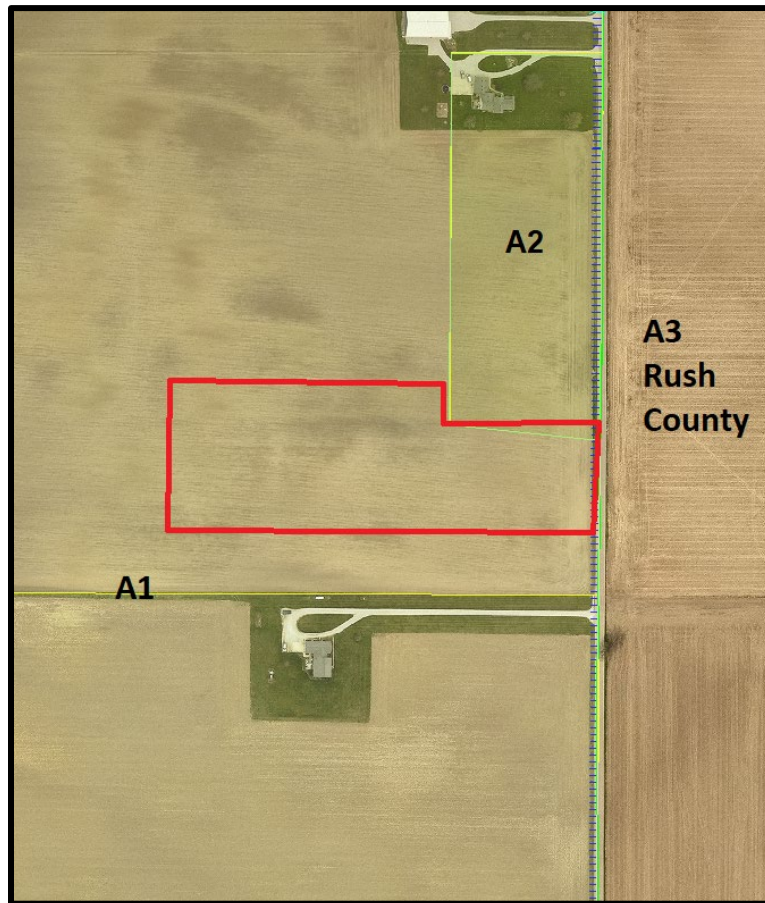
Simple Subdivision of one 4-acre building lot from a 35-acre parent tract.

Waiver to allow a side lot line not within a 15-degree angle to the right-of-way.

Future Land Use Map



Property Map



Case Description

- Approval of the requests would allow for development of one single-family residential building lot.
- The USDA Soil Survey classifies the entire property as 'Prime Farmland if Drained.'

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 surrounding area includes primarily cropland and 5-acre rural homesites. The proposed building lot would resemble the size and configuration of other rural homesites in the area.

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

Development of the property would increase the value of the property.

3. The Conservation of Property Values throughout the Jurisdiction

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

4. Responsible Development and Growth

Approval of the rezoning would result in a minimal increase in the density of residential development in the area.

5. The Comprehensive Plan

Approval of the rezoning would not result in an overall residential density of the area exceeding one lot for every five acres. Therefore, approval of the rezoning would not significantly conflict with the Agriculture land use recommendation of 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.
3. The subdivision of land satisfies the standards of Article 07: Design Standards, pending approval of a waiver to allow a side lot line not within a 15-degree angle to the right-of-way.
4. The subdivision of land satisfies any other applicable provisions of the Unified Development Ordinance, pending approval of a waiver to allow a lot having 50-feet of road frontage and having a width of 50-feet.
5. The subdivision of land satisfies the construction requirements of the Shelby County's Construction Standards.
6. The waiver allows for configuration of the lot around the corner of an adjoining tract.

Staff Recommendation

APPROVAL of the **Rezoning, Simple Subdivision, and Waiver** primarily because approval would result in a minimal increase in the overall residential density of the surrounding agricultural area and therefore not impact the character of the area.

Applicant/Owner Information

Applicant:	Adam & Chelsy White 10463 N 750 E Morristown, IN 46161	Surveyor:	Jeffery Powell, Powell Land Surveying LLC 4634 N 575 E Shelbyville, IN 46176
Owner:	Bruce Carlton 10787 N 800 E Arlington, IN 46104		

Carlton Simple Subdivision

Part of the Southeast Quarter of the Northeast Quarter of Section 9, Township 14 North, Range 8 East, Hanover, Township, Shelby County, Indiana.

Owner & Client: Bruce Carlton
 Site Address: South of I10787 North, 800 East, Arlington, IN 46104

1. NE cor., NE $\frac{1}{4}$, 9-14-8
 Found a Harrison monument 6" deep per the Shelby County ties, set a railroad spike at the surface per this survey.
 NAD 83, Indiana East, State plane Coordinates
 Grid, N:1615570.064', E:337632.653'

Parent description of the lands owned by Bruce Carlton, recorded in Instrument 2021002142.
 The following described real estate in Shelby County, Indiana, to-wit:
 The Southeast Quarter of the Northeast Quarter of Section 9, in Township 14 North, Range 8 East, containing 40 acres.

EXCEPT THEREFROM THE FOLLOWING: Part of the Northeast Quarter of Section 9, Township 14 North, Range 8 East in Shelby County, Indiana, more particularly described as follows:

Commencing at the southeast corner of said quarter section; thence North 00 degrees 00 minutes 00 seconds (assumed bearing) 338.27 feet along the east line of said quarter section to the point of beginning (said point being a railroad spike); thence South 89 degrees 50 minutes 00 seconds West 297.00 feet to a point; thence North 00 degrees 00 minutes 00 seconds 733.33 feet to a steel fence post (set in concrete); thence North 89 degrees 50 minutes 00 seconds East 297.00 feet to the east line of said quarter; point being a road nail; thence South 00 degrees 00 minutes 00 seconds 733.33 feet along the east line said quarter section to the point of beginning; containing 5.00 acres, more or less, and subject to all existing legal highway rights-of-way and easements of record.

Description of the 4,000 Acre split from the lands owned by Bruce Carlton, recorded in Instrument 2021002142.
 A part of the Southeast Quarter of the Northeast Quarter of Section 9 in Township 14 North, Range 8 East, Hanover Township, Shelby County, Indiana, being created from a survey (Job # 32-2021) by Jeffrey Powell and being more particularly described as follows:

Commencing at a Harrison monument marking the Southeast corner of the said quarter section, thence North 00 degrees 18 minutes 58 seconds East (Bearings based on NAD 83, Indiana East, State plane Coordinates) along the East line of the said quarter section a distance of 130.00 feet to a mag nail set at the point of beginning of the tract herein described; thence North 89 degrees 41 minutes 01 seconds West a distance of 690.00 feet to a Powell capped rebar; thence North 00 degrees 18 minutes 59 seconds East a distance of 286.33 feet to a Powell capped rebar; thence South 89 degrees 41 minutes 01 seconds East a distance of 393.00 feet to a Powell capped rebar set on the West line of a 5.00 acre tract described in Deed Record Book 288, Page 751; thence South 00 degrees 18 minutes 59 seconds West along the East line of the said tract a distance of 78.93 feet to a Powell capped rebar set at the Southwest corner of the said tract; thence South 89 degrees 51 minutes 01 seconds East along the South line of the said tract a distance of 297.00 feet to a mag nail set on the East line of the said quarter section; thence South 00 degrees 18 minutes 59 seconds West along the East line of the said quarter section a distance of 208.27 feet to the point of beginning, containing 4.000 acres more or less and being subject and subject to the 30' Half Right-of-way for County Road 800 North and any and all easements, right of ways and restrictions.

Surveyor's Report:

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

Purpose of the survey:

The purpose of this survey is to subdivide a 4,000 acre tract to be a new building lot from a 35 acre tract of lands owned by Bruce Carlton, recorded in Instrument 2021002142 per the owners instructions. The field work was performed on April 2, 2021 and other dates.

Availability and condition of the reference monuments:

The Harrison monuments found at the Northeast and Southeast corners of the Northeast quarter section were found per the Shelby County Ties, railroad spikes were set at the surface over the said monuments per this survey. The Southwest and Northwest corners of the said quarter section were not located per this survey but were calculated from previous surveys to establish the Southeast quarter of the Northeast quarter. The uncertainties associated with the said corners are represented on the hereon drawn survey plat and within this report by Record vs Measured vs Calculated.

Occupation or possession lines:

There were no occupation lines located per this survey and the new lines established per the survey were per the owner's instructions.

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

There were no ambiguities found per this survey and the boundary lines of the existing 5.00 acre tract described in Deed Record Book 288, Page 751 were established per the record dimensions.

Relative position accuracy of Measurements:

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

Flood Hazard Statement:

The surveyed tract is located in a special flood hazard ZONE X per the FEMA Flood Insurance rate map number 181057C0070C, the accuracy of this flood hazard statement is subject to map scale uncertainty in location or elevation on the referenced flood insurance rate map.

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

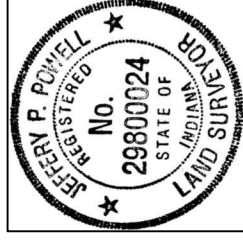
Note: the building set back lines are 50' Front for primary & accessory structures and 30' Side & Rear for primary & 10' for accessory structures.

Surveyor Certification:

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

Witness my hand this 13 day of April, 2021.

Jeffery P. Powell
 Registered Land Surveyor
 No. 29800024



Owners Certification:

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

Witness my hand this ____ day of _____, 2021.

Bruce Carlton

Notary Certification:

I, _____, a Notary Public in and for said County and State, do hereby certify that Bruce Carlton, 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 _____, 2020.

Notary Public

Plan Commission Approval:

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

By, _____ Date _____
 Doug Warnecke, President Plan Commission

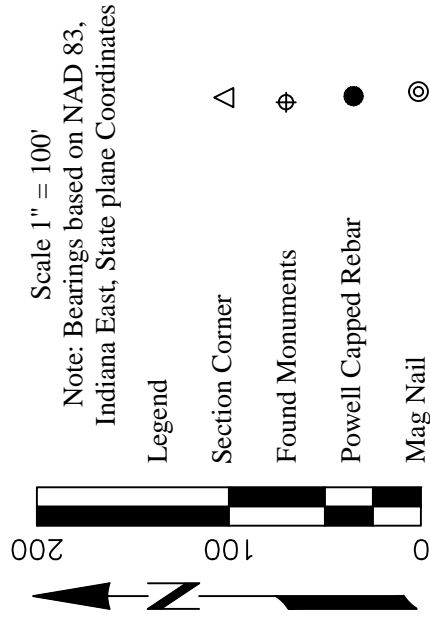
By, _____ Date _____
 Scott Gabbard, Secretary Plan Commission

Rezoning Approval:

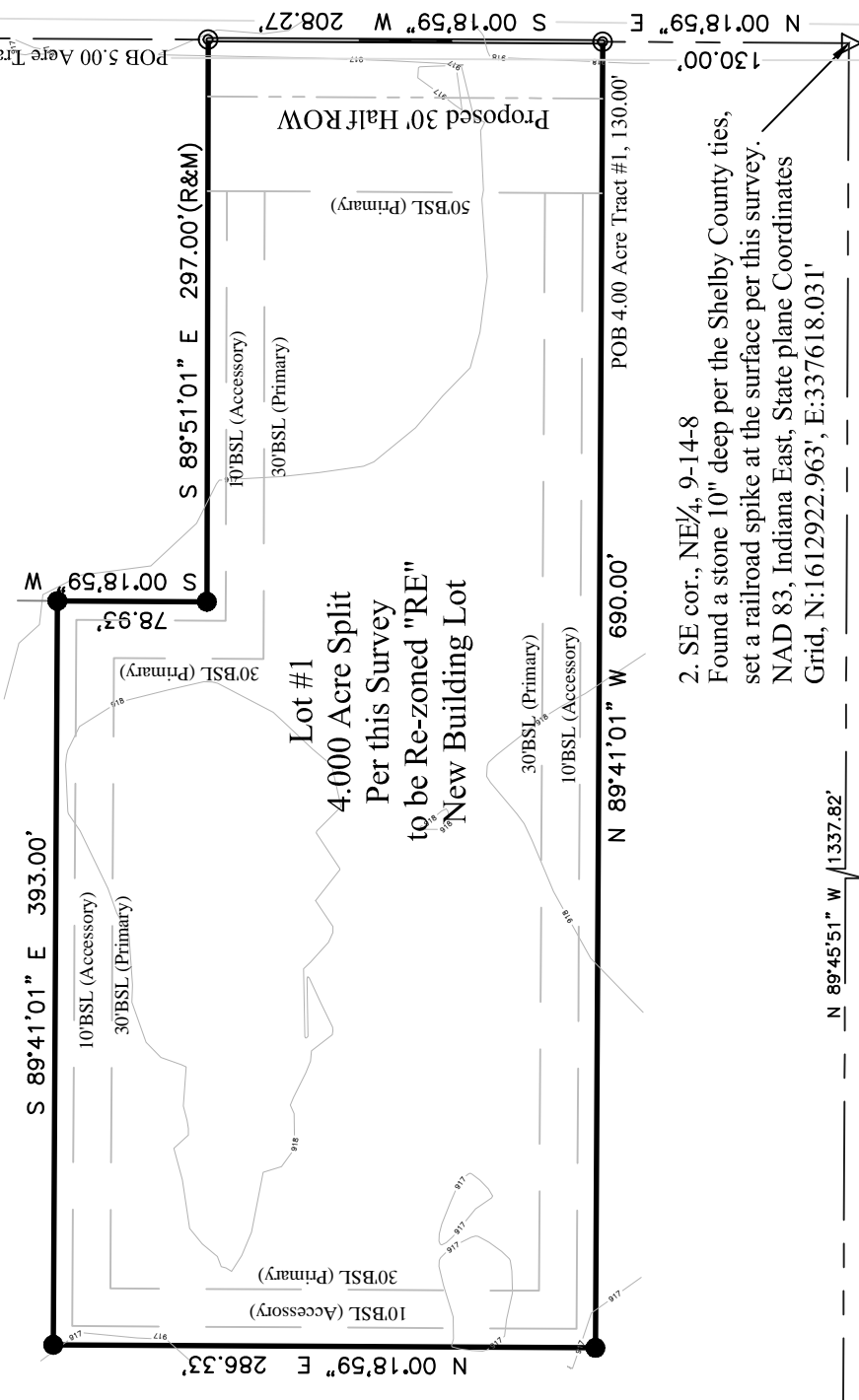
Shelby County Commissioners Rezoning Ordinance # _____ was approved by the Shelby County Commissioners on _____

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

Jeffery P. Powell



Bruce W. Carlton
 Instrument 2021002142
 SE $\frac{1}{4}$, NE $\frac{1}{4}$, 9-14-8, 40 Acres
 -5.00 Acres per DR Bk 288, Pg 751
 -4,000 Acres split per this survey
 31,00 Acre Remainder per this survey



2. SE cor., NE $\frac{1}{4}$, 9-14-8
 Found a stone 10" deep per the Shelby County ties, set a railroad spike at the surface per this survey.
 NAD 83, Indiana East, State plane Coordinates
 Grid, N:1612922.963', E:337618.031'

3. SW cor., NE $\frac{1}{4}$, 9-14-8
 County Monument per the Shelby County ties.

N 89°45'51" W 2675.64'

Powell Land Surveying LLC

Jeffery P. Powell, PLS
 4634 North, 575 East, Shelbyville, IN 46176
 Office 765-763-6147, Fax 765-763-0122, Cell 317-694-6073
 Email: powellandsurveying@msn.com

This Document was prepared by Jeffrey Powell.

Proposed Amendments

The following amendments proposed by Staff clarify ambiguous regulations, remove unenforceable regulations, and remove regulations that necessitate approval of many of the 'routine' variances. The amendments will help clarify regulations for the public, help Staff enforce regulations, and save time and resources spent on reviewing and approving variances. Staff can make any changes recommended by the Plan Commission and provide a final copy of the amendments for public hearing at the May 2021 Plan Commission meeting.



Fence & Wall Standards – summary of amendment

- Consolidates current fence standards from three pages of repetitive information to one page. All standards remain the same, except for the following:
 - Cross references all other fence standards included in the ordinance.
 - Allows security fences in front yards in Institutional, Commercial, and Industrial Districts.
 - Applies rear-yard height standards to side yard fences. Currently front yard height standards apply to side yard fences, which in some cases only permits a 3–4-foot fence or prohibits a fence in the side yard.
 - Example



Current Ordinance



Amended Ordinance

Ordinance Amendments

FW-01 – Fence & Wall Standards

The Fence & Wall Standards section applies to the following zoning districts: **OP, A1, A2, A3, A4, RE, R1, R2, VR, M1, M2, MP, VM, IS, C1, C2, I1, I2, HI**

The intent of the Fence and Wall Standards is to ensure neighborliness, visibility, and aesthetic quality; and to protect the health, safety, and welfare of the residents in the County. The following standards apply:

A. Cross Reference:

1. **Vision Clearance:** Fences and walls shall meet all vision clearance standards in *Section 5.85: General Vision Clearance Standards*.
2. **Covenants:** Property owners within subdivisions are advised to investigate applicable Declaration of Covenants which may impose greater restrictions than are found in the Unified Development Ordinance. The stricter standard of the two apply to lots with covenants.
3. **Additional Standards:** Additional standards that apply to fences and walls found in the Unified Development Ordinance may conflict with the standards of this section. In the case of conflicting restrictions, the standards that conflict in this section shall not apply.
 - a. **Confined Feed Operations:** Fences associated with the storage of animal mortalities shall comply with *Section 5.15: General Confined Feeding Standards*.
 - b. **Type 3 Home Businesses:** Fences associated with Type 3 Home Businesses shall comply with *Section 5.35: Type 3 Home Business Standards*.
 - c. **Kennels:** Fences associated with kennels shall comply with *Section 5.36: Commercial Kennel Standards* and *Section 5.37: Home Enterprise Kennel Standards*.
 - d. **Buffer Yards:** Fences installed in required buffer yards shall comply with *Section 5.49: Buffer Yard Landscaping Standards*.
 - e. **Outdoor Storage:** Fences used to screen or enclose materials stored outdoors shall comply with *Section 5.54: General Outdoor Storage Standards*, *Section 5.55: Trash Storage Standards*, *Section 5.56: Trash Storage Standards*, and *Section 5.59: Industrial & High Impact Storage Standards*.
 - f. **Rural Residential Fences:** Fences on property zoned RE, R1, R2, or MP shall comply with *Section 5.67: Rural Residential; General*.
 - g. **Telecommunications Facilities:** Security fences associated with telecommunications facilities shall comply with *Section 5.80: General Telecommunication Facility Standards*.
 - h. **Subdivisions:** Fences in subdivisions seeking density and/or intensity bonuses shall comply with *Section 7.08: Anti-monotony Standards; General*.
 - i. **Subdivisions, Perimeter Landscaping:** Fences installed in required landscaping areas shall comply with *Section 7.22: Perimeter Landscaping Standards; General*.
 - j. **Commercial Solar Energy System:** Fences associated with commercial solar energy systems shall comply with *Section SES-01: Commercial Solar Energy System*.

B. Permits: No permit shall be required for the installation of a fence or wall. However, all fences shall still be required to meet all fence and wall standards in *Article 05: Development Standards*.

C. Positioning:

1. **Presentation:** Fences and walls shall present the non-structural face outward, except when used for containment of pastured animals.
2. **Property Line:** Fences and walls shall be permitted on the property line.
3. **Easement:** No fence or wall shall be located within a public or private easement unless written permission from the easement holder has been granted.

D. Maintenance: All fences and walls are required to be properly maintained and kept in good condition.

Ordinance Amendments

E. Materials:

1. Permitted Materials: Wood, composite outdoor wood, stone, masonry, wrought iron, and decorative metal, shall be permitted fence and wall materials.
2. Prohibited Materials: Fences and walls shall not incorporate metal or plastic slats in chain link fences; and barbed wire, above ground electrified wires, razor wire, broken glass, sharpened top spikes, or similarly hazardous fence material; and vinyl, zinc or powder coated chain link are prohibited.
3. Material Exemptions:
 - a. Additional Permitted Materials in Side and Rear Yards: Vinyl and zinc or powder coated chain link are permitted.
 - b. Additional Permitted Materials for Livestock or Exotic Animal Containment Purposes: Galvanized chain link, chicken wire, wire mesh, agricultural wire, barbed wire, and PVC.
 - c. Security Fences: Wrought iron, decorative metal, and vinyl and zinc or powder coated chain link are permitted. Sight obscuring materials are prohibited.
 - d. Barbed wire and razor wire are prohibited unless granted permission from the Zoning Administrator upon providing acceptable proof that an extraordinary need exists.

F. Height:

1. Maximum Height: Walls and fences shall not exceed the maximum height indicated in Table FW-A.
2. Height Exemptions: Fences used in the following circumstances shall be exempt from the height requirements indicated in Table FW-A and shall comply with height requirements listed below:
 - a. Fences that surround swimming pools shall not exceed eight (8) feet in height.
 - b. Containment fences for livestock or fences around farm fields shall not exceed six (6) feet in height. Containment fences for livestock or exotic animals that are at least fifty (50) feet from all property lines shall not exceed ten (10) feet in height
 - c. Fences and walls around the perimeter of a manufactured home park shall not exceed four (4) feet in height when installed along a frontage street and six (6) feet in height with located within ten (10) feet of the property line.
 - d. Fences that surround sport courts, sport fields and similar amenities that are also located within the building envelope, and in the side or rear yard, are allowed to be any height deemed necessary by the Zoning Administrator to protect players, spectators, vehicles, and adjacent property; or deemed an essential facility by the Zoning Administrator to conduct the sport, recreation or game (e.g. a backstop behind home plate in a baseball field or a wall for solo tennis practice).
 - e. Security fences in the IS, C1, C2, I1, I2, and HI Districts shall not exceed six (6) feet in height in the front yard and eight (8) feet in height in the side and rear yards. Security fences shall not encroach into any front yard setback and shall be non-sight obscuring.

Table FW-A: Maximum Height for Walls & Fences

Yard	Zoning District of Subject Property																		
	OP	A1	A2	A3	A4	RE	R1	R2	M1	M2	MP	VR	VM	IS	C1	C2	I1	I2	HI
Front Yard	6 ft	5 ft	5 ft	5 ft	5 ft	5 ft	4 ft	4 ft	4 ft	4 ft	3.5 ft	3 ft	3 ft	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft
Side Yard	6 ft	8 ft	8 ft	8 ft	8 ft	8 ft	8 ft	8 ft	8 ft	8 ft	3.5 ft	3 ft	3 ft	8 ft	8 ft	8 ft	8 ft	8 ft	8 ft
Rear Yard	6 ft	8 ft	8 ft	8 ft	8 ft	8 ft	8 ft	8 ft	8 ft	8 ft	3.5 ft	6 ft	6 ft	8 ft	8 ft	8 ft	8 ft	8 ft	8 ft

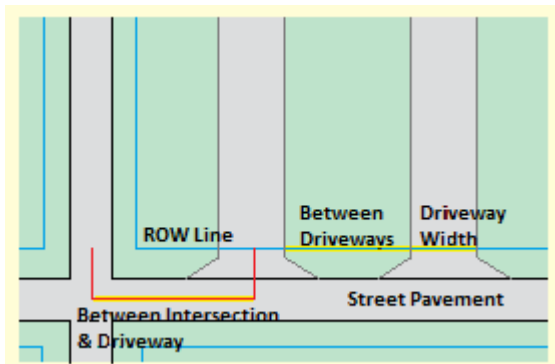
Ordinance Amendments

Driveway Standards – summary of amendment

- Requires a driveway permit rather than an improvement location permit for installation of a driveway. Reflects current office practice.
- Clarifies measurement rules for driveways. Reflects current office practice.
- ‘Grandfathers’ driveways on previously developed lots until use of the property changes.
- Allows zoning administrator to waive the pavement requirements for driveway in residential districts if adjoining properties have gravel driveways. Eliminates the need for variances.

5.17 – General Driveway Standards

- A. ~~Permits: An Improvement Location Permit~~ **Driveway Entrance Permit** shall be required for all driveway cuts onto public streets. State Department of Transportation permits do not override local approvals. Therefore, any driveway access from a State Highway shall require two permits prior to construction.
- B. Measurement Rules:
1. ~~Between Driveway and Street Intersection: The distance shall be determined by measuring from the intersection right-of-way line to the edge of pavement of the driveway~~ **intersection of the centerline of two or more streets to the intersection of the centerline of a driveway and the centerline of the street which the driveway gains access**
 2. ~~Between Multiple Driveways: The distance shall be determined by measuring from the edge of pavement to the edge of pavement (whichever is less) of each driveway~~ **edge of pavement of a driveway to the nearest edge of pavement of another driveway at the right-of-way line as proposed in the Shelby County Thoroughfare Plan. Or in a case where a driveway accesses a private street or shared driveway, at a line twenty-five (25) feet from the edge of pavement of the private street or shared driveway.**
 3. ~~Driveway Width: The distance shall be determined by measuring from the edge of pavement to the edge~~
 4. ~~of pavement (whichever is more) of each driveway~~ **edge of pavement of the driveway to the opposite edge of pavement of the driveway at the right-of-way line as proposed in the Shelby County Thoroughfare Plan. Or in a case where a driveway accesses a private street or shared driveway, at a line twenty-five (25) feet from the edge of pavement of the private street or shared driveway.**



*distanced to be measured indicated in yellow

- H. **Existing Driveways:** Driveways installed prior to July 1, 2021 and not in compliance with the current provisions of the Unified Development Ordinance may continue to be used until use of the property, as used on July 1, 2021, is changed or if the property is unused for there (3) months consecutively.

5.19 C – R1, R2, VR, & M1 Driveway Materials

- C. Applicability: Driveways shall consist of asphalt, concrete or other non-porous material approved by the Zoning Administrator. **The Zoning Administrator may waive this requirement for property adjoining another property having a gravel driveway.**



Accessory Structure Placement – summary of amendment

- Allows placement of accessory structures in front yard in all zoning districts if located 350 feet or greater from front property line.
- Allows placement of accessory structures in the front yard in Open Space & Agricultural Districts – reflects current office policy
- Allows placement of accessory structures in the front yard but no more than 8 feet forward the primary structure in RE District – matches the requirements for attached garages
- Encourages property owner to locate structures as far from road as possible to eliminate the need for a variance.

5.04 C – Accessory Structure Placement

- C. Placement: A permitted accessory structure shall not be placed in the front yard of any lot, **unless placed 350 feet or greater from the front property line.**

5.05 D – Accessory Structure Placement OP, A1, A2, A3

- D. Placement Exemption: A permitted accessory structure may be placed in the front yard.

5.06 D – Accessory Structure Placement RE

- E. Placement Exemption: A permitted accessory structure may be placed in the front yard, however, shall not be located forward of the primary structure by more than eight (8) feet.

Ordinance Amendments

Floodplain Setback – summary of amendment

Deletes setback from floodplain. This is not a requirement of DNR.

5.68 H f – General Setback Standards Features

- f. ~~Floodplain: All structures shall be set back from the delineated boundary of a floodplain a minimum of fifteen (25) feet.~~

Sewer & Water Standards Exemptions – summary of amendment

The ordinance currently requires public water and sewer for all properties not zoned agricultural or residential estate, however only Waldron has public water and sewer. This new section of the ordinance removes the water/sewer requirement for development with health department approval of a septic system, unless the property is within proximity to existing water and sewer lines.

5.69 A 3 – Sewer & Water Standards Exemptions

3. Exemptions: The following exemptions for required connections to public utilities apply:
 - a. Sewer: The following properties are exempt from connecting to public sanitary sewer:
 - i. Proximity to Gravity Sewer Line: If a property is located greater than 300 feet from a gravity sewer line, structures on that property shall be exempt from connecting to sanitary sewer.
 - ii. Proximity to Pressurized Sewer Line: If a property is located greater than 200 feet from a pressurized (forced) sewer line, structures on that property shall be exempt from connecting to sanitary sewer.
 - iii. Two-Times Rule: If the cost of connecting to any type of sewer line any distance from the subject property is two-times the cost of installing a septic system (i.e. on-site treatment system) or greater, that property shall be exempt from connecting to sanitary sewer.
 - b. Water: Properties located greater than 300 feet from a water utility line are exempt from connecting to a water utility.

Facade Orientation – summary of amendment

Clarifies front facade orientation. Reflects office policy.

5.11 A – RE, R1, R2, M1, M2 Front Facade

- A. ~~Facade:~~ The front facade of all primary structures ~~shall face~~ shall not be oriented greater than ten degrees (10) from the public or private street to which the building gains primary access, except as described below:

5.12 A – RE, R1, R2, M1, M2 Front Facade

- A. ~~Facade:~~ The front facade of all primary structures ~~shall face~~ shall not be oriented greater than ten degrees (10) from the public or private street to which the home gains primary access, except on corner lots, the front facade may face either street. If infill, the home shall face the direction consistent with neighboring properties.