

Shelby County Plan Commission

May 25, 2021 at 7:00 PM

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MEETING AGENDA

Shelby County Plan Commission
May 25, 2021 at 7:00 P.M.

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes from the April 27, 2021 meeting.

OLD BUSINESS

None.

NEW BUSINESS

RZ 21-08 – COSSAIRT IRREVOCABLE TRUST REZONING: Rezoning of 0.26 acres from the C1 (Neighborhood Commercial) District to the VR (Village Residential) District to assign the zoning district consistent with the historical and current use of the property. Located at 123 W Boggstown Rd, Shelbyville, Addison Township.

BZA 21-18 – COSSAIRT IRREVOCABLE TRUST: DEVELOPMENT STANDARDS VARIANCE. Located at 123 W Boggstown Rd, Shelbyville, Addison Township.

RZ 21-09 – FORD REZONING: Rezoning of 2 acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District. Located at 6752 W 850 S, Edinburgh, Jackson Township.

SD 21-08 – FORD SIMPLE SUBDIVISION: Subdivision of one 2-acre building lot from a 29.8-acre parent tract. Located at 6752 W 850 S, Edinburgh, Jackson Township.

RZ 21-10 – UNIFIED DEVELOPMENT ORDINANCE AMENDMENT: Amendment of Article 5. Specifically, amendment to sections 5.04 C, 5.11 A, 5.12 A, 5.17 B, 5.17 D, 5.19 C, and Fence & Wall Standards; addition of sections 5.05 D, 5.06 E, 5.17 H, and 5.69 A 3; deletion of section 5.68 H 1 f. Applies to Unincorporated Shelby County and the Town of Fairland.

DISCUSSION

Approval of Plan Commission Attorney Contract

ADJOURNMENT

The next regular meeting of the Shelby County Plan Commission is scheduled for Tuesday, **June 22, 2021 at 7:00 PM.**

Property Details

Location: 123 W Boggstown Rd,
 Shelbyville, Addison Township.

Property Size: 0.26 acres.

Current Land Use: Single-Family Residential.

Current Zoning Classification

C1 (Neighborhood Commercial)

This district is established for the provision of small-scale retail goods and services required for regular or daily convenience of nearby neighborhoods and agricultural areas.

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.*

Development Standards: *Flexible development standards to accommodate existing developments.*

Future Land Use per Comp Plan

Incorporated Planning Area -

Conservation

Areas of conservation identified in the Future Land Use Map are primarily located within the floodway and natural watershed areas. These areas should be protected from development. These areas could also be utilized as lineal parks to connect the built environment with nature. These areas also serve as educational catalysts to engage people with the natural environment.

Surrounding Development

	Zoning	Land Use
North	I2	Industrial
South	C1	Commercial
East	R1	Single-Family Res.
West	C1	Commercial

Staff Report

Case Number: RZ 21-08

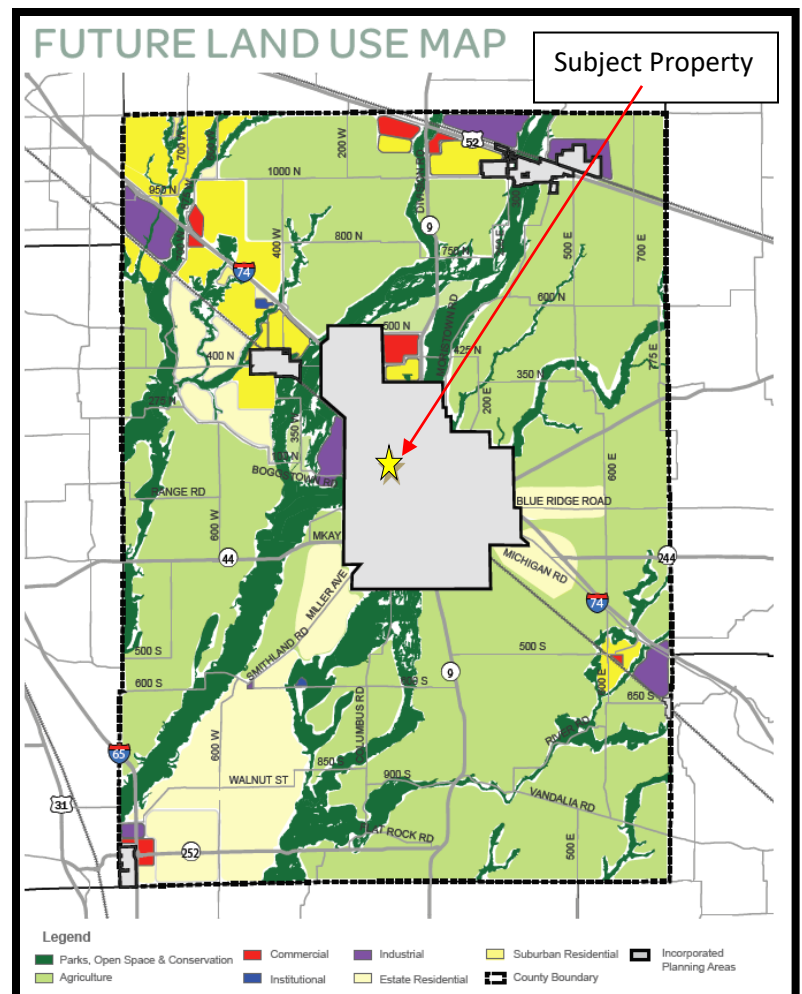
Case Name: Cossairt Irrevocable Trust Rezoning – C1 (Neighborhood Commercial) to VR (Village Residential)

Requests

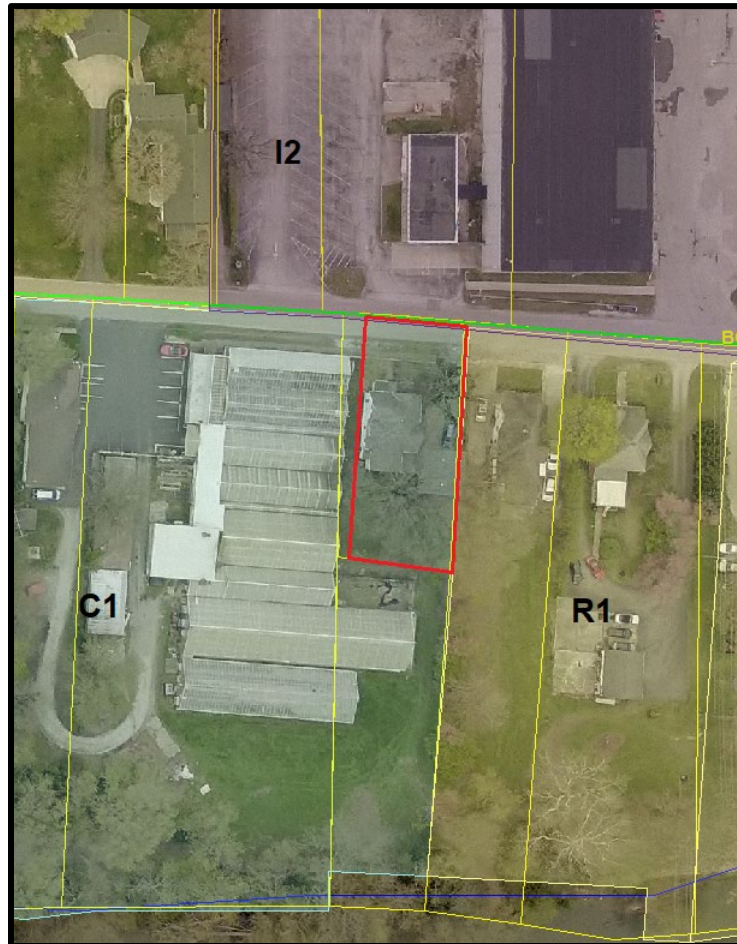
Rezoning of 0.26 acres from the C1 (Neighborhood Commercial) District to the VR (Village Residential) District to assign the zoning district consistent with the historical and current use of the property.

BZA 21-18: Variance of Development Standards to allow an existing single-family residence 6.1-feet from a side property line (minimum 8-foot setback required).

Future Land Use Map



Property Map



Case Description

- The petitioner currently owns four parcels including a single-family residence and commercial greenhouse and its accessory structures. The greenhouse encroaches onto the parcel including the single-family residence. The petitioner plans to resurvey the property to correct the encroachment issue.
- The County assigned all four parcels the C1 zoning designation through the County-wide rezoning process in 2008. The property tax card of the parcel including the single-family residence indicates that the residence has existed on the property prior to the County adopting zoning regulations.
- The UDO designates use of the parcel including the residence for residential purposes and the existing non-compliant property line setbacks of the structure on that lot as legal-nonconforming, or 'grandfathered', due to the change of zoning in 2008. Movement of the property line closer to the residence to correct the greenhouse encroachment issue would result in loss of the legal-nonconforming status of the structure in relation to the setback requirement. Staff recommended that the petitioner apply to rezone the property and request a variance from the setback requirements of the VR District to be heard by the Hearing Officer as the Plan Commission meeting.

- Staff recommend a rezoning to VR, rather than another residential zoning district, due to the size of the lot.
- The greenhouse would also not comply with the setback requirements of the C1 District after movement of the property line to correct the encroachment issue. However, due to movement of the property line resulting in a greater setback from the property line the greenhouse would not lose its legal-nonconforming status.

Staff Analysis Findings of Fact

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

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

The neighborhood includes a variety of residential, commercial, and industrial uses. Therefore, a residential zoning designation would not conflict with the zoning or uses of the area.

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

Rezoning of the property to a residential zoning designation would not conflict with the historical or current use of the property.

3. The Conservation of Property Values throughout the Jurisdiction

Rezoning of the property to a residential zoning designation would not conflict with the historical or current use of the property and therefore would not impact property values throughout the jurisdiction.

4. Responsible Development and Growth

Rezoning of the property to a residential zoning designation would not conflict with the historical or current use of the property.

5. The Comprehensive Plan

Rezoning of the property to a residential zoning designation would not conflict with the historical or current use of the property.

Staff Recommendation

APPROVAL.

Applicant/Owner Information

Applicant:	Andrew P. Scholle 212 West Main Street Greensburg, IN 47240	Owner:	Cossairt Irrevocable Trust dated January 23, 2014 2024 Culbertson Road Shelbyville, IN 46176
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Surveyor:	Andrew P. Scholle 212 West Main Street Greensburg, IN 47240
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APPLICATION FOR REZONING
FINDINGS OF FACT BY THE SHELBY COUNTY PLAN COMMISSION

Applicant: Cossairt Irrevocable Trust dated January 23, 2014

Case #: _____

Location: 123 West Boggstown Road, Shelbyville, IN 46176

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: _____
There are other residences adjoining this parcel and residences to the East and West of this parcel. _____

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: _____
This residence is pre-existing. It is unknown when the parcel was actually zoned to commercial. _____

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 residence is pre-existing. _____

4. The request **is/is not** (circle one) consistent with the conservation of property values throughout the jurisdiction because: _____
The property was currently being used for a residence and will continue to be used as a residence. _____

5. The request **is/is not** (circle one) consistent with responsible growth and development because: _____
The residence is pre-existing. Nothing new is being developed. _____

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

**ORIGINAL SURVEY FOR THE
COSSAIRT IRREVOCABLE TRUST
DATED JANUARY 23, 2014**

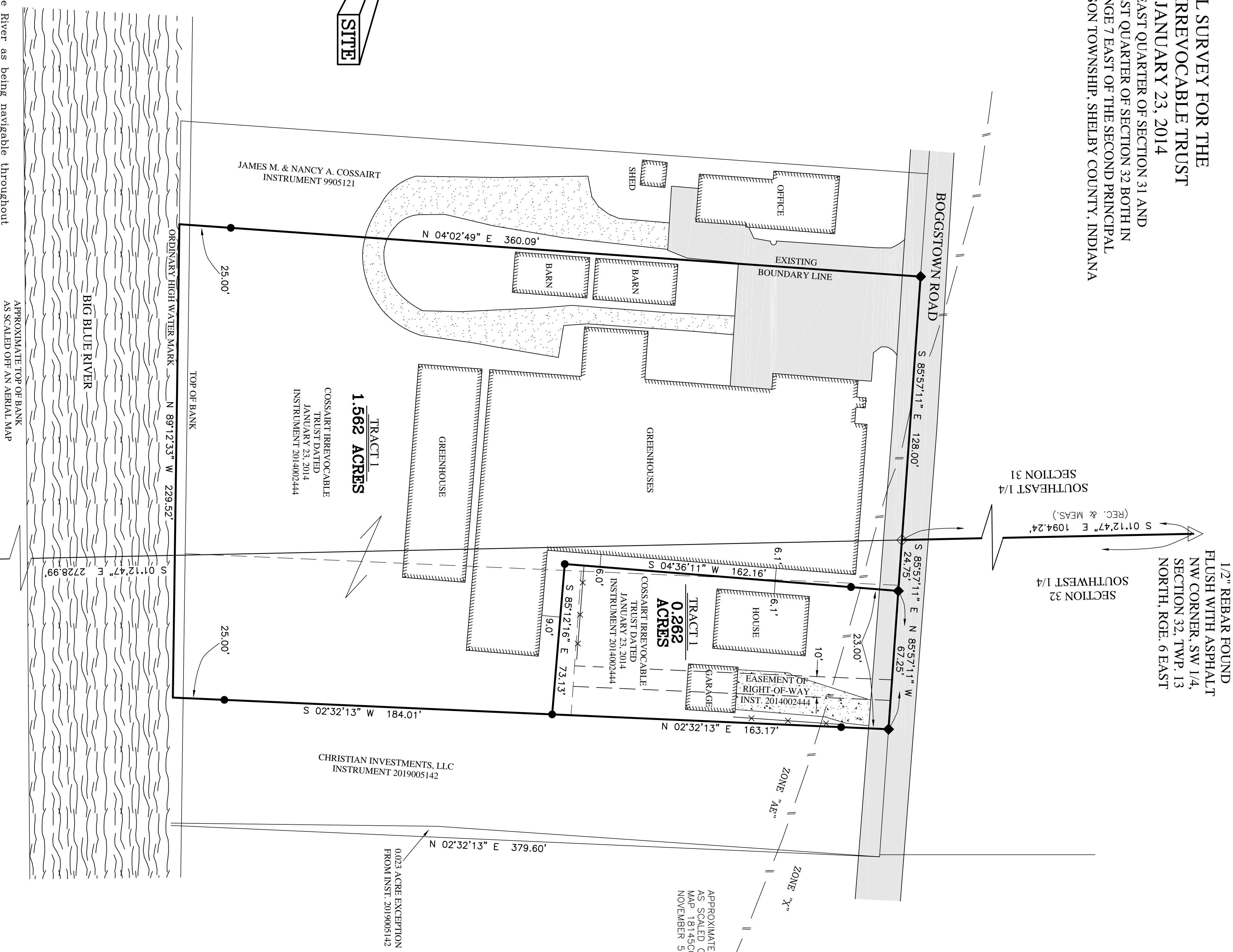
PART OF THE SOUTHWEST QUARTER OF SECTION 31 AND
PART OF THE SOUTHWEST QUARTER OF SECTION 32 BOTH IN
TOWNSHIP 13 NORTH, RANGE 7 EAST OF THE SECOND PRINCIPAL
MERIDIAN LOCATED IN ADDISON TOWNSHIP, SHELBY COUNTY, INDIANA



NOT TO SCALE

This tract is made in accordance with adopted amendment (2009-09 Board of Commissioners) to the Shelby County Unified Development Ordinance, to amend Article 9.13 B.4, Section 2.4.c of this amendment exempts from the subdivision process any parcels being combined that meet the requirements of the Unified Development Ordinance.

NOTE - The State of Indiana identifies the Big Blue River as being navigable throughout Shelby County (Indiana Natural Resources Commission, Information Bulletin #3). This includes the area of the surveyed property. Bulletin #3 also states "If a waterway was navigable on the date of statehood, title to the bed of the river passed to the state of Indiana and could not ordinarily be conveyed incident to the adjoining riparian property." 312 IAC 6-1-1(b) states "In the absence of a contrary state boundary, the line of demarcation for a navigable waterway is the ordinary high water mark." Thus, notwithstanding the record description of the surveyed property and the description prepared for this survey consistent with the record description, it is possible that title between the ordinary high water marks of the Big Blue River may be with the State of Indiana and not the owner of the surveyed property.



1/2" REBAR FOUND
FLUSH WITH ASPHALT
NW CORNER, SW 1/4,
SECTION 32, TWP. 13
NORTH, RGE. 6 EAST

SOUTH EAST 1/4
SECTION 31
(REC. & MEAS.)
S 01°12'47" E 1094.24'

SOUTH WEST 1/4
SECTION 32
S 01°12'47" E 1094.24'

APPROXIMATE FLOOD LINE
AS SCALED OFF OF FIRM
MAP 18145C019C DATED
NOVEMBER 5, 2014

OWNERS CERTIFICATE

I, James M. Cossairt, Trustee of the Cossairt Irrevocable Trust dated January 23, 2014, owner of the real estate shown and described herein, do hereby certify that I establish the boundaries of said real estate in accordance with this plat. The setback lines shall be determined by the regulations of the governing entity having zoning jurisdiction over the property shown herein.

James M. Cossairt, Trustee of the
Cossairt Irrevocable Trust
dated January 23, 2014

NOTARY CERTIFICATE

State of Indiana
County of Shelby SS:

Before me, the undersigned notary public, in and for the County and State, personally appeared James M. Cossairt, Trustee of the Cossairt Irrevocable Trust dated January 23, 2014, who acknowledged the execution of the foregoing instrument as his voluntary acts and deeds for the purposes therein expressed.

Witness my hand and seal this _____ day of _____, 2021

Notary Public (Signature)

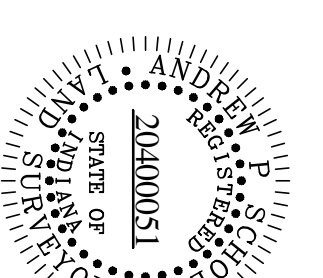
My commission expires _____

Name typed or printed _____ County, Indiana
Resident of _____ County, Indiana

CERTIFICATE OF SURVEY

I hereby certify that this survey was performed under my supervision and to the best of my knowledge and belief was executed according to the rules of 865 IAC Rule 12.

Andrew P. Scholle
Professional Surveyor #LS20400051
May 3, 2021



Scholle's Land Surveying, Inc.
212 West Main Street
Greensburg, Indiana 47240
Telephone: 812-663-6526

I affirm under penalties for perjury that I have taken reasonable care to reduce each Social Security Number in this document unless required by law. Andrew P. Scholle
This instrument was prepared by Andrew P. Scholle

SURVEYORS REPORT

In accordance with Title 865, article 1, Rule 12, Section 1 through 29 of the Indiana Administrative Code (commonly called "Rule 12"), the following observations and opinions are submitted regarding the various uncertainties in locations of the lines and corners established on this survey as a result of:

- VARIANCES IN REFERENCE MONUMENTS
- DISCREPANCIES IN RECORD DESCRIPTIONS AND PLATS
- INCONSISTENCIES OF OCCUPATION

There may be unwritten rights associated with these uncertainties.

The intent of this survey is to adjust the boundary line between the residential house and the greenhouses.

The basis of bearings for this survey is GPS North based upon WGS 84 datum. The monuments found at the Northeast and Southeast corners of the Southeast Quarter of Section 31 were accepted as shown. These monuments were referenced by the Shelby County Surveyor.

The stone found on the section line in the center of Boggsstown Road had a metal reading. We dug down 10 inches below the asphalt and hit what appeared to be the stone and a strip of metal. The monument matched the record distance to the found rebar at the Northeast corner of the Southeast Quarter of Section 31 from Instrument 2019005142. Numerous deeds in the area call for the stone to be in the center of Boggsstown Road. Due to the traffic on Boggsstown Road, a larger hole was not excavated to determine the exact size of the stone.

A 0.023 acre exception was found in Instrument 2019005142. The boundary lines of this exception were calculated off of the Section line. The East line of Cossairt's property was held parallel with the East line in said instrument. A small section of fence near the boundary line between Cossairt and Christian Investments, LLC (Instrument 2019005142) varies between 1.3 feet to 2.6 feet West of the boundary line.

The East line of James and Nancy Cossairt's property (Instrument 9905121) was calculated as being perpendicular to the center of Boggsstown Road. The description in their deed calls for cardinal directions for the boundary lines. The record distance was calculated along the center of said Road.

The ordinary high water mark was concluded as the South boundary line of Tract 1. The current deed of record calls for the South boundary to be the North bank of the Big Blue River. The parcel to the East owned by Cossairt calls for the South boundary line to be the middle of the River. Some descriptions from Instrument 2019005142 call for the low water mark as their boundary line. See the note on this plat regarding the boundary line being the high water mark since the Big Blue River is considered navigable by the State of Indiana.

An attorney should be consulted before any improvements are made or removed from these areas as there may be unwritten rights associated with these uncertainties.

All rebars set are 5/8 inches in diameter and 24 inches in length with yellow identification caps marked "A.P. Scholle LS20400051". The top of said rebars are within 0.3' of adjacent ground grade. A method of random reverse was used to survey the subject tract using a Topcon HiPer Vx GTS equipment, Topcon GT-1005 Rebar, Total Station and a Topcon OPT-520SW Total Station. Andrew P. Scholle, P.S., Mark Reisman and Jay Scholten performed this survey from April 3 through May 3, 2021.

Every document of record reviewed and considered as a part of this plat is noted herein. No abstract of title, nor title commitment, nor results of title searches were furnished to the surveyor. There may be other documents of record that exist, which would affect this plat. The Relative Positional Accuracy of this survey does not exceed the 0.26 feet plus 200 parts per million as specified on a Rural Survey.

LAND DESCRIPTION FOR TRACT 1

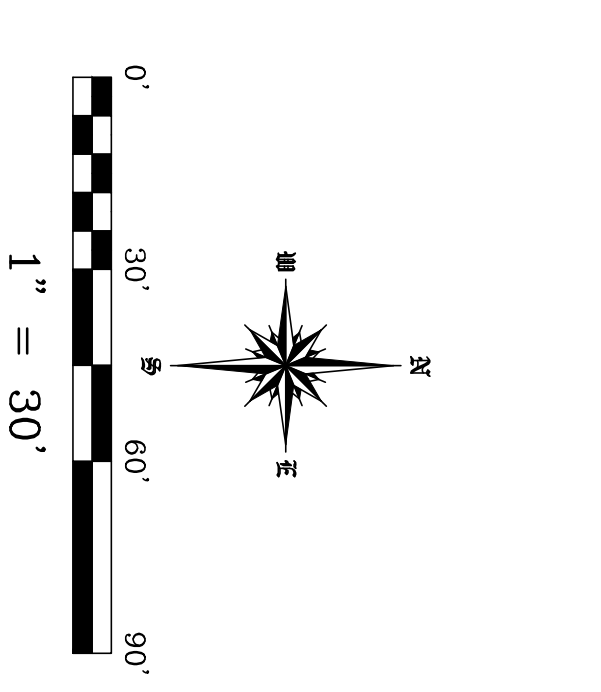
Part of the Southeast Quarter of Section 32, Township 13 North, Range 6 East of the Second Principal Meridian located in Addison Township, Shelby County, Indiana, being that 0.262 acre tract of land shown on the plat of an Original Survey of said tract certified by Andrew P. Scholle, P.S. #LS20400051 on May 3, 2021 as the Scholle's Land Surveying, Inc.'s project number 2021-0042 (all references to monuments and courses herein are shown on said plat of survey) described as follows:

Commencing at a 1/2 inch rebar found at the Northwest corner of said Quarter; thence South 01 degree 12 minutes 47 seconds East along the West line of said Quarter a distance of 1094.24 feet to a stone found in the center of Boggsstown Road; thence South 85 degrees 57 minutes 11 seconds East along the center of said Road a distance of 24.75 feet to a mag nail set at the POINT OF BEGINNING; thence South 04 degrees 36 minutes 11 seconds West passing through a 5/8 inch rebar set with a stainless steel cap stamped "AP SCHOLLE LS20400051" (hereinafter referred to as a "capped rebar set") at 23.00 feet, a total distance of 162.16 feet to a capped rebar set; thence South 85 degrees 12 minutes 16 seconds East a distance of 73.13 feet to a capped rebar set; thence North 02 degrees 32 minutes 13 seconds East passing through a capped rebar set at 140.17 feet, a total distance of 163.17 feet to a mag nail set in the center of Boggsstown Road; thence North 85 degrees 57 minutes 11 seconds West along the center of said Road a distance of 67.25 feet to the POINT OF BEGINNING, containing 0.262 acres, more or less.

LAND DESCRIPTION FOR TRACT 2

Part of the Southeast Quarter of Section 31 and part of the Southwest Quarter of Section 32, both in Township 13 North, Range 6 East of the Second Principal Meridian located in Addison Township, Shelby County, Indiana, being that 1.562 acre tract of land shown on the plat of an Original Survey of said tract certified by Andrew P. Scholle, P.S. #LS20400051 on May 3, 2021 as the Scholle's Land Surveying, Inc.'s project number 2021-0042 (all references to monuments and courses herein are shown on said plat of survey) described as follows:

Commencing at a 1/2 inch rebar found at the Northwest corner of Southwest Quarter of Section 32; thence South 01 degree 12 minutes 47 seconds East along the West line of said Quarter a distance of 1094.24 feet to a stone found in the center of Boggsstown Road at the POINT OF BEGINNING; thence South 85 degrees 57 minutes 11 seconds East along the center of said Road a distance of 24.75 feet to a mag nail set; thence South 04 degrees 36 minutes 11 seconds West passing through a 5/8 inch rebar set with a stainless steel cap stamped "AP SCHOLLE LS20400051" (hereinafter referred to as a "capped rebar set") at 23.00 feet, a total distance of 162.16 feet to a capped rebar set; thence South 85 degrees 12 minutes 16 seconds East a distance of 73.13 feet to a capped rebar set; thence South 02 degrees 32 minutes 13 seconds West passing through a capped rebar set at 150.01 feet, a total distance of 184.01 feet to ordinary high water mark of the Big Blue River; thence North 89 degrees 12 minutes 33 seconds West meandering with the ordinary high water mark of said River a distance of 229.52 feet; thence North 04 degrees 02 minutes 49 seconds East passing through a capped rebar set at 25.00 feet, a total distance of 560.09 feet to a mag nail set in the center of Boggsstown Road; thence South 85 degrees 57 minutes 11 seconds East along the center of said Road a distance of 128.00 feet to the POINT OF BEGINNING, containing 1.562 acres, more or less.



- = 5/8" REBAR SET WITH SURVEYORS CAP "A.P. SCHOLLE LS20400051"
- ◆ = MAG NAIL SET
- ◇ = STONE FOUND 10" BELOW ASPHALT SEE SURVEYORS REPORT
- = VACATED DEED LINE
- x- = FENCE LINE
- (REC) = RECORD DIMENSION
- (MEAS) = MEASURED DIMENSION
- (CALC) = CALCULATED DIMENSION
- ▬ = ASPHALT
- ▬ = CONCRETE
- ▬ = GRAVEL

FILE: COSSAIRT 31.32.13.7.DWG
FILE: COSSAIRT 31.32.13.7.RD 05-03-2021
PROJECT NUMBER: 2021-0042

Property Details

Location: 6752 W 850 S, Edinburgh, Jackson Township.

Property Size: 2acres.

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

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	Woodland
South	A1	Cropland
East	A1	Cropland
West	A1	Cropland

Staff Report

Case Number: RZ 21-09 / SD 21-08

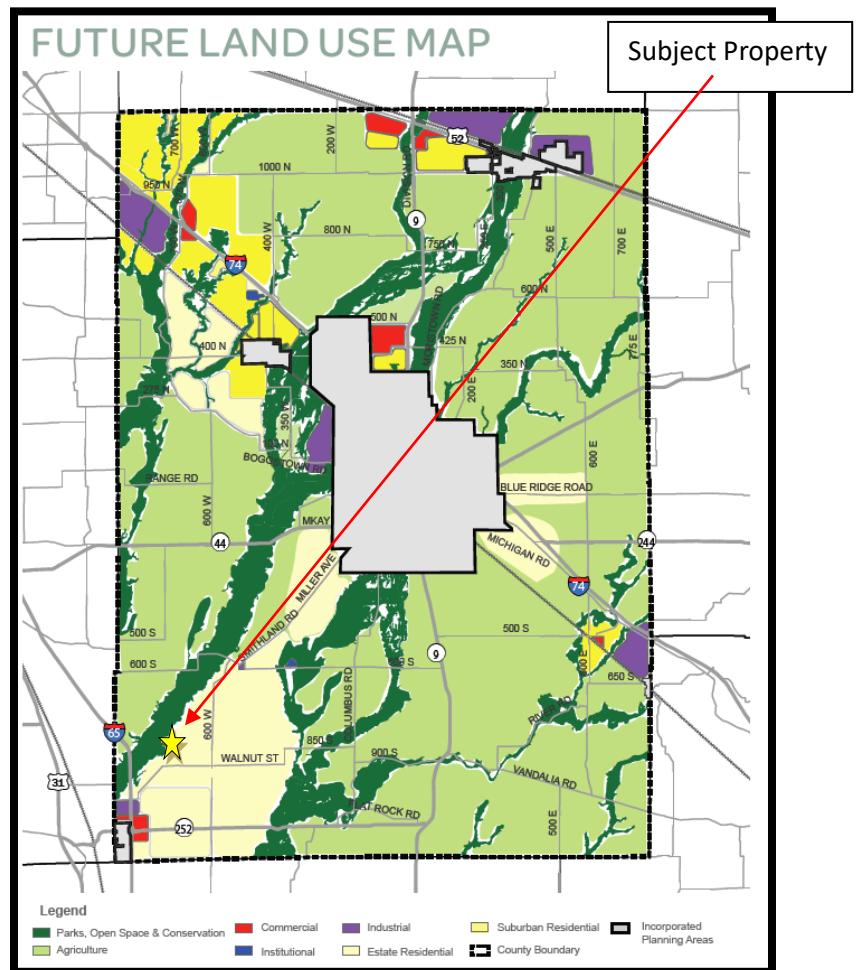
Case Name: Ford Rezoning – A1 (Conservation Agricultural) to RE (Residential Estate) & Ford Simple Subdivision

Requests

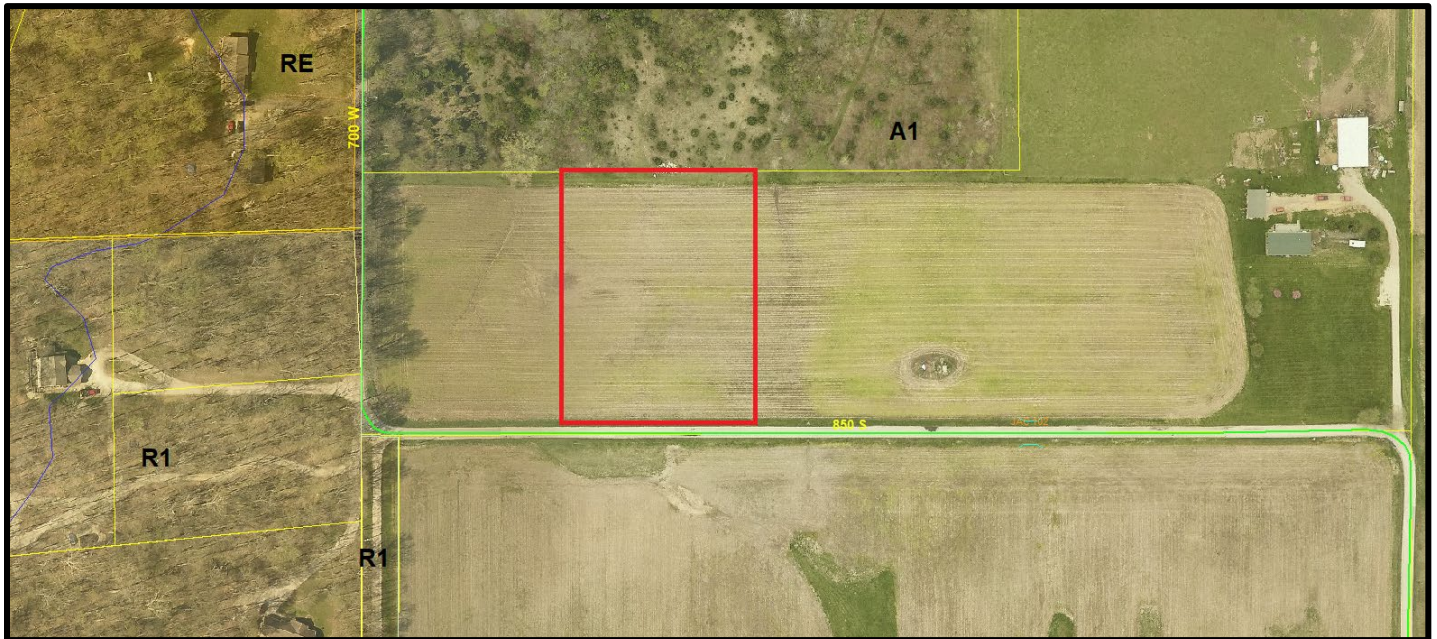
Rezoning of 2 acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District to allow for a one-lot Simple Subdivision.

Simple Subdivision of one 2-acre building lot from a 29.8-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 two acres adjoining the west side of the lot would legally remain part of the overall parent tract. This area would not qualify as a residential building lot without future approval of a rezoning and simple subdivision.
- The property surveyor explained that his client does not prefer to develop a lot near the corner of 850 S & 700 W, and therefore proposes to locate the lot further east, which would result in a physical split of the parent tract. The surveyor also explained that his client does not prefer to include the acreage at the corner in the proposed lot or to use that acreage to create a second building lot.
- The USDA Soil Survey classifies the northwest portion of the lot as 'Not Prime Farmland' and the remaining area as 'All Areas Are Prime Farmland'.

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 area west of the subject property includes several rural homesites. Development of a rural homesite would not conflict with the character of the area.

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

Approximately half of the property is designated as Not Prime Farmland and therefore not well suited for agriculture.

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 jurisdiction.

4. Responsible Development and Growth

Approval of the rezoning and subsequent subdivision would not create an ideal property layout due to the physical split of the parent tract. However, the subdivision would physically separate a 2-acre portion of the parent tract designated primarily as Not Prime Farmland for a future building lot.

5. The Comprehensive Plan

Rezoning of the property for residential use would not conflict with the Estate Residential future 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 the Shelby County's Construction Standards.

Staff Recommendation

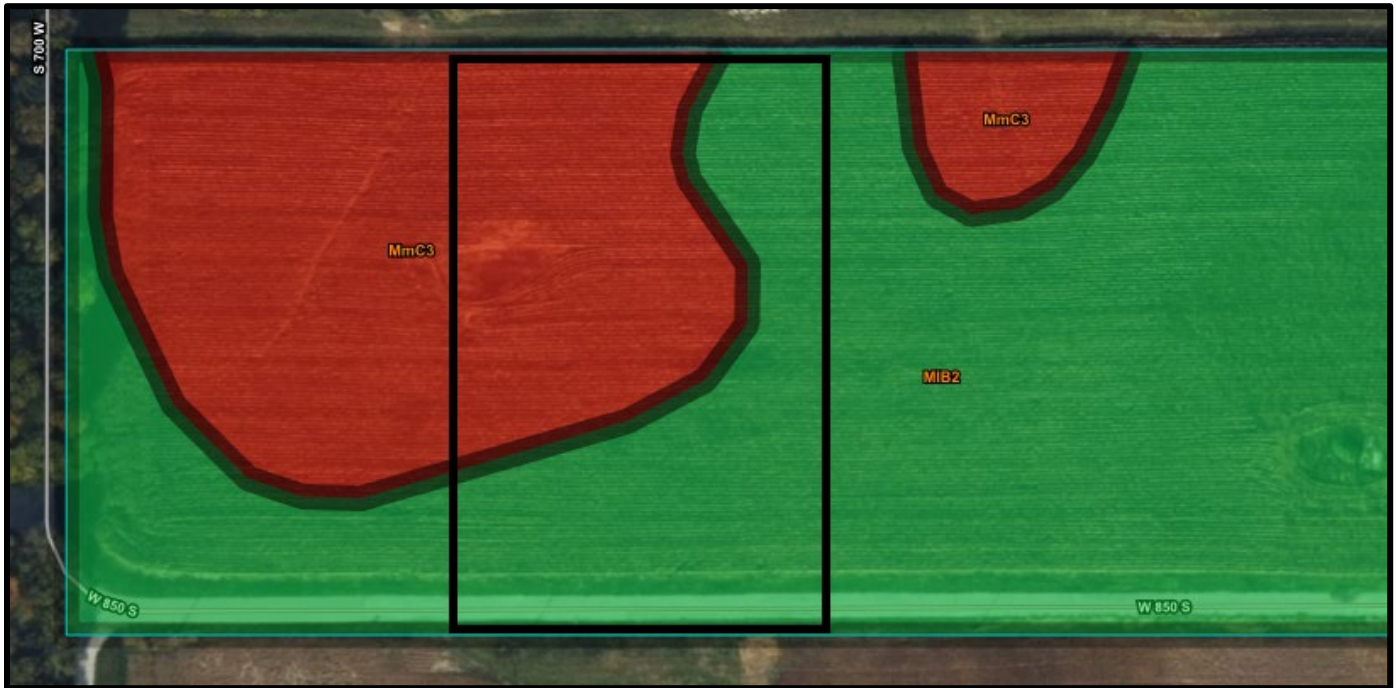
The proposed subdivision would not create an ideal property layout due to the physical split of the parent tract. However, the subdivision would physically separate a 2-acre portion of the parent tract designated primarily as Not Prime Farmland, and therefore not well suited for agriculture, for a future building lot. The Comprehensive Plan recommends Estate Residential development of the area and the subject property includes areas designated as Not Prime Farmland. Therefore:

Staff recommends **APPROVAL** of the **Rezoning & Simple Subdivision**.

Applicant/Owner Information

Applicant:	Brad J & Linda K Ford 6752 W 850 S Edinburgh, IN 46124	Surveyor:	Jeffery Powell, Powell Land Surveying LLC 4634 N 575 E Shelbyville, IN 46176
Owner:	Same		

USDA Soil Survey Map



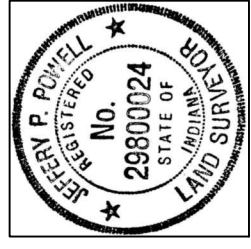
Subject property – outlined in black
Not Prime Farmland – red
All Areas Prime Farmland - green

NW cor., NW1/4, 18-11-6
Being a Shelby County Monument set per the Sumerford survey per the ties. Calculated location per this survey.

Surveyor Certification:

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

Witness my hand this 19 day of May, 2021.



Jeffery P. Powell
Registered Land Surveyor
No. 29800724

Owners Certification:

We **Bradley J. & Linda K. Ford**, 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 hereon drawn plat, as our free and voluntary act and deed.

Witness my hand this _____ day of _____, 2021.

Bradley J. Ford

Linda K. Ford

Notary Certification:

I, _____, a Notary Public in and for said County and State, do hereby certify that **Bradley J. & Linda K. Ford**, 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 _____, 2021.

Notary Public

Plan Commission Approval:

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

By: _____ Date _____

By: _____ Date _____

Re-zoning Approval:

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

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

Jeffery P. Powell

Note: the Bearings for the Sumerford Survey & the parent tract held the North line of the NW1/4, 18-11-6 to have a Bearing of N89°19'49"W.

S 88°56'07" E 1430.45'

S 88°56'20" E 553.89'

POB of the 29.796 Acre tract

N 89°19'49"W, 1431.02'(F)
N 88°56'20" W 1431.02'

NE cor., NW1/4, 18-11-6
Being a Shelby County Monument set per the Sumerford survey per the ties. Calculated location per this survey.

NE cor., W1/2, NW1/4, 18-11-6
Found a 5/8" rebar at the surface set per the Sumerford survey, ~0.2'E of the calculated location per the said survey.



N 00°07'20" E 1451.99'

S 00°22'20" W 1782.13'

S 00°22'20" W 2684.77'

S 00°22'20" W 2672.08'

S 00°22'20" W 2684.77'

S 00°22'20" W 1782.13'

S 00°22'20" W 2684.77'

S 00°22'20" W 2672.08'

S 00°22'20" W 2684.77'

S 00°22'20" W 1782.13'

S 00°22'20" W 2684.77'

S 00°22'20" W 2672.08'

S 00°22'20" W 2684.77'

S 00°22'20" W 1782.13'

S 00°22'20" W 2684.77'

S 00°22'20" W 2672.08'

S 00°22'20" W 2684.77'

S 00°22'20" W 1782.13'

S 00°22'20" W 2684.77'

S 00°22'20" W 2672.08'

S 00°22'20" W 2684.77'

S 00°22'20" W 1782.13'

S 00°22'20" W 2684.77'

S 00°22'20" W 2672.08'

S 00°22'20" W 2684.77'

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S 00°22'20" W 2672.08'

NW cor., NE1/4, 13-11-5
Found a monument at the surface set per the Sumerford survey & being per the ties.

N 00°50'07" E 51.10'(M), 51.15'(R)

SW cor., NW1/4, 18-11-6
Found a monument at the surface set per the Sumerford survey & being per the ties.

N 00°07'20" E 829.57'

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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



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 the 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

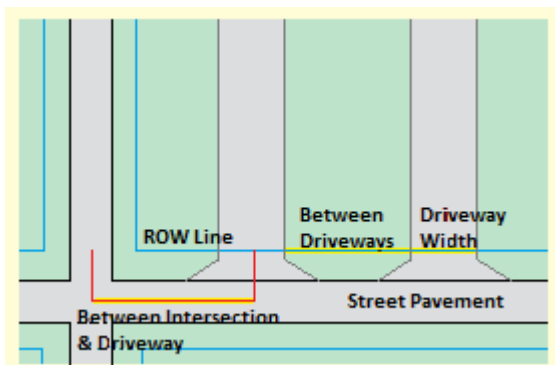
Ordinance Amendments

Driveway Standards – summary of amendment

- Requires a driveway permit rather than an improvement location permit for installation of a driveway. Reflects current office practice.
- Increases the threshold of vehicle trips per day which disqualifies an access road as a driveway. Matches the number of vehicle trips indicated in Shelbyville’s ordinance. Eliminates the need for a variance for large scale industrial projects.
- 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 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.~~ **A permit shall be required for all driveway cuts onto public streets.**
1. **Public County Streets: A County Driveway Entrance Permit shall be required.**
 2. **Public Municipal Streets: A permit obtained from the applicable municipality shall be required.**
 3. **State Roads & US Highways: A permit obtained from the State Department of Transportation shall be required.**
 4. **Private Roads and Shared Driveways: A permit shall not be required.**
- C. 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 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 vacant for three (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 E – 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 main living area 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 1 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.

ORDINANCE NO 2021 -

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF SHELBY COUNTY, INDIANA, AMENDING THE SHELBY COUNTY UNIFIED DEVELOPMENT ORDINANCE – SPECIFICALLY: ARTICLE 5

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: That Article 5, Section 5.04 C is amended as follows:

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.

SECTION 2: That Article 5, Section 5.05 D is added as follows:

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

SECTION 3: That Article 5, Section 5.06 E is added as follows:

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

SECTION 4: That Article 5, Section 5.11 A is amended as follows:

Facade: The front facade of all primary structures 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:

SECTION 5: That Article 5, Section 5.12 A is amended as follows:

Facade: The front facade of all primary structures 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.

SECTION 6: That Article 5, Section 5.17 B is amended as follows:

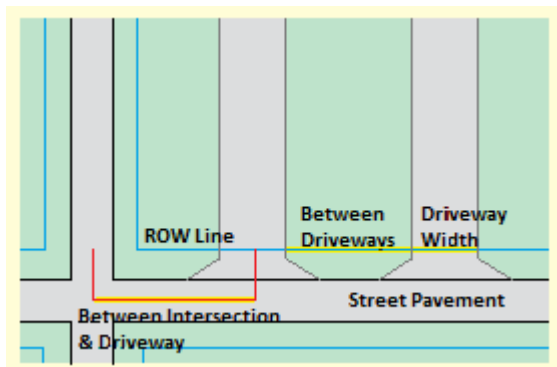
Permits: A permit shall be required for all driveway cuts onto public streets.

1. Public County Streets: A County Driveway Entrance Permit shall be required.
2. Public Municipal Streets: A permit obtained from the applicable municipality shall be required.
3. State Roads & US Highways: A permit obtained from the State Department of Transportation shall be required.
4. Private Roads and Shared Driveways: A permit shall not be required.

SECTION 7: That Article 5, Section 5.17 D is amended as follows:

Measurement Rules:

1. Between Driveway and Street Intersection: The distance shall be determined by measuring from the 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 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 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.



SECTION 8: That Article 5, Section 5.17 H is added as follows:

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 vacant for three (3) months consecutively.

SECTION 9: That Article 5, Section 5.19 C is amended as follows:

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.

SECTION 10: That Article 5, Section Fence and Wall Standards (FW) is amended as follows:

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.

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 the 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

SECTION 11: That Article 5, Section 5.68 H 1 f is deleted.

SECTION 12: That Article 5, Section 5.69 A 3 is added as follows:

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.

SECTION 13: 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 14: Repealable Provisions. All ordinances and parts of ordinances in conflict with the specific amendment herein are hereby repealed.

ADOPTED this 31st day of May 2021 by a vote of _____ ayes and _____ nays of members of the Board of Commissioners of Shelby County, Indiana.

Kevin Nigh, President

Don Parker, Member

Chris Ross, Member

ATTEST:

Amy Glackman, Auditor
Shelby County, Indiana