

Shelby County Plan Commission

July 28, 2026, at 7:00 PM

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MEETING AGENDA

Shelby County Plan Commission
July 28, 2026

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes from the June 23, 2026, meeting.

NEW BUSINESS

SD 26-11 – COFFMAN SIMPLE SUBDIVISION: Simple Subdivision of a 5-acre, single-family building lot from a 11.77-acre parent tract and waiver of subdivision standards. Located at 8570 N 25 W, Fountaintown, Van Buren Township.

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

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

OLD BUSINESS

RZ 26-11 – DATA CENTER OVERLAY DISTRICT TEXT AMENDMENT: Unified Development Ordinance Text Amendment of Article 2, to add Data Center Overlay District and Standards. Applies to unincorporated Shelby County.

RZ 26-12 – TEXT AMENDMENT TO COMPLY WITH NEW STATE LAW & ORDINANCE MAINTENANCE: Unified Development Ordinance Text Amendment of Article 2, Article 5, Article 9, and Article 11. Applies to unincorporated Shelby County.

DISCUSSION

None.

ADJOURNMENT

A **special meeting** the Shelby County Plan Commission is scheduled for Wednesday, **August 12, 2026**, at **7:00 PM**.

The next regular meeting of the Shelby County Plan Commission is scheduled for Tuesday, **June 23, 2026**, at **7:00 PM**.

Meeting Information

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

Time: 7PM

Zoom Link: <https://us06web.zoom.us/j/85757270347?pwd=G3w3kdNgTfrIvdaxmsOfzIYU440fhV.1>

Password: Shelby

Board Members & Staff

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

Jason Abel, Vice President: Commissioners Representative

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

Jeremy Ruble, Member: Council Representative

Jeff Powell, Member: County Surveyor

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

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

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

Desiree Calderella, Planning Director

Jody Butts, Board Attorney

In accordance with the **Americans with Disabilities Act**, if anyone wishes to attend the public meeting on the above referenced matter and is in need of reasonable accommodations in order to attend, hear, or present evidence at the public meeting on this matter, for accommodations contact the Shelby County Plan Commission 25 W Polk St, Shelbyville, IN 46176 317-392-6338

Property Details

Location: 8570 N 25 W,
Fountaintown, Van Buren
Township.

Property Size: 5-acres.

Current Land Use: Estate
Residential

Current Zoning Classification
RE (Residential Estate)
This district is established for single-family detached dwellings in a rural or country setting.

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	RE	Woodland
South	RE	Estate Residential
East	RE	Woodland
West	A1	Cropland

Staff Report

Case Number: SD 26-11
Case Name: Coffman Simple Subdivision

Request

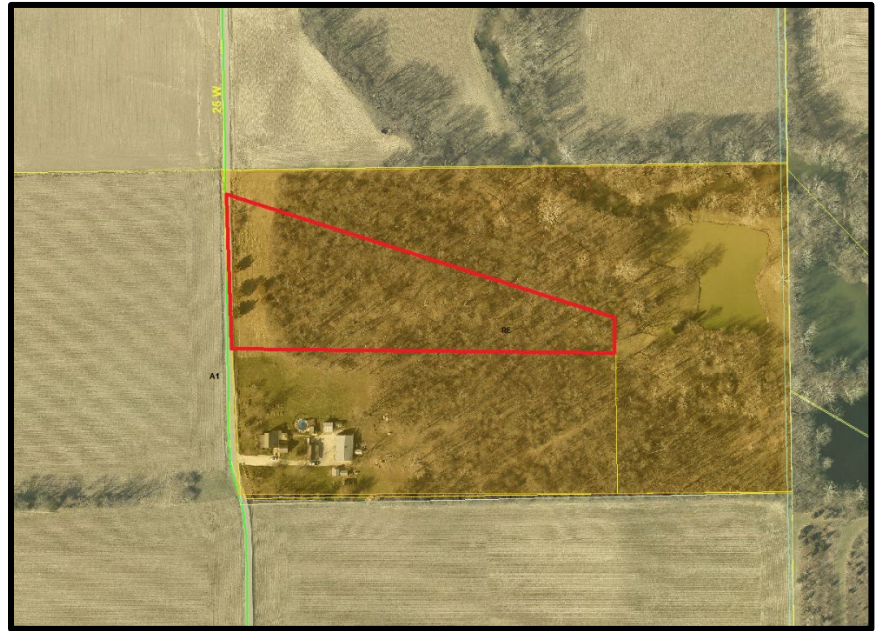
Simple Subdivision of a 5-acre, single-family building lot from a 11.77-acre parent tract.

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

Purpose of Subdivision Code Requirement

The side lot line angle requirement discourages the creation of irregularly shaped lots.

Property Map



Case Description

- Approval of the request would allow for development of one, 5-acre single-family residential building lot.
- The parent tract includes an existing single-family residence. The existing perimeter drain for the septic system would outlet into a 50' x 50' easement on the new building lot shown on the plat.

- As required by ordinance, the plat includes a note that the proposed 50-foot square perimeter drain tile easement is to allow access by the lot owners, County Surveyor, and County Drainage Board for the purpose of widening, deepening, sloping, improving, maintaining, replacing, or protecting the drain tile.
- The property is relatively isolated from other residential development.
- The Technical Advisory Committee (TAC) / Site Plan Review Committee would review a detailed site plan including structure layout, elevation of development, drainage infrastructure, and septic system design for compliance with County codes prior to issuance of permits for the new single-family residence.

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, pending approval of a waiver to allow a side lot line not within a 15-degree angle to the right-of-way.
 - a. The parent tract currently includes the 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.
5. The subdivision of land satisfies the construction requirements of Shelby County's Construction Standards.

Staff Recommendation

Per State Code, the Plan Commission must approve any subdivision of property that complies with local subdivision code. The proposed subdivision complies with local subdivision code other than having a lot line not within a 15-degree angle to the right-of-way. The parent tract currently includes this lot line.

Staff recommends **APPROVAL**

Applicant/Owner Information

Applicant:	Blake Coffman 5236 Camden St. Indianapolis, IN 46227	Surveyor:	Scott T Sumerford 3149 N Riley Hwy. Shelbyville, IN 46176
Owner:	Scott & Bridgett Corey 8570 N 25 W Fountaintown, IN 46130		

Property Details

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

Property Size: 12-acres.

Current Land Use: Agriculture /
Cropland.

Current Zoning Classification

A1 (Conservation Agricultural)

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

Proposed Zoning Classification

A4 (Agricultural Commerical)

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

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

Future Land Use per Comp Plan

Estate Residential

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

Surrounding Development

	Zoning	Land Use
North	A1	Cropland
South	A1 / A2	Cropland / Cellular Communications Facility / Single- Family Residential
East	A2	Cropland / I-74
West	A1	Cropland

Staff Report

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

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

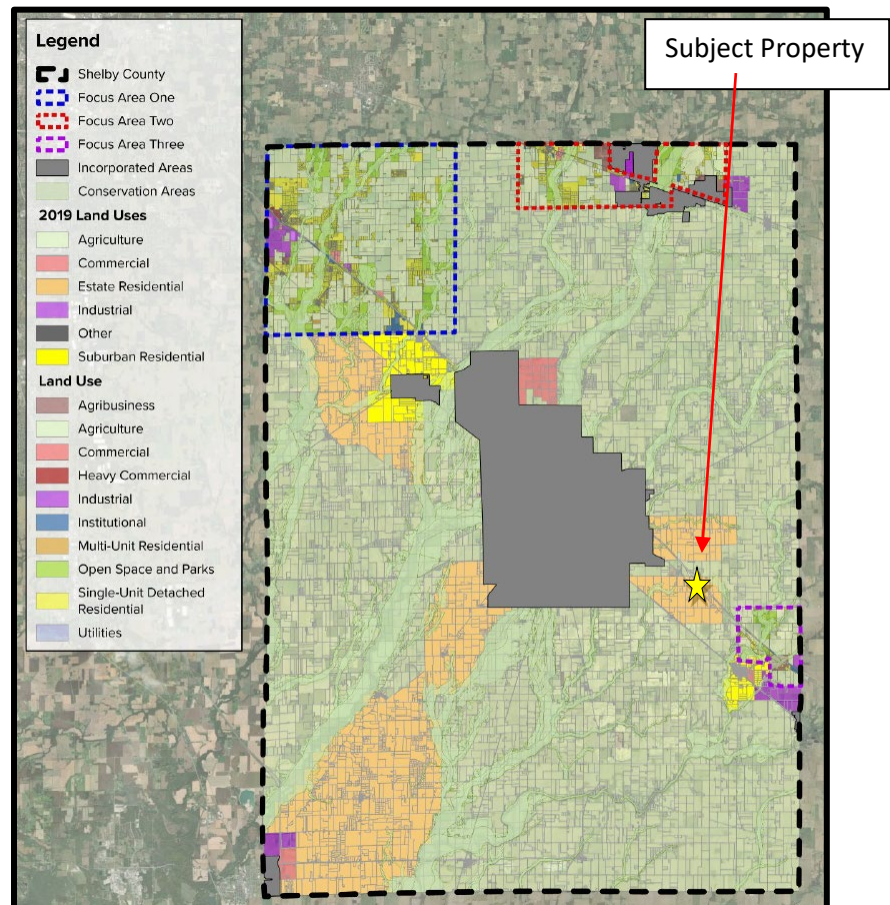
Requests

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

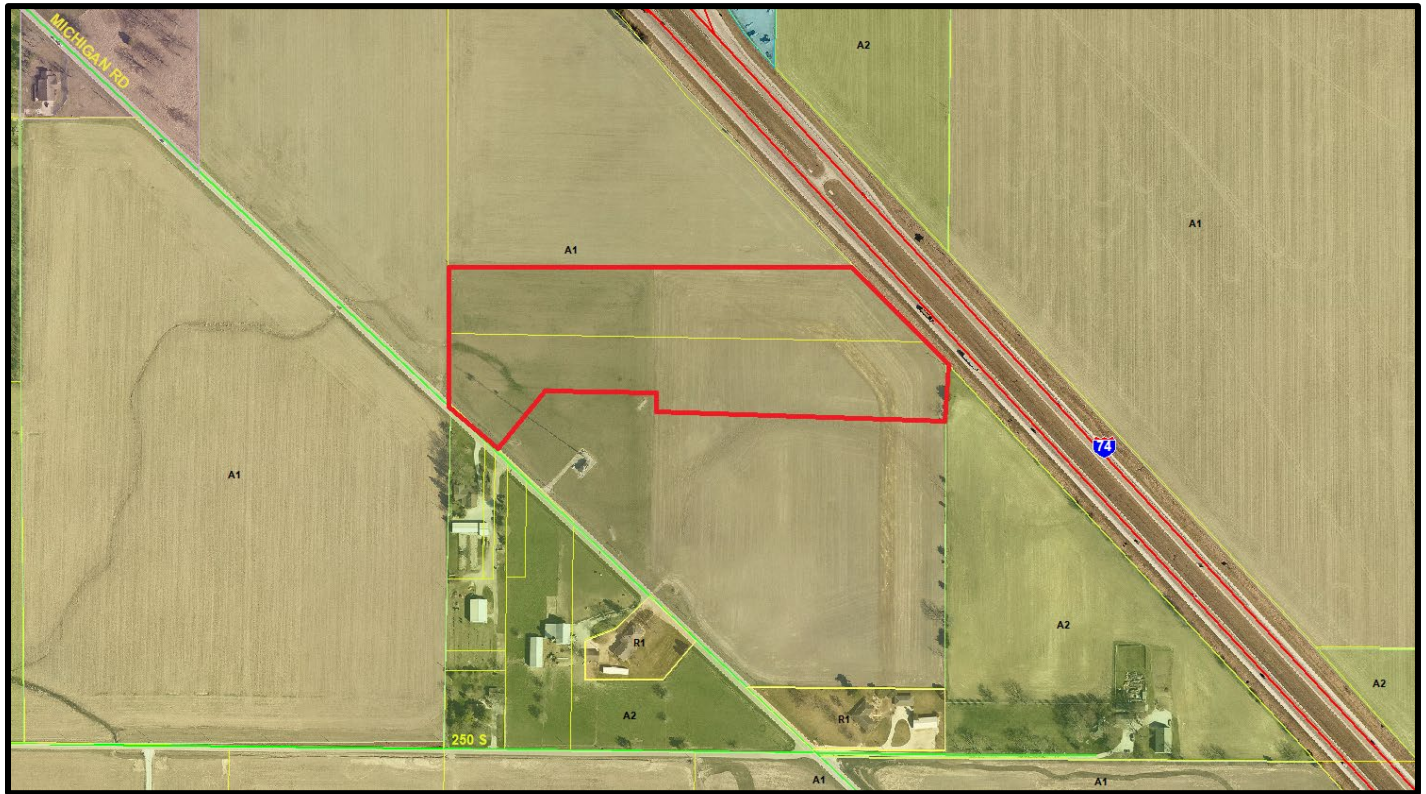
Simple Subdivision of a 12-acre agricultural commercial lot from a 30.20-acre parent tract.

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

Future Land Use Map



Property Map



Case Description

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

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

Staff Analysis Findings of Fact

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

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

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

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

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

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

3. The Conservation of Property Values throughout the Jurisdiction

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

4. Responsible Development and Growth

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

5. The Comprehensive Plan

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

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

1. The subdivision of land is consistent with the Shelby County Comprehensive Plan.
2. The subdivision of land satisfies the development requirements of Article 06: Subdivision Types.
3. The subdivision of land satisfies the standards of Article 07: Design Standards, pending:
 - a. Approval of a waiver to allow side lot lines not within a 15-degree angle to the right-of-way.
 - i. The angle of the lot lines match the angle of the lots lines of nearby properties fronting upon Michigan Rd.

- b. Accurate identification of the Rosenfield Legal Drain tile easement.
4. The subdivision of land satisfies any other applicable provisions of the Unified Development Ordinance.
5. The subdivision of land satisfies the construction requirements of Shelby County's Construction Standards.

Staff Recommendation

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

Staff recommends the following **stipulation**:

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

Applicant/Owner Information

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

Agricultural Commercial (A4) District

Article
02

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

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

July 8, 2026

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

Dear Plan Commission Members:

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

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

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

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

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

Very truly yours,

McNeelyLaw LLP

Jacob S. Brattain

Jacob S. Brattain

APPLICATION FOR REZONING FINDINGS OF FACT

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

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

Case #:

Location: 4571 E Michigan Road, Shelbyville, IN 46176

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

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

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

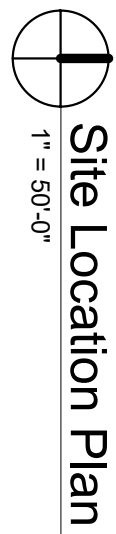
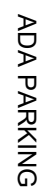
Finding 2: How is the proposed use, and/or other possible future uses permitted in the proposed zoning district, similar to surrounding structures and uses of land?

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

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

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

General Notes



Site Location Plan

4571 East Michigan Road
Shelbyville, IN 46176
Phone

C100

182 N. State St.
Sparta, MI 49345
P: 616.887.7570

[illegible]

PRELIMINARY DRAWINGS.
THESE DOCUMENTS ARE NOT FOR CONSTRUCTION

Shelby County Plan Commission

Memo

To: Shelby County Plan Commission

From: Desiree Calderella, Planning Director

RZ 26-11 Data Center Overlay District.

On June 23, 2026, the Plan Commission reviewed and heard public comment on the first draft of a proposed Data Center Overlay District ordinance. This Staff Memo summarizes the questions and comments posed by the public and members of the Board, provides Staff response to those comments (in red), and outlines Board action items (in green). This Memo also outlines the ordinance approval process. The revised draft ordinance which incorporates many of the comments is included in the Meeting Packet.

Public Questions & Staff Response

- In Section 3.21, further clarification on flood restrictions, does it just apply to the 100-year floodplain?

A data center campus could include areas within the 100-year floodplain. However, structures and facilities cannot affect the capacity of the floodplain or be placed in a manner likely to increase flood frequency, velocity, or heights. Section 3.24 allows the County to hire a qualified consultant to determine if this would occur at the cost of the data center developer.

- Do onsite energy storage systems include BESS storage? Do any regulations apply?
I misspoke at the meeting regarding this regulation. Section 3.22 C 5 does allow BESS without any additional zoning approval and does not impose any specific regulations. However, the County plans to adopt a BESS ordinance later this year that would regulate these facilities.
- Can generations be tested constantly between 12 PM and 5PM?

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

Section 3.22 C 5 d of the revised draft limits generator testing to 1 hr during this timeframe.

- Is there an application fee?
The commercial land use and development fees in the established department fee ordinance would apply. We will need to update these at the end of the year to reflect new State law.
- Should there be a definition for karst terrain?
This definition has been included in revised draft.
- What constitutes a residential area?
All references to 'residential' in the ordinance either qualify residential as 'residential zoning district' or 'sensitive use'. The UDO designates residential zoning districts, and the ordinance includes a definition for sensitive use.
- Does required sound testing include both dBA and dBC?
Yes. See section 3.22 C 6 e 3 b.

Public Comments & Staff Response

- Section 3.22 5D is empty.
This section has been removed in revised draft.
- Typo in \$25 million.
This has been corrected in revised draft.
- Typo in creaks
This has been corrected in revised draft.
- Incorrect IC citation in the definition of Data Center Energy System.
This has been corrected in revised draft.
- The County should review its enforcement procedures and fines as a \$7,500 fine would not prove a deterrent given the financial resources of a data center. Require a separate enforcement and penalties ordinance that applies specifically to data centers.
Section 3.17 D of the revised draft cross references the enforcement and penalties section included in the UDO. I plan to work with Jody to update this portion of the UDO later this year. The amendment can address fines for larger projects such as data centers.

- Further limit maximum noise levels. Specifically, reduce maximum noise level to 40 dBC.
Section 3.22 C 6 a of the revised draft caps noise at 40 dBA or 60 dBC during all times. Debroah suggests that further limits would prevent reasonable operation of a data center facility. *Board members to review sound studies to determine any further amendment of this section if necessary.*
- Revise maximum height for luminaires from 20-feet to 15-feet.
Luminaires in large-scale commercial parking lots typically have a minimum height of 20 feet. No change made to draft. *Can be amended at the discretion of the Board.*
- Remove section 3.22 A 7 5 (voluntary setback waiver).
Debroah and I do not recommend removing this section. The ordinance should not prevent a private agreement between the data center and adjacent property owner to reduce the setback. Also, larger setbacks result in a larger project size with underutilized land. The solar ordinance has similar language which allows for setback waivers. *Can be removed at the discretion of the Board.*
- Hire a consultant to enforce the terms of the ordinance.
Section 3.24 allows the County to hire a qualified consultant to enforce the terms of the ordinance.
- Change the words 'encourage' to 'required' and 'should' to 'must.'
This has been amended in revised draft.
- Require quarterly well testing.
Section 3.22 C 6 f of the revised draft includes required quarterly well testing and Section 3.22 C 10 g includes quarterly water monitoring.
- Increase the setback from a residential use to a half mile.
I do not recommend increasing the setback. Larger setbacks result in a larger project size with underutilized land. The ordinance review committee established the 1,300-foot setback to match the CAFO standard. *Can be amended at the discretion of the Board.*
- Include a more precise definition for prime farmland.
This definition has been clarified in revised draft.

- Prohibit natural gas well drilling.
Section 3.22 A 7 a 3 of the revised draft includes a 2,640-foot setback from natural gas wells.
- Require that developers disclose intended end-users or if they intend to develop the data center for speculative purposes.
Legally, zoning decisions should be based on use rather than user. Not legally defensible and not included in revised draft.

Plan Commission Questions & Staff Response

- Clarify definition for residential use.
All references to 'residential' in the ordinance either qualify residential as 'residential zoning district' or 'sensitive use'. The UDO designates residential zoning districts, and the ordinance includes a definition for sensitive use.
- The maximum building size does not compare to the size of larger industrial buildings.
Correct. However, the ordinance does not prevent construction of multiple buildings on the data center campus. *Can be amended at the discretion of the Board.*
- The ordinance should address impacts on natural gas wells.
Section 3.22 A 7 a 3 of the revised draft includes a 2,640-foot setback from natural gas wells.
- Can a data center establish its own public utility?
I assume so if allowed by the IURC.
- Require more specific information regarding maximum water and power usage.
Section 3.22 A 9 h & i have been updated. *Megan to verify that this addresses her concern.*
- Concern that the ordinance does not include any regulations for back-up BESS.
I misspoke at the meeting regarding this regulation. Section 3.22 C 5 does allow BESS without any additional zoning approval and does not impose any specific regulations. However, the County plans to adopt a BESS ordinance later this year that would regulate these facilities.
- Consider prohibiting nuclear reactors as a form of on-site power generation.
County likely does not have jurisdiction to determine power sources due to State and Federal regulations.

- Incorrect wording for SCR in Section 3.22 C 5
Megan to provide correct wording.

Approval Process

Per State Law, approval of a County zoning ordinance amendment requires a public hearing before the Plan Commission and an approval, denial, or approval with conditions recommendation of the document by the Plan Commission to the County Commissioners. The County Commissioners may then adopt the final ordinance, deny the final ordinance, or send the ordinance back to the Plan Commission with amendments for consideration.

July 28, 2026, Plan Commission Meeting

The Plan Commission will review the revised ordinance draft at this meeting and suggest any revisions. The Planning Director will make any revisions requested by the Plan Commission before final vote on the ordinance at the August 12, 2026, Plan Commission meeting.

This is a public hearing, and any member of the public will have the opportunity to comment on the ordinance draft. Rules for public comment:

- *Comment will be strictly limited to 3 minutes per person.* At the discretion of the Planning Department, members of the public may combine their 3-minutes and designate a spokesperson.
- *Members of the public are encouraged to submit comments to the Planning Department prior to the meeting.*
- *Comments should be limited to revisions to the ordinance draft.*

August 12, 2026, Plan Commission Meeting (special meeting)

The Plan Commission will vote on the final draft of the ordinance. This is also a public hearing.

August 17, 2026, County Commissioners Meeting

The County Commissioners will adopt the final ordinance, deny the final ordinance, or send the ordinance back to the Plan Commission with amendments for consideration. This meeting is open to the public.

Data Center Overlay District and Standards

Establishment of the Data Center Overlay District (DCO)

In Article 1, amend Section 1.17: Establishment of Overlay Districts to add the new overlay district:

DCO	Data Center Overlay	This district is established to allow Data Centers provided they meet the standards established in Section 5.## of this UDO
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In Article 3, add the new Data Center Overlay (DCO) District. Standards start with new Section 3.17##

3.17 DCO District Intent, Effect on Uses, and Effect on Standards

- A. District Intent. The Data Center Overlay District is intended to facilitate appropriate location, development, construction, installation, and decommissioning of Data Centers in a predictable manner that promotes and protects the safety, health, and welfare of the community.

The standards and requirements established herein are intended to define and regulate Data Centers in order to:

- minimize the impact on adjacent and surrounding properties;
- ensure compatibility with other adjacent and surrounding land uses;
- protect environmental resources and to assure that the correlative rights of landowners and lessors owning or leasing and hosting Data Centers are balanced with those of neighboring land and communities; and
- assure that the location, construction, operation, and decommissioning of Data Centers are undertaken in a manner that integrates the use into the surrounding built and natural environment.

The requirements of this section are intended to be supplemental to any safety, health, or environmental requirements of federal, state, or local laws, and regulations.

- B. Effect on Uses. All permitted uses in the base zoning district are permitted in the DCO District in addition to the ones below. All special exception uses permitted in the base zoning district are allowed as such in the DCO District.

- Data Center

- C. Effect on Standards. The development standards from the base zoning district shall apply to the DCO District in addition to the development standards described in Section ##: DCO District Development Standards.

- ~~C.D. Non-compliance. Non-compliance with any provisions of this ordinance shall constitute a violation and be subject to Article 10: Enforcement and Penalties of this UDO.~~

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3.18 DCO District Applicability.

The following requirements apply to all land within the DCO District as defined in Section ## DCO: District Boundary. Under no circumstances shall a planned development or rezoning of property change the applicability of the DCO District's land use restrictions and additional development standards.

3.19 DCO District Boundary

The boundaries for the DCO District shall be as shown on the Official Zoning Map as a hatched or textured pattern and noted on the map legend as the DCO District.

3.20 Prerequisites for Establishment of a Data Center

- A. Base Zoning. The base zoning for this overlay district to be applied to a lot shall be limited to only the High Intensity Industrial (I2) District or the High Impact (HI) District.
- B. Development Plan Required. A Data Center shall only be allowed in the DCO District after Development Plan approval has been granted per Section 3.23###: Development Plan Requirements and Procedures of this ordinance.

3.21 General Requirements Relating to Location of a Data Center

No Data Center shall be located:

- 1. On lands with slopes over 20% or which are prone to flooding, soil, or geologic instability.
- 2. Where the disposal or release of any hazardous substance, pollutant, or contaminant from a Data Center could affect karst terrain.
- 3. Where the structure or facility will restrict the flow of a 100-year flood, reduce the temporary storage capacity of the floodplain, or be placed in a manner likely to increase flood frequency, velocity, or heights so as to pose a risk or hazard to human health, property, wildlife, or land or water resources.
- 4. In wetlands or within 50 feet of the boundary of any wetland.
- 5. Within 2 miles of Protected Wildlife.
- 6. On Prime Farmland, or Farmland of Statewide Importance.
- 7. Where such facilities may cause or contribute to the taking of a threatened or endangered species or adversely affect critical habitat.

3.22 Standards Applicable to Data Centers

- A. Site Design Standards. Unless otherwise specified below, the District Development Standards for the underlying zoning district shall apply.
 - 1. Buffering/Screening/Landscaping
 - a. The setback area required under Section 3.22.A.6###: Setbacks shall serve as a buffer zone between the Data Center and the outer property boundary.
 - b. No Data Center structures or facilities, except for fencing and signage, may be constructed within the setback areas, provided that within the first hundred feet of the setback area measured from the outer perimeter of the Data Center at the beginning of the setback area, parking areas may be constructed and interior surface roads may be located.
 - c. Any parking or roads constructed within the setback areas shall be bermed and vegetated to shield off-site areas from glare and other visual impacts associated with the interior vehicular travel and parking. Any landscape buffer shall include an earthen berm with a minimum height of 8 feet and a grade no steeper than 2:1.
 - d. Except as provided in subsections b and c above, no impervious surface is permitted within any landscape buffer except for access roads and sidewalks.
 - e. All Data Center Accessory Use(s)/Structure(s) and Data Center Energy Systems shall be fully screened on all sides from all existing and planned public roads as well as adjoining properties, utilizing a mixture of screening materials, berms, and landscaping. Screening can be accomplished using any combination of existing vegetation, a newly planted vegetative screen, fence, screen wall, panel, parapet wall, or other opaque screen. Screening is not required where the principal building itself serves to effectively screen an accessory structure or building or energy system from adjacent roads and properties. A species of trees or shrubs shall be used that ensures visibility through the screening is blocked by at least 80% throughout the entire year. The effective screening height of the trees or shrubs shall be at least 5 feet in height at the time of planting. The landscape buffer shall be a minimum of 25 feet in width and may be part of the minimum setback area.

- f. Plantings ~~should~~ shall be provided in the setback area, as screening, at the main entrance of any Data Center primary building, in parking lots, and along the façade of the proposed Data Center.
 - g. The owner and operator of any Data Center shall have an affirmative and continuing duty to ensure that all buffering/screening standards and requirements are maintained on an ongoing basis.
- 2. Erosion Control. The site design shall incorporate applicable erosion control/stormwater management practices for the site.
- 3. Fencing for Perimeter Security. Fencing may be considered for security purposes but is not needed for land use compatibility if appropriate and effective screening, buffering, and landscaping are provided.
 - a. Fences shall not exceed 10 feet in height above ground.
 - b. Chain-link, slatted-insert, and barbed or razor wire fencing are not allowed along public streets or external perimeter property lines.
 - c. Permitted fence materials include aluminum and iron.
 - d. Video and/or audio surveillance shall be restricted to within external perimeter property lines and public right-of-way adjacent to or abutting the Data Center property.
- 4. Impervious Surface and Lot Coverage. Impervious surface and lot coverage shall be defined by the standards applicable to the Industrial zoning classifications..
- 5. Parking and Access
 - a. Provide safe and convenient vehicular access to the site, including sufficient on-site queuing areas at security gates and delivery, loading/unloading, and staging areas.
 - b. Accommodate adequate parking at a minimum of 1 space per employee on the largest shift and 3 visitor spaces.
- 6. Lighting
 - a. For the lighting of horizontal surfaces, such as, but not limited to, parking areas, roadways, vehicular and pedestrian passage areas, loading docks, building entrances, sidewalks, bicycle paths, and site entrances, luminaires shall be aimed down, and shall meet Illuminating Engineering Society of North America (IESNA) full cut-off/fully shielded criteria.
 - b. For the lighting of non-horizontal surfaces, such as, but not limited to, facades, landscaping, and signs, luminaires shall be shielded, and shall be installed, and aimed to not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward, or onto a public roadway.
 - c. The illumination measured line-of-sight and from any point on any external perimeter property line shall at no time exceed 0.1 footcandle.
 - d. Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily using such means as cutoff luminaires, shields and baffles, and appropriate application of luminaire mounting height, wattage, aiming angle, and luminaire placement.
 - e. Luminaires shall not be mounted more than 20 feet above the finished grade of the surface being illuminated. No pole-mounted lighting on the roof shall be permitted.
 - f. Lighting for parking areas and vehicular traffic ways shall be automatically extinguished nightly within ½ hour of the close of the facility. When after-hours site safety/security lighting is proposed, such lighting shall not exceed 25% of the number of fixtures required or permitted for illumination during regular business hours. Where there is reduced but continued onsite activity throughout the night that requires site-wide even illumination, the use of dimming circuitry to lower illumination levels by at least 50% after 10:00 p.m. or after regular business hours, whichever is earlier, or the use of motion sensor control, shall be permitted.
- 7. Setbacks.
 - a. Data Center Principal Use(s)/Structure(s), Data Center Accessory Use(s)/Structure(s), and Data Center Energy Systems structures or facilities, other than transmission and distribution powerlines, pipelines delivering electricity or natural gas to the property, signage, and ingress/egress for road and rail traffic, shall be located:

- (1) At least 1,300 feet from a Sensitive Use or the boundary of any Residential Zoning District.
- (2) At least 500 feet from all outer perimeter property lines of the Data Center regardless of the zoning classification of the adjacent property. These setbacks shall not apply to property lines that are interior to a Data Center site.

(3) ~~At least 2,640 feet from a private natural gas well to mitigate risks from blowouts, fires, or groundwater contamination pathways.~~

(4) Any emission point or exhaust stack from a Data Center Energy System whether for primary or backup power, shall be required to be at least 1,000 feet from the property boundary of any adjacent property and 2,000 feet from any Sensitive Use or the boundary of any Residential, Commercial or Agricultural District.

(5) Where necessary to comply with the noise limits provided in Section 3.22.C.6##: Noise of this ordinance at the exterior perimeter property boundary, due to site configuration, topography, and projected equipment noise, the Administrator may require greater setback distance.

(6) Voluntary Setback Reduction Waiver. The required setback distance may be reduced by up to 50% only if all of the following conditions are met:

- (a) All property owners within 500 feet of the specified perimeter property line agree to a determined setback reduction(s).
- (b) The developer installs fencing, landscaping, or other buffering at the property line where the setback is reduced to ensure Noise Levels are not exceeded at the property boundary.
- (c) The agreed upon setback reduction is made in writing and recorded with the Shelby County Recorder. At a minimum, the recorded agreement shall include:
 1. The agreed upon setback reduction(s);
 2. A property map showing all property lines and agreed upon setback lines;
 3. A legal description of each of the properties included in the agreement; and
 4. That the setback reduction agreement runs with the property in perpetuity with the life of the DCO District.

~~(d)~~ -

b. Data Center Principal Use(s)/Structure(s), Data Center Accessory Use(s)/Structure(s), and Data Center Energy Systems, other than transmission and distribution powerlines, shall be at least 2X the distance from any existing power line right-of-way line.

8. Lot Area. The maximum lot area for a DCO District shall be 200 acres.

9. Utility and Infrastructure. An application for Development Plan shall contain a Utility and Infrastructure Plan, which shall include:

- a. A Site Plan showing all structures and facilities to be used or constructed to support the Data Center operations, including all water, wastewater, electric, natural gas, and other infrastructure, and public utility service facilities. Use of private water and wastewater facilities shall not be permitted.
- b. Identification and description of any existing or proposed transmission lines and other facilities that would be required in order to connect the proposed facilities to the grid, and any permits or other approvals needed to support such construction.
- c. Identification of any existing or proposed pipelines or gas transmission lines and other facilities that would be required in order to deliver natural gas or other gas or liquids to the facilities for use in heating or power generation.
- d. A description of any power sources proposed to be constructed or sited and operated, including emissions profile, noise, copies of applications for any required state or federal air permits. Any energy generation system designed or used to supply power directly to a Data Center during normal operations, including solar, wind, fossil fuel, or other energy generating systems, shall not be considered part of the Data Center use. Such systems shall be considered a separate use and shall be approved only in accordance with any zoning regulations that allow and are applicable to such use.
- e. Information concerning any proposed grid interconnection.
- f. Documentation, including written verification from the applicable service providers, demonstrating

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that:

- (1) Public utility capacity and related electrical infrastructure sufficient in size and capacity to provide the maximum power requested by the Data Center use is or will be made available to ensure that the power requirements of the proposed project can safely be accommodated without adverse effect on the availability, reliability, quality, cost, or safety of the electric service to other customers;
 - (2) How the public utility plans to deliver power to the Data Center use (routing, overhead, substations, etc.);
 - (3) Any system designed for cooling and operation of the facility (whether by electricity, water, or other means) will meet all applicable standards of this ordinance as well as state and federal law;
 - (4) Water, stormwater, and wastewater management and treatment capacity sufficient in size and capacity to handle the maximum water usage requested by the Data Center use is or will be made available to ensure that the requirements of the proposed project can be safely accommodated without adverse effects on the availability, reliability, quality, cost, or safety of the water, wastewater, and stormwater management and treatment services to other customers; and
 - (5) Any enhancements or improvements required in order for such utility services to continue to be available without adverse effect or additional cost to existing customers will be in place before operation of the proposed project.
 - (6) The cost of all needed infrastructure is borne by the Data Center developer.
- g. A description of the processes that will be used for management of all water, wastewater including equipment cooling, humidity maintenance, process, and sanitary wastewater, and stormwater run-on and run-off, in accordance with all local state, and federal requirements.
 - h. A statement of likely-anticipated annual water usage and maximum daily and annual not-to-exceed water usage and how measures to reduce water consumption will be incorporated into the system design.
 - i. A statement of likely-anticipated power usage and maximum not-to-exceed power usage.

B. **Structure Design Standards.** Unless otherwise specified below, the District Development Standards for the underlying zoning district shall apply.

1. **Architectural Standards.**

- a. All Data Center Principal Use(s)/Structure(s), Data Center Accessory Use(s)/Structure(s), and Data Center Energy Systems associated with a Data Center shall be arranged, designed, and constructed to be harmonious and compatible with the site and with the surrounding properties. In general, Data Centers that visually approximate commercial office buildings are encouraged. Data Center Accessory Use(s)/Structure(s) should-shall be located to the side or rear of the Data Center Principal Use(s)/Structure(s).
- b. Buildings shall be sited and oriented to minimize visual impacts of the bulk of the building when examined on a line-of-sight basis from adjacent public streets and Sensitive Uses.
- c. All building façades that face existing and/or planned public roads or face property used or zoned for residential use shall include these design features:
 - (1) A change in façade surface to include building material, pattern, texture, color, accent materials at least every 150 horizontal linear feet.
 - (2) Windows, doors, or similar fenestration, i.e., faux windows which shall be distributed both horizontally and vertically and comprise at least 30% of the façades.
 - (3) At least 1 main entrance that projects or is recessed from the main building plane and is differentiated from the remainder of the building façade by a change in building material.
 - (4) The main entrance of the building shall incorporate plantings a minimum of 50% of the length of the façade that must include a mix of evergreens, deciduous shrubs, grasses, or ferns. These plantings are in addition to any required buffers or landscaping requirements.
 - (5) All loading and unloading areas, including overhead doors, shall be oriented towards the side or

rear property lines away from public roadways. Loading docks are not permitted in the front or street side yards and shall not be oriented towards the front property line.

- (6) Varied materials, colors, and textures, particularly earthtones, are ~~encouraged~~ required to create a high-quality and non-obtrusive design.

- d. All buildings must be constructed to minimize glare or reflection on adjacent properties and roadways and ~~should~~ shall use appropriate textured glass, anti-reflective coating, and screening. Data Center equipment may be ground mounted or roof top mounted.
2. Building Area Standards. The maximum area of a Data Center Principal Structure shall be 40,000 square feet.
3. Equipment Location Standards.
- a. Equipment used in any Data Center shall be housed in a metered, electrically grounded, and pre-engineered metal-encased structure with a fire rating designed to resist an internal electrical fire for at least 30 minutes. The containment space shall contain baffles that automatically close in the event of fire, independent of a possible electric system failure.
- b. All ground mounted equipment, including generators, fuel storage tanks, and utility substations, are prohibited from the front yard. Ground mounted equipment shall be located on a side farthest from any type of residential zone use and are not permitted adjacent to any property with a Zoning District permitting residential use, an existing residential development, or residentially used property.
4. Height Standards. Per the underlying zoning district.

C. Operational Performance Standards

1. Cooling Requirements
- a. All liquid cooled equipment must be designed to utilize a closed-loop system.
- b. Water used for liquid cooling systems must come from a public or semi-public water system and not from any type of private well system.
- c. Water discharge from liquid cooling systems shall only occur after treatment (if required) and only to a public or semi-public sewage system in accordance with all applicable local, state, and federal water pretreatment, discharge permit requirements and in conformity with state water quality standards.
- d. In no event may the expelled water for a loop system be evacuated to streams, ~~ereaks~~ creeks, or ditches that outlet into creeks and/or rivers.
2. Decommissioning. Any Data Center which has discontinued commercial operation for at least six (6) consecutive months shall be removed at the expense of the Data Center in compliance with a decommissioning plan approved by the County. The following standards apply:
- a. Decommissioning Plan. A Decommissioning Plan shall be submitted with the Development Plan application. The plan shall be prepared by a registered professional engineer, and contain the following:
- (1) The estimated decommissioning timeframe and cost of removal of all surface and subsurface physical improvements including but not limited to structures, foundations, conduit, equipment, interconnection facilities, roads, and fences;
- (2) Restoration of surface grade, soil, surface and subsurface drainage infrastructure, and vegetation to preconstruction conditions;
- (3) Disposal of all equipment and materials in compliance with Federal, State, and Local laws at the time of decommissioning;
- (4) An estimated decommissioning timeframe;
- (5) Decommissioning Cost Estimate in accordance with Section 3.15.T.2: ## of this UDO;
- (6) Financial Assurance for Decommissioning in accordance with Section 3.15.T.3: ## of this UDO;
- b. Decommissioning Cost Estimate.
- (1) The Data Center shall submit a decommissioning cost estimate for the gross estimated cost to decommission the Data Center in accordance with the decommissioning plan.
- (2) The cost estimate shall be prepared by a State licensed professional engineer chosen by the

- County.
- (3) The cost estimate shall be submitted in conjunction with the Development Plan application and updated every three years by a State licensed professional engineer chosen by the County.
 - (4) The Data Center shall reimburse the County for any analysis by the State licensed engineer and any other third party of the initial and updated decommissioning cost estimates.
 - (5) The decommissioning cost estimate shall not include any estimates or offsets for the resale or salvage values of equipment and materials.
- c. Financial Assurance for Decommissioning.
- (1) The applicant shall provide financial assurance for the total estimated cost of decommissioning , in accordance with Section 3.15.T.2: ## of this UDO. The cost estimate shall be no less than \$25,000,000.00.
 - (2) The financial assurance shall be in the form of a performance bond or a surety bond issued by an AM Best Company having an A or A+ rating reviewed and approved by the Plan Commission legal counsel.
 - (3) The bond shall name the Shelby County Commissioners as the beneficiary, and default to the applicable municipality should the Data Center become annexed.
 - (4) The bond shall be in place prior to issuance of an ILP and the Data Center shall submit an updated bond to the County every three years.
- d. Repurposing of a Data Center Facility. Any Data Center which has discontinued commercial operation may submit a plan for reproping of the facility within 6 months of discontinuation of commercial operation. This plan shall be approved by the Plan Commission and shall replace any Decommissioning Plan which applies to the Data Center.
- e. Partial Decommissioning. If decommissioning is triggered for a portion, but not the entire Data Center, then the Data Center shall commence and complete decommissioning, in accordance with the decommissioning plan, for the applicable portion of the Data Center; the remaining portion of the Data Center shall continue to be subject to the decommissioning plan. The Decommissioning Plan shall define the circumstances which would trigger partial decommissioning.
- f. Amendments to the Decommissioning Plan. Any amendment to an approved decommissioning plan shall comply with all standards of this ordinance and shall be approved at the discretion of the Administrator.
3. Emergency Contact Information. Each Data Center shall provide 24-hour emergency contact signage visible at each access entrance. Signs shall include the company name (if applicable), the owner, operator, and/or representative's name, the telephone number, and the corresponding local power company's name and telephone number.
4. Energy Efficiency Considerations. Data Centers shall implement low-impact development practices in site design and energy efficiency, such as, but not limited to, the following:
- a. Site Design. Select sites to:
 - (1) Minimize land disturbance,
 - (2) Maximize tree preservation,
 - (3) Minimize impervious surfaces, and
 - (4) Minimize potential nuisance impacts (noise, glare, vibration, etc.) on adjacent properties, public roadways, and the vicinity.
 - b. Energy/Resource Efficiency.
 - (1) Orient buildings to take advantage of passive cooling and daylight opportunities
 - (2) Utilize alternative energy sources (solar, wind, hydro, etc.) as much as possible
 - (3) Provide an energy storage system to monitor and regulate usage of alternative energy for usage during off-peak hours
 - (4) Utilize reclaimed water for cooling, if available
 - (5) Encourage systems that limit the use of finite natural resources and their disposal
 - (6) Incorporate water-efficient landscape materials

- (7) Utilize LED exterior/interior lighting
- (8) Implement energy management best practices and carbon reduction techniques such as, but not limited to, those promoted through the U.S. Department of Energy's Better Buildings initiative and U.S. Green Building Council's LEED Certification system.
- c. Demonstration that for any proposed battery storage or storage of any other device or group of devices capable of storing energy for supply at a later time, whether the energy is stored for use on-site or off-site, compliance with National Fire Protection Association (NFPA) Standard 855, Installation of Stationary Energy Storage Systems, or similar standards, and include fire suppression systems designed specifically for battery storage. Long duration storage systems shall be utilized (10 hours of storage minimum) and lithium ion batteries creating a fire hazard are not permitted.
- 5. Generator and Testing Requirements
 - a. Backup power generation using, natural gas, or Accessory Battery Energy Storage Systems are allowed for use at a Data Center. Use of diesel fuel is not permitted.
 - b. Backup gas turbines shall utilize Catalytic Reduction (SCR) systems using ammonia as the catalyst.
 - c. Except for generator testing or commissioning activities, generator use shall be limited to backup and emergency use only when the primary source of electricity is interrupted or unavailable. Continuous generator use outside of power outages or interruptions is prohibited.
 - d. Generators shall be tested no more than once per week per unit, and only during the hours of 12:00 p.m. to 5:00 p.m., Monday through Friday. However, an individual generator shall not run for more than 1 hour during these testing hours.
- 6. Noise. All Data Centers shall meet the following minimum standards:
 - a. Noise from operations, including primary and accessory structures and uses and energy systems, shall not exceed 40 dBA or 60 dBC between 6:00 p.m. and 8:00 a.m., and shall not exceed 45 dBA or 65 dBC at any other times at any external perimeter property line. (The County recognizes that dBA measurements underrepresent low-frequency noise, which can travel long distances, penetrate walls and windows, and cause chronic disturbance even at low levels. Therefore, dBC measurements shall also be used in evaluating noise and site suitability, especially in cases involving mechanical equipment, industrial activity, or other sources known to emit low-frequency sound. These thresholds are intended to protect against both high-frequency and low-frequency tonal noise at the point of compliance, which is any external perimeter property line. To the extent that occupational safety or health standards impose a more stringent obligation on the Data Center property, the more stringent standard shall prevail.)
 - (1) In addition to the decibel limits in paragraph a above, operations shall not generate vibration, oscillation, or infrasound that causes perceptible resonance within any buildings or adverse impacts on the human body, including but not limited to dizziness, headaches, nausea, sleep disturbance, or other recognized health effects. Compliance shall be determined based on standards issued by ANSI and ISO for human exposure to whole-body and low-frequency vibration (e.g., ISO 2631 and ANSI S2.71) and shall be measured and compliance determined at any external perimeter property line.
 - b. The locations of the noise measuring equipment for the pre-construction noise analysis shall be shown on the submitted site plan. The points of measurement shall be at all external perimeter property lines at locations most susceptible to noise from applicable proposed equipment.
 - c. The maximum sound levels identified herein do not apply to emergency alerts; emergency work to provide electricity, water, or other public utilities when public health or safety is involved; snow removal; or road repair. Maximum sound levels do apply to testing or routine operation of emergency equipment for backup or primary power generation and to other situations that do not involve public health or safety.
 - d. Sound proofing systems shall be installed adjacent to Data Center Accessory Use(s)/Structure(s) and Data Center Energy Systems that generate noise which may project past the property line.
 - e. A Noise Assessment, Monitoring, and Mitigation plan shall accompany any application for

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Development Plan and shall include:

- (1) Assessment of baseline ambient levels of noise before construction, measured in all directions at the external perimeter property lines on which the Data Center is proposed to be located and any related activity is proposed to be conducted;
- (2) Assessment of all noise projected to be associated with the proposed Data Center (including all structures, facilities, and energy systems) before and after incorporation of noise minimization and abatement measures to control and minimize all exterior noise (including high, mid- and low-frequency) generated by the Data Center, including but not limited to exhaust vents, cooling equipment, chiller fans, and on-site power generation.
- (3) An Acoustical Study prepared by a qualified noise consultant showing:
 - (a) Expected daytime and nighttime sound levels, including generator noise and other equipment noise, indoors and outdoors at multiple distances and at the external perimeter property lines,
 - (b) Include both A-weighted (dBA) and C-weighted (dBC) measurements, with full frequency spectra to identify low-frequency and tonal components,
 - (c) Provide sound level projections and modeling for multiple distances from the facility, with measurements taken both outdoors and indoors of nearby dwellings,
 - (d) Conduct testing during nighttime and early morning hours, when cooler air and atmospheric conditions may increase sound propagation, and
 - (e) Recommend specific mitigation measures (e.g., barriers, enclosures, mufflers, alternative cooling technologies) to ensure compliance with the noise standards of this Ordinance.
- (4) A vibration study shall also be submitted if any mechanical equipment or cooling infrastructure is installed within 2,000 feet of a Sensitive Use.
- (5) Design of Noise Monitoring, Minimization, and Mitigation Plan including real-time continuous monitoring and analysis of noise data sufficient to demonstrate compliance with the applicable standards over time and to identify patterns, trends, and potential areas of improvement; and use of frequency analysis to identify and address low-frequency tones associated with cooling fans or other equipment.
- (6) Incorporation of measures sufficient to avoid off-site nuisance conditions from all frequencies of noise, at all hours of the day and night, and conform to the required limits at the property lines of the Data Center. Measures may include, but not be limited to, acoustic barriers or shrouds, higher efficiency/lower speed fans, or other noise reduction devices sufficient to assure that the Noise Levels measured at the perimeter property boundary for the Data Center conform to the required levels and to prevent nuisance conditions.
- (7) All required noise analyses shall be designed and conducted by a certified/ licensed acoustical engineer. The points of measurement shall be on each external perimeter property line at locations selected as those most susceptible to noise from applicable proposed equipment. Any noise analysis shall include the date, time, and duration of measurements taken and shall be taken at various times of the day and night.
- (8) The County shall require the applicant to conduct post-construction during-operation compliance testing within 6 months of commencement of operation, using the same methodology, to verify actual sound levels and the effectiveness of mitigation measures. Where any noise analysis post-construction and during operation identifies greater than maximum permissible sound levels at any perimeter property boundary, the applicant shall be required to develop and submit for review and approval such measures, including relocation of equipment, reorientation, and other mitigation measures, as are needed to bring the modeled Noise Levels to below acceptable limits.
- (9) The County may, at any time thereafter, conduct such compliance testing, and where any noise analysis identifies greater than maximum permissible sound levels at any perimeter property boundary, may after reasonable notice and an opportunity to cure the conditions contributing to the exceedance, suspend or revoke the approved Development Plan.

f. Quarterly testing shall be conducted to ensure the operation performance standards for noise are met.

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7. Nuisance Conditions. Any use or activity producing emissions, fugitive dust, smoke, glare, exhaust, heat, or humidity in any form shall be designed, located, and carried on in such a manner that it is not perceptible at or beyond the external perimeter property line and does not exceed any standards established by this ordinance or local, state, or federal law or regulation.
8. Surety Bonding.
 - a. Surety bonding payable to the County Commissioners in the amount of no less than \$25,000,000.00 shall be posted to cover impacts on residential well depletion, damage or health of livestock, and any health ramifications associated with the Data Center.
9. Waste Heat
 - a. No person, firm, or corporation shall cause, permit, allow, or maintain any artificial or mechanical source of heat, radiant energy, or exhaust that creates a condition of thermal discomfort, hazard, or damage to persons, animals, vegetation, or property beyond the external perimeter property lines of the Data Center.
 - b. Thermal discharge, venting, or exhaust from any equipment, machinery, or operation shall not raise the ambient temperature at any external perimeter property line above naturally occurring conditions when measured at a height of 4 feet above ground level.
 - c. Outdoor equipment and energy systems must be equipped with shielding, insulation, or dispersion devices to minimize radiant heat impacts.
 - d. Exhaust from heating, ventilation, air conditioning, or industrial equipment shall be directed and diffused in such a manner as to prevent concentrated heat exposure to anywhere outside of Data Center, neighboring properties, or public rights-of-way.
 - e. Rooftop or wall-mounted heat exhaust systems shall be equipped with baffles, louvers, or dispersal devices to prevent heat plumes from causing discomfort or damage to adjacent buildings or damage to vegetation.
10. Water Management. A Development Plan application for Data Center shall include a Water and Wastewater Management Plan, which shall include:
 - a. Projected daily and peak water demand;
 - b. The source(s) of the water supply, including certification from any public or semi-public water supplier that it will supply the daily and peak water need and that the demand can be met without adverse effect on the availability, quality of service, potability of the water, or other qualitative or quantitative impacts on existing customers;
 - c. Certification that the Data Center site is not located within a wellhead protection planning area;
 - d. Provide documentation that the Data Center design and equipment have incorporated best available technology and best practices to minimize water waste, maximize efficiency of water use, and to reclaim and recycle water to the extent possible;
 - e. Provide documentation that any improvements to the water or wastewater utility infrastructure needed to serve the proposed Data Center will be paid for by the applicant;
 - f. Cooling system discharge into wastewater and stormwater systems shall be minimized. If discharging into one of the systems, provide documentation about pre-treatment. Provide documentation and details of the non-chemical based and non-water based cooling system(s) to be used in lieu of discharging into wastewater and stormwater systems.
 - f.g. Quarterly testing shall be conducted to ensure the operation performance standards for water quality are met.

3.23 Development Plan Application Requirements and Procedures.

- A. Process for Approvals. Applications for Data Center land use approvals and permits shall be filed on forms provided by the Administrator. The order of the approval process is as follows:
 1. Rezoning to Data Center Overlay District.
 2. Development Standards Variance(s), if required.

3. Review of any setback reduction agreement prepared in accordance with Section 3.22.A.5##: Voluntary Setback Reduction Waiver of this ordinance.
4. Development Plan Approval in accordance with Section 3.23.B: ## of this UDO and TAC Site Plan approval in accordance with the Shelby County Stormwater & Erosion Control Ordinance.
5. Improvement Location Permit and associated construction permits.

B. Application. The application for a Development Plan for a Data Center shall include:

1. Site Plan. In addition to the Development Plan application submittal requirements, a site plan prepared by a licensed professional surveyor shall include:
 - a. The zoning classification for all lands within 1 mile of the external perimeter property lines of the proposed Data Center site;
 - b. The legal boundaries of each separate parcel comprising the proposed site;
 - c. Proposed access route(s) and access control to the site;
 - d. The location of proposed improvements including but not limited to the Data Center Principal Use(s)/Structure(s), Data Center Accessory Use(s)/Structure(s), Data Center Energy Systems, parking, lighting, screening/buffering, perimeter fencing, signage, and all ground-mounted equipment and utility infrastructure;
 - e. Land banked area for future microgrid (large power consumer, baseload power source, backup power source, long-duration storage, grid connection) in the case of increased power needs.
 - f. The location and use of internal roads, and any tram or railways;
 - g. Existing or proposed utilities providing electric, gas, water, and wastewater service the facility;
 - h. Evidence of compliance with all applicable setback requirements;
 - i. Location of the 100-year floodplain, wetlands, public rights-of-way, and cultural and historic resources on the proposed Data Center site and within 500 feet of the external perimeter property lines.
2. Reports, Studies, Evaluations, and Assessments Required
 - a. An evaluation of the compatibility of the facility with scenic surroundings;
 - b. A description of potential for fire or explosion, and certification from local fire department and emergency response agencies of the capacity to address and response to any emergency situation regarding the Data Center and associated energy systems, including fuel delivery and storage;
 - c. An assessment of all anticipated emissions from the construction and operation of the facility, including transportation;
 - d. An assessment of all water usage and wastewater generation and characterization, and plans for management of wastewater and stormwater; and
 - e. A list of all other permits and authorizations needed for construction and operation of the Data Center and include copies or links to the applications;
 - f. An appraisal of the potential changes in property values and land use for property owners within 1 mile of the facility resulting from the location, construction, and operation of the proposed facility;
 - g. A traffic study assessing the impact of the facility construction and operation on road and rail traffic to and within the facility;
3. Plans Required
 - a. A Decommissioning Plan meeting the requirements of Section 3.22.C.2##: Decommissioning;
 - b. A Lighting Plan meeting the requirements of Section 3.22.A.6##: Lighting. The Lighting Plan shall include calculations and plans for both regular hours and after hours lighting.
 - c. A Noise Assessment, Monitoring, and Mitigation Plan meeting the requirements of Section 3.22.C.6##: Noise.
 - d. A Utility and Infrastructure Plan meeting the requirements of Section 3.22.A.8##: Utility and Infrastructure.
 - e. A Waste Management Plan which shall identify all categories of solid waste, electronic waste, hazardous materials, and other refuse generated by the facility, including packaging, cooling system by-products, and equipment replacement materials, and shall identify the manner in which the wastes

will be stored, collected, processed, recycled, and disposed.

- f. A Landscape Plan meeting the requirements of Section 3.22.A.1##: Buffering/Screening/Landscaping and all other applicable landscaping requirements which apply to the underlying zoning district.
- g. Architectural elevations meeting the requirements of Section 3.22.B##: Structure Design Standards.
- h. A Water Management Plan meeting the requirements of Section 3.22.C.10##: Water Management. Include plans for water testing pre-development, during development, and post-development.

C. Outside Review. The Administrator or Plan Commission shall have the authority to hire a consultant to review the Development Plan application, and all submitted plans and to provide recommendations concerning the compliance of the proposed facility with the applicable standards and requirements associated with the siting, construction, operation, and decommissioning of the Data Center and all accessory structures and facilities. Any expenses incurred by the hiring of a consultant shall be borne by the applicant. The expenses incurred may be charged against an escrow deposit charged to the applicant at the time of filing of the application.

D. Administrative Approval. Approval of the Development Plan shall be issued by the Administrator only where the applicant demonstrates and the Administrator affirmatively finds, based on the evidence in the record taken as a whole, and after public notice and opportunity to be heard concerning the application, that all applicable requirements of this Ordinance have been or will be met regarding the location, construction, operation, and decommissioning of the Data Center and that issuance of the Development Plan is consistent with the public health, safety, and welfare.

E. Conditions.

1. The Administrator may impose any conditions deemed necessary or appropriate in order to allow the proper integration of the proposed Data Center into the zone and location in which it is proposed, and deemed necessary or appropriate to protect public health, safety, and welfare. Such additional conditions may include but are not limited to further limitations on noise, hours of operation, additional visual screening and buffering, traffic mitigation, setbacks, and infrastructure upgrades.
2. In considering an application for Development Plan, the Administrator may consider the extent to which the low-impact development and energy efficiency considerations as indicated in Section 3.22.C.4##: Energy Efficiency Considerations have been addressed and incorporated into the proposed Data Center.
3. Any increase in the maximum power requested by the Data Center as indicated in Section 3.22.A.9##: Utility and Infrastructure shall render an approved Development Plan void. The administrator shall have the discretion to forward the new Development Plan to the Plan Commission for review at a public meeting. The Plan Commission may consider the extent to which the low-impact development and energy efficiency considerations have been addressed and incorporated into the new Development Plan as indicated in Section 3.22.C.4##: Energy Efficiency Considerations.

3.24 Third-Party Review:

The Administrator or Plan Commission shall have the authority to hire an attorney or qualified consultant to provide technical assistance with the enforcement of any provision of Section ### DCO. The Data Center, or property owner, subject to the terms of Section ## DCO shall pay all attorney fees and costs associated with third-party review.

Definitions to add to Article 11: Definitions.

Data: Any information, whether digital, electronic, optical or quantum, which can be collected, stored, processed, or transmitted.

Data Center: A facility used primarily for the storage, management, processing, or transmission of data and includes, but is not limited to, buildings designed to accommodate computer servers, storage systems, or specialized computing hardware. A Data Center includes a Data Center Principal Use(s)/Structure(s), any Data Center Accessory Use(s)/Structure(s), and Data Center Energy Systems. Examples of these facilities and uses include (but are not limited to) crypto processing, commercial cryptocurrency mining (bitcoin mining), artificial intelligence training and/or processing, and cloud-computing.

Data Center Principal Use/Structure: Any structure or building that is used primarily for the storage, management, processing, or transmission of Data which includes, but not limited to, any building designed or used to accommodate and house computer servers, storage systems, or specialized computing hardware.

Data Center Accessory Use/Structure: Any structure or building that supports the operation of a Data Center, is located on the same tract or assemblage of adjacent parcels and is developed either as a unified development of or in further support of a Data Center. The category includes but is not limited to administrative, logistical, fiber optic, storage, and security buildings or structures; air handlers; process water and non-contact cooling water and wastewater management and treatment facilities; water holding facilities; pump stations; water towers; environmental controls (e.g., air conditioning or cooling towers, fire suppression, and related equipment), water cooling and storage facilities, security features, and any other associated electric, gas, water, wastewater, and stormwater infrastructure to support operations at the property.

Data Center Energy Systems: Energy generation and storage systems, including electrical generators or engines, electric substations, back-up power generators, battery energy storage systems (BESS), used or intended to be used as sources of electrical power during normal operations, or as back-up temporary power when the main source of power is interrupted; electric transmission and distribution lines; and pipelines. The category shall not include utility service facilities exempted under state statute ~~IC 8-1-32.5##~~IC 8-1-2: Utility Regulation. Information concerning such utility service facilities to be sited or extended on private property in support of a Data Center shall be provided to the Administrator as part of any application.

Data Center Equipment: The hardware, software, and physical infrastructure necessary to store, process, manage, and transmit data. Key components include servers, storage devices, networking gear (routers/switches), and supporting infrastructure like racks, power management systems (UPS, generators), and cooling units.

Farmland of Statewide Importance: A map unit identified by the USDA Natural Resources Conservation Service identifying soils that nearly meet the requirements for Prime Farmland and that economically produce high yields of crops when treated and managed according to acceptable farming methods. A list of prime farmland can be generated from the USDA NRCS Web Soil Survey at: <https://websoilsurvey.nrcs.usda.gov/app/>.

Karst Terrain: A unique geological landscape formed when slightly acidic rainwater dissolves soluble bedrock, primarily limestone, dolomite, or gypsum. This process creates distinct, porous landscapes defined by underground drainage systems, caves, sinkholes, and springs.

Noise Level: The maximum sound pressure level measured in both A-weighted decibels (dBA) and C-weighted decibels (dBC) at the property line. (The use of dBC accounts for low-frequency sound components, such as those generated by ventilation fans, cooling units, and similar equipment, which may add 10–20 decibels of additional perceptible noise beyond the A-weighted measurement.)

Prime Farmland: A map unit identified by the USDA Natural Resources Conservation Service of the United States Department of Agriculture as having the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is available for these uses. A list of prime farmland can be generated from the USDA NRCS Web Soil Survey at: <https://websoilsurvey.nrcs.usda.gov/app/>.

Commented [DL5]: When citing this, I was looking for CTA but obviously I grabbed the wrong citation. I believe this corrected citation covers anything regulated by the IURC. Have your attorney double check, please.

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Protected Wildlife: Wild animals, birds, and aquatic life whose populations and habitats are legally safeguarded against hunting, harm, or trade without specific permits. This includes wildlife protected by the Federal Endangered Species Act and current State protection guidelines.

Sensitive Use: Any residential dwelling, school, preschool, daycare center, in-home daycares, long term care facilities, retirement and nursing homes, community centers place of worship, public park, public or institutional buildings or facilities, hospitals or other medical care facilities, or agricultural operations.

Waste Heat: Heat generated as a byproduct of Data Center operations.

Shelby County Plan Commission

Memo

Date: July 28, 2026

To: Shelby County Plan Commission

From: Desiree Calderella, Planning Director

RZ 26-12: Unified Development Ordinance Text Amendments: Revisions to Comply with New State Law & Ordinance Maintenance

*note that the Plan Commission cannot amend any items listed below required by State Code.

Shooting Ranges & Sporting Goods Stores

- Allows public and private indoor shooting ranges in commercial, industrial, and agricultural zoning districts with certain conditions, including methods to contain projectiles within the building, as required by State code.
- Allows private outdoor shooting ranges in open space, agricultural and large-lot residential zoning districts with certain conditions, including a compliant backstop.
- Allows public outdoor shooting ranges in the high impact industrial district with certain conditions, including a compliant backstop.
- Prohibits discharge of firearms unless associated with a permitted shooting range. Exemptions for law enforcement officials, hunting or vermin control, and self-defense.
- Allows for maintenance and expansion of existing shooting ranges as required by State code.
- Allows sporting goods stores in commercial districts as required by State code.

Accessory Dwelling Units (smaller dwelling units located on the same lot as a single-family residence)

- Defines internal accessory dwelling unit (attached to or within the single-family home) and limits the size of the unit as required by State code.

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- Explicitly permits internal accessory dwelling units in residential zoning districts. This is current office policy.
- Defines external accessory dwelling unit / accessory structure used for human occupancy and limits the size of the unit as required by State code. This type of structure would still require approval of a zoning variance.

Manufactured & Mobile Homes

- Updates definitions to reflect current State Code.
- Defines a manufactured home as a mobile home and vice versa as required by State code.

New Definitions

- Adds a definition for Homeowners Association as required by State Code.
- Amends definition of Applicant as required by State Code.

Repeals Pond Standards and Development Plan Review

- Removes these sections since the County has not historically enforced these sections of the UDO. The County Stormwater and Drainage Ordinance regulates ponds and requires TAC review of site plans.

Mailboxes

- Prohibits construction of non-breakaway mailboxes in the right-of-way.

Accessory Structure Setbacks

- Increases the minimum setback for accessory structures in agricultural districts from 10-feet to 15-feet and increases the minimum setback for accessory structures in small-lot residential districts from 5-feet to 8-feet. Reflects the average of the setback requirements in nearby Counties and allows adequate area for structure maintenance without encroaching over a property line.

<i>Shelby Current</i>	<i>10</i>	<i>10</i>	<i>5</i>
Boone	10	5	5
Hamilton	25	10	7.5
Hancock	15	15	15
Johnson	10	10	10
Morgan	15	10	5
Average	14.16666667	10	7.916666667
<i>Shelby Proposed</i>	<i>15</i>	<i>10</i>	<i>8</i>

ORDINANCE NO 2026 -

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF SHELBY COUNTY, INDIANA, AMENDING THE SHELBY COUNTY UNIFIED DEVELOPMENT ORDINANCE – SPECIFICALLY: ARTICLE 2, ARTICLE 5, ARTICLE 9, AND ARTICLE 11

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 5.87 SR-01: Shooting Range Standards, Section 5.88 SR-02: Retail Sporting Goods Standards, and associated definitions in Article 11, Section 11.02 are added (see attached).

SECTION 2: That Article 2, Sections 2.03, 2.05, 2.11, 2.13, 2.15, 2.17, and 2.25 to are amended to add Accessory Dwelling Unit, Internal as a Permitted Use.

SECTION 3: That the following definitions are added to Article 11, Section 11.02 Defined Words as follows:

Accessory Dwelling Unit, Internal: A self-contained living unit internal to a single-family dwelling that:

1. does not exceed the lesser of:
 - a. seventy-five percent (75%) of the interior habitable area (gross floor area) of the single-family dwelling; or
 - b. one thousand (1,000) square feet;
2. includes its own cooking, sleeping, and sanitation facilities;
3. complies with or is otherwise exempt from any applicable building codes, fire safety codes, and other public health and safety laws; and
4. does not include a manufactured home (as defined in IC 36-7-4-1106(b)) that is subject to the standards and requirements set forth in IC 36-7-4-1106.

Accessory Dwelling Unit, External / Accessory Structure Utilized for Human Occupancy: A self-contained living unit on the same lot or parcel as a single-family dwelling that:

1. does not exceed the lesser of:
 - a. seventy-five percent (75%) of the interior habitable area (gross floor area) of the single-family

- dwelling; or
- b. one thousand (1,000) square feet;
 2. includes its own cooking, sleeping, and sanitation facilities; and
 3. complies with or is otherwise exempt from any applicable building codes, fire safety codes, and other public health and safety laws.
 4. does not include a manufactured home (as defined in IC 36-7-4-1106(b)) that is subject to the standards and requirements set forth in IC 36-7-4-1106.

Homeowners Association: A corporation or another entity as defined in IC 32-25.5-2-4.

SECTION 4: That the following definitions are amended in Article 11, Section 11.02 Defined Words as follows:

Applicant: A person who submits an application that requires a fee for approval of an application related to construction or reconstruction of residential buildings, commercial buildings, industrial buildings, any other building or building space, or an appurtenance to a building described in herein; or zoning, development, subdivision, classification, or reclassification of land. This includes a fee designated as a permit fee (including a fee for a permit under IC 36-7-4-1109(f)), application fee, inspection fee, processing fee, or by another name.

Dwelling, Manufactured Home: A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such definition shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary and complies with the standards established under 42 U.S.C. 5402(6), as amended.; and except that such term shall not include any self-propelled recreational vehicle. This definition also includes a structure that meets this definition and is more than thirty-five (35) body feet in length but less than forty (40) body feet in length. This definition also includes a mobile home as set forth in the definition of mobile home.

Dwelling, Mobile Home: a structure that:

1. is assembled in a factory;
2. is designed to be transported from the factory to another site in one (1) or more units;
3. is suitable for use as a dwelling in any season;
4. is more than thirty-five (35) feet long; and
5. either:
 - a. bears a seal certifying that the structure was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law (42 U.S.C. 5401 et seq.); or
 - b. was manufactured before the effective date of the federal Manufactured Housing Construction and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.).

This definition also includes a manufactured home as set forth in the definition of manufactured home.

SECTION 5: That Article 5, Section 5.66 PN-01: Pond; General and Article 9, Section 9.08 Development Plan are repealed.

SECTION 6: That Article 5, Section 5.89 MB-01: Mailbox Standards is added (see attached).

SECTION 7: That Article 2, Sections 2.04 and 2.06 are amended to increase the minimum side yard setback for accessory structure and minimum rear yard setback for accessory structure to 15-feet. And that Article 2, Sections 2.14, 2.16, and 2.18 are amended to increase the minimum side yard setback for accessory structure and minimum rear yard setback for accessory structure to 8-feet.

SECTION 7: 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 8: Repealable Provisions. All ordinances and parts of ordinances in conflict with the specific amendment herein are hereby repealed.

ADOPTED this 10th day of July 2026 by a vote of _____ ayes and _____ nays of members of the Board of Commissioners of Shelby County, Indiana.

Jason Abel, President

David Lawson, Member

Nathan Runnebohm, Member

ATTEST:

Amy Glackman, Auditor
Shelby County, Indiana

5.87 SR-01: Shooting Range Standards

This Shooting Range section applies to the following zoning districts:



The intent of the Shooting Range Standards are to ensure compliance with the provisions of IC 14-22-31.5-8 and IC 36-7-4.2, and to protect the health, safety, and welfare of the residents of the County:

A. Permitted Use:

1. Indoor Shooting Ranges shall be a permitted use in the following zoning districts: A1 (Conservation Agricultural), A2 (Agricultural), A3 (Intense Agricultural), A4 (Agricultural Commercial), C1 (Neighborhood Commercial), C2 (Highway Commercial), I1 (Low Intensity Industrial), I2 (High Intensity Industrial), and HI (High Impact). Indoor Shooting Ranges may be permitted in other zoning districts at the discretion of the Board of Zoning Appeals, however, shall comply with the requirements of *Section 5.87 Shooting Range Standards*.
2. Private Outdoor Shooting Ranges shall be a permitted use in the following zoning districts: OP (Open Space), A1 (Conservation Agricultural), A2 (Agricultural), A3 (Intense Agricultural), A4 (Agricultural Commercial), and RE (Residential Estate). Private Outdoor Shooting Ranges may be permitted in other zoning districts at the discretion of the Board of Zoning Appeals, however, shall comply with the requirements of *Section 5.87 Shooting Range Standards*.
3. Public Outdoor Shooting Ranges shall be a permitted use in the following zoning district: HI (High Impact). Public Outdoor Shooting Ranges may be permitted in other zoning districts at the discretion of the Board of Zoning Appeals, however, shall comply with the requirements of *Section 5.87 Shooting Range Standards*.
4. Discharge of firearms shall not be permitted unless associated with a permitted Indoor Shooting Range, permitted Private Outdoor Shooting Range, or permitted Public Outdoor Shooting Range.

B. Permits: Shooting Ranges shall obtain a Land Use Certificate.

1. Application: The application shall be made on forms provided by the Zoning Administrator.
2. Will-Serve Letter: The Zoning Administrator may require a Will-Serve Letter.

C. Development Standards:

1. Indoor Shooting Ranges: The following development standards apply to Indoor Shooting Ranges:
 - a. Walls, ceilings, floors, and backstops shall be constructed with materials capable of containing all projectiles fired within the facility.
 - b. Reasonable effort shall be made in the design, construction, and maintenance of the indoor shooting range to limit noise that could significantly impact adjacent properties.
 - c. All federal and state laws regarding firearm safety, environmental controls, and occupational health shall be met.
2. Outdoor Shooting Ranges: The following development standards apply to Outdoor Shooting Ranges:
 - a. Backstops shall be constructed with materials capable of containing all projectiles fired on the property.
 - b. Reasonable effort shall be made in the design, construction, and maintenance of the outdoor shooting range to limit noise that could significantly impact adjacent properties.
 - c. All federal and state laws regarding firearm safety, environmental controls, and occupational health shall be met.

D. Maintenance, Repair, and Expansion: No provision of the Unified Development Ordinance shall prevent maintenance, repair, renovation, modernization, or expansion of buildings, structures, or facilities used in connection with any Indoor Shooting Range or Outdoor Shooting Range, including legal, illegal, and legal nonconforming shooting ranges.

E. Exemptions: No provision of the Unified Development Ordinance shall restrict possession of firearms and firearm accessories as indicated in IC 35-47-11.1-2, restrict discharge of firearms by law enforcement officials in the course of their official duties, restrict discharge of firearms for the purposes of hunting or vermin control, or restrict discharge of firearms for self-defense.

5.88 SR-02: Retail Sporting Goods Store Standards

This Retail Sporting Goods Store section applies to the following zoning districts:



The intent of the Retail Sporting Goods Store Standards are to ensure compliance with the provisions of IC 14-22-31.5-8 and IC 36-7-4.2, and to protect the health, safety, and welfare of the residents of the County:

- A. Permitted Use: Retail Sporting Goods Stores shall be a permitted use in the C1 (Neighborhood Commercial) District and C2 (Highway Commercial). Retail Sporting Goods Stores may be permitted in other zoning districts at the discretion of the Board of Zoning Appeals, however, shall comply with the requirements of *Section 5.88 Retail Sporting Goods Store Standards*
- B. Permits: Retail Sporting Goods Stores shall obtain a Land Use Certificate.
 1. Application: The application shall be made on forms provided by the Zoning Administrator.
 2. Will-Serve Letter: The Zoning Administrator may require a Will-Serve Letter.
- C. Development Standards: All federal and state laws regarding firearm safety, environmental controls, and occupational health shall be met.

Definitions (added to Article 11, Section 11.02):

Indoor Shooting Range: A fully enclosed facility designed and operated for the discharge of firearms, equipped with a bullet resistant backstop, ventilation system, and sound attenuation measures to prevent the escape of projectiles, excessive noise, or airborne contaminants.

Outdoor Shooting Range, Private: An outdoor facility designed and operated for the discharge of firearms, equipped with a bullet resistant backstop and sound attenuation measures to prevent the escape of projectiles, excessive noise, or airborne contaminants. Private outdoor shooting ranges do not operate for profit or advertise services and are typically frequented by acquaintances of the property owner.

Outdoor Shooting Range, Public: An outdoor facility designed and operated for the discharge of firearms, equipped with a bullet resistant backstop and sound attenuation measures to prevent the escape of projectiles, excessive noise, or airborne contaminants.

Permitted Use (as used in Section 5.87 and Section 5.88): A use that is approved without the requirement of:

- 1 a public hearing;
- 2 a variance, special exception, contingent use, or conditional use; or
- 3 other discretionary zoning action, other than a determination that a site plan conforms with applicable zoning regulations.

Retail Sporting Goods Store: A commercial retail store that is primarily engaged in retailing new sporting goods classified under the North American Industry Classification Code 451110 (sporting goods stores), including items such as bicycles and bicycle parts, camping equipment, exercise and fitness equipment, athletic uniforms, specialty sports footwear, firearms, and other sporting goods, equipment, and accessories.

Will-Serve Letter: A written document:

- 1 issued by a water and sewer service provider to an owner or developer of a project or dwelling; and
- 2 that states the provider is able and willing to provide water and sewer service to the project or dwelling subject to the conditions, if any, set forth in the document.

5.89 SR-01: Mailbox Standards

This Mailbox Standards section applies to the following zoning districts:



The intent of the Mailbox Standards to protect the health, safety, and welfare of the residents of the County:

- A. Placement and Design: Mailboxes placed in the right of way shall be located a minimum of 2 feet from the edge of pavement and shall meet safe break-away standards, using a non-concreted 4x4 post or no larger than a 2" diameter steel or aluminum pipe.