

Shelby County Plan Commission

August 25, 2020 at 7:00 PM

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MEETING AGENDA

Shelby County Plan Commission
August 25, 2020 at 7:00 P.M.

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes from the July 28, 2020 meeting.

OLD BUSINESS

RZ 20-10 – HUNGERFORD REZONING: Rezoning of 4 acres from the A2 (Agricultural) District to the RE (Residential Estate) District to allow for a one-lot Simple Subdivision. Located at 3919 S 800 E, Waldron, Liberty Township.

SD 20-06 – HUNGERFORD SIMPLE SUBDIVISION: Subdivision of one 4-acre single-family residential building lot from a 9.62-acre parent tract Located at 3919 S 800 E, Waldron, Liberty Township.

RZ 20-11 – PURDUE REZONING: Rezoning of +/- 5.27 acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District to allow for a two-lot Simple Subdivision. Located at 5302 West Marietta Railroad Street, Shelbyville, Hendricks Township.

SD 20-07 – JEFFERSON PURDUE SIMPLE SUBDIVISION: Subdivision of 6.241 acres into a 5.270-acre building lot and 0.971-acre lot including an existing residence. Located at 5302 West Marietta Railroad Street, Shelbyville, Hendricks Township.

NEW BUSINESS

RZ 20-12 – SHELBYVILLE COMMUNITY CHURCH REZONING: Rezoning of 0.33 acres from the C2 (Highway Commercial) District to the IS (Institutional) District to allow for ministry provided housing. Located at 106 W Boggstown Rd, Shelbyville, Addison Township.

DISCUSSION

Permit and Plan Commission Fees.

ADJOURNMENT

The next regular meeting of the Shelby County Plan Commission is scheduled for Tuesday, **September 29, 2020** at **7:00 PM**.

Property Details

Location: 3919 S 800 E, Waldron, Liberty Township.

Property Size: 4 acres

Current Land Use: Single-Family Residential

Current Zoning Classification
 A2 (Agricultural)
This district is established for agricultural areas and buildings associated with agricultural production.

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

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

Surrounding Development

	Zoning	Land Use
North	A1/R1	Cropland, Woodland, Single-Family Residential
South	A2	Single-Family Residential
East	Rush County	Cropland
West	A1	Cropland

Staff Report

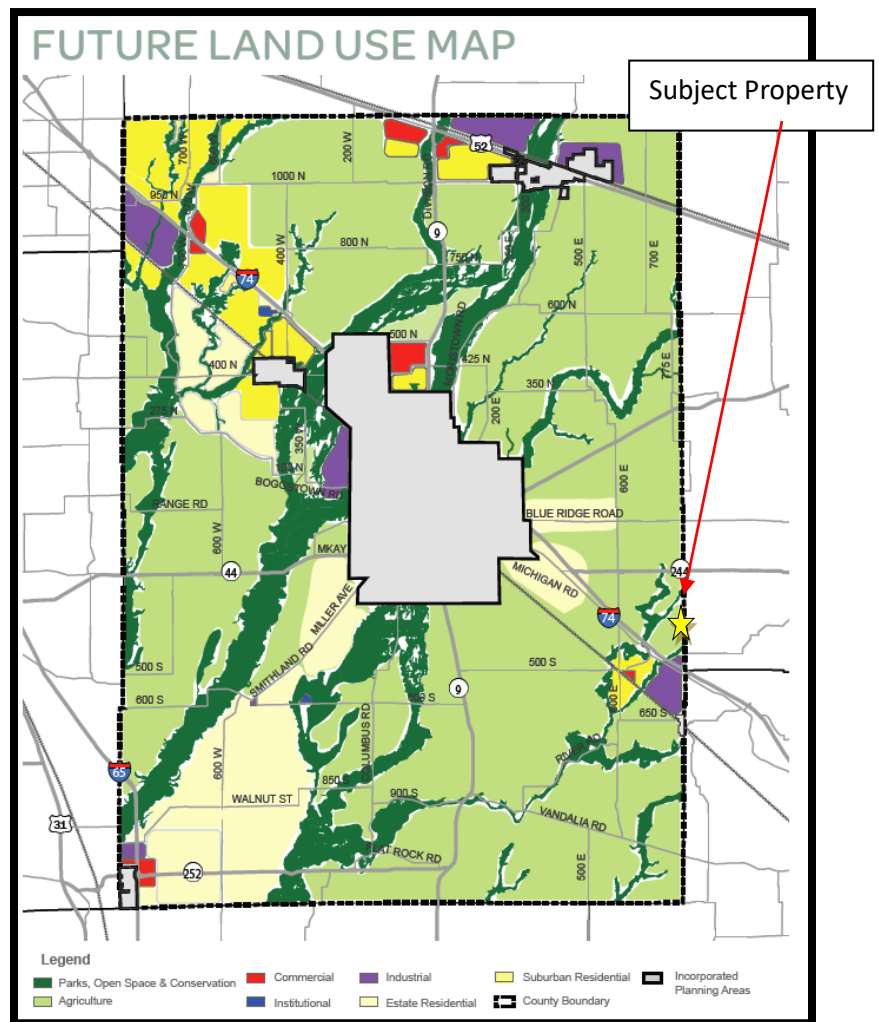
Case Number: RZ 20-10 / SD 20-06
Case Name: Hungerford Rezoning – A2 (Agricultural) to RE (Residential Estate) & Hungerford Simple Subdivision

Requests

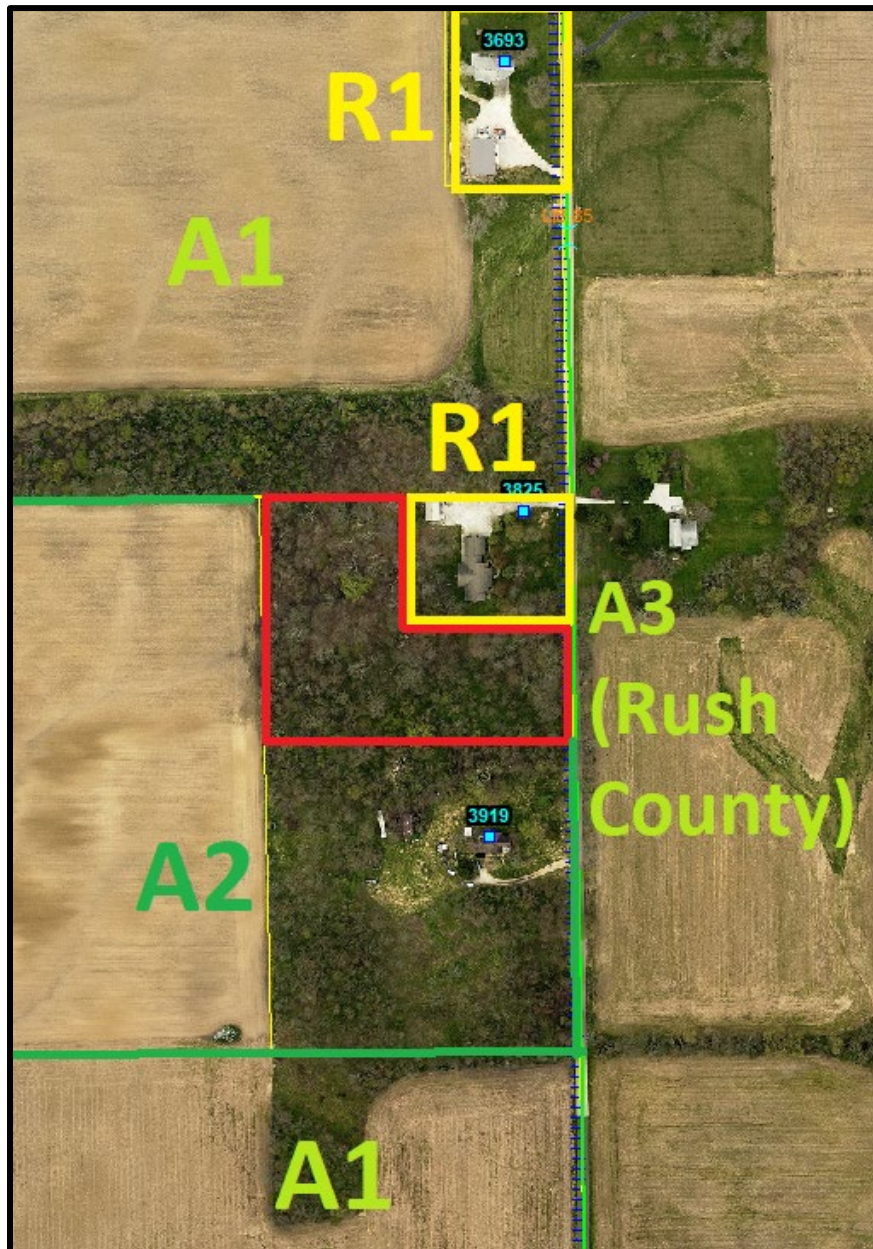
Rezoning of 4 acres from the A2 (Agricultural) District to the RE (Residential Estate) District to allow for a one-lot Simple Subdivision.

Simple Subdivision to allow for subdivision of one 4-acre single-family residential building lot from a 9.62-acre parent tract.

Future Land Use Map



Property Map



Case Description

- Approval of the requests would allow for the development of one single-family residential lot.
- The petitioner proposes to subdivide the property from a 9.26-acre tract which includes his current single-family residence.
- Historical aerial photography indicates that the property has consisted entirely of woodland since at least 1998.

- The USDA Soil Survey classifies areas of the site as ‘Prime Farmland’, ‘Prime Farmland if Drained’ and ‘Not Prime Farmland.’

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 surrounding area includes single-family residences in a rural setting. Development of a 4-acre lot with a single-family residence would not conflict with the rural character of the area.

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

The site historically and currently consists entirely of passive woodland, which supports use of the property for residential purposes rather than agricultural purposes.

3. The Conservation of Property Values throughout the Jurisdiction

Development of the property with a single-family residence would likely increase the value of the property.

4. Responsible Development and Growth

Approval of the rezoning would allow for transition of the property to a residential use consistent with the rural character of the area.

5. The Comprehensive Plan

The Agricultural Land Use Designation discourages new subdivisions in agricultural areas that would remove prime farmland from production and discourages residential development that exceeds one lot per five acres. Approval of the request would not remove farmland from production and would not increase the residential density of the immediate area to more than one lot per five acres. Therefore, approval would not conflict with the Agricultural Future Land Use Designation of the Comprehensive Plan.

Staff Recommendation

APPROVAL of the Rezoning & Simple Subdivision primarily the site historically and currently consists entirely of passive woodland, which supports use of the property for residential purposes rather than agricultural purposes.

Applicant/Owner Information

Applicant: Mace A Hungerford Owner: Same
3919 S 800 E
Waldron, IN 46182

Surveyor: Jeffery Powell, Powell Land Surveying LLC
4634 N 575 E
Shelbyville, IN 46176

**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: Mace D. Hingertord

Case #: _____

Location: 3919 S 868 E WALDORF IN 46182

1. The request is consistent with the Shelby County Comprehensive Plan because: STILL RESIDENTIAL

2. The request is consistent with the current conditions and the character of structures and uses in each district because:

RESIDENTIAL

3. The request is consistent with the most desirable use for which the land in each district is adapted because: _____

RESIDENTIAL

4. The request is consistent with the conservation of property values throughout the jurisdiction because: _____

RESIDENTIAL

5. The request is consistent with responsible growth and development because: RESIDENTIAL

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.

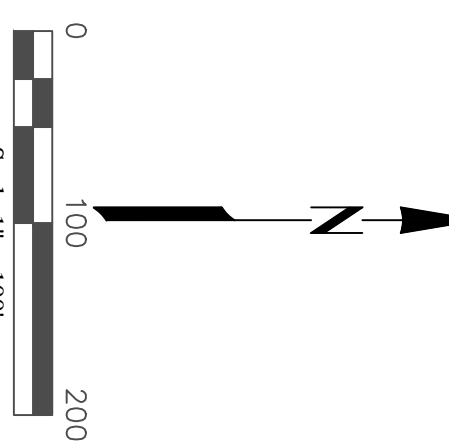
Finding 5: Why is the change in zoning designation consistent with responsible growth and development?

Hungerford Simple Subdivision

Part of the Southeast Quarter of Section 21, Township 12 North, Range 8 East, Liberty, Township, Shelby County, Indiana.

Owner & Client: Mace Hungerford
Site Address: North of 3919 South, 800 East, Waldron, IN 46182

2. NE cor., SE1/4, 21-12-8
Found a mag nail at the surface assumed to be over a Harrison Monument per the ties.
NAD 83, Indiana East, State Plane Coordinates
Grid, N:1539571.088, E:338501.986



Section Corner Δ
Found Monuments \oplus
Powell Capped Rebar \bullet
Mag Nail \odot

Joe W. & Deborah K. Harker
Instrument 2018006537
67.32 Acres

Note: Existing fence line is 0.5' to 1' North of the line.



Lot #1
4,000 Acre Split
Per this Survey
to be Re-zoned "RE"
New Building Lot

George F. & Dolores J. Mitchell
Instrument 200203412
1,500 Acres
Split from the 28.32 acre parent tract per a previous survey by Powell Land Surveying.

Note: There is a gap of 0.75' to 0' between the 1,500 acre tract & the 4,000 acre tract per this survey.

Joe W. & Deborah K. Harker
Instrument 2018006537
17.20 Acres
Split from the 28.32 acre parent tract per a survey by Stephan H. Kuhn dated 3-24-2004

Note: The proposed Subdivision is located in a special Flood hazard ZONE X, per the FEMA Flood Insurance rate map number 18145C0210C, the accuracy of this flood hazard statement is subject to map scale uncertainty in location or elevation on the referenced flood insurance rate map.

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

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

Mace Hungerford
28.32 Acres per Deed
-1,500 Acre split
-17.20 Acre split
9.62 acre per deed
10.137 Acres measured per this survey
-4,000 Acre Split per this survey
6.137 Acres Remain per this Survey
To remain A2 Zoning

4. SE cor., SE1/4, 21-12-8
Found a Harrison Monument below the surface per the ties.
NAD 83, Indiana East, State Plane Coordinates
Grid, N:1536897.266, E:338546.883

3. SW cor., SE1/4, 21-12-8
Found and held a stone at the surface on the South side of a corner post, located per a previous survey.
NAD 83, Indiana East, State Plane Coordinates
Grid, N:1536882.59, E:333891.227

Parent description of the lands owned by Mace Hungerford, recorded in Deed Record Book 309, Page 313.
Beginning at the Southeast corner of Section 21 in Township 12 North of Range 8 East and running thence West to the Southwest corner of the East half of the Southeast quarter of said section 21, thence North to a point immediately on the North side of a stone anchor post set at the West line of said half quarter section, 57 rods North of the Southwest corner of said half quarter section, thence East 80 rods 11 and a half feet to a point on the East line of said section 57 rods 12 feet and 2 inches North of the Southeast corner of said section and thence South to the place of beginning, containing 28.32 acres more or less.

Except Therefrom the following described tract, being a 1,500 acre tract owned by George F. and Dolores J. Mitchell recorded in Instrument 200203412.

A part of the Southeast Quarter of Section 21, Township 12 North, Range 8 East, in Liberty Township, Shelby County, Indiana, being contained within the Lands owned by Mace Hungerford and described in Deed Record Book 309, Page 313 and being the Eastern most 1,500 Acre of the Northern most 250,000 feet of said lands owned by Mace Hungerford, with the South line of the 1,500 Acre tract being parallel with the North line of said lands owned by Mace Hungerford and the West line of the 1,500 acre tract being parallel with the East line of said lands owned by Mace Hungerford and being more particularly described as follows:

Commencing at a Harrison at the Southeast corner of said Southeast quarter, thence North 0 degrees 21 minutes 07 seconds West (assumes bearing) along the East line of said quarter, a distance of 952.72 feet to a Rebar (being previously described as 952.67 feet per parent deed, and being 1.22 feet West of a masonry nail), and said point being the POINT OF BEGINNING; thence South 89 degrees 55 minutes 25 seconds West along the North line of said lands owned by Mace Hungerford (and along an existing fence, being the South line of the lands described in Deed Record Book 284, Page 698), a distance of 261.36 feet to a Capped Rebar marked (Powell 29800024); thence South 0 degrees 21 minutes 07 seconds East parallel to the East line of said quarter, a distance of 250.00 feet to a Capped Rebar marked (Powell 29800024); thence North 89 degrees 55 minutes 25 seconds East parallel to the North line of this tract, a distance of 261.36 feet to a Rebar on the East line of said quarter; thence North 0 degrees 21 minutes 07 seconds West along the East line of said quarter, a distance of 250.00 feet to the POINT OF BEGINNING. Containing 1,500 acres more or less and subject to the right of way of County Road 800 East and any other existing right of ways, easements or restrictions.

Course data used in this description assumes the East line of the Southeast Quarter of Section 21, Township 12 North, Range 8 East to have a bearing of North 0 degrees 21 minutes 07 seconds West. The parent deed used for this Legal description is recorded in the Shelby County Recorder's Office in Book 309, Page 313 and being a part of the total 28.32 acres more or less.

Also Except Therefrom the following described tract, being a 17.20 acre tract owned by Joe & Deborah Harker recorded in Instrument 2018006537.

Beginning at a 5/8-inch capped iron rod on the south line of the southeast quarter of Section 21, Township 12 North, Range 8 East, in Liberty Township, Shelby County, Indiana, said point being 528.75 feet north 89 degrees 20 minutes 55 seconds west (assumed bearing) of the county monument at the southeast corner of said quarter section; and running thence north 89 degrees 20 minutes 55 seconds west 799.00 feet along the south line of said quarter section to a 5/8-inch capped iron rod at the southwest corner of the east half of said southeast quarter section, thence north 00 degrees 04 minutes 35 seconds east 940.50 feet along the west line of said half-quarter section to another capped iron rod, thence south 89 degrees 52 minutes 25 seconds east 788.15 feet along the north line of the 26.82 acre parent tract to a capped iron rod, thence south 00 degrees 34 minutes 35 seconds east 947.90 feet along a fence line to the point of beginning, containing 17.20 acres, more or less, and subject to all rights-of-way and easements of record.

Lot #1, description of the 4,000 Acre split from the lands owned by land owned by Mace Hungerford described in Deed Record Book 309, Page 313.

A part of the Southeast Quarter of the Southeast Quarter of Section 21 in Township 12 North, Range 8 East, Liberty Township, Shelby County, Indiana, being created from a survey (Job # 61-2020) by Jeffrey Powell and being more particularly described as follows:

Commencing at a Harrison monument marking the Southeast corner of the said quarter section, thence North 00 degrees 57 minutes 43 seconds West (Bearings based on NAD 83, Indiana East, State Plane Coordinates) along the East line of the said quarter section a distance of 505.67 feet to a mag nail set at the point of beginning of the tract herein described; thence South 89 degrees 09 minutes 52 seconds West a distance of 533.76 feet to a Powell capped rebar set on the East line of a 17.20 acre tract described in Instrument 2018006537; thence North 01 degrees 32 minutes 18 seconds West along the said East line a distance of 447.03 feet to the Northeast corner of the said 17.20 acre tract, also being a point on the North line of a 28.32 acre tract described in Deed Record Book 309, Page 313 and being marked by a Kuhn capped rebar; thence North 89 degrees 09 minutes 52 seconds East along the said North line a distance of 276.89 feet to a Powell capped rebar marking the Northwest corner of a 1,500 acre tract described in Instrument 200203412, (said tract being described as being the Easterly most 1,500 acres of the Northern most 250,000 feet of the land owned by Mace Hungerford described in Deed Record Book 309, Page 313 with the South line of the said 1,500 acre tract being parallel with the North line and the West line being parallel with the East line); thence South 00 degrees 57 minutes 43 seconds East along the West line of the said 1,500 acre tract a distance of 250.00 feet to a Powell capped rebar marking the Southwest corner of the said 1,500 acre tract; thence North 89 degrees 09 minutes 52 seconds East along the South line of the said 1,500 acre tract a distance of 261.36 feet to a mag nail on the East line of the said quarter section marking the Southeast corner of the said 1,500 acre tract; thence South 00 degrees 57 minutes 43 seconds East along the said line a distance of 197.00 feet to the point of beginning, containing 4,000 acres more or less and being subject and subject to the 30' Half Right-of-Way for County Road 800 North and any and all easements, right of ways and restrictions.

Purpose of the survey:
The purpose of this survey is to subdivide a 4,000 acre tract to be a new building lot from a 9.62 acre tract of lands owned by Mace Hungerford, recorded in Deed Record Book 309, Page 313 per the owners instructions. The field work was performed on July 13, 2020 and other dates.

Availability and condition of the reference monuments:
The section corners found and held per this survey are per the Shelby County Ties and monuments found or established per previous surveys. The uncertainties associated with the said corners are represented on the hereon drawn survey plat and within this report by Record vs Measured vs Calculated.

Occupation or Possession Lines:

There is an old existing fence line along the North line that is 0.5' to 1' North of the line and one along the West line that is 0.5' to 1' East of the line. There was no occupation along the West or South lines of the 1,500 acre tract and South line of the 4,000 acre split per this survey. The occupation lines found per this survey are as noted on the survey plat.

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

This survey held the North line of the 28.32 acre parent tract as established per the Kuhn survey for Hungerford, based on the brake down of the Southeast quarter section as monumented today and the East line of the 17.20 acre tract created per the said Kuhn survey. The Northeast corner of the 4,000 acre tract created per this survey along the said North line is approximately 0.75' South of the Northwest corner of the 1,500 acre tract created per a previous survey by me that held the existing fence line per the deed call of the description to the North. Therefore there is a gap of 0.75' at the Southwest corner of the 1,50 acre tract to 0' at the Southeast corner between the said 1,500 acre tract and the 4,000 acre tract created per this survey. The ambiguities found per this survey are noted in this report or on the survey plat.

Relative position accuracy of Measurements:

This survey falls within the classification of a Rural survey and therefore has a Relative position accuracy of 0.13 feet plus 100 parts per million plus the above stated uncertainties.
Note: The proposed Subdivision is located in a special Flood hazard ZONE X, per the FEMA Flood Insurance rate map number 18145C0210C, the accuracy of this flood hazard statement is subject to map scale uncertainty in location or elevation on the referenced Flood Insurance rate map.

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

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

Witness my hand this 18 day of August, 2020.

Jeffrey P. Powell
Registered Land Surveyor
No. 29800024

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

Witness my hand this ___ day of _____, 2020.

Mace Hungerford

Notary Certification:
I, _____, a Notary Public in and for said County and State, do hereby certify that Mace Hungerford, Personally known to me to be the same person whose name is subscribed to the above certificate appeared before me this day in person and acknowledged that they signed the above certificate as their own free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and notarial seal this ___ day of _____, 2020.

Notary Public

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

By: _____ Date _____
Dong Warncke, President Plan Commission

By: _____ Date _____
Scott Gabhard, Secretary Plan Commission

Re-zoning Approval:
Shelby County Commissioners Rezoning Ordinance # _____
Date _____

This report is in accordance with Title 86.5, Article 1.1, Chapter 12, Sections 1 through 34, of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties in the locations of the lines and corners established on this survey as a result of: Availability and condition of the reference monuments, Occupation or possession lines, Clarity or ambiguity of the record description used and / or adjoining's

Property Details

Location: 5302 West Marietta Railroad Street, Shelbyville, Hendricks Township.

Property Size: 6.241-acres (+/- 5.27 acres included in rezoning).

Current Land Use: Single-Family Residential

Current Zoning Classification
A1 (Conservation Agricultural) (+/- 5.27 acres)

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

VR (Village Residential) (+/- 0.971 acres)

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

Proposed Zoning Classification
RE (Residential Estate) (+/- 5.27 acres)
This district is established for single-family detached dwellings in a rural or country setting. Use this zoning district for existing developments and carefully for new residential development. Large subdivisions on well and septic systems are not favored.

(+/- 0.971 acres) will remain VR

Future Land Use per Comp Plan
Agricultural
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; continued on next page....

Staff Report

Case Number: RZ 20-11 / SD 20-07
Case Name: Purdue Rezoning – A1 (Conservation Agricultural) to RE (Residential Estate) & Jefferson Purdue Simple Subdivision

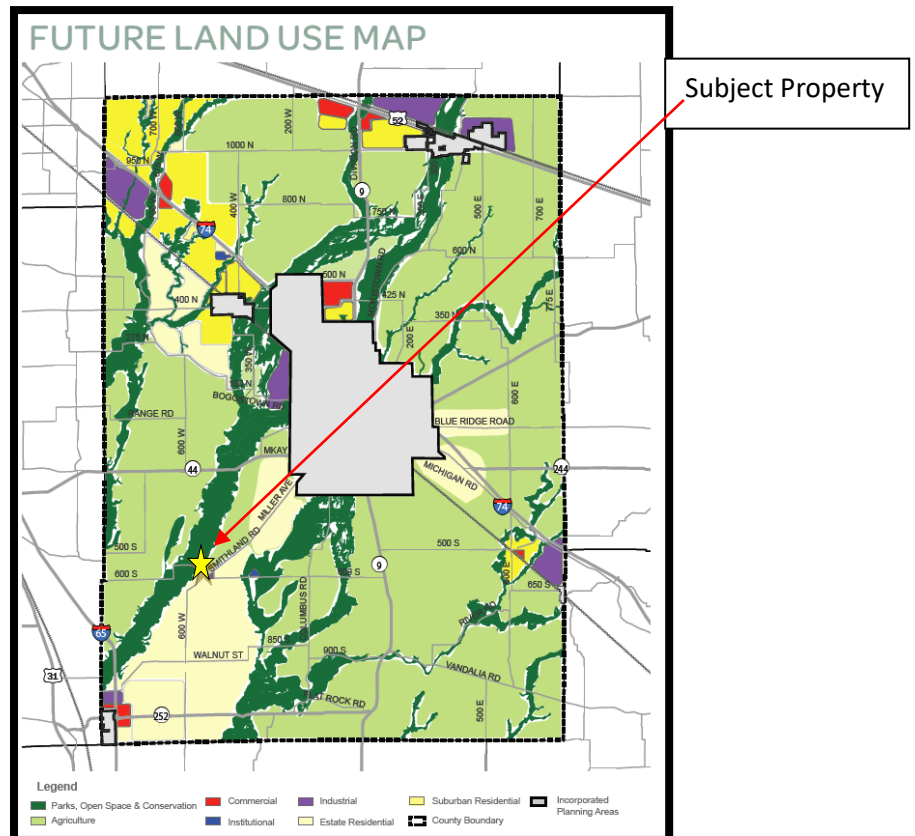
Requests

Rezoning of +/- 5.27 acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District to allow for a two-lot Simple Subdivision.

Simple Subdivision to allow for subdivision of 6.241 acres into a 5.270-acre building lot and 0.971-acre lot including an existing residence.

Waivers of subdivision design standards to allow for: (1) Simple Subdivision of property zoned VR (Simple Subdivisions only permitted in the A3, A4, & RE Districts). (2) A lot without road frontage (160-foot lot width and road frontage required) (3) Side lot lines not within a 15-degree angle to the Right-of-Way.

Future Land Use Map



Property Details

However, the emphasis should remain on agriculture. New residential subdivisions that remove prime farmland from production should be discouraged. The residential density of this category should be one lot for every five acres.

Surrounding Development

	Zoning	Land Use
North	A1	Cropland
South	VR	Single-Family Residential
East	A1/R1	Cropland & Agricultural Buildings
West	A1/VR	Cropland & Single-Family Residential

Property Map



Case Description

- Approval of the requests would allow for construction of one new single-family residence on a 5.27-acre lot.
- The 5.27-acre lot would not have road frontage, however, would utilize the existing driveway on the 0.971-acre lot. The plat includes an ingress, egress, and utility easement over the driveway for the benefit of the 5.27-acre lot. The property owner contacted the owner of the vacant 0.5-acre lot between the south property line and the road to inquire about purchasing the property to gain road frontage, however the property owner did not wish to sell the property.
- The USDA Soil Survey identifies new building lot as 'Not Prime Farmland'.

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 property adjoins the unincorporated town of Marietta which includes several residential properties on relatively small lots. Therefore, development of a 5.27-acre lot with one new single-family residence and residential accessory structures would not conflict with the character of the area.

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

The USDA Soil Survey designates the proposed 5.27-acre lot as Not Prime Farmland, the lot currently does not include tillable ground, and the lot adjoins the unincorporated town of Marietta. These conditions support residential use of the property.

3. The Conservation of Property Values throughout the Jurisdiction

Development of the property with a single-family residence would likely increase the value of the property.

4. Responsible Development and Growth

The USDA Soil Survey designates the proposed 5.27-acre lot as Not Prime Farmland, the lot currently does not include tillable ground, and the lot adjoins the unincorporated town of Marietta. These conditions support residential use of the property.

5. The Comprehensive Plan

The Agricultural Land Use Designation discourages new subdivisions in agricultural areas that would remove prime farmland from production and discourages residential development that exceeds one lot per five acres. Approval of the request would not remove prime farmland from production and the new building lot would exceed five acres. Therefore, approval would not conflict with the Agricultural Future Land Use Designation of the Comprehensive Plan.

Staff Recommendation

APPROVAL the Rezoning because development of the property would not result in the loss of Prime Farmland, the property currently does not include tillable ground, and the property adjoins smaller residential properties in the unincorporated town of Marietta, therefore development of the property does not conflict with the character of the area or the Comprehensive Plan.

APPROVAL the Simple Subdivision and Waivers because:

1. The VR zoned 0.971-acre property is consistent with the size and use of surrounding residential properties.
2. The property owner contacted the owner of the vacant 0.5-acre lot to the south to inquire about purchasing the property to gain road frontage for the 5.27-acre lot, however the property owner did not wish to sell the property.
3. The parent tract currently includes side lot lines not within a 15-degree angle to the right-of-way.

Recommended Stipulation:

1. A Driveway Access and Maintenance agreement shall be recorded.

Applicant/Owner Information

Applicant: Jefferson Purdue
5302 W Marietta Railroad St.
Shelbyville, IN 46176

Owner: Same

Surveyor: Jeffery Powell, Powell Land Surveying LLC
4634 N 575 E
Shelbyville, IN 46176

***Addendum 8/25/20**

The Plan Commission initially heard this petition on July 28, 2020. The Board voted 3-2 in favor of the rezoning, with one member abstaining, therefore no action was taken. Chris Ross, Terry Smith, and Taylor Sumerford voted in favor of the petition. Doug Warnecke and Mike McCain cast the negative votes. Charity Mohr abstained. The Simple Subdivision was not voted upon and continued to the August meeting. Adjacent property owners primarily expressed concerns with drainage into the pond on the property causing flooding from the pond onto their properties.

Property Details

Location: 106 W Boggstown Rd,
 Shelbyville, Addison Township.

Property Size: 0.33 acres.

Current Land Use: Commercial

Current Zoning Classification
 C2 (Highway Commercial)

This district is established for commercial uses that are closely related to the special needs of the traveling public, interstate commerce, trucking and, in general, vehicular traffic along interstates and major state highways.

Proposed Zoning Classification
 IS (Institutional)

This district is established for institutional and municipal owned lands for public purpose and use.

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

Future Land Use per Comp Plan
 Incorporated Planning Area – Heavy /
 Medium Industrial

This use is located in areas in industrial parks and best located along major corridors or the rail line. Industrial uses should be buffered from farm and residential uses by commercial or a light industrial use.

Surrounding Development

	Zoning	Land Use
North	I2	Industrial
South	C2	Commercial
East	PK (city)	Recreational
West	I2	Industrial

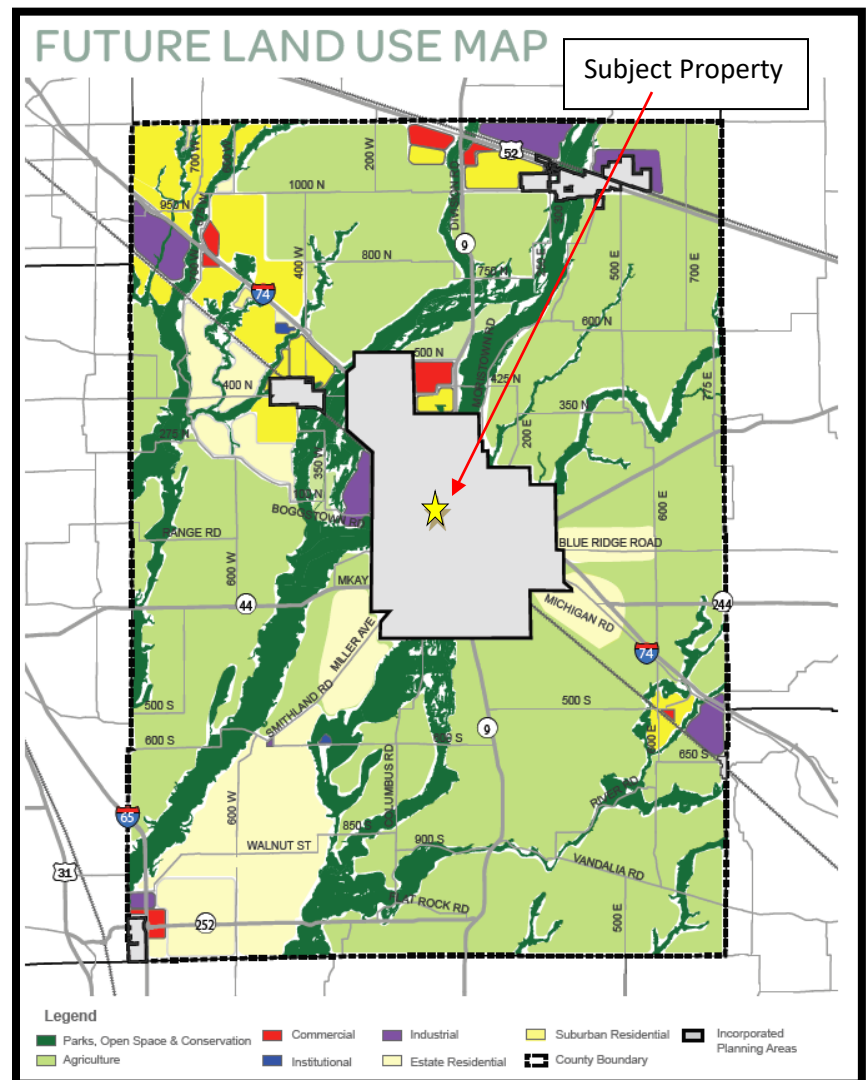
Staff Report

Case Number: RZ 20-12
Case Name: Shelbyville Community Church Rezoning
 C2 (Highway Commercial) to IS
 (Institutional)

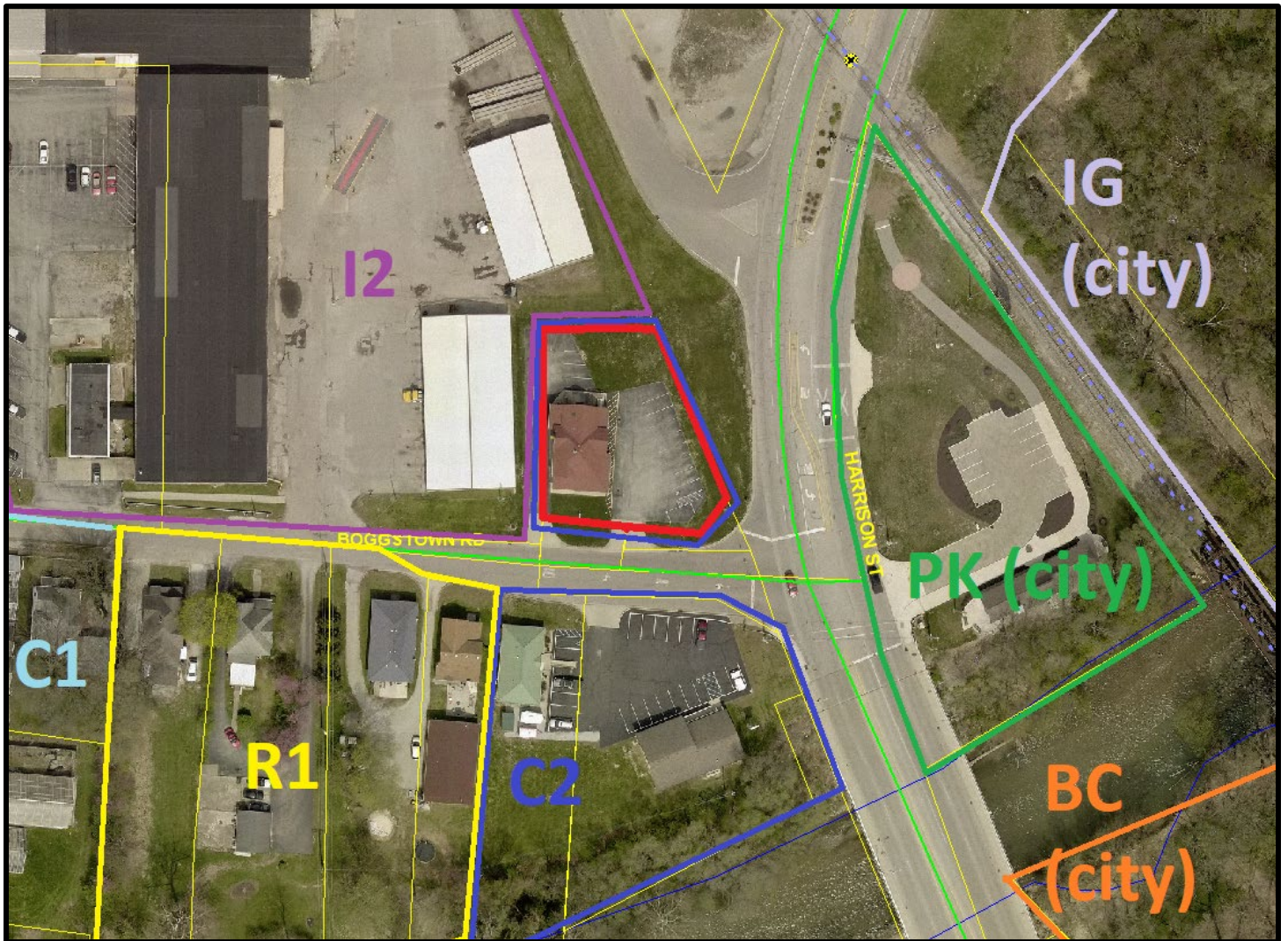
Request

Rezoning of 0.33 acres from the C2 (Highway Commercial) District to the IS (Institutional) District to allow for a Fair Housing Facility.

Future Land Use Map



Property Map



Case Description

- Shelbyville Community Church plans to use the property primarily as a transitional housing facility for women in recovery from drug and alcohol addictions. Approval of the rezoning would also allow use of the property for other church-related activities.
- The property card indicates that the existing structure on the property was constructed in 1920. The first zoning maps on record, dated October 1972, designate the property as B2 (General Service). The 1991 zoning maps designate the property as M1 (Limited Manufacturing).
- The UDO classifies the proposed use as a Small Fair Housing Facility for the Mentally Ill:

UDO Section 11.02 Defined Words: Fair Housing Facility (small)

To prevent the discrimination of mentally or physically disabled persons, these facilities have been identified as types of housing that are permitted in any single-family or multiple-family residential zoning districts, but still must meet "nondiscriminatory" health, fire, safety, and building regulations.

Residential Facility for the Mentally Ill which provides residential services for mentally ill individuals as described in IC 12-28-4. No two (2) Residential Facilities for the Mentally Ill shall be within 3,000 feet of one another in the planning jurisdiction as stated in Indiana Code.

- The Planning Director does not have knowledge of any other Fair Housing Facilities for the Mentally Ill within 3,000 feet of the subject property within the planning jurisdiction of Shelby County. However, Fair Housing Facilities are located within 3,000 feet of the subject property within the municipal limits of Shelbyville.
- The UDO permits Small Fair Housing Facilities By-Right (without approval of a variance, special exception, or rezoning) in all residential districts and the institutional district. In this case approval of a rezoning is only required due to the property's current commercial zoning designation.
- The Indiana Code also limits the authority of local planning jurisdictions to regulate residential facilities for individuals with a mental illness:

IC 12-28-4-7 Zoning ordinances; residential facilities for individuals with a mental illness

(a) A zoning ordinance (as defined in IC 36-7-1-22) may not exclude a residential facility for individuals with a mental illness from a residential area solely because the residential facility is a business or because the individuals residing in the residential facility are not related. The residential facility may be required to meet all other zoning requirements, ordinances, and laws.

(b) A zoning ordinance may exclude a residential facility for individuals with a mental illness from a residential area if the residential facility will be located within three thousand (3,000) feet of another residential facility for individuals with a mental illness, as measured between lot lines.

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

Most uses permitted in the IS District would have less of an impact on adjacent recreational, residential and low-intensity commercial properties than most uses permitted in the C2 District.

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

The existing structure on the property, originally used as a residence, would better support low-intensity institutional uses rather than most uses permitted in the C2 District.

3. The Conservation of Property Values throughout the Jurisdiction

Uses permitted in the IS District would generally have less of an impact on surrounding property values than uses permitted in the C2 District.

4. Responsible Development and Growth

Approval of the rezoning would allow for land uses which generally pose less of an impact on adjacent property than uses permitted in the C2 District.

5. The Comprehensive Plan

See attached letter from the City of Shelbyville Planning & Building Director.

Staff Recommendation

Due to location of the property within the planning area of the City of Shelbyville, Staff makes **NO RECCOMENDATION**. Staff suggests that the Board takes the comments submitted by the City into consideration when making their decision.

Applicant/Owner Information

Applicant:	Shelbyville Community Church 720 N 325 E Shelbyville, IN 46176	Owner:	Same
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CITY OF SHELBYVILLE, INDIANA | PLANNING AND BUILDING DEPARTMENT
MAYOR THOMAS DEBAUN | DIRECTOR ADAM RUDE

FROM THE DESK OF ADAM RUDE | DIRECTOR | ARUDE@CITYOFSELBYVILLEIN.COM

Date: 8/18/2020

From: Adam Rude
Planning and Building Director, City of Shelbyville

To: Desiree Calderella
Planning Director, Shelby County Plan Commission

RE: Shelbyville Community Church Rezone

The subject property, located at 106 W Boggstown Road, is located outside of the Planning Jurisdiction of the City of Shelbyville. Due to the subject property's location contiguous to the City of Shelbyville, it was included in the "Future Land Use Map" which was adopted as a part of the 2019 Update to the Comprehensive Plan and has been designated a future land use category (a copy of the map has been shared with the Planning Staff for reference).

This property is identified as "Heavy/Medium Industrial" on the Future Land Use Map. Further in the document, a brief description of this classification is provided as:

"Heavy/Medium Industrial: Shelbyville's heavy to medium intensity industrial has grown over the last decade. This use is located in areas in industrial parks and best located along major corridors or the rail line. Industrial uses should be buffered from farm and residential uses by commercial or a light industrial use." (Shelbyville Comprehensive Plan, Page 95)

Uses that are complimentary to this classification and existing uses in the area should be promoted and uses that could have an adverse effect on the development of this area should be discouraged.

Please feel free to contact our office with any further questions or concerns.

Respectfully,

Adam M. Rude
Director, Planning and Building Department
City of Shelbyville, Indiana

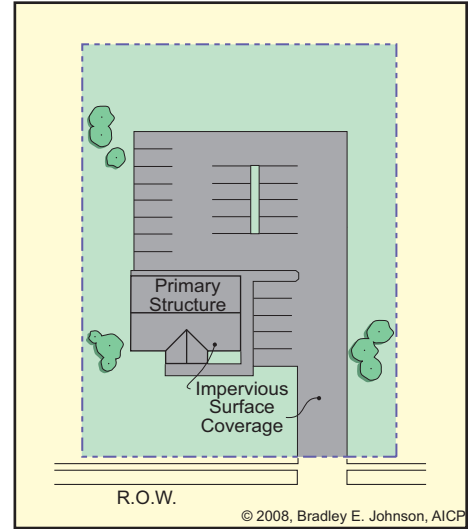
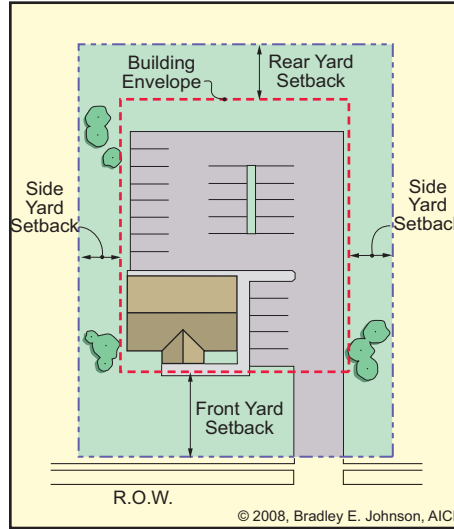
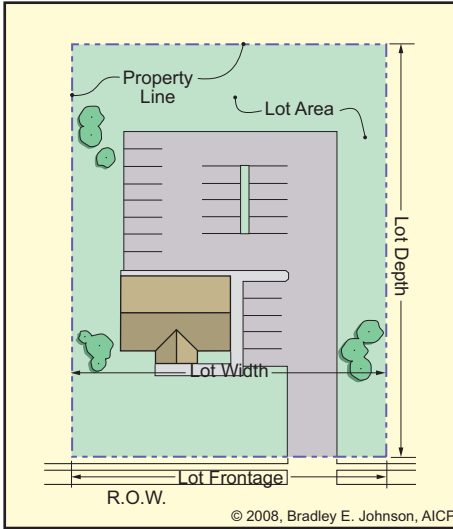
Institutional (IS) District

2.27 IS District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The IS (Institutional) District is intended to be used as follows:</p> <p>Use, Type and Intensity</p> <ul style="list-style-type: none"> • Varying intensity institutionally owned lands, including State and County facilities <p>Application of District</p> <ul style="list-style-type: none"> • Existing and new development • Buffer district or transitional district • Small area zoning • Spot zoning <p>Development Standards</p> <ul style="list-style-type: none"> • Require quality time, place, and manner development standards to minimize impacts on adjacent residential properties while serving the needs of the overall community <p>Appropriate Adjacent Districts</p> <ul style="list-style-type: none"> • IP, A1, A2, A4, RE, R1, R2, VM, M1, M2, MP, VM, IS, C1, and I1 <p>County Commissioners</p> <ul style="list-style-type: none"> • As a condition of rezoning, allow only the use petitioned for and presented <p>Plan Commission</p> <ul style="list-style-type: none"> • Use this zoning district for existing developments and carefully for new institutional development <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> • Allow a special exception use only when it is compatible with the surrounding areas 	<p>Commercial Permitted Uses</p> <ul style="list-style-type: none"> • commercial training facility or school • farmers market • stadium • waste treatment facility, private • water treatment facility, private <p>Industrial Permitted Uses</p> <ul style="list-style-type: none"> • telecommunication facility <p>Institutional Permitted Uses</p> <ul style="list-style-type: none"> • bus station • cemetery /mausoleum • child care institution • church, temple or mosque • community center • crematory • government office • government operation (non-office) • hospital • jail • library • municipal airport • municipal heliport • museum • nature center • police, fire or rescue station • pool, public • post office • recycling collection point • research farm • school (P-12) • trade or business school • university or college • waste treatment facility, public • water treatment facility, public <p>Residential Permitted Uses</p> <ul style="list-style-type: none"> • assisted living facility • fair housing facility (large) • fair housing facility (small) • nursing home 	

Institutional (IS) District

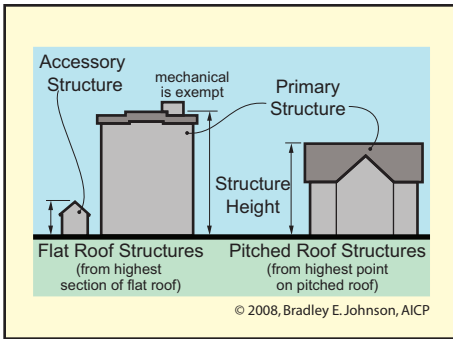
2.28 IS District Development Standards



- Minimum Lot Area**
 - 6,000 square feet with sanitary sewer
 - 2 acres without sanitary sewer
- Minimum Lot Width**
 - 60 feet
- Minimum Lot Frontage**
 - 40 feet
- Sewer and Water**
 - Public sanitary sewer utility required
 - Private well permitted only where water utility is unavailable

- Minimum Front Yard Setback**
 - 35 feet
- Minimum Side Yard Setback**
 - 15 feet
- Minimum Rear Yard Setback**
 - 20 feet

- Maximum Lot Coverage**
 - 70% of lot area
- Minimum Main Floor Area:**
 - 900 square feet
- Maximum Primary Structures**
 - no limit



- Maximum Structure Height**
 - 35 feet for primary structure
 - 25 feet for accessory structure

Additional Development Standards that Apply		
Accessory Structure (AS)	Landscaping (LA)	Pond (PN)
• AS-01 Page 5-4	• LA-01 Page 5-36	• PN-01 Page 5-57
• AS-07 Page 5-6	• LA-02 Page 5-37	Setback (SB)
Architectural (AR)	• LA-05 Page 5-38	• SB-01 Page 5-59
• AR-04 Page 5-8	• LA-06 Page 5-38	Sewer and Water (SW)
Density and Intensity (DI)	• LA-07 Page 5-39	• SW-01 Page 5-61
• DI-01 Page 5-10	Lighting (LT)	• SW-02 Page 5-61
Driveway (DW)	• LT-01 Page 5-41	Sign (SI)
• DW-01 Page 5-11	Loading (LD)	• SI-01 Page 5-64
• DW-04 Page 5-14	• LD-01 Page 5-42	• SI-02 Page 5-67
Environmental (EN)	Lot (LO)	Storage Tank (ST)
• EN-01 Page 5-16	• LO-01 Page 5-43	• ST-01 Page 5-71
Fence and Wall (FW)	Outdoor Storage (OS)	Structure (SR)
• FW-01 Page 5-17	• OS-01 Page 5-45	• SR-01 Page 5-72
• FW-07 Page 5-19	• OS-02 Page 5-45	Temporary Use (TU)
Floodplain (FP)	Parking (PK)	• TU-01 Page 5-75
• FP-01 Page 5-20	• PK-03 Page 5-48	• TU-04 Page 5-75
Floor Area (FA)	Performance (PF)	Vision Clearance (VC)
• FA-01 Page 5-26	• PF-01 Page 5-55	• VC-01 Page 5-76
Height (HT)	Public Improvement (PI)	
• HT-01 Page 5-27	• PI-01 Page 5-56	



**SHELBYVILLE
COMMUNITY CHURCH**

We Follow Jesus By Loving God, Loving One Another, And Serving The World

720 North 325 East
Shelbyville, IN 46176
Church Offices: 317-398-7837
www.shelbychurch.org

Date: July 23, 2020
To: Zoning Board, Shelby County Indiana
From: Bruce A. Miller, Director of Budget and Finance
Shelbyville Community Church
Reference: Statement of Purpose

Shelbyville Community Church is requesting to rezone the property located at 106 West Boggstown Road, Shelbyville, Indiana from Commercial to Institutional zoning.

The church is beginning a new ministry that will provide temporary transitional housing for women in recovery from drug addiction, alcohol addiction, and criminal offences related to these additions.

The ministry will provide a place for women recently released from jail or prison for addiction related offences to live temporarily while they seek employment, transportation, and permanent housing to restart their lives. These women would be temporarily homeless on many occasions without such a facility that provides temporary housing.

This property is ideally suited for this use as it was formerly a residential property and is large enough to house several women in comfortable surroundings. The location is also ideal in that it is not in the middle of a family residential neighborhood whose residents might be concerned with this type of facility in their midst.

Respectfully Submitted,

Bruce A. Miller

**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: Shelbyville Community Church

Case #: _____

Location: 106 W. Boggsstown Rd, Shelbyville, TN 46176

1. The request is consistent with the Shelby County Comprehensive Plan because: _____

The building is not suitable for Comprehensive Plan use as Industrial.

2. The request is consistent with the current conditions and the character of structures and uses in each district because: _____

The property was originally residential and other residential properties are nearby on both sides of the street.

3. The request is consistent with the most desirable use for which the land in each district is adapted because: _____

With other residential nearby it will not be out of character with the neighborhood. Property was also originally residential.

4. The request is consistent with the conservation of property values throughout the jurisdiction because: _____

Keeping the property in use and well kept as a residential facility will add to others property values

5. The request is consistent with responsible growth and development because: Transitional

housing is greatly needed in the Shelby County community.

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?

Proposed New Permit and Plan Commission Fees – Summary

- Permit and Plan Commission fees were last updated in 2007. The County Council has requested that the Plan Commission consider raising fees.
- Permit fees covered 79% of the Building Inspector's operating expenses in 2009, but decreased to 57% by 2019.
- All permit and plan commission fees have been increased to reflect inflation. The value of the 2020 fees should now at least equal the value of the 2007 fees.
- Fee schedules for Johnson, Hancock, and Bartholomew Counties were used as a comparison. A few fees have been increased beyond the value of inflation to reflect the fees in these adjoining counties.
- All fees for commercial, industrial, and institutional development and contractor listing fees have been increase beyond the value of inflation.
- In general, the proposed Shelby County fees slightly exceed the fees in Johnson, Hancock, and Bartholomew Counties. However, Shelby County has higher operating costs due to:
 - Likely higher staff to population ratio because Shelby County has a lower population than adjoining counties. All counties require at least a director, inspector, and administrative assist regardless of population size.
 - Shelby County has a larger land area than adjoining counties, which results in more drive time between inspections and therefore higher fuel costs.
 - Shelby County does not issue building permits for agricultural structures; therefore, the County does not have that revenue source.
- The County Commissioners establish a fee schedule by ordinance. The Plan Commission can provide input but is not required to make recommendation.
- Timeline:
 - August 2020 – Plan Commission reviews fee schedule and suggests any changes.
 - September 2020 – Fee Ordinance adopted by Commissioners.
 - October – December 2020 – Change in fees posted on the website and at the Plan Commission office to give contractors times to adjust project quotes accordingly.
 - January 2021 – New fees go into effect.

Current Permit Fees

	Building	Plumbing	Electrical
New Home	\$160	\$120	\$120
Room Additions & Alterations	\$120	\$80	\$80
Complete Remodel	\$160	\$120	\$120
Replacement of sub floor or rafters	\$80		
Manufactured Home	\$120	\$40	\$80
Repair After Fire	\$80	\$80	\$80
Basement	\$80		
Pole Barn/Detached Garage or Carport			
No drywall – no meter	\$80	\$80	\$40
With drywall – no meter	\$120	\$120	\$80
No drywall – with meter	\$80	\$80	\$80
With drywall – with meter	\$120	\$120	\$80
Concrete slab	\$40		
Storage Shed (200 sq ft or larger)			
No drywall – no meter	\$40	\$80	\$40
With drywall – no meter	\$80	\$120	\$80
No drywall – with meter	\$40	\$80	\$80
With drywall – with meter	\$80	\$120	\$80
Deck or Porch			
	\$40		
Swimming Pool			
Above ground (43 deep)	\$40		\$40
In ground	\$80		\$80
Service Upgrade/Pole Service/Temp.			
			\$40
Service Upgrade with additional wiring			
			\$80
Grain Bin (per bin)			
			\$40
General Contractor Listing Fee			
	\$50		
Plumber Listing Fee			
	Contractor	Journeyman	Apprentice
	\$30	\$20	\$10

Prices of permits are totaled by number of inspections. Additional inspections may result in additional fees.
All other permit will be issued based on State Design Release.

Proposed Permit Fees

	Building	Plumbing	Electric
Single-Family Dwelling/Primary Structure			
New Dwelling/Primary Structure	\$200	\$150	\$150
Room Additions & Remodels	\$150 + \$0.07 sq. ft.	\$100	\$100
Complete Remodel	\$200	\$150	\$150
Replacement of sub floor or rafters	\$100		
Manufactured Home	\$150	\$50	\$100
Repair After Fire	\$100	\$100	\$100
Basement	\$100		
Commercial/Industrial/Institutional - additional \$0.05 per square foot			
Accessory Structures & Additions to Accessory Structures over 400 sq. ft.			
No drywall	\$100 + \$0.02 sq. ft over 1000 sq. ft	\$100	\$100
With drywall	\$150	\$150	\$100
Commercial/Industrial/Institutional - additional \$0.05 per square foot			
Accessory Structures & Additions to Accessory Structures 201 sq. ft. – 400 sq. ft.			
	\$50	\$100	\$100
Commercial/Industrial/Institutional - additional \$0.05 per square foot			
Deck or Porch			
	\$80		
Commercial/Industrial/Institutional - additional \$0.05 per square foot			
Swimming Pool			
Above ground (43 deep)	\$50		\$50
In ground	\$100		\$100
Electric Only			
Service Upgrade/Pole Service/Temp.			\$50
General Contractor Listing Fee			
	\$75		
Plumber Listing Fee	Contractor	Journeyman	Apprentice
	\$45	\$30	\$15
Construction w/out Permit Fine			
	Double Permit Fee		

Information Supporting Change in Fees

1. All fees have increased at a minimum to account for inflation from 2007 to 2019. The Bureau of Labor Statistics Inflation Calculator was used to determine the fees.
2. Fees structure simplified and clarified.
3. The adjoining counties of Johnson, Hancock, and Bartholomew were used for the following fee comparisons (Decatur & Rush did not have online fee information).
4. Notes of County Comparisons
 - a. Electric and plumbing are included in overall permit fee in other counties.
 - b. Shelby currently bases fees on number of inspections and other counties base fees primarily on building size.
 - c. In general, Shelby County fees slightly exceed the fees in other counties. Shelby County requires the same number of staff members as other counties with larger populations due to different technical skills and the land size of the county results in more drive time between inspections, however Shelby County likely issues fewer permits. Shelby County also does not issue permits for agricultural buildings (at least Johnson does). These facts support the higher permit costs.
 - d. Shelby County and Hancock County also have improvement location permit fees for most projects. Those fees fund the Plan Commission budget.
5. New Dwellings – Only increases for inflation, no other fee increase recommended:

New Home (includes electrical & plumbing inspections)				
	Cost	1000 sq ft	2000 sq ft	3000 sq ft
Shelby Current	400	400	400	400
Shelby Inflation	500	500	500	500
Johnson	200 + .10	300	400	500
Hancock	330 + .02 (over 2000)	330	370	380
Bartholomew	100 + .07	170	240	310
Average Cost of Other Jurisdictions		267	337	397

6. Accessory Structures - increase for inflation + increase of .02 per sq. ft. over 1,000 sq. ft recommended.

Accessory Structures (most common size, some jurisdictions differentiate between size).				
	Cost	1000 sq ft	2000 sq ft	3000 sq ft
Shelby Current	80	80	80	80
Shelby Inflation	100	100	100	100
Johnson	0.1 sq ft	100	200	300
Hancock	110	110	110	110
Bartholomew	30 + .05 sq ft	80	130	180
Average Cost of Other Jurisdictions		97	147	197
Shelby Increase	\$100 + .02 sq. ft over 1000 sq. ft	100	140	160

7. Accessory structures with electric – only increased for inflation, no other increase recommended.

Accessory Structures with Electric (most common size, some jurisdictions differentiate between size).				
	Cost	1000 sq ft	2000 sq ft	3000 sq ft
Shelby Current	160	160	160	160
Shelby Inflation	200	200	200	200
Johnson	0.1 sq ft	100	200	300
Hancock	110	110	110	110
Bartholomew	30 + .05 sq ft	80	130	180
Average Cost of Other Jurisdictions		97	147	197

8. Dwelling Additions and Remodels – increase for inflation + increase of .07 per sq. ft. recommended.

Additions/Remodel			
	Cost	500 sq ft	1000 sq ft
Shelby Current	120	120	120
Shelby Inflation	150	150	150
Johnson	150+ .10 sq ft	200	250
Hancock	275	290	310
Bartholomew	50 + .07 sq ft	85	120
Average Cost of Other Jurisdictions		192	227
Shelby Increase		185	200

9. Dwelling Additions and Remodels with Electric or Plumbing – increase for inflation, no other increase recommended.

Additions/Remodel with Electric/Plumbing			
	Cost	500 sq ft	1000 sq ft
Shelby Current	200	200	200
Shelby Inflation	250	250	250
Johnson	150+ .10 sq ft	200	250
Hancock	275	290	310
Bartholomew	50 + .07 sq ft	85	120
Average Cost of Other Jurisdictions		192	227

10. Pools and Decks – increase for inflation, no increase in pools recommended, \$30 increase recommended for decks.

	Above-ground Pool	In-ground Pool	Deck
Shelby Current	80	100	40
Shelby Inflation	100	200	50
Johnson	75	150	75
Hancock	55	110	110
Bartholomew	60	60	60
Average Cost of Other Jurisdictions	63	107	82

11. Electric Upgrade – increase for inflation and one fee regardless of wiring recommended.

	Service Upgrade	With additional wiring
Shelby	40	80
Shelby Inflation	50	100
Johnson	75	75
Hancock	30	60
Bartholomew		
Average Cost of Other Jurisdictions	35	45

12. A large portion of revenue comes from Contractor’s Listing Fees. Johnson County charges \$150 for General Contractors. Shelbyville charges \$50 for General Contractors and \$100 for Plumbers. Increasing these fees by 50% recommended.

13. Commercial Permits – increase for inflation + additional \$0.05 per sq ft recommended

Commercial Permits - New Primary Structure (includes electric & plumbing)	Min Fee	2000 sq ft structure	1000 sq ft structure
Shelbyville	450	750	600
Hancock	685	725	705
Johnson	400	600	500
Bartholomew	200	340	270
Shelby	650	650	650
Shelby Inflation	750	750	750
Average Cost of Other Jurisdictions	433.75	603.75	518.75
Add cost per square footage of .05	750	850	800
Commercial Permits - New Accessory Structure (includes electric & plumbing)			
Shelbyville	450	750	600
Hancock	685	725	705
Johnson	150	350	250
Bartholomew	100	240	200
Shelby	340	340	340
Shelby Inflation	400	400	400
Average Cost of Other Jurisdictions	346.25	516.25	438.75
Add cost per square footage of .05	400	500	450

CURRENT FEE SCHEDULE
SHELBY COUNTY PLAN COMMISSION
 Adopted by Shelby County Plan Commission

IMPROVEMENT LOCATION PERMITS

NEW RESIDENCE	\$150.00
Multiple Family Dwellings	\$ 150.00 + \$50.00 each add. unit
Alterations & Accessory Buildings	
-500 Square Feet or Less & Above Ground Pools	\$ 50.00
-More than 500 Square Feet & In-Ground Pools	\$ 100.00
COMMERCIAL	\$250.00
Accessory Buildings & Alterations	\$ 100.00
INDUSTRIAL	\$300.00
Accessory Buildings & Alterations	\$ 100.00
ADVERTISING SIGNS	\$200.00

LAND USE CERTIFICATES/ZONING REQUEST LETTERS

ALL USES	\$ 50.00
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FILING FEES

REZONING	\$400.00
VARIANCES & SPECIAL USE	\$200.00 + \$50 per additional request
APPEAL	\$200.00
SUBDIVISION (MAJOR)	\$700.00
SUBDIVISION (MINOR)	\$450.00
SITE PLANS	\$50.00

MISCELLANEOUS FEES

HARD COPIES	Unified Development Ordinance (Each)	\$100.00
	Comprehensive Plan (Each)	\$100.00
CD ROM COPIES	Unified Development Ordinance & Comprehensive Plan (Both)	\$ 10.00
TOWNSHIP ZONING MAPS (Each)		\$ 5.00

NOTE: ALL PERMIT FEES WILL BE DOUBLED IF CONSTRUCTION HAS BEGUN BEFORE
 SECURING IMPROVEMENT LOCATION PERMITS.

This includes footings, foundations, etc. as the Plan Commission Director has not approved sidelines and setbacks.
 Permits will not be issued until these determinations have been made.

PROPOSED FEE SCHEDULE

Improvement Location Permits		
	Agricultural & Residential	Commercial, Industrial & Institutional
New Single-Family Dwelling	\$190	NA
New Multiple Family Dwelling	\$190 + \$60 per unit	NA
Primary Commercial/Industrial/Institutional Structure	NA	\$315
Accessory Structures & Additions 400 sq ft and under	\$60	\$200
Accessory Structures & Additions over 400 sq ft	\$125	\$200
Above-Ground Pool	\$60	NA
In-Ground Pool	\$125	NA
Signs	\$50	\$250
Land Use Certificates / Zoning Determination Letters	\$60	\$60
Land Use Petitions		
Rezoning	\$500	\$750
Variance Development Standards	\$250	\$375
Variance Use / Special Exception	\$300	\$450
Appeal	\$250	\$250
Simple Subdivision	\$560	\$840
Subdivisions (other than Simple Subdivisions)	\$875	\$1313
Replat / Vacation	\$100	\$150
Waiver	\$150	\$225
Site Plans	\$60	\$100 per hour of review

*ILP fees do not apply to structural improvements that do not increase the floor area of a structure.

*multiple land use petitions submitted at the same time for the same property will be charged the highest fee of the submitted petitions.

*applications related to home-based business will be charged the residential fee.

*applicant is responsible for cost of any engineering review

Information Supporting Change in Fees

1. All fees have increased at a minimum to account for inflation from 2007 to 2019. The Bureau of Labor Statistics Inflation Calculator was used to determine the fees.
2. Fees structure simplified and clarified.
3. All commercial fees are 50% greater than residential/agricultural fees.
4. Plan review is approximate hourly cost of employees who conduct the majority of the review.
5. Shelbyville and the adjoining counties of Johnson, Hancock, and Bartholomew were used for the land use petition fee comparisons (Decatur & Rush did not have online fee information). Hendricks was used in place of Johnson for ILP fees (Johnson does not have ILPs built into fee structure).

Land Use Petition Fees

	Shelbyville	Hancock	Johnson	Bartholomew	Shelby	Shelby Inflation	Average Other Jurisdictions
Rezoning Res.	\$400.00	\$245.00	\$500 + \$25 acre	\$400.00	\$400.00	\$500.00	\$386.25
Rezoning Com.	\$400.00	\$610 + \$20 acre	\$500 + \$25 acre	\$400.00	\$400.00	\$500.00	\$477.50
Development Variance Res.	\$50.00	\$245.00	\$200.00	\$50.00	\$200.00	\$250.00	136.25
Development Variance Com.	\$400.00	\$245.00	\$200.00	\$250.00	\$200.00	\$250.00	273.75
Use Variance Res.	\$300.00	\$185.00	\$400.00	\$250.00	\$200.00	\$250.00	283.75
Use Variance Com.	\$50.00	\$245.00	\$400.00	\$250.00	\$200.00	\$250.00	236.25
Special Exception Res.	\$400.00	\$245.00	\$400.00	\$125.00	\$200.00	\$250.00	292.5
Special Exception Com.	\$300.00	\$365.00	\$400.00	\$125.00	\$200.00	\$250.00	297.5
Appeal	\$150.00	\$0.00	\$200.00	\$250.00	\$200.00	\$250.00	150
Commercial Signs	\$50 + \$.5 sq ft	\$0.00	\$100.00	\$0.00	\$200.00	\$250.00	\$37.50
Subdivision	\$900 + \$5 lot	\$305.00	\$550.00	\$250 + \$5 lot	\$450.00	\$560.00	\$438.75
Waiver	\$100.00	\$490.00	\$150.00	\$0.00	\$0.00	\$0.00	185
Replat	\$100.00	\$125.00	\$150.00	\$0.00	\$0.00	\$0.00	93.75
Plat Vacation	\$0.00	\$365.00	\$150.00	\$0.00	\$0.00	\$0.00	128.75
Site Plan	\$500 + \$10/acre	\$675.00	\$0.00	\$250.00	\$50.00	\$50	\$356.25

Sign Fees

	Shelby	Shelby Inflation	Johnson	Hendricks	Hancock
Signs attached	\$200	\$250	\$50	\$215	\$55
Sign detached	\$200	\$250	\$100	\$215	\$110

ILP Fees

	Shelby Current	Shelby Inflation Res/Ag	Shelby Inflation Com/Ind/Inst	Shelbyville	Hancock	Hendricks	Avg Other Jurisdictions
New Single-Family Dwelling	\$150	\$190	na	\$50	\$235	\$285	\$190
New Multiple Family Dwelling	150 + 50 unit	190 + 60 unit	na	\$50	\$235	430	\$238
Accessory Structures, Additions, Remodels under 400 sq. ft	\$50	\$60	na	\$50	\$55	\$50	\$52
Accessory Structures, Additions, Remodels over 400 sq. ft	\$100	\$125	na	\$50	\$110	\$75	\$78
Above-Ground Pool	\$50	\$60	na	\$50	\$85	\$80	\$72
In-Ground Pool	\$100	\$125	na	\$50	\$85	\$170	\$102
Primary Commercial/Industrial/Institutional Structure	\$250	na	\$315	\$100	\$245	\$1,140	\$495
Accessory Structures, Additions, Remodels under 400 sq. ft	\$100	na	\$125	\$100	\$245	\$340	\$228
Accessory Structures, Additions, Remodels over 400 sq. ft	\$100	na	\$125	\$100	\$245	\$340	\$228