

Shelby County Board of Zoning Appeals

November 4, 2025, at 7:00 PM

Table of Contents

Agenda	3
BZA 25-33 Just Add Water Boats – Findings of Fact.....	5
BZA 25-39 Bradley Mohr – Special Exception & Development Standards Variance	6
Staff Report	6
Petitioner’s Statement of Intent.....	11
Petitioner’s Findings of Fact	13
Site Plan.....	14
BZA 25-41 James Lovett – Development Standards Variance.....	15
Staff Report	15
Petitioner’s Findings of Fact	18
Site Plans	19
Residential Accessory Structure Standards Ordinance Review.....	21
Staff Memo.....	21
Preliminary Ordinance Revisions	23

MEETING AGENDA

Shelby County Board of Zoning Appeals November 4, 2025

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes from the October 14, 2025 meeting.

OLD BUSINESS

BZA 25-37 – JUST ADD WATER BOATS: FINDINGS OF FACT

BZA 25-38 – AMANDA BRATTON & THEREAA J YOUNG: FINDINGS OF FACT

BUSINESS CONTINUED TO DECEMBER 9, 2025

BZA 25-42 – JAMES D WILLIAMS: USE VARIANCE. Located at 5113 W 100 S, Shelbyville, Hendricks Township.

NEW BUSINESS

BZA 25-39 – BRADLEY MOHR: SPECIAL EXCEPTION & DEVELOPMENT STANDARDS VARIANCE. Located at 8547 N 100 W, Fountaintown, Van Buren Township.

BZA 25-41 – JAMES LOVETT: DEVELOPMENT STANDARDS VARIANCE. Located at 8214 N Michigan Rd., Fountaintown, Moral Township.

DISCUSSION

Residential Accessory Structure Standards Ordinance Review

ADJOURNMENT

The next regular meeting of the Shelby County Board of Zoning Appeals is scheduled for Tuesday, **December 9th, 2025, 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/83036263530?pwd=y4cN1Cl4dIJGZ6QDJKUOZeJWyXLO4O.1>

Password: Shelby

Board Members & Staff

Dave Klene, President: Appointed by Shelby County Council, Term January 1, 2023 – January 1, 2027

Terry Knudson, Vice President: Appointed by Shelby County Commissioners, Term January 1, 2022 – January 1, 2026

Megan Hart, Secretary: Appointed by Shelby County Plan Commission, Term January 1, 2025 – January 1, 2026

Kevin Carson, Member: Appointed by Shelby County Commissioners, Term January 1, 2025 – January 1, 2029

Jim Douglas, Member: Appointed by Shelby County Commissioners, Term January 1, 2025 – January 1, 2029

Desiree Calderella, Planning Director

Jody Butts, Board Attorney

Use Variance

FINDINGS OF FACT

Applicant: Just Add Water Boats

Case #: BZA 25-37

Location: 5590 W 1100 N, Fountaintown, Moral Township.

1. The approval will be injurious to the public health, safety, morals, and general welfare of the community.

Storage of commercial boats in an agricultural area would detract from the rural aesthetic desired by the citizens of the northwest portion of the County.

2. The use and value of the area adjacent to the property included in the variance will be affected in a substantially adverse manner.

View of commercial boats would detract from the enjoyment and value of adjacent residential properties.

3. The need for the variance does not arise from some condition peculiar to the property involved.

No condition particular to the property warrants the grant of a variance. The property can accommodate a variety of commercial uses related to agriculture permitted in the A4 District.

4. The strict application of the terms of the Zoning Ordinance will not constitute an unnecessary hardship if applied to the property for which variance is sought.

Commercial boat storage can occur in an area more appropriate to accommodate the use than in a rural area of the County.

5. The approval does interfere substantially with the Comprehensive Plan.

Approval of the variance would conflict with the goals for Community Character identified in the Comprehensive Plan.

Property Details

Location: 8547 N 100 W,
Fountaintown, Van Buren Township.

Property Size: 3.07-acres.

Current Land Use: Estate Residential
/ Home Business

Zoning Classification:

RE (Residential Estate)

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

Development Standards: Promote low-impact development in harmony with a natural setting.

Special Exception: Allow a special exception use only when it is compatible with the surrounding residential areas.

Future Land Use per Comp Plan Agriculture

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

Surrounding Development

	Zoning	Land Use
North	A1	Cropland
South	A2	Estate Residential
East	RE	Estate Residential
West	A1/RE	Cropland

Staff Report

Case Number: BZA 25-39

Case Name: Bradley Mohr – Special Exception &
Development Standards Variance

Request

Special Exception to allow a Type 3 Home Business (hauling) in the RE (Residential Estate) District.

Variance of Development Standards from the Type 3 Home Business Standards to allow parking of dump trucks alongside the accessory structure used for the home business at night (commercial vehicles only permitted inside or behind the accessory structure at night).

Code Requirement

UDO Section 2.11 – RE District Intent, Permitted Uses, and Special Exception Uses.

UDO Section 5.35 (Type 3 Home Business Standards) E 4 a – No commercial vehicles shall be parked or stored outside between 9:00 p.m. and 5:00 a.m. unless parked or stored behind the accessory structure use for the Type 3 Home Business.

Purpose of Requirements: Type 3 Home Business regulations allow homeowners to conduct small-scale businesses on large properties in rural areas with minimal change to the appearance of the property and which does not interfere with the use and enjoyment of adjacent properties.

The UDO lists Special Exception uses for each zoning district. Special Exception approval has a lower burden of proof than use variance approval. Unlike a use variance, the petitioner does not have to show a hardship to obtain approval of a Special Exception. The petitioner must only show that the use would not have a negative impact on the community and that the proposed Special Exception is consistent with the intent of the zoning district and Comprehensive Plan.

Property Map



Case Description

- The petitioner operates a business which involves hauling of stone and dirt with dump trucks.
- The petitioner stores his two dump trucks on the property when not in use, typically between the hours of 5 PM and 8 AM, and stores small truck parts within the barn.
- No hauling or truck maintenance activities occur on the property.
- The petitioner also lives in the home on the property.
- The home and trees on the property provide significant screening of the trucks from the public road and adjacent residential properties on the east side of CR 100 W.
- The adjacent residential property to the south, which is zoned A2, has view of the trucks during the times of the year when crops do not provide screening. However, the UDO would allow the same business on this property without BZA approval.
- The proposed business complies with all standards for Type 3 Home Businesses, other than storage of the dump trucks alongside the barn used for the business rather than behind the barn used for the business.
- In August of 2025, the Planning Director received a complaint regarding the dump trucks traveling on the road and creating nuisance. Staff sent the petitioner a violation letter and the petitioner promptly submitted the Special Exception application.

Staff Analysis of Findings of Fact

Special Exception

1. **UDO Requirement:** The proposed special exception is consistent with the purpose of the zoning district and the Shelby County Comprehensive Plan.
2. **UDO Requirement:** The proposed special exception will not be injurious to the public health, safety, morals and general welfare of the community.
3. **UDO Requirement:** The proposed special exception is in harmony with all adjacent land uses.
4. **UDO Requirement:** The proposed special exception will not alter the character of the district; and
5. **UDO Requirement:** The proposed special exception will not substantially impact property value in an adverse manner.

Staff Analysis:

The UDO states that in the RE District: *Allow a special exception use only when it is compatible with the surrounding residential areas.* The home and trees on the property provide significant screening of the trucks from the public road and adjacent residential properties on the east side of CR 100 W. The adjacent residential property to the south, which is zoned A2, has view of the trucks during the times of the year when crops do not provide screening. However, the UDO would allow the same business on this property without BZA approval.

The business generates relatively few dump truck trips. Storage of trucks and truck parts within the barn on the property would not impose a safety or environmental impact.

The business does not pose a nuisance to the neighborhood or alter the character of the area and therefore would not have an impact on surrounding property values.

Development Standards

1. **State Requirement:** The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

Staff Analysis: The home and trees on the property provide significant screening of the trucks from the public road.

2. **State Requirement:** The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

Staff Analysis: The residential property to the south would have view of the dump trucks whether stored behind or alongside the building used for the home business.

3. **State Requirement:** The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in use of the property.

Staff Analysis: A strict application of the ordinance would not allow for storage of dump trucks on existing gravel area.

Staff Recommendation

Staff recommends **APPROVAL** primarily because on-site business activities only include storage of two dump trucks and storage of small truck parts in a barn. The home and trees on the property provide significant screening of the trucks from the public road and adjacent residential properties on the east side of CR 100 W. The adjacent residential property to the south, which is zoned A2, has view of the trucks during the times of the year when crops do not provide screening. However, the UDO would allow the same business on this property without BZA approval.

Staff recommends the following **stipulations**:

1. On-site business activities shall be limited to administrative functions within the home, the storage of two dump trucks along the south side of the existing barn, and indoor storage of truck parts and equipment.
2. Parking of any employee vehicles and truck maintenance activities shall be prohibited.

Applicant/Owner Information

Applicant:	Bradley Mohr	Owner:	Same
	8547 N 100 W		
	Fountaintown, IN 46130		

View of Trucks from CR 100 W (driving south)



Google Street View – July 2024

View of Trucks from Entrance to Nighbor's Driveway



Staff Photograph – October 2025

From: [Brad Mohr](#)
To: [Desiree Calderella](#)
Subject: Re: Variance Information
Date: Thursday, October 23, 2025 11:17:54 AM
Attachments: [image001.png](#)

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Desiree,

1. I haul loads of stone and or dirt with a dump truck.
2. On site activities include parking of two dump trucks. The barn is too small to service the trucks. If there is any servicing that needs done, I take it to a shop to get it done. The barn only stores small parts such as tail lights.
3. Yes, the actual work occurs off site. I leave in a truck, haul loads, then return home and park.

Let me know if you have any more questions for me.

Thank you!

On Thu, Oct 23, 2025 at 11:01 AM Desiree Calderella <dcalderella@co.shelby.in.us> wrote:

Hi Brad,

I have a few follow up questions about your variance request. We may have discussed these when you first applied, but I want to make sure I remember correctly.

1. What specifically is your business operation? (trucking, hauling, etc.)
2. On-site activities include storage of two dump trucks, administrative work in the home, and servicing of trucks in the barn, correct?
3. All other business activities occur off-site, correct?

Thank you,

Desiree Calderella, AICP

Planning Director

Shelby County Plan Commission / Building Inspector

[25 W Polk St. Room 201, Shelbyville, IN 46176](#)

STATEMENT OF INTENT (ONLY REQUIRED FOR VARIANCE OF USE & SPECIAL EXCEPTION)

Please answer the following questions (when applicable) pertaining to your request. If approved, the use would be limited to the information provided and expansion of the use would require new approval from the Board. The Board may also approve the use conditional on one or more amendments to the statement of intent.

1. Summary of Proposed Use and/or Business Activity: Park commercial dump truck at
my home
2. Days & Hours of Operation: average 8-5p
3. Maximum Number of Customers per Day/Week/Month: 0 come to my home N/A
4. Type and Frequency of Deliveries: 0 N/A
5. Description of any Outdoor Storage: Park trucks at home
6. Description, Size, and Placement of any Signage: N/A
7. Description of Waste Disposal: N/A
8. Existing and/or Proposed Building and Site Improvements Pertaining to Proposed Use (ex. parking lot, landscaping, commercial upgrades to building, etc.): N/A

**SPECIAL EXCEPTION
FINDINGS OF FACT**

Applicant: Bradley McR

Case #: _____

Location: 8547 N 100 W Fountaintown, IN 46130

The Shelby County Board of Zoning Appeals must determine that the following criteria have been met in order to approve an application for a Special Exception. Using the lines provided, please explain how your request meets each of these criteria.

1. **Comprehensive Plan:** The proposed special exception is consistent with the purpose of the zoning district and the Shelby County Comprehensive Plan.

Parking trucks will not affect the zoning district and
the Shelby County Comprehensive Plan.

2. **General Welfare:** The proposed special exception will not be injurious to the public health, safety, and general welfare of the community.

Parking trucks will not be injurious to the community

3. **Harmony:** The proposed special exception is in harmony with all adjacent land uses.

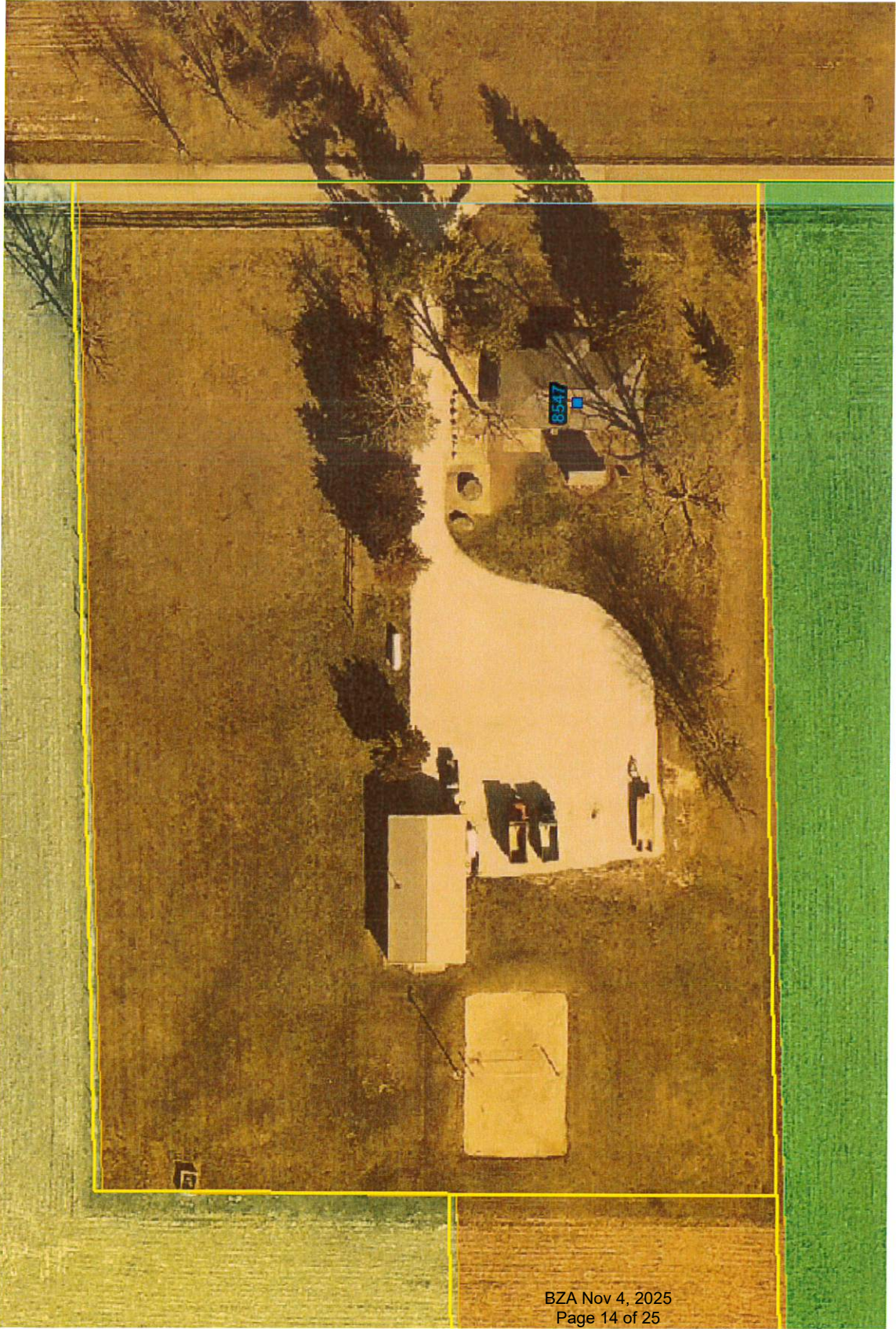
Parking trucks will be in harmony with ag and residential
adjacent land use.

4. **Character of the District:** The proposed special exception will not alter the character of the district.

Parking trucks will not alter the character of the district

5. **Property Value:** The proposed special exception will not substantially impact property value in an adverse manner.

Parking trucks will not impact property value adversely.



Property Details

Location: 8214 N Michigan Rd.,
Fountaintown, Moral Township.

Property Size: 5.23-acres.

Current Land Use: Estate
Residential.

Zoning Classification:

RE (Residential Estate)

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

***Development Standards:** Promote low-impact development in harmony with a natural setting*

Future Land Use per Comp Plan

Single-Unit Detached Residential

This land use category is designed for medium to low-density residential neighborhoods, common throughout Shelby County and its communities.

Surrounding Development

	Zoning	Land Use
North	A2	Estate Residential
South	I-74	NA
East	R1 / I2	Single-Family Residential / Contractor's Yard
West	R1	Single-Family Residential

Staff Report

Case Number: BZA 25-41
Case Name: James Lovett – Development Standards
Variance

Request

Variance of Development Standards to allow an accessory structure in the front yard.

Code Requirement

UDO Section 5.04 C: Placement: *A permitted accessory structure shall not be placed in the front yard of any lot, unless placed 350 feet or greater from the front property line.*

Purpose of Requirements: Prohibiting the construction of accessory structures in the front yard maintains the primary structure as the visual focal point of the property and protects the viewsheds from the front yard of adjacent properties.

Property Map



Case Description

- The petitioner plans to construct a 30'x 40' (1,200 sq. ft.) barn.
- The barn would sit at the corner of the existing parking area, located approximately 100-feet from Michigan Rd.

Staff Analysis of Findings of Fact

1. State Requirement: The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

Staff Analysis: Construction of the barn would require a building permit, and the barn must comply with all building codes before passing a final inspection. The public would not have access to the barn.

2. State Requirement: The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

Staff Analysis: The barn would sit 100-feet from the public road which would limit the visual impact of the barn to the character of the property. The barn would sit behind the house and garage on the adjacent residential property and therefore would not impact the viewshed from the front yard of this property.

3. State Requirement: The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in use of the property.

Staff Analysis: The septic system limits the area available for development behind the house which has access to the existing driveway.

Staff Recommendation

Staff recommends **APPROVAL** primarily because the barn would sit 100-feet from Michigan Rd. which would limit the visual impact of the barn to the character of the area.

Applicant/Owner Information

Applicant:	James Lovett	Owner:	Same
	8214 N Michigan Rd		
	Fountaintown, IN 46130		

View of Property N Michigan Rd.

Barn Location



Google Street View – July 2024

DEVELOPMENT STANDARDS VARIANCE

FINDINGS OF FACT

The Shelby County Board of Zoning Appeals must determine that the following criteria have been met in order to approve an application for a Development Standards Variance. Using the lines provided, please explain how your request meets each of these criteria.

1. The approval will not be injurious to the public health, safety, and general welfare of the community.

Describe how the proposed structure/land use does not harm public health and safety. This may include how the structure/land use complies with State/County codes, does not cause a traffic hazard, does not cause pollution, etc.

The Buildings will Be used AS storage for Tools, outdoor
equipment only, And would Be 100 Feet from the road so
There wouldn't Be A traffic Hazard

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

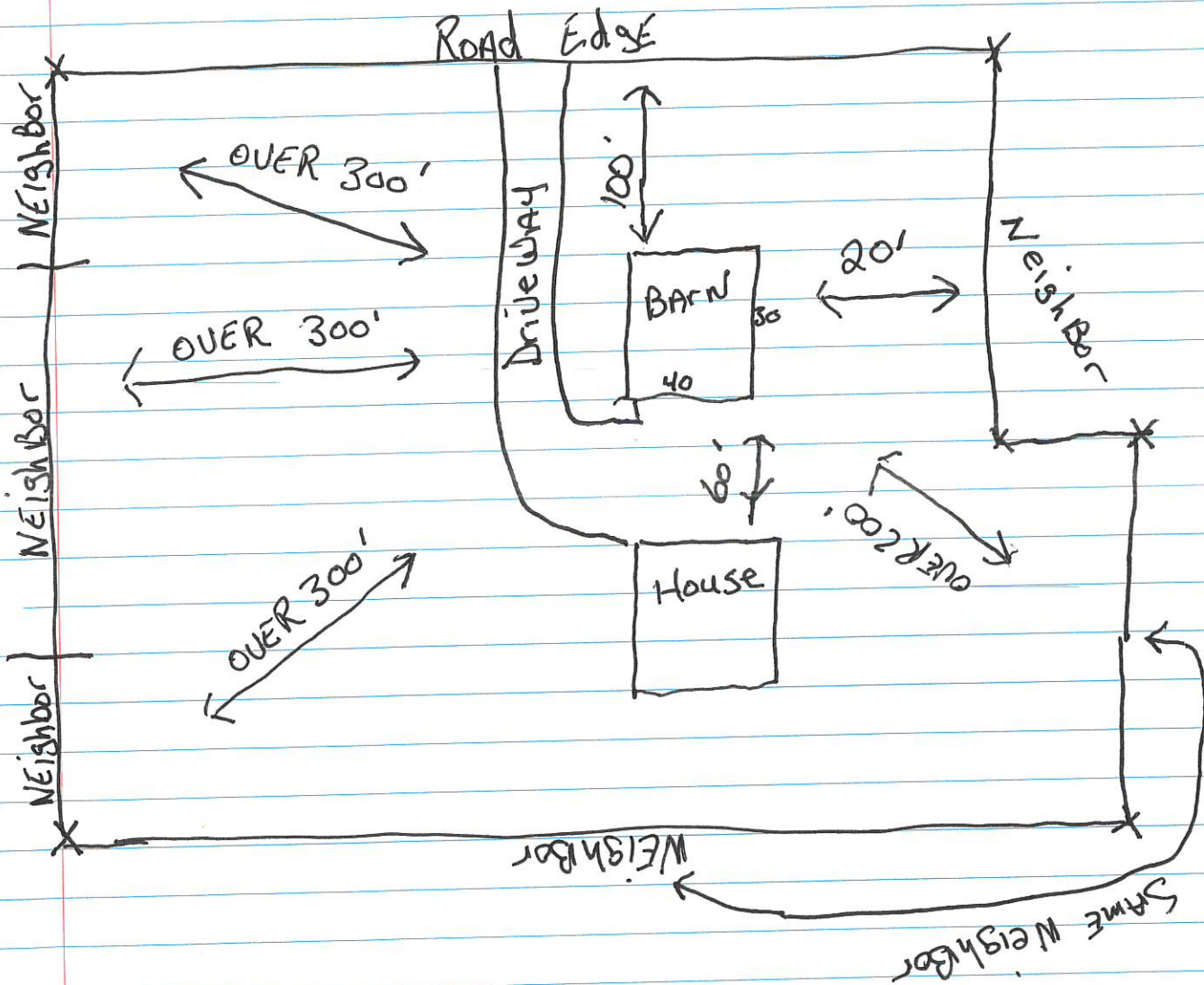
Describe how the proposed structure/land use does not harm the neighbors. This may include the appearance of the structure/land use, noise impacts, odor impacts, traffic impacts, distance of the structure from the property lines, etc.

This will Be A new Building, will make Property Adad
Driveway Look Better And will Be 20 Feet from 1 Neighbors
Property Line and over 100 Feet from Any other Property
Line And will Be used for Parking Vehicles, Lawnmowers, only

3. The strict application of the terms of the Shelby County Zoning Ordinance will result in a practical difficulty in the use of the property.

Describe how approval of the variance will allow for reasonable development of the property. This may include similar development on neighboring properties, a physical condition of the property which makes the proposed building/land use desirable, the historical use of the property, a physical condition of the property which prevents the building/land use without approval of a variance, etc.

A Building would Allow me to keep things from Being
Left outside And looking cluttered, my Neighbors had a
Building Put up And their Property Looks more clean & Appealing
A new Structure will Also increase Property Value for
myself and my Neighbors



BARN SIZE

30' X 40'



77.0

20'

Barn

60'

100'

Septic

78.0

10.0

Shelby County Plan Commission

Memo

To: Shelby County Board of Zoning Appeals

From: Desiree Calderella, Planning Director

Residential Accessory Structure Standards Ordinance Review

Since 2019, the BZA has reviewed approximately 90 requests for variances from accessory structure size and placement standards. The BZA approved all variances and only applied stipulations to 10 of these variances. Review of these variance requests shows that the BZA supports construction of large accessory structures, however, will place stipulations on structure design if located in the front yard of a property within a residential neighborhood.

The County Commissioners have requested review of the ordinance standards to eliminate the need for unnecessary variances.

The Planning Director has written preliminary accessory structure regulations for discussion and feedback from the BZA, given that the BZA makes the decisions regarding these variances. The Planning Director will take this feedback back to the Commissioners for further discussion before submitting a draft ordinance to the Plan Commission for review.

In summary, the proposed revisions include the following changes:

- Allows accessory structures in the front yard if placed at least 100-feet from the centerline of the road
 - The recently adopted UDO in Johnson County includes a similar requirement.
 - This requirement would have required review by the BZA of all previous variances from placement and size requirements that included stipulations (with the exception of a stipulation regarding use of an accessory structure at the September meeting).
- Eliminates all size requirements

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T: 317-392-6338 W: <https://www.co.shelby.in.us/plan-commission/>

- The Board has approved all variances for large accessory structures in side and rear yards without stipulations.
- Eliminates the maximum number of structures requirement in residential zoning districts.
 - Very rarely does a property have more than two accessory structures over 200 sq. ft.
- Eliminates the architectural requirements for structures in residential zoning districts.
 - This is not currently enforced
- Adds shipping containers, portable storage containers, and construction trailers to the prohibited accessory structure list.
- Allows construction of an accessory structure before a primary structure/house, if issued the primary structure is issued a certificate of occupancy within two (2) years of issuance of an Improvement Location Permit for the accessory structure.
 - This condition is currently placed on all approvals of these variances.

Accessory Structure Standards (AS)

5.04 AS-01: General Accessory Structure Standards

This Accessory Structure Standards section applies to the following zoning districts:



The intent of the Accessory Structure Standards is to ensure the placement and use of accessory structures protects the health, safety, and welfare of the residents of the County. The following standards apply:

- A. Permit Required: An Improvement Location Permit is required for the construction of any accessory structure greater than 200 square feet in size.
- B. Zoning District Standards: A permitted accessory structure shall comply with all development standards for the applicable zoning district.
- C. Placement: A permitted accessory structure shall not be placed in the front yard of any lot, unless placed ~~350 feet or greater from the front property line.~~ 100 feet or greater from the centerline of the abutting public or private road.
- D. Prohibited for Occupancy: A permitted accessory structure shall not be utilized for human occupancy.
- E. Swimming Pools: Swimming pools shall be subject to both the Unified Development Ordinance and the Indiana Administrative Code (675 IAC 20: Swimming Pool Code).

5.05 AS-02: Open Space and Parks, Agricultural, and Residential Accessory Structure Standards

This Accessory Structure Standards section applies to the following zoning districts:



The following standards apply:

- A. Permitted Types: Accessory structures shall relate to the primary use of the lot or the district's permitted uses. Examples of accessory structures in agricultural zoning districts include a barn, silo, stable, detached garage, fruit/vegetable stand, swimming pools, storage shed, gazebo, or semi-tractor trailer or shipping container used for fertilizer, pesticide, herbicide or fungicide storage if located on a concrete pad. Examples of accessory structures in residential zoning districts include a barn, detached garage, swimming pool, storage shed or gazebo.
- B. Prohibited Types: Shipping container, portable storage container, construction trailer, passenger vehicle, truck, tractor, tractor-trailer, truck-trailer, trailer, boat, recreational vehicle, semitrailer, or any other vehicle propelled or drawn by mechanical power, or any part or section of an item on this list or the like shall not be used as an accessory structure.
- C. Timing of Installation: Accessory structures may be permitted prior to the erection of a primary structure if the primary structure is issued a certificate of occupancy within two (2) years of issuance of an Improvement Location Permit for the accessory structure.

Notes:

Section 5.04 is in the current ordinance. The only change is 5.04 C

Section 5.06, 5.07, 5.08 are deleted

Section 5.05 is new

5.05 A is included in 5.06, 5.07, 5.08

5.05 B is included in 5.06, 5.07, 5.08 with shipping container, portable storage container, construction trailer added

5.05 C is new

5.06 ~~AS-02: Open Space and Parks and Agricultural Accessory Structure Standards~~

~~This Accessory Structure Standards section applies to the following zoning districts:~~



~~The following standards apply:~~

- ~~A. Permitted Types: Accessory structures shall relate to the primary use of the lot or the district's permitted uses. For example a barn, silo, stable, detached garage, fruit/vegetable stand, swimming pools, storage shed, gazebo, or semi tractor trailer used for fertilizer, pesticide, herbicide or fungicide storage if located on a concrete pad.~~
- ~~B. Prohibited Types: A mobile home, manufactured home, recreational vehicle, boat, motor vehicle, trailer, or any part or section of an item on this list or the like shall not be used as an accessory structure.~~
- ~~C. Accessory Structures Without Primary Structures: Accessory Structures are permitted on a property when the lot area is at least five (5) acres.~~
- ~~D. Placement Exemption: A permitted accessory structure may be placed in the front yard.~~

5.07 ~~AS-03: Rural Estate Residential Accessory Structure Standards~~

~~This Accessory Structure Standards section applies to the following zoning districts:~~



~~The following standards apply:~~

- ~~A. Permitted Types: Accessory structures shall relate to the primary use of the lot or the district's permitted uses. For example a detached garage, swimming pools, storage shed or gazebo.~~
- ~~B. Timing of Installation: Accessory structures shall not be permitted prior to the erection of a primary structure.~~
- ~~C. Maximum Number: Up to two (2) enclosed accessory structures (not including pools, decks and open-sided gazebos) shall be permitted on a lot.~~
- ~~D. Maximum Size: The total area of all enclosed accessory structures on a lot shall not exceed two times (2X) the footprint of the primary structure.~~
- ~~E. Placement Exemption: A permitted accessory structure may be placed in the front yard, however, shall not be located forward of the main living area of the primary structure by more than eight (8) feet.~~

Accessory Structure Standards (AS)

5.08 AS-04: Single-family Residential Accessory Structure Standards

This Accessory Structure Standards section applies to the following zoning districts:



The following standards apply:

- A. Permitted Types: Accessory structures shall relate to the primary use of the lot. For example a detached garage, swimming pools, storage shed or gazebo.
- B. Timing of Installation: Accessory structures shall not be permitted prior to the erection of a primary structure. However, they may be built and completed simultaneously.
- C. Maximum Number: Up to two (2) accessory structures (not including pools, decks and open-sided gazebos) shall be permitted on a lot.
- D. Appearance: The exterior finish and facade of any enclosed accessory structure over 400 square feet in area shall match, closely resemble or significantly complement:
 - 1. Materials: The finish and facade materials used on the primary structure,
 - 2. Roof: The dominant roof pitch and roof style of the primary structure, and
 - 3. Color: The color choices of similar exterior materials on the primary structure.
- E. Prohibited Types: Post frame buildings are not permitted, unless it has a concrete floor and perimeter foundation.
- F. Maximum Size:
 - 1. The total square footage of all enclosed accessory structures on a lot adjoining one or more lots in the RE, R1, R2, VR, M1, M2, MP, VM, IS, C1, C2, I1, I2, or HI Districts shall not exceed fifty percent (50%) of the footprint of the primary structure.
 - 2. The total square footage of all enclosed accessory structures adjoining only lots in the OP, A1, A2, A3, and/or A4 Districts shall not exceed two times (2X) the footprint of the primary structure.