

Shelby County Plan Commission

February 25, 2025, at 7:00 PM

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MEETING AGENDA

Shelby County Plan Commission
February 25, 2025, at 7:00 P.M.

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes from the January 28, 2028, meeting.

OLD BUSINESS

None.

NEW BUSINESS

SD 25-02 – NADING SIMPLE SUBDIVISION: Simple Subdivision to legally establish a 5.68-acre, single-family building lot subdivided from a 14.68-acre parent tract and waivers of subdivision standards. Located south of and adjoining 9179 S 600 W, Edinburgh, Jackson Township.

RZ 25-02 – MCFARLAND REZONING: Rezoning of 2-acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District to allow for a one-lot Simple Subdivision. Located at 1273 N 350 E, Shelbyville, Addison Township.

SD 25-03 – NWK SIMPLE SUBDIVISION: Simple Subdivision of 2-acres from a 76.99-acre parent tract and waivers of subdivision standards. Located at 1273 N 350 E, Shelbyville, Addison Township.

RZ 25-03 – SHORT-TERM RENTAL STANDARDS TEXT AMENDMENT – Amendment of Article 2 and Article 5 to add Section 5.86 STR-01: Short-Term Rental Standards. Applies to unincorporated Shelby County.

SHELBY COUNTY 2025 SUB-AREA ECONOMIC DEVELOPMENT PLAN & AMENDMENT TO SHELBY COUNTY 2019 COMPREHENSIVE PLAN. Applies to unincorporated Shelby County.

DISCUSSION

None.

ADJOURNMENT

The next regular meeting of the Shelby County Plan Commission is scheduled for Tuesday, **March 25, 2025, at 7:00 PM.**

Property Details

Location: South of and adjoining
9179 S 600 W, Edinburgh, Jackson
Township.

Property Size: 5.68-acres.

Current Land Use: Cropland.

Current Zoning Classification

A2 (Agricultural)

*This district is established for general
agricultural areas and buildings
associated with agricultural
production.*

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	A2	Cropland / Estate Residential
South	A2	Estate Residential
East	A1	Cropland
West	A2	Cropland

Staff Report

Case Number: SD 25-02

Case Name: Nading Simple Subdivision

Request

Simple Subdivision to legally establish a 5.68-acre, single-family building lot subdivided from a 14.68-acre parent tract.

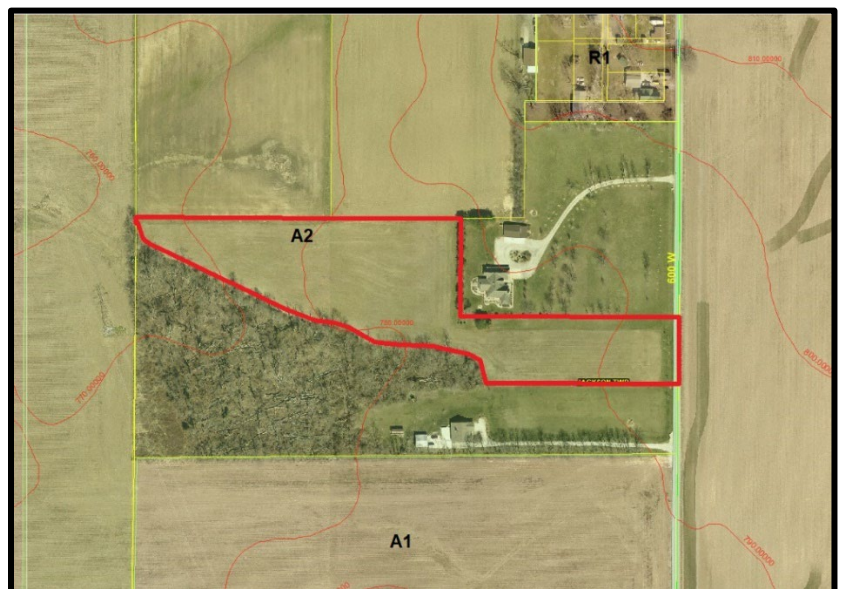
Waivers of:

1. Simple Subdivision prerequisites to allow for Simple Subdivision of property zoned A2.
2. Simple Subdivision design standards to allow lot lines not within a 15-degree angle to the right-of-way.

Purpose of Subdivision Code Requirement

The UDO requires RE zoning for properties in residential Simple Subdivisions to limit use of lots for intense agricultural uses that may pose a nuisance to adjacent residential properties. For example, the UDO allows agritourism and keeping of large numbers of animals on property in the A2 District, however, prohibits these uses in the RE District.

Property Map



Case Description

- Approval of the request would allow for development of one, 5.68-acre single-family residential building lot. The petitioner intends to install a septic system to serve a recently construed barn on the property in order to use the barn as an apartment and office.
- Property History
 - In 2022, the previous property owner of the adjacent property to the south split the subject property from his home site and wooded area and sold the property to the petitioner.
 - State law allows for the subdivision and sale of property without approval from the local Planning Authority, however the Planning Authority may prohibit development of property subdivided not in accordance with the local planning code.
 - Per the UDO, this subdivision would have required Plan Commission approval of a Rezoning and Simple Subdivision to develop the property for residential purposes.
 - Therefore, the petitioner cannot build on the property without retroactive approval by the Plan Commission of a Rezoning and Simple Subdivision. The petitioner has requested a waiver to allow the property to remain A2 which would eliminate the rezoning requirement.
 - In 2023, the petitioner's contractor obtained a permit to build an agricultural storage building. Due to the volume of permits and same-day permit issuance policy, the Planning Department typically does not research subdivision history of properties prior to issuance of permits for agricultural structures.
 - In 2024, a soil scientist contacted the Health Department regarding permitting for a septic system and disclosed that the barn had been built with an apartment and office. The Planning Director informed the petitioner that he would need to obtain retroactive subdivision approval and all appropriate permits for use of the structure as a dwelling.
- 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 a septic permit and applicable retroactive permits to allow for use of the structure as a dwelling unit.

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, pending approval of a waiver to allow for Simple Subdivision of property zoned A2.
 - a. The lot does not adjoin any lots within residential zoning districts and therefore continued agricultural use of the lot would not pose a nuisance to adjacent properties.

3. The subdivision of land satisfies the standards of Article 07: Design Standards, pending approval of a waiver to allow lot lines not within a 15-degree angle to the right-of-way.
 - a. The waiver would allow the lots lines to follow an existing tree line on the adjacent property.
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 the requirements applicable to the requested waivers. Existing physical conditions of the property and surrounding area support approval of the waivers.

Staff recommends **APPROVAL**

Applicant/Owner Information

Applicant/Owner:	Karl & Teresa Nading	Surveyor:	Scott T Sumerford
	9179 S 600 W		3149 N Riley Hwy.
	Edinburgh, IN 46124		Shelbyville, IN 46176

LEGAL DESCRIPTION OF LOT 1 (From 2022 Forefront survey)

A part of the east half of the northeast quarter of section 19, township 11 north, range 6 east, in Jackson Township, Shelby County, Indiana, more particularly described as follows:

Commencing at the northeast corner of said quarter section; thence South 00 degrees 18 minutes 08 seconds West along the east line of said northeast quarter, 723.00 feet to the northeast corner of instrument Number 2013003449 as recorded in the Office of the Recorder of Shelby County; thence North 89 degrees 58 minutes 24 seconds West along the north line of said instrument, 379.50 feet to a west line of said instrument; thence South 00 degrees 18 minutes 12 seconds West along said west line 231.55 feet to a north line of said instrument; thence North 89 degrees 58 minutes 24 seconds West along said northern line, 455.58 feet to the point of beginning.

Thence South 00 degrees 18 minutes 11 seconds West, 239.00 feet to the southwest corner of said instrument; thence South 89 degrees 58 minutes 24 seconds East along the south line of said instrument, 535.50 feet to the northeast corner of instrument Number 2013003449 as recorded in the Office of the Recorder of Shelby County; thence North 89 degrees 58 minutes 14 seconds West, 55 seconds West, 59.76 feet; thence North 63 degrees 50 minutes 54 seconds West, 30.68 feet; thence North 77 degrees 04 minutes 48 seconds West, 30.04 feet; thence North 87 degrees 41 minutes 33 seconds West, 100.46 feet; thence North 82 degrees 51 minutes 45 seconds West, 41.57 feet; thence North 61 degrees 18 minutes 56 seconds West, 71.63 feet; thence North 70 degrees 51 minutes 09 seconds West, 35.33 feet; thence North 82 degrees 21 minutes 05 seconds West, 51.68 feet; thence North 68 degrees 53 minutes 52 seconds West, 80.60 feet; thence North 64 degrees 26 minutes 48 seconds West, 362.36 feet; thence North 55 degrees 02 minutes 38 seconds West, 22.33 feet; thence North 18 degrees 49 minutes 06 seconds West, 40.65 feet; thence North 90 degrees 00 minutes 30 seconds West, 52.01 feet to the west line of instrument Number 2012009108, of which the southeast corner is the northeast corner of this subdivision; thence North 89 degrees 58 minutes 24 seconds East along the north line of said instrument, 795.76 feet to the point of beginning, containing 5.86 acres, more or less.

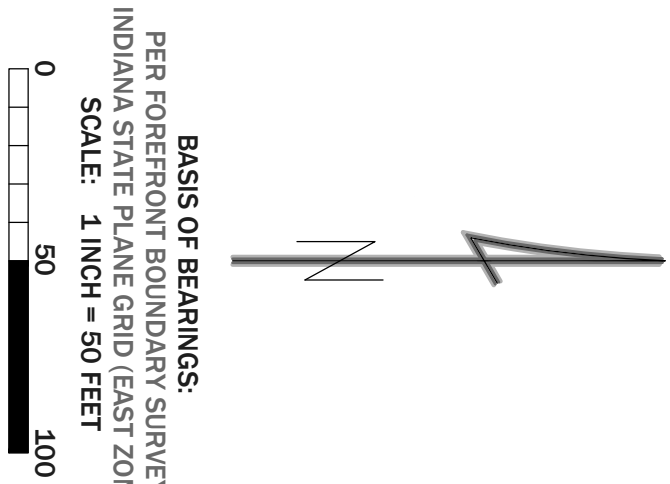
NOTE:
This drawing is based upon a previously recorded survey by Forefront Surveying and Engineering, Inc. (FSEI) of Shelby County, Indiana, recorded as 2022005272, recorded August 16, 2022. The original survey was a split of 14.68 acres. This subdivision plat is required for the formal approval of a new building for under the Shelby County Development Ordinance and through the Shelby County Plan Commission.

FINAL PLAT FOR

NADING SIMPLE SUBDIVISION

LEGEND

- SECTION CORNER AS DESIGNATED
- 5/8" REBAR WITH PLASTIC CAP STAMPED "FIRM 0140" AS SET PER 2022 SURVEY BY FOREFRONT SURVEYING & ENGINEERING (405 EFT TITAN, L251800809)
- MAGNAIL AND WASHER STAMPED "FIRM 0140" SET ON 2022 SURVEY IN ROAD SURFACE



LINE	BEARING	DISTANCE
1	N 89°58'24" E	30.68
2	N 87°51'45" W	41.57
3	N 70°51'09" W	35.33
4	N 61°18'56" W	71.63
5	N 78°49'06" W	40.65
6	N 90°00'00" W	50.76
7	N 00°13'52" E	13.55

PROPOSED LOT 1
Primary structures as follows:
1. 24' x 60.2' Building
2. 24' x 60.2' Pole Barn
Accessory structures have a 10 foot setback along sides and rear.
Coring Road 600 West: 40' Right-of-Way Collector

OWNERSHIP CERTIFICATE

We, Karl A. Nading and Teresa A. Nading of Shelby County, Indiana, do hereby certify that we are the owners of the property described in the above captioned and that as such owners have caused the property to be surveyed and subdivided as shown on the hereon drawn plat, as our own free and voluntary act and deed.

Owner, Karl A. Nading (Seal)
Owner, Teresa A. Nading (Seal)
State of Indiana)
County of Shelby)

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

personally known to me to be the same persons whose name is subscribed to the above certificate appeared before me this day in person and acknowledge that they signed the above certificate as their own free and voluntary act and deed for the uses and purposes therein set forth.

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

Notary Public (Seal)

PLAN COMMISSION APPROVAL

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

By: _____ Date _____
President, Kevin Carson
By: _____ Date _____
Secretary, Megan Hart

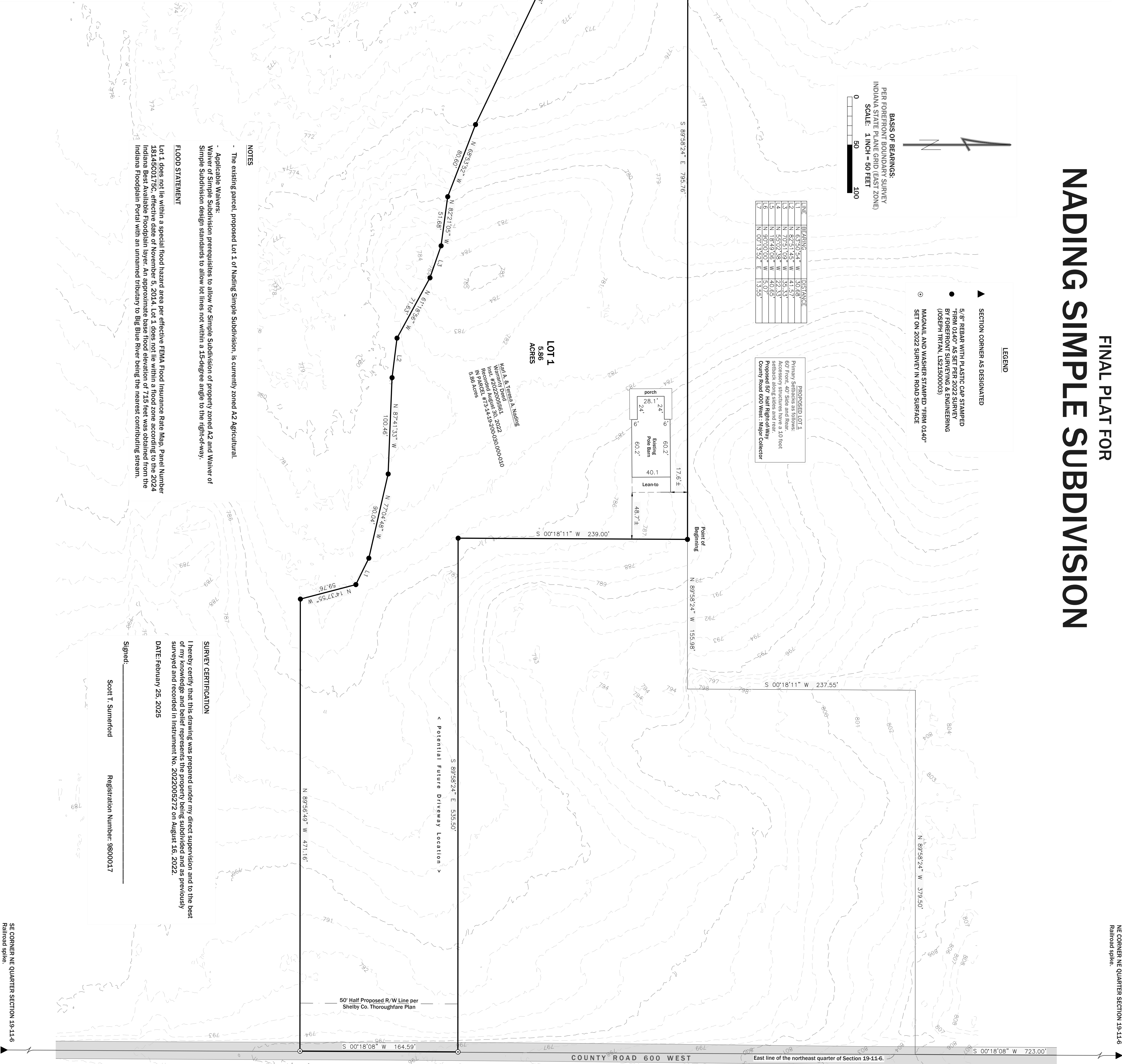
- NOTES
- The existing parcel, proposed Lot 1 of Nading Simple Subdivision, is currently zoned A2 Agricultural.
 - Applicable Waivers:
Waiver of Simple Subdivision prerequisites to allow for Simple Subdivision of property zoned A2 and Waiver of Simple Subdivision design standards to allow lot lines not within a 10-degree angle to the right-of-way.
- FLOOD STATEMENT
- Lot 1 does not lie within a special flood hazard area per effective FEMA Flood Insurance Rate Map, Panel Number 18145C0175C, effective date of November 5, 2014. Lot 1 does not lie within a flood zone according to the 2024 Indiana Best Available Floodplain layer. An approximate base flood elevation of 715 feet was obtained from the Indiana Floodplain Portal with an unnamed tributary to Big Blue River being the nearest contributing stream.

SURVEY CERTIFICATION

I hereby certify that this drawing was prepared under my direct supervision and to the best of my knowledge and belief represents the property being subdivided and as previously surveyed and recorded in instrument No. 2022005272 on August 16, 2022.

DATE: February 25, 2025

Signed: _____
Scott T. Sumnerford Registration Number: 9800017



NE CORNER NE QUARTER SECTION 19-11-16
Railroad spike

SCOTT T. SUMERFORD
LAND SURVEYING
3149 NORTH RILEY HIGHWAY
SHELBYVILLE, IN 46176-9462
BUSINESS PHONE (317) 401-6050

Indiana Registered Surveyor No. 29800017

Copyright © 2025 by Scott T. Sumnerford
This document is only considered an original copy if an inked seal and original signature is affixed.

LAST DATE OF FIELDWORK February 6, 2025
CERTIFICATION DATE February 25, 2025
NOTES/REVISIONS
NONE TO DATE

I AFFIRM, UNDER THE PENALTIES FOR PERJURY,
THAT I HAVE TAKEN REASONABLE CARE TO
RETRACT EACH SOCIAL SECURITY NUMBER IN
THIS DOCUMENT, UNLESS REQUIRED BY LAW.
NAME: _____

CLIENT
Karl Nading
9179 S 600 W
Edinburgh, IN 46124

PROJECT
Subdivision Process on 5.86 acres located
behind and south of client's residence at
9179 S 600 W to legally establish a building
lot already conveyed per a 2022 survey.

SHELBY CO SIMPLE SUBD
FINAL
PLAT

JOB LOCATION
PART OF THE EAST HALF OF
THE NORTHEAST QUARTER, SECTION 19
TOWNSHIP 11 NORTH, RANGE 6 EAST,
JACKSON TWP., SHELBY COUNTY, IN



JOB NUMBER
11N6E19-25-001
ORIGINAL DRAWING SIZE ARCH D
SHEET 1 OF 1

Property Details

Location: 1273 N 350 E, Shelbyville, Addison Township.

Property Size: 2-acres.

Current Land Use: Agriculture.

Current Zoning Classification

A1 (Conservation Agricultural)

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

Proposed Zoning Classification

RE (Residential Estate)

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

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	Agriculture
South	A1	Cropland
East	A1	Cropland
West	A1	Cropland

Staff Report

Case Number: RZ 25-02 / SD 25-03

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

Requests

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

Simple Subdivision of 2-acres from a 76.99-acre parent tract.

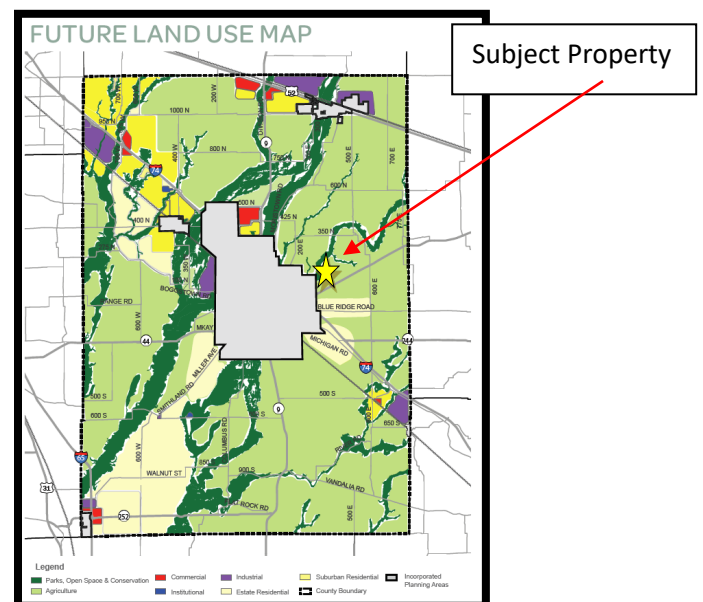
Waivers of Simple Subdivision design standards to allow a lot:

- Without 160-feet of road frontage;
- Without frontage on a public street built to County street standards.

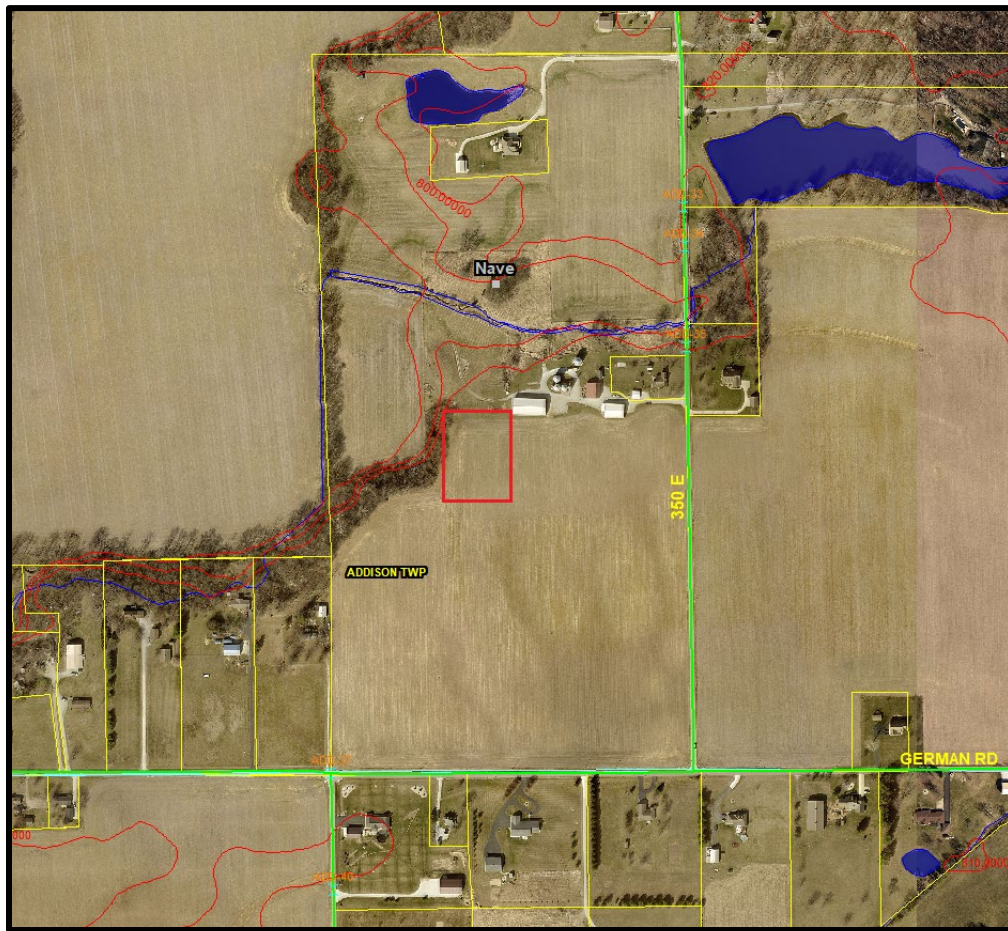
Purpose of Subdivision Code Requirement

The UDO requires that lots have frontage on a public road to eliminate future disputes over the rights to use a private access easement, to ensure clear visibility of the lot to visitors and emergency vehicles from the public road, and to promote orderly development.

Future Land Use Map



Property Map



Case Description

- Approval of the requests would allow for development of one, 2-acre single-family residential building lot.
- The property lies northwest of the intersection of German Rd. & CR 350 E, however, does not have frontage on either road.
- The plat shows a 35-foot-wide easement, at a length of approximately $\frac{1}{4}$ -mile, providing access to the property from German Rd. The access point provides the required 100-foot separation between the driveway and the intersection of German Rd. & CR 325 E.
- The plat shows a future barn lot between the proposed building lot and CR 350 E. Development of this area would limit access to CR 350 E.
- In 2009, a family member of the petitioner subdivided a 2-acre single-family residential building lot from the parent tract. This lot also does not have road frontage. Historical records show that the Planning Director at the time did not enforce the road frontage requirement for subdivision of this property. The current Planning Director could not determine the reason for not enforcing the road frontage requirement.

- The petitioner's surveyor explained that the petitioner chose to provide an access easement, rather than acquire the land used for access to the lot, because acquiring the land would result in creation of a lot larger than the lot acquired by his family member in 2009.
- The USDA Soil Survey classifies the proposed building lot as 'Prime Farmland if Drained.'
- 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 a new single-family residence.

Staff Analysis Findings of Fact

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

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

Considerations Supporting Rezoning: Approval of the rezoning would not result in a significant increase to the rural residential density of the area or impact the continued use of adjacent property for agricultural production.

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

Considerations Supporting Rezoning: Approval of the rezoning would allow for development of a rural residential lot which would not result in the residential density of the surrounding area exceeding one lot per five acres as recommended for rural residential development in agricultural areas by the Comprehensive Plan.

3. The Conservation of Property Values throughout the Jurisdiction

Considerations Supporting Rezoning: Development of the property for residential purposes would have no perceivable impact on property values throughout the County.

4. Responsible Development and Growth

Considerations Contradicting Rezoning: Approval of the rezoning would allow for a building lot without road frontage located approximately ¼-mile from the public road, and solely utilizing an easement for access, which could lead to future disputes over rights to the access easement and cause difficulty for visitors and emergency vehicles in locating the house from the public road. Lots without road frontage also do not comply with the requirements for lots in the RE District or for Simple Subdivision of property.

5. The Comprehensive Plan

Considerations Supporting Rezoning: Approval of the rezoning would not result in the residential density of the surrounding area exceeding one lot per five acres as recommended for rural residential development in agricultural areas by the Comprehensive Plan.

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

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

2. The subdivision of land satisfies the development requirements of Article 06: Subdivision Types.
3. The subdivision of land **does not** satisfy the standards of Article 07: Design Standards.
 - a. Approval of a waiver to allow a lot without frontage on a public street built to County street standards would result in a building lot located approximately ¼-mile from the public road, and solely utilizing an easement for access, which could lead to future disputes over rights to the access easement and cause difficulty for visitors and emergency vehicles in locating the house from the public road.
4. The subdivision of land **does not** satisfy any other applicable provisions of the Unified Development Ordinance.
 - a. The lot would not have 160 feet of road frontage as required for lots in the RE District.
5. The subdivision of land satisfies the construction requirements of Shelby County's Construction Standards.

Staff Recommendation

Approval of the rezoning would not result in the residential density of the surrounding area exceeding one lot per five acres as recommended for rural residential development in agricultural areas by the Comprehensive Plan. However, approval would allow for a building lot without road frontage located approximately ¼-mile from the public road, and solely utilizing an easement for access, which could lead to future disputes over rights to the access easement and cause difficulty for visitors and emergency vehicles in locating the house from the public road.

Therefore, Staff recommends **DENIAL of the Rezoning and Simple Subdivision.**

Applicant/Owner Information

Applicant:	Kevin McFarland 1273 N 350 E Shelbyville, IN 46176	Surveyor:	Powell Land Surveying LLC 4634 N 575 E Shelbyville, IN 46176
Owner:	NKW Farms, LLC 487 N 425 E Shelbyville, IN 46176		

REQUEST FOR WAIVER OF THE SUBDIVISION CONTROL ORDINANCE
FINDINGS OF FACT BY THE SHELBY COUNTY PLAN COMMISSION

Applicant: **Kevin McFarland** _____

Case #: _____

Location: **West of 1273 North, 350 East, Shelbyville, IN 46176** _____

Waiver from the Shelby County Subdivision Control Ordinance Article #: _____

Requesting: **A waiver from the requirement of having 160' of Road frontage and accessing the property from German Road through a 35' access and utility easement along the Westerly side of the parent 76.99 acre tract.** _____

The Shelby County Plan Commission find the following facts:

1. The granting of the waiver **will/will not** (*circle finding*) be detrimental to the public safety, health, and/or welfare because:

The proposed 2 acre tract being split per this subdivision is for a family member to build a residents West of the existing barn lot for farming purposes. The residents is proposed to accessing through a 35' access easement to German Road, so residential traffic would not drive through the barn lot. _____

2. The granting of the waiver **will/will not** (*circle finding*) be injurious to the reasonable use and development of other property because:

This is a single 2 acre residential building lot, being developed for a family member on a 77 acre parent tract near the existing barn lot for farming purposes. _____

3. The conditions upon which the request for a waiver is based **are/are not** (*circle finding*) unique to the property for which a waiver is sought and are not applicable generally to other property because:

This is a single 2 acre residential building lot for a family member, being developed on a 77 acre parent tract near the existing barn lot for farming purposes. _____

4. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a hardship to the owner **would/would not** (*circle finding*) result if the strict letter of these regulations were carried out because:

The owner desires to build the new residents near the existing barn lot for farming purposes. _____

5. The waiver **will/will not** (*circle finding*) contradict the intent of the Shelby County Zoning Ordinance or Comprehensive Plan because:

It is for agricultural purposes. _____

Based on the findings described above, the Plan Commission does now **approve/deny** this application. So ordered this _____ day of _____, _____. (*Circle Plan Commission finding*)

Shelby County Plan Commission

By: _____

President

Attest: _____

Secretary

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

Applicant: **Kevin McFarland** _____

Case #: _____

Location: **West of 1273 North, 350 East, Shelbyville, IN 46176** _____

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

1. The request **is** consistent with the Shelby County Comprehensive Plan because: It requires the land to be rezoned to a "RE" is for residential use 2 acres or grater.

2. The request **is** consistent with the current conditions and the character of structures and uses in each zoning district because: It is an allowed use per the Shelby County Comprehensive Plan.

3. The request **is** consistent with the most desirable use for which the land in each district is adapted because: It is an allowed use per the Shelby County Comprehensive Plan.

4. The request **is** consistent with the conservation of property values throughout the jurisdiction because: It will not lower, but will increase the value of the land that is being rezoned.

5. The request **is** consistent with responsible growth and development because: It will have no effect on the existing land use.

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

Shelby County Plan Commission

By: _____

President

Attest: _____

Secretary

NWK Farms, LLC Simple Subdivision

Part of the East Half of the Southeast Quarter of Section 26, in Township
13 North, Range 7 East, in Addison Township, Shelby County, Indiana.

Owner: NWK Farms, LLC , Client: Kiven McFarland
Site Address: West of 1273 North, 350 East, Shelbyville, IN 46176

Parent description of the lands owned by NWK Farms, LLC recorded in Instrument 2016002332.
The East half of the Southwest Quarter of Section 26 in Township 13 North, Range 7 East, except so much thereof as may be now occupied by and for a certain graveyard commonly known as the NAVE "GRAVEYARD" containing in the lands here conveyed 80 acres more or less. EXCEPT THEREFROM a 2.000 acre tract and a 1.005 acre tract described in Instrument 2016002332.

Description of Lot 1 being a 2.000 Acres tract being split per this survey from the lands owned by NWK Farms, LLC recorded in Instrument 2016002332.

Part of the East half of the Southwest Quarter of Section 26 Township, 13 North, Range 7 East of the second Principal Meridian, Addison Township, Shelby County, Indiana, being created from a survey (Job # 5-2025) by Jeffery Powell and being more particularly described as follows:
Commencing at the Southeast corner of the said quarter section, said point being a railroad spike over a stone per the Shelby County ties, thence North 01 degrees 02 minutes 54 seconds West (Bearings based on NAD 83, Indiana East, State plane Coordinates) along the East line of the said half-quarter section a distance of 1030.00 feet to a point; thence North 90 degrees 00 minutes 00 seconds West a distance of 665.00 feet to a Powell capped rebar, said point being the point of beginning of the tract herein described; thence continuing North 90 degrees 00 minutes 00 seconds West a distance of 250.00 feet to a Powell capped rebar; thence North 00 degrees 00 minutes 00 seconds West a distance of 348.48 feet to a Powell capped rebar; thence North 90 degrees 00 minutes 00 seconds East a distance of 250.00 feet to a Powell capped rebar; thence South 00 degrees 00 minutes 00 seconds East a distance of 348.48 feet to the point of beginning, containing 2.000 Acres more or less and being subject to any and all easements, right of ways and restrictions.

ALSO WITH a 35 foot wide Access and Utility Easement being described as follows:

Part of the East half of the Southwest Quarter of Section 26 Township, 13 North, Range 7 East of the second Principal Meridian, Addison Township, Shelby County, Indiana, being created from a survey (Job # 5-2025) by Jeffery Powell and being more particularly described as follows:
Beginning at the Southwest corner of the said quarter section, said point being a mag mail with a washer stamped "Scott Sumerford", said point also being the point of beginning of the easement herein described; thence North 01 degrees 06 minutes 53 seconds West (Bearings based on NAD 83, Indiana East, State plane Coordinates) along the West line of the said half-quarter section a distance of 750.00 feet; thence North 23 degrees 36 minutes 09 seconds East a distance of 100.00 feet; thence North 46 degrees 14 minutes 13 seconds East a distance of 277.79 feet; thence North 77 degrees 29 minutes 59 seconds East a distance of 194.61 feet to a point on the West line of a 2.000 acre tract; thence South 00 degrees 00 minutes 00 seconds East along the West line of the said 2.000 acre tract a distance of 35.85 feet to the Southwest corner of the said tract; thence South 77 degrees 29 minutes 59 seconds West a distance of 177.05 feet; thence South 46 degrees 14 minutes 13 seconds West a distance of 260.99 feet; thence South 23 degrees 36 minutes 09 seconds West a distance of 85.33 feet; thence South 01 degrees 06 minutes 53 seconds East a distance of 642.75 feet; thence South 08 degrees 08 minutes 20 seconds West a distance of 99.13 feet; thence South 01 degrees 06 minutes 53 seconds East a distance of 50 feet to a point on the South line of the said half-quarter section; thence South 89 degrees 34 minutes 20 seconds West along the South line of the said half-quarter section a distance of 120.00 feet to the point of beginning, containing 1.186 Acres more or less and being subject to any and all easements, right of ways and restrictions.

Surveyor's Report:

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

Purpose of the survey:

The purpose of this survey is to split off a 2.000 acre tract to be a new building lot from a 76.99 acre parent tract of lands owned by owned by NWK Farms, LLC recorded in Instrument 2016002332 are per the owners instructions. The field work was performed on January 24, 2025 and other dates.

Availability and condition of the reference monuments:

The corners held per this survey to establish the East half of the Southwest Quarter of Section 26 in Township 13 North, Range 7 East are as shown on the survey plat. 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:

The existing edge of pavement was used to establish the centerline of County Road 400 West per this survey. There was no existing occupation found along the North and East lines of the parent 10 acre tract, only a field division that varied. The new lines established per the survey were per the owner's instructions.

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

No ambiguities were found within the record description used per this survey.

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 fee plus 100 parts per million plus the above stated uncertainties.

Flood Hazard Statement:

The surveyed tract is located in a special flood hazard ZONE X per the FEMA Flood Insurance rate map number 18145C0137C, 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: Five deciduous trees with at least 1 ¼ - inch DBH at the time of planting shall be planted on the property prior to occupation of the residence..

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

Surveyor Certification:

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

Witness my hand this 14 day of February, 2025.

Jeffery P. Powell

Jeffery P. Powell
Registered Land Surveyor
No. 29800024



Owners Certification:

I, **Norman W. Kuhn**, do hereby certify that I am the owners of the property described in the above captioned and that as such owners I 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 _____, 2025.

Norman W. Kuhn

Notary Certification:

I, _____, a Notary Public in and for said County and State, do hereby certify that **Norman W. Kuhn**, 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 _____, 2024.

Notary Public

Plan Commission Approval:

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

By, _____
Kevin Carson, President Plan Commission Date

By, _____
Megan Hart, Secretary Plan Commission Date

Re-zoning Approval:

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

I hereby certify that this Plat is true and accurate to the best of my knowledge as surveyed by me.

Jeffery P. Powell

SE cor., SW 1/4, 26-13-7
Being a railroad spike over a stone per the Shelby County ties
NAD 83, Indiana East, 1301, State Plane Grid Coordinates,
N:1563201.89', E:314915.57'

Shelby County Plan Commission

Memo

To: Shelby County Plan Commission

From: Desiree Calderella, Planning Director

RZ 25-3: Amendment of Article 2 and Article 5 to add Section 5.86 STR-01: Short-Term Rental Standards

Background

In January of 2024, the Shelby County Commissioners directed the Planning Director to begin the process for crafting an ordinance to regulate short-term rentals. Short-Term rentals are typically dwelling units rented on a short-term basis through a short-term rental platform, such as Airbnb or Vrbo. Currently, the County zoning code does not permit the rental of a dwelling unit to more than three (3) persons not related by blood, marriage or adoption, which renders most short-term rentals in the County illegal uses. The proposed ordinance defines a short-term rental and allows short-term rentals in agricultural and residential zoning districts under certain conditions. The need for a short-term rental ordinance arose due to a complaint and zoning violation filed against an existing short-term rental. As written, the proposed ordinance would 'grandfather' this short-term rental and resolve the violation.

Ordinance Contents & Review Process

The Planning Director wrote the initial draft of the short-term rental ordinance. She considered the following documents while drafting the ordinance : IC 36-1-24 Short Term Rentals, Senate Bill No. 411 2025, American Planning Association Quick Notes Regulating Short-Term Rentals, American Planning Association Short-Term Rentals: Regulation and Enforcement Strategies, City of Indianapolis Short-Term

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Rental Ordinance, City of Delphi Short-Term Rental Zoning Regulations, Town of Pendelton Short-Term Rental Zoning Regulations, and City of Jeffersonville Short-Term Rental Regulations.

The Planning Director and County Commissioners established an ordinance review committee to review the draft. Members included Desiree Calderella (Planning Director), Nathan Runnebohm (Commissioners Representative), Alicia Barr (Plan Commission Representative / Airbnb Owner), Rachael Ackley and Tony Titus (Shelby County Tourism & Visitors Bureau), and Jody Butts (Plan Commission Attorney).

Approval Process

Approval of the Ordinance 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. This month's Plan Commission agenda includes the public hearing before the Plan Commission.

If any member of the Plan Commission would like to make a change to the ordinance, Staff recommends that they make a motion for a vote on the change at this month's meeting. If the Board approves the change, Staff can make that change to the document and bring the revised document back to the Plan Commission for a final vote on a recommendation at their March meeting. If the Board does not choose to make any changes to the ordinance, Staff recommends that the Plan Commission provide a favorable recommendation on the Plan as presented to the County Commissioners.

ORDINANCE NO 2025 -

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF SHELBY
COUNTY, INDIANA, AMENDING THE SHELBY COUNTY UNIFIED
DEVELOPMENT ORDINANCE - SPECIFICALLY AMENDING ARTICLE 2: ZONING DISTRICTS
AND ADDING ARTICLE 5, SECTION 5.86 STR-01: SHORT-TERM RENTAL STANDARDS**

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: Amendment of Article 2, Sections 2.03, 2.05, 2.11, 2.13, 2.15, 2.17, 2.19, 2.21, 2.25 to add Short-Term Rental as a Permitted Use.

SECTION 2: Add Article 2, Section 5.86 STR-01: Short-Term Rental Standards: **see attached**

SECTION 3: 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 4: Repealable Provisions. All ordinances and parts of ordinances in conflict with the specific amendment herein are hereby repealed.

ADOPTED this ____th day of ____, 2025 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

Short-Term Rental Standards (STR)

05

5.86 STR-01: Short-Term Rental Standards

This Short-Term Rental section applies to the following zoning districts:

A1 A2 RE R1 R2 VR M1 M2 VM

The intent of the Short-Term Rental Standards is to ensure compliance with the provisions of IC 36-1-24 and to protect the health, safety, and welfare of the residents of the County, while providing an income opportunity for owners of residential property and addressing the unmet demand for lodging within the County. The following standards apply:

A. Exemptions:

1. Short-term rental of a dwelling on owner-occupied short-term rental property is exempt from the regulations of *Section 5.86: Short Term Rental Standards* and shall be regulated as a residential dwelling.
2. Rental of a dwelling for (30) days at a time or more is exempt from the regulations of *Section 5.86: Short Term Rental Standards* and shall be regulated as a residential dwelling.
3. Rental of a dwelling not through a short-term rental platform is exempt from the regulations of *Section 5.86: Short Term Rental Standards* and shall be regulated as a residential dwelling.
4. Any structure not defined as a type of dwelling in *Section 11.02 Defined Words* is exempt from the regulations of *Section 5.86: Short Term Rental Standards* and shall be regulated by the development standards applicable to the defined use.

Commented [DC1]: Exemptions 1-3 are imposed by the State. Exemption 4 clarifies that STR standards do not apply to other types of lodging uses.

B. Short Term Rental Permit: Any property used for a short-term rental shall be registered separately and annually with the County.

1. Application: Application for a Short-Term Rental Permit shall be made on forms provided by the Zoning Administrator in accordance with IC 36-1-24-11 (b) and the requirements for an ILP established in *Section 9.05 Improvement Location Permit* to ensure that the structure is safe and habitable. The application shall be signed by the property owner.
2. Duty to Update Permit Information: If any information provided by an owner to the County in the Short-Term Rental permit application changes, the owner shall provide updated information to the County in writing within thirty (30) business days.
3. Expiration: A Short-Term Rental permit expires one (1) year after the date the permit is issued.
4. Short-Term Rental Permit Fees:
 - a. The initial permit application fee shall be one hundred and fifty dollars (\$150).
 - b. There shall be no fee for permit renewals.
5. Revocation of Short-Term Rental Permits: In accordance with IC 36-1-24 (14-16) the County Board of Zoning Appeals may revoke a Short-Term Rental permit if three (3) or more citations for ordinance violations are issued to the owner of the permitted short-term rental within a calendar year.
6. A Short-Term Rental Permit is nontransferable to a new property owner.

Commented [DC2]: The State limits permit application criteria and enforcement to the information included in this section. This cannot be changed.

C. Occupancy Limits:

1. Maximum Occupancy: Two (2) people per short-term rental structure plus two (2) people per bedroom in the structure. The number of bedrooms shall be determined by septic system capacity.
2. Requests to Increase the Maximum Occupancy Limit: The owner of a short-term rental may request an increase to the maximum occupancy limit when the owner submits a Short-Term Rental Permit Application. The Zoning Administrator shall have the discretion to approve an increase to the maximum occupancy limit for short-term rental structures exceeding the typical size of dwellings in the zoning district or for property not adjacent to other residential development. The Zoning Administrator may place conditions on approval. The Zoning Administrator shall also have the discretion to require Board of Zoning Appeals approval of any request to increase the maximum occupancy limit.

Commented [DC3]: The Planning Director recommended two people per bedroom because septic system capacity is based on the number of bedrooms, and typically no more than two people occupy a bedroom. The review committee suggested adding two more people to accommodate sleeping arrangements in other areas of a short-term rental structure. The committee also suggested the Request to Increase Occupancy Limit section.

Short-Term Rental Standards (STR)

05

D. Structure Standards:

1. Permitted Structures: Short-term rentals shall be permitted in:
 - a. A legally established primary dwelling in compliance with all residential building code requirements.
 - b. An accessory dwelling legally established by the Board of Zoning Appeals and in compliance with all residential building code requirements.
2. Prohibited Structures, Vehicles, and Facilities: Short-term rentals shall be prohibited in:
 - a. Mobile homes.
 - b. Passenger vehicles, trucks, tractors, tractor-trailers, truck-trailers, trailers, boats, recreational vehicles, semitrailers, and any other vehicle propelled or drawn by mechanical power.
 - c. Pools, game courts, and similar outdoor recreational facilities without the short-term rental of a dwelling on the property.
 - d. Any structure not legally established for human occupancy.

E. Site Standards:

1. Appearance: The appearance of any short-term rental structure and site shall not conflict with the character of the community. Determination of a conflict of appearance shall be at the discretion of the Zoning Administrator.
2. Off-Street Parking: A minimum of one (1) parking space plus one (1) parking space per bedroom.
3. Utilities: Water and sewage disposal shall comply with all requirements of the Indiana Department of Health and Shelby County Health Department.
4. Signage: One (1) wall sign not to exceed three (3) square feet in area is permitted on the structure used for a short-term rental. All other signage, other than signage permitted in *Section 5.73: General Sign Standards*, is prohibited.
5. Additional Standards: All other development standards of the subject zoning district shall apply.

F. Existing Short-Term Rentals: Short-term rentals established prior to 2025 shall be granted relief from the standards of *Section 5.86 B 4 3*, *Section 5.86 C 1*, and *Section 5.86 E 2 of the Short-Term Rental Standards* as indicated below. This section shall no longer apply to an existing short-term rental if the short-term rental property changes ownership.

- a. The Short-Term Rental Permit Fee shall be waived.
- b. Maximum Occupancy: The maximum occupancy for the short-term rental established on the short-term rental platform prior to 2025 or the occupancy limit established in *Section C 1*, whichever is greater.
- c. Minimum Off-Street Parking: The number of parking spaces established on-site prior to 2025 or the number of parking spaces established in *Section E 2*, whichever is less.

G. Variance: The standards of *Section 9.17: Variance* apply to any request for a Use Variance or Development Standards Variance related to Short-Term Rentals.

Commented [DC4]: Exempting existing short-term rentals from these requirements was suggested by the review committee.

Definitions (added to Article 11, Section 11.02):

Owner-Occupied Property: In accordance with IC 36-1-24-6, property that is the owner's primary residence and is offered to the public as a short-term rental. Homestead Deduction documentation may be used to show proof of primary residence.

Short-Term Rental: In accordance with IC 36-1-24-6, the rental of a dwelling unit for terms of less than thirty (30) days at a time through a short-term rental platform.

Short-Term Rental Platform: In accordance with IC 36-1-24-7, an entity that provides an online platform through which unaffiliated parties offer to rent a short-term rental to an occupant and collect fees for the rental from the occupant.

Shelby County Plan Commission

Memo

To: Shelby County Plan Commission

From: Desiree Calderella, Planning Director

2025 Shelby County Sub-Area Economic Development Plan

To view the Draft Plan, please visit the Plan Commission website:

https://www.in.gov/counties/shelby/files/plan-commission/2023.01884-Shelby-County_subarea_digitalDRAFT.pdf

Project Background

In 2023, the Shelby County Commissioners entered into a contract with American Structurepoint, Inc. to conduct the planning process for a sub-area plan for the areas in the County subject to growth pressures, specifically, Moral Township, the US 52 corridor from Fountaintown to Morristown, and the I-74 corridor northeast of Waldron. The Plan builds upon the goals of the 2019 Comprehensive Plan by refining land use recommendations for these areas and providing strategies for economic development, utility connectivity, and transportation.

Most of the planning process occurred in 2024. The planning process included analysis of existing conditions, stakeholder meetings (utility providers, schools, businesses, etc.), community engagement, and forming strategies and land use recommendations.

Analysis of existing conditions included an Existing Conditions Report written by Staff at American Structurepoint which reviewed the current Comprehensive Plan for the County and compared its demographic data with new demographic data and data collected from stakeholder meetings.

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Public engagement included a survey advertised on Facebook and three community meetings.

American Structurepoint then formed strategies and land use recommendations using the Existing Conditions Report, public feedback, and population and employment forecasts to allocate an appropriate amount of land for each future land use. County Staff refined the future land use maps to determine the areas appropriate for each land use based on knowledge of historical and existing conditions.

Plan Applicability

The Plan will **serve as a guide** for Planning Staff, the Plan Commission, and County elected officials when making decisions regarding future land use and development for the three focus areas (Moral Township, the US 52 corridor from Fountaintown to Morristown, and the I-74 corridor northeast of Waldron). The Plan also provides transportation recommendations which apply to the entire County. The Plan *does not* add to or change the recommendations of the 2019 Comprehensive Plan for any land in the County outside of the three focus areas.

The County has the discretion to consider evolving conditions when applying the recommendations of the Plan. The County may also update the recommendations of the Plan through the public engagement and hearing process in the event of a significant change in policies or land use.

Plan Contents

The Plan provides data on existing conditions, outlines the planning process, provides County-wide transportation recommendations, and provides recommendations for development within the three focus areas. **Staff recommends that the Plan Commission give particular consideration to the following portions of the document:**

- Future Land Use Maps (pgs. 41 - 47)
- Future Land Use Recommendations (pg. 48–63)
 - Particularly agribusiness (pg. 48-49), single-unit detached residential (pg. 50-51), industrial (pg. 60-61).
- New Economic Development Strategies (pg. 67)
- New Utility Strategies (pg. 71)
- New Transportation Strategies (pg.74)
- Housing Policy (pg. 75)

Approval Process

Approval of the Plan 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 document by resolution, deny the final document, or send the document back to the Plan Commission with amendments for consideration. This month's Plan Commission agenda includes the public hearing before the Plan Commission.

Given the public interest and complexity of the document, Staff has decided to schedule two public hearings before the Plan Commission. At their February meeting, Staff recommends that the Plan Commission hear testimony from the County and public to determine any specific or substantial revisions to the recommendations of the Plan. If any member of the Plan Commission would like to propose a revision to the document, Staff recommends that they make a motion for a vote on the revision at this month's meeting. If the Board approves the revision, American Structurepoint can make that change to the document and bring the revised document back to the Plan Commission for review at their March meeting.

Staff recommends that the Plan Commission hold the March public hearing in a similar manner. After hearing testimony from the County and public regarding the Plan and any revisions, the Board can vote on additional revisions and review again in April, or provide a favorable recommendation on the Plan as presented to the County Commissioners. Staff will also provide the formal resolution for adoption of the Plan and amendment to the 2019 Comprehensive Plan in March.