

Shelby County
Plan Commission

April 23, 2019 at 7:00 PM

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MEETING AGENDA

Shelby County Plan Commission
April 23, 2019, 7:00 P.M.

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes from the March 26, 2019 meeting.

OLD BUSINESS

None.

NEW BUSINESS

RZ 19-04 – YARLING REZONING: Rezoning from the AI (Conservation Agricultural) District to the R1 (Single-Family Residential) District to allow for a Simple Subdivision. The property is located in VanBuren Township immediately east of 2590 W 900 N, Fountaintown.

SD 19-04 – YARLING SIMPLE SUBDIVISION: Primary Plat of a 1-lot Simple Subdivision and a waiver request to allow for a property in the R1 District to not have public sanitary sewer and water utilities. The property is located in VanBuren Township immediately east of 2590 W 900 N, Fountaintown.

SD 19-05 – HARMON SIMPLE SUBDIVISION: Primary Plat of a 3-lot Simple Subdivision. The property is located in Brandywine Township at the address 3141 N 425 E, Fairland.

RZ 19-05 – SMALL CELL FACILITIES & ASSOCIATED WIRELESS SUPPORT STRUCTURES ORDINANCE AMENDMENT: Recommendation of an amendment to Article 5 of the Shelby County Unified Development Ordinance to add section SCF-01 Small Cell Facilities and Associated Wireless Support Structures.

RZ 19-06 – ACCESSORY STRUCTURE EXEMPTIONS & SIZE AMENDMENT: Recommendation of an amendment to Article 5.04 and Article 5.07 of the Shelby County Unified Development Ordinance to exempt accessory structures 1 200 sq ft or less from ordinance requirements and to amend the size requirements for all accessory structures in the R1, R2, VR, and MI Districts.

DISCUSSION

None.

ADJOURNMENT

The next regular meeting of the Shelby County Plan Commission is scheduled for Tuesday, May 28, 2019 at 7:00 PM.

Staff Report

CASE NUMBER: RZ 19-04
CASE NAME: YARLING REZONING – AI (CONSERVATION AGRICULTURAL) TO RI (SINGLE-FAMILY RESIDENTIAL).

PROPERTY DESCRIPTION

Location: Van Buren Township immediately east of property at the address 2590 W 900 N, Fountaintown.

Property Size: 1.286 acres.

Property Improvements: Vacant.

Surrounding Development: Cropland, two single-family residences, and a cemetery.

Current Zoning District: AI (Conservation Agricultural) – Per the UDO, the district is established for the protection of agricultural areas and buildings associated with agricultural production.

Proposed Zoning District: RI (Single-Family Residential) – Per the UDO, the district is established for single-family detached, medium to large sized homes on medium to large sized lots.

- The district should be applied to small-area existing and new developments adjacent to or very near the corporate limits of a municipality.
- The Plan Commission should use this zoning district for existing development and carefully for new developments.

Comprehensive Plan Future Land Use: Agriculture

- Traditional farming practices as well as accessory residential and other agriculture related uses occur within this designation.
- This land use category is intended to preserve the existing rural character of the area, while limiting the occurrence of future development on, and subdivision of, natural areas and agricultural land.
- Non-farm residences located on agriculturally designated land should legally acknowledge agricultural activities and not interfere or impede this important economic sector of the County.
- It is preferable for farming activities to be contiguous to other land with agricultural uses to form large tracts.
- Any development in these areas must be capable of being adequately served by well, septic or other appropriate waste treatment systems.

REQUEST

Rezoning of 1.286 acres from the AI (Conservation Agricultural) District to the RE (Residential Estate) District to allow for a 1-lot, Simple Subdivision.

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

1. The Comprehensive Plan
2. Current Conditions and the Character of Current Structures and Uses in Each District
3. The Most Desirable Use for Which the Land in Each District Is Adapted
4. The Conservation of Property Values throughout the Jurisdiction
5. Responsible Development and Growth

CASE DESCRIPTION

- Approval of the rezoning request and subsequent simple subdivision would allow for the construction of one new single-family residence.
- The petitioner proposes to split the subject property out of 78-acres of farm ground. In April of 2012 the Plan Commission approved a request by the petitioner to rezone and subdivide the 2.32-acre lot located at 2590 W 900 N from the farm ground.
- Snail Creek physically divides the subject property and the property located at 2590 W 900 N from the majority of the farm ground on the parent tract of land. However, the petitioner does own the farm ground adjoining the east side of the subject property.
- The USDA Soil Survey identifies approximately one-third of the subject property as Not Prime Farmland and approximately two-thirds of the property as Only Prime Farmland if Drained. The Soil Survey also indicates that the construction of a dwelling on the property is Very Limited, except for that the construction of a dwelling on the northwest corner of the property would be Somewhat Limited.

STAFF ANALYSIS & RECOMMENDATION

1. The Comprehensive Plan
 - The Plan states that it is preferable for farming activities to be contiguous to other land with agricultural uses to form large tracts. The subject property does not adjoin the majority of the farm ground on the parent tract of land. The Plan Commission office would require County Health Department approval of well and septic plans prior to issuance of building permits. The UDO requires that the owner(s) of any new residence adjoining land in the A1 District sign an affidavit acknowledging the adjacent agricultural uses and waiving their right to remonstrate against those uses.
2. Current Conditions and the Character of Current Structures and Uses in Each District
 - The proposed lot would resemble the shape and size of most residential lots in the surrounding area.
3. The Most Desirable Use for Which the Land in Each District Is Adapted
 - Farming of the property in conjunction with the remaining farmland on the tract would prove difficult due to the physical separation of the property created by Snail Creek.
4. The Conservation of Property Values throughout the Jurisdiction
 - Residential development would have no apparent negative effect on property values.
5. Responsible Development and Growth
 - Development of the property would not conflict with the rural residential development of the area. A well and septic system should adequately serve the lot.

Staff recommends approval.

APPLICANT/OWNER INFORMATION

Applicant:	Edwin Yarling 4375 W 900 N Fairland, IN 46126
Owner:	Same
Applicant's Representative:	Jerry J. Lux 416 S Harrison St. Shelbyville, IN 46176
Surveyor:	Taylor Summerford 25 W Polk St. Shelbyville, IN 46176

Staff Report

CASE NUMBER: SD 19-04
CASE NAME: YARLING SIMPLE SUBDIVISION – PRIMARY APPROVAL

PROPERTY DESCRIPTION

Location: Van Buren Township immediately east of property at the address 2590 W 900 N, Fountaintown.

Property Size: 1.286 acres.

Property Improvements: Vacant.

Proposed Zoning District: RI (Single-Family Residential).

Comprehensive Plan Future Land Use: Agriculture.

SUBDIVISION REQUEST

Primary approval of a Simple Subdivision to allow for subdivision of 77.68 acres into a 1.286-acre platted lot and a 76.394-acre remaining tract.

CASE DESCRIPTION

- The Simple Subdivision would allow for development of one single-family residence and residential accessory structures on the platted lot.
- In April of 2012 the Plan Commission approved the subdivision of a 2.32-acre lot from the subject property. The UDO only prohibits further subdivision of a property for five years after the original subdivision.

WAIVER REQUEST

Waiver to allow for a lot in the RI District utilizing a well and septic system (public water and sewer required for newly established lots in the RI District).

- Septic systems and wells cannot adequately service large residential subdivisions. However, the proposed subdivision would only include one residential lot.

STAFF RECOMMENDATION

Staff has reviewed the proposed plat and has determined:

1. The subdivision of land is consistent with the Shelby County Comprehensive Plan.
2. The subdivision of land satisfies the development requirements of *Article 06: Subdivision Types*.
3. The subdivision of land satisfies the standards of *Article 07: Design Standards*, pending revisions requested by Staff.

4. The subdivision of land satisfies any other applicable provisions of the Unified Development Ordinance, pending approval of a waiver.
5. The subdivision of land satisfies the construction requirements of the Shelby County's Construction Standards.

Staff recommends approval of the simple subdivision and waiver.

APPLICANT/OWNER INFORMATION

Applicant:	Edwin Yarling 4375 W 900 N Fairland, IN 46126
Owner:	Same
Applicant's Representative:	Jerry J. Lux 416 S Harrison St. Shelbyville, IN 46176
Surveyor:	Taylor Summerford 25 W Polk St. Shelbyville, IN 46176

Edwin Yarling
4375 W. 900 N.
Fairland, IN 46126

March 11, 2019

Shelby County Plan Commission
25 West Polk Street, Room 201
Shelbyville, IN 46176

Attn: Desiree Calderella, Director

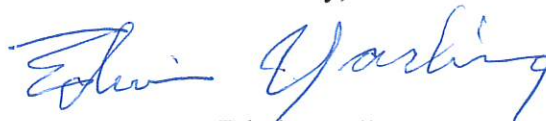
Dear Ms. Calderella:

I am in the process of transferring a tract of land to my grandchild for purposes of constructing a residential home thereon. This tract of real estate is from farmland that I own consisting of 77.68 acres. It accesses directly to County Road 900 North in Van Buren Township, Shelby County, Indiana.

I shall submit a Rezoning Application as well as a Simple Subdivision Application.

Thank you for your time and consideration regarding this matter.

Sincerely,



Edwin Yarling

**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: Edwin Yarling

Case #: _____

Location: Immediately adjoining 2590 W. 900 N. on north side of 900 N, between 300 W. and 200 W. in Van Buren Township

1. The request is consistent with the Shelby County Comprehensive Plan because: with the Comprehensive Plan to provide opportunities for Minor Subdivisions in agricultural areas where Farm Owners afforded opportunity for heir splits or to create minor subdivisions from the parent tract. Land Use 2 page 33.
2. The request is consistent with the current conditions and the character of structures and uses in each district because: Proposed use is consistent with the adjoining tract on the north side of 900 N, proposed constructed residential building shall be similar to the residential property located on adjoining tract.
3. The request is consistent with the most desirable use for which the land in each district is adapted because: The area adjoins a residential tract to the west and the subject tract is located in a corner next to a drainage ditch that makes agriculture farming most difficult with today's large farm equipment.
4. The request is consistent with the conservation of property values throughout the jurisdiction because: Proposed residential usage is consistent with the 2.32 acre tract which adjoins to the west the subject tract and has located thereon a single residential household.
5. The request is consistent with responsible growth and development because: Further to the west on 900 W is a single residential subdivision and the growth in the area is the same type of residences.

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?

Zoning & Area Map



<ul style="list-style-type: none"> OP Open Space and Parks A1 Conservation Agricultural A2 Agricultural A3 Intense Agricultural A4 Agricultural Commercial RE Residential Estate R1 Single-Family Residential R2 Single-Family Residential VR Village Residential M1 Multiple-Family Residential M2 Multiple-Family Residential MP Manufactured Home Park VM Village Mixed Use IS Institutional C1 Neighborhood Commercial C2 Highway Commercial I1 Low Intensity Industrial I2 High Intensity Industrial HI High Impact 	<p>Printed 04/18/2019</p>
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A PART OF THE SOUTHWEST QUARTER QUARTER OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 6 EAST VAN BUREN TOWNSHIP, SHELBY COUNTY, INDIANA.

PARENT TRACT
7768 AC.

NE COR 3/4
SEC. 14-14-G
SHELBY COUNTY
SHELBY TOWNSHIP

LEGAL DESCRIPTION ED YARLING #2

A part of the Southwest Quarter of Section 14, Township 14 North, Range 6 East, Shelby County, Indiana; described as follows:

Beginning at the 5/8 inch rebar that marks the Southeast corner of the above described Southwest quarter of Section 14; thence with the South line of said quarter South 89 degrees 14 minutes 47 seconds West 185.65 feet to the Mag Nail that marks the Southeast corner of a 2.320 acre tract as recorded at Instrument #2012004901 in the Office of Recorder of Shelby County, Indiana; thence with the East line of said 2.320 acre tract North 00 degrees 14 minutes 20 seconds East 301.72 feet to the 5/8 inch rebar that marks the Northeast corner of said 2.320 acre tract; thence parallel with the South line of said quarter North 89 degrees 14 minutes 47 seconds East 185.65 feet to a 5/8 inch rebar on the East line of said quarter; thence with said East line South 00 degrees 14 seconds 20 seconds West 301.72 feet to the point of beginning, containing 1.286 acres more or less and subject to the right of way of County Road 900 North that runs along the South line of said tract and also subject to any other existing right of ways, easements or restrictions.

Bearings used in this description are based on State Plane Coordinates for the East Zone of the State of Indiana.

I hereby certify that I have prepared the above description and accompanying plat from actual field surveys completed by myself on 1-12-13. Furthermore this survey conforms with 865-IAC

For Ed Yarling.
W Taylor Sumnerford, Jr.
Licensed Land Surveyor
#11242 Indiana

EXISTING SITE IMPROVEMENTS

NONE

BUILDING SETBACKS

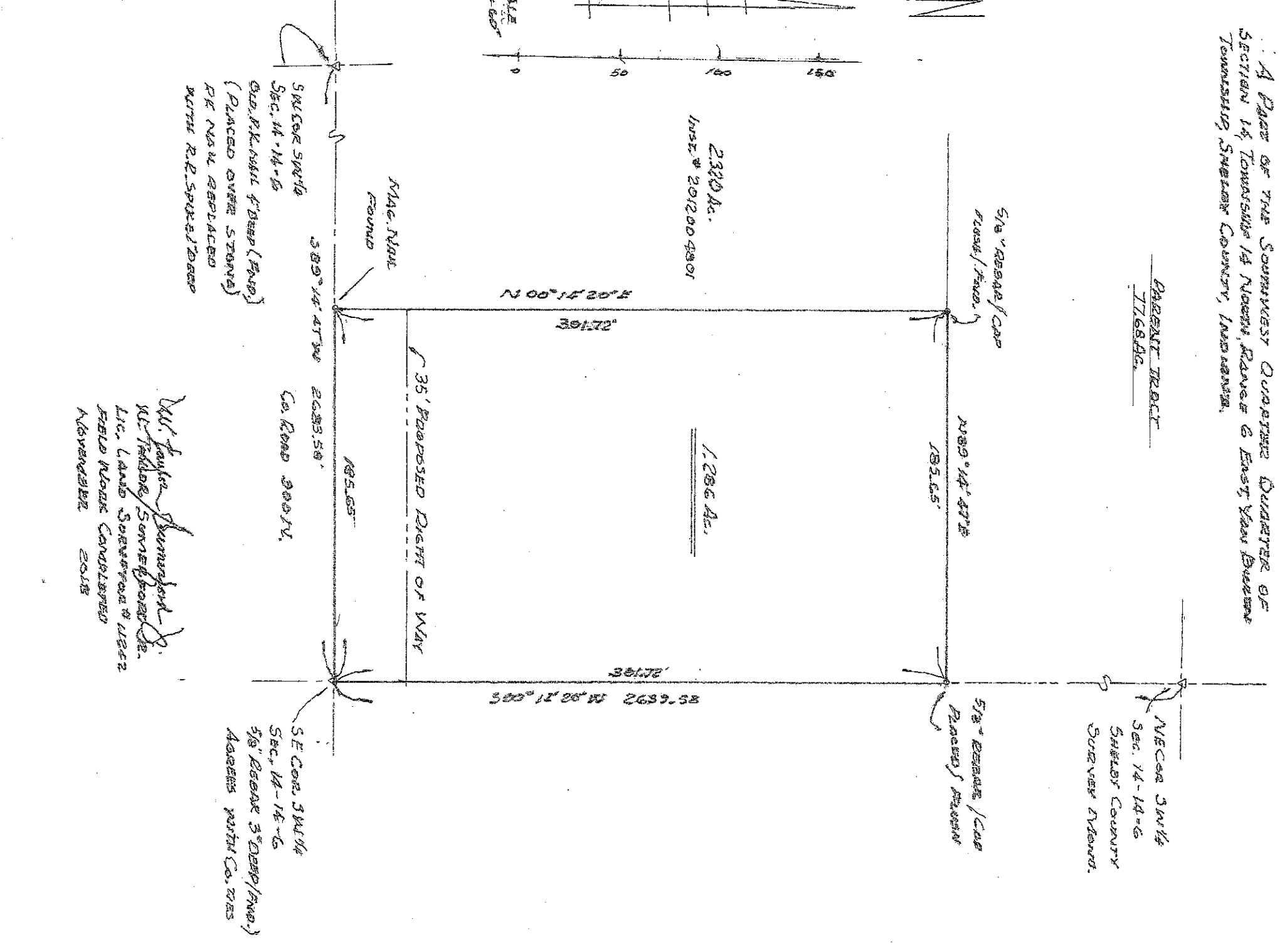
FRONT - 50' FROM PROPOSED RIGHT OF WAY
SIDE & REAR - 30' FOR PRINCIPAL STRUCTURE
SIDE & REAR - 10' FOR ACCESSORY STRUCTURE

STATE PLANE COORDINATES

1/4 CORNER	NORTHING	EASTING
NE COR 3/4	1607609.80	282300.26
SE COR 3/4	1604870.48	282289.31
SW COR 3/4	1604835.18	279606.13

FLOOD PLANE INFORMATION

SEE PLZM1 MAP 18145 C 0050 C
ZONE X



Staff Report

CASE NUMBER: SD 19-05
CASE NAME: HARMON SIMPLE SUBDIVISION – PRIMARY APPROVAL

PROPERTY DESCRIPTION

Location: Brandywine Township at the address 3141 N 425 E.

Property Size: 10.04 acres.

Property Improvements: Two single-family dwellings and two residential accessory structures.

Zoning District: RE (Residential Estate).

Comprehensive Plan Future Land Use: Agriculture.

REQUEST

Primary approval of a Simple Subdivision to allow for subdivision of 10.04 acres into three lots.

CASE DESCRIPTION

- The property currently includes a 5.48-acre tract and a 5.46-acre tract owned by the petitioner.
- The 5.48-acre tract will become Lot 1 and the 5.46-acre tract will be divided into Lot 2 (2.12 acres) and Lot 3 (3.44 acres).
- The petitioner indicated that subdivision of the property would allow a family member to construct a new single-family residence on Lot 3.
- The petitioner obtained a waiver from the Plan Commission on January 22, 2019 to allow for simple subdivision of a tract less than 6-acres.

STAFF RECOMMENDATION

Staff has reviewed the proposed plat and has determined:

1. The subdivision of land is consistent with the Shelby County Comprehensive Plan.
2. The subdivision of land satisfies the development requirements of *Article 06: Subdivision Types*.
3. The subdivision of land satisfies the standards of *Article 07: Design Standards*.
4. The subdivision of land satisfies any other applicable provisions of the Unified Development Ordinance, pending approval of waivers.
5. The subdivision of land satisfies the construction requirements of the Shelby County's Construction Standards.

Staff recommends **approval**.

APPLICANT/OWNER INFORMATION

Applicant: Thomas R & Sherry Harmon
8424 N 850 W
Fairland, IN 46126

Owner: Same

Surveyor: CKW Land Surveying, Inc.
301 E Jefferson St.
Franklin, IN 46131

Zoning & Area Map



<ul style="list-style-type: none"> OP Open Space and Parks A1 Conservation Agricultural A2 Agricultural A3 Intense Agricultural A4 Agricultural Commercial RE Residential Estate R1 Single-Family Residential R2 Single-Family Residential VR Village Residential M1 Multiple-Family Residential M2 Multiple-Family Residential MP Manufactured Home Park VM Village Mixed Use IS Institutional C1 Neighborhood Commercial C2 Highway Commercial I1 Low Intensity Industrial I2 High Intensity Industrial HI High Impact 	<p>Printed 04/18/2019</p>
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Plat to be provided at meeting

Ordinance for Small Cell Facilities and Associated Wireless Support Structures

Ordinance No. _____

Add the following to Article 5 of the Shelby County Unified Development Ordinance: SCF-01 Small Cell Facilities and Associated Wireless Support Structures

The Small Cell Facilities and Associated Wireless Support Structure Standards section applies to the following zoning districts:

OP, A1, A2, A3, A4, RE, R1, R2, VR, M1, M2, MP, VM, IS, C1, C2, I1, I2, HI

The intent of the Small Cell Facilities and Associated Wireless Support Structure Standards is to establish reasonable land use and development standards allowing for the location of small cell facilities, while minimizing the potential negative impacts of such facilities. This section applies only to small cell facilities and associated wireless support structures as defined and detailed herein.

Conventional, taller, wireless communications facilities are regulated in Section 5.80.

A. Permit Required:

1. Small cell facilities and wireless support structures shall not be constructed, erected, placed, substantially modified or altered until an Improvement Location Permit and has been obtained.
2. An applicant shall demonstrate that the proposed small cell facility, wireless support structure or substantial modification thereof complies with all applicable laws and ordinances governing land use and development.
3. Within the right-of-way, a permit issued by the Shelby County Board of Commissioners is required to:
 - a. Locate a small cell facility and wireless support structure.
 - b. Perform a substantial modification.
 - c. Collocate wireless facilities on existing structures.
4. New Wireless Support Structures require a New Wireless Support Structure Building Permit. The permit application shall include:
 - a. The name, business address, and point of contact for the applicant.
 - b. The location address, and Latitude and Longitude of the proposed or affected wireless support structure or small cell facility.

- c. A map identifying all wireless support structures within a one-half (1/2) mile radius of the proposed new wireless support structure.
- d. The new wireless support structure shall not be approved unless the person submits written documentation and an affidavit affirming that the small cell facility planned for the proposed wireless support structure cannot be accommodated on an existing or approved utility pole or electrical transmission tower or other existing structure with a height of fifty (50) feet or greater within a one-half mile radius of the proposed new wireless support structure due to one (1) or more of the following reasons:
 - i. The proposed small cell facility would exceed the structural capacity of existing or approved wireless support structures, utility poles, electrical transmission towers, and/or structures with a height of fifty (50) feet or greater as documented by a qualified and licensed professional engineer and that existing or approved wireless support structures, utility poles, electrical transmission towers, and structures with a height of fifty (50) feet or greater cannot be reinforced, modified, or replaced to accommodate the planned telecommunication equipment at a reasonable cost; or
 - ii. The proposed small cell facility would cause interference impacting the usability of other existing telecommunication equipment at the site if placed on existing or approved wireless support structures, utility poles, electrical transmission towers, and/or structures with a height of fifty (50) feet or greater as documented by a qualified and licensed professional engineer, and that the interference cannot be prevented at a reasonable cost; or
 - iii. Existing or approved wireless support structures, utility poles, and/or electrical transmission towers within a one-half (1/2) mile radius cannot accommodate the planned small cell facility at a height necessary to function reasonably as documented by a qualified and licensed professional engineer; or
 - iv. The person has been unable to enter a commonly reasonable lease term with the owners of existing or approved wireless support structures, utility poles, electrical transmission towers, and structures with a height of fifty (50) feet or greater.
- e. Single Application: An applicant may submit one (1) application for the location or substantial modification of multiple small cell facilities and associated wireless support structures. The permit authority shall issue a single permit for all such facilities and support structures included in the application rather than individual permits for each.
- f. Procedure

- i. **Determination of Completion/Defects:** Within ten (10) calendar days of receipt of an application, the permit authority shall review the application to determine if the application is complete. If the permit authority determines that an application is not complete, the permit authority shall notify the applicant in writing of all defects in the application. An applicant that receives a written notice of incompleteness may cure the defects and resubmit the corrected application within thirty (30) calendar days of receiving the notice. If an applicant is unable to cure the defects within the thirty (30) day period, the applicant shall notify the permit authority of the additional time the applicant requires to cure the defects. This section also applies to resubmitted applications.
- ii. **Determination of Compliance with Zoning and Land Use Ordinances:** Within ten (10) calendar days of receipt of an application, the permit authority shall review the application to determine if it complies with applicable laws and ordinances governing land use and zoning and shall notify the applicant in writing whether the application is approved or denied. If the applicant requested additional time to cure defects per (i) above, the ten (10) day period is extended for a corresponding amount of time. If the application for the proposed wireless support structure requires a variance of use from the terms of an applicable zoning ordinance in accordance with IC 36-7-4-918.4, and the Shelby County Board of Zoning Appeals approves said variance, then the permit authority may have not more than ninety (90) days from the receipt of the initial application to issue a permit.
- g. **Written Determinations:** A written determination shall state clearly the basis for the decision to approve or deny an application. If the permit authority denies an application, the written notice must include substantial evidence in support of the denial. A notice is considered written if it is included in the minutes of a public meeting of the permit authority.

B. Location: The following restrictions on placement of new wireless support structures shall apply:

- 1. New wireless support structures located within the right-of-way shall be placed at the back of the right-of-way, adjacent to where adjoining property lines intersect. The Shelby County Board of Commissioners may approve a deviation from this requirement due to specific site conditions.
- 2. New wireless support structures are permitted in all zoning districts outside of the right-of-way.
- 3. New wireless support structures shall not impede the visual clearance standards as specified in Section 5.85 of the Shelby County Unified Development Ordinance.
- 4. New wireless support structures shall not block or encroach upon any sidewalk or walkway.

5. New wireless support structures shall be a minimum of five-hundred (500) feet from any other wireless support structure located on the same side of the street (or along the same side of the closest street if located outside of the right-of-way).
 6. New wireless support structures shall be a minimum of seventy-five (75) feet from the intersection of any two street right-of-ways, measured from the point at which the back of the right-of-way lines intersect.
- C. Design Requirements: Beginning on the effective date of Month Day, 2019, new small cell facilities and new wireless support structures shall meet the following specifications:
1. Height: Small cell facilities shall not be mounted on wireless support structures exceeding 50 feet in height or be mounted on structures more than 10 percent taller than other adjacent structures.
 2. Facility Size: Each antenna shall not exceed a volume of three (3) cubic feet. All small cell facilities, including antenna, attached to a single support structures shall not exceed twenty-eight (28) cubic feet in volume. Alternatively, all facility equipment at a single facility, with the exception of the antenna itself, may be ground mounted in a cabinet having an area not to exceed forty (4) cubic feet and a height not to exceed forty-eight (48) inches.
 3. Aesthetics:
 - a. All wiring and fiber shall be concealed within the support structure and all conduit, wiring and fiber shall be buried between structures and/or structures and ground mounted cabinets. All service lines (e.g. electric lines) to the support structure must also be buried unless service lines in the area of the support structure are aerial. In that event, service lines to the support structure may also be aerial, except for any service drop crossing a street or roadway which would need to be bored and placed under such street or roadway. The Zoning Administrator may waive reequipments to bury components of small cell facilities if the applicant demonstrates that burying of the components would prohibit cellular service.
 - b. Small cell facilities mounted to a wireless support structure shall match the support structure in color.
 4. Signs: All support structures shall have a plaque identifying the structure, the owner and the owner's contact information, and said plaque shall not exceed 0.25 square feet.
 5. Collocation:
 - a. Small cell facilities may be collocated on existing structures, existing electrical transmission towers, and existing utility poles at any location in any zoning district.
 - b. Any proposed wireless support structure shall be designed and engineered structurally, electrically and in all other respects, to accommodate both the initial small cell facility and one or more additional small cell facilities. The support

structure shall be designed to allow for future rearrangement of cellular communication equipment and antennas upon the structure and to accept cellular communication equipment and antennas mounted at varying heights.

6. **Maintenance:** Support structures shall be maintained in good working order at the cost of the applicant, including the cost of electricity.
7. **Continued Operation:** A person receiving a permit for (1) construction of a new wireless support structure; (2) substantial modification of a wireless support structure; or (3) collocation of wireless facilities inherently agrees that if the wireless support structure or wireless facilities are not used for a period of six (6) consecutive months, they will be removed by the facility owner at its expense. Should such owner fail to remove the wireless support structure or wireless facilities after ninety (90) business days from the date a Notice of Violation is issued by the County, the County may remove such structure or facilities and bill the owner for the costs of removal and cleanup of the site.

D. **Confidential Information:** All confidential information submitted by an applicant shall be maintained to the extent authorized by Ind. Code 5-14-3 *et. seq.*

E. **Definitions:** For purposes of this Section SCF-01, the words and phrases below are defined as follows:

1. **Antenna:** an apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location for the provision of personal wireless service and any commingled information services.
2. **Collocation:** the placement or installation of wireless facilities on existing electrical transmission towers, existing utility poles, existing wireless support structures, and existing structures, including water towers and other buildings or structures. The term includes the placement, replacement, or modification of wireless facilities within an approved equipment compound.
3. **Electrical Transmission Tower:** a structure that physically supports high voltage overhead power lines. The term does not include a utility pole.
4. **Equipment Compound:** the area that: (1) surrounds or is near the base off a wireless support structure; and (2) encloses wireless facilities.
5. **Existing Structure:** does not include a utility pole or an electrical transmission tower.
6. **Permit Authority:** the Shelby County Plan Commission
7. **Person:** a corporation, firm, partnership, association, organization or any other group acting as a unit, as well as a natural person.
8. **Small Cell Facility:** (1) a personal wireless service facility as defined by the Telecommunications Act of 1996, 47 U.S.C. or (2) a wireless service facility that satisfies the requirements of section SCF-01 C 1 and SCF-01 C 2.

9. Substantial Modification of a Small Cell Wireless Support Structure: the mounting of a small cell facility on a wireless support structure in a manner that: (1) increases the height of the wireless support structure by ten percent (10%) of the original height of the wireless support structure or greater; or (2) adds an appurtenance to the wireless support structure that protrudes horizontally from the wireless support structure more than the width of the wireless support structure and existing appurtenances . The term substantial modification does not include the following: (1) increasing the height of a wireless support structure to avoid interfering with an existing antenna, or (2) increasing the diameter or area of a wireless support structure to: (a) shelter an antenna from inclement weather; or (b) connect an antenna to the wireless support structure by cable.
10. Utility Pole: a structure that is: (1) owned or operated by: (a) a public utility; (b) a communications service provider; (c) a municipality; (d) an electric membership corporation; or (e) a rural electric cooperative; and (2) designed and used to: (a) carry lines, cables, or wires for telephone, cable television, or electricity; or (b) provide lighting.
11. Wireless Support Structure: a freestanding structure designed to support wireless facilities. The term does not include a utility pole or an electrical transmission tower.

**An Ordinance to amend the Shelby County Unified Development Ordinance,
specifically addition of Article 5.04 F and amendment to Article 5.07 F**

Ordinance No. _____

Be it Ordained by the Board of Commissioners of Shelby County, Indiana as follows:

SECTION 1: Purpose. The purpose of this Ordinance shall be to amend the Shelby County Unified Development Ordinance, specifically Articles 5.04 & 5.07 F.

SECTION 2: Amendment of the Unified Development Ordinance of Shelby County.

5.04 F. Exemptions: Accessory structures 200 square feet or less in size are exempt from the requirements of this section (Accessory Structure Standards).

5.07 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.

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.