



DAVID BRENTON'S TEAM

RE/MAX Select, REALTORS

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The covenants provided may or may not include any amendments made due to governing agencies (ie: national, state, city, local and neighborhood agencies). Please contact the Recorder's office for the county where the property is located to receive updated information.

The information is deemed reliable, but not guaranteed.

ii.) Roadside stands — for the sale of produce and poultry grown and raised on or in the immediate area of the premises, but not including live animals, and provided that such stand shall contain not more than 600 square feet of floor area. Such stands or produce offered for sale shall be located not less than 70 feet from the right-of-way. Each roadside stand shall have facilities, approved by the Executive Director of the Plan Commission, for vehicular ingress and egress, and adequate off-street parking.

b.) Special Uses:

- (1) Airports, public or private — in conformance with Federal Aviation standards.
- (2) Animal feed — preparation, grinding, mixing, and storage.
- (3) Camping sites.
- (4) Controlled livestock feeding operations — provided that an operation employing dry storage of the waste or liquid storage of the waste not be located less than 1,300 feet from a residential zoning district line or an existing residence in an agricultural district, and provided that an operation which employs the use of an open earthen pit for the storage of such wastes not be located less than 2,000 feet from a residential zoning district or from an existing residence in an agricultural district. Such controlled feeding operation shall also be in compliance with applicable State laws.
- (5) County centers for such uses as agricultural fairs, and exhibits conducted by rural and agricultural organizations — not including commercial race tracks.
- * (6) Dog kennels — provided they are located not less than 330 feet from a residential zoning district. *resident in an agricultural area*
- (7) Fertilizer and seed sales — including bulk storage and mixing, provided that such facilities and operations shall be located not less than 1,000 feet from a residential lot line.
- (8) Grain storage including sales and purchasing — when not accessory to the pursuit of agriculture.

300 CATTLE
600 SWINE OR SHEEP
30,000 FOWL
FILE WITH:
WATER MANAGEMENT
LAND APPLICATION GROUP
INDDLS 232-8731

- bv.) GROSS DENSITY: The ratio between total number of dwelling units on a lot and total lot areas in acres — the area to include local streets, school and park sites, and one-half of the right-of-way width of perimeter streets, if any, but not to exceed a width of 50 feet.
- bw.) GROUND FLOOR AREA: The lot area covered by a principal building, measured at grade, from the exterior faces of the exterior walls, but excluding open porches or terraces, and garages or carports, except the floor area of a garage may be included in the "ground floor area" when it is part of the ground floor of a building over one story in height and when the floor above the garage is used or intended for use as in part of the principal use.
- bx.) GUEST, PERMANENT: A person who occupies or has the right to occupy a lodging house, rooming house, boarding house, hotel, apartment hotel, or motel accommodation as his domicile and place of permanent residence.
- by.) HOME OCCUPATION: Any gainful business, occupation, or profession conducted within a dwelling unit by a member of the family residing in the dwelling unit which is incidental and secondary to the use of the dwelling unit for dwelling purposes.
- bz.) HOTEL: An establishment containing lodging rooms, for occupancy by transient guests in contradistinction to a lodging house, boarding house, or a rooming house, and which provides customary hotel services such as: maid, telephone and secretarial, bellboy and desk services; and the use and upkeep of furniture; and furnishings and laundry of linens.
- ca.) HOTEL, APARTMENT: A combined hotel and multiple-family dwelling where more than 50 percent of the accommodations are in dwelling units occupied or intended for occupancy by permanent guests securing such accommodations by prearrangement for a continuous period of 30 days or more.
- cb.) INSTITUTION: A building occupied by a nonprofit corporation wholly for public or semipublic use.
- cc.) JUNK YARD: An open area of land and any accessory building or structure thereon which are used primarily for buying, selling, exchanging, storing, baling, packing, disassembling, or handling waste or scrap materials, including vehicles, machinery and equipment not in operable condition or parts thereof, and other metals, paper, rags, rubber tires, and bottles. A "junk yard" does not include an establishment, located in the applicable manufacturing district, engaged exclusively in processing of scrap iron or other metals to be sold only to establishments engaged in the manufacturing or reprocessing of steel or metal alloys.
- cd.) KENNEL: Any premise or portion thereof on which more than three dogs, cats, or other household domestic animals over one year of age are kept,

or on which more than two such animals are maintained, boarded, bred or cared for, in return for remuneration, or are kept for the purpose of sale.

- ce.) LABORATORY: See Research Laboratory.
- cf.) LAMBERT: $1/929$ of a foot-lambert, usually used to designate intrinsic brightness of light sources.
- cg.) LAUNDERETTE: A business that provides coin-operated self-service type washing, drying, dry cleaning, and ironing facilities, providing that: (a) not more than four persons, including owners, are employed on the premises; and (b) no pick-up or delivery service is maintained.
- ch.) LOADING SPACE: A space within the principal building or on the same lot as the principal building providing for the standing, loading, or unloading of trucks and with access to a street or alley.
- ci.) LODGING HOUSE: A building originally designed for and used as a single or two-family dwelling, all or a portion of which contains lodging rooms which accommodate persons who are not members of the keeper's family. Lodging or meals, or both, are provided for compensation for three or more, but not more than ten persons.
- cj.) LODGING ROOM: A room or suite of rooms rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms, each room which provides sleeping accommodations shall be counted as one "lodging room" for the purpose of this Ordinance.
- ck.) LOT: A tract of land which (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. Therefore, a "lot" may or may not coincide with a lot of record.
- cl.) LOT AREA: The area of a horizontal plane bounded by the front, side, and rear lines of a lot.
- cm.) LOT, CORNER: A lot located at the intersection of two streets or a lot bounded on two sides by a curving street and any two chords of which form an angle of 120 degrees or less measured on the lot side.
- cn.) LOT COVERAGE: The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.
- co.) LOT DEPTH: The mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.

APPLICATION FOR SPECIAL USE

NAME

DATE

ADDRESS

TEL. NO.

TO THE BOARD OF ZONING APPEALS OF THE COUNTY OF SHELBY, STATE OF INDIANA:

Gentlemen: The undersigned owners of real estate located at

.....

..... respectfully petition the Board of Appeals

for a Special Use Authorization for a

SIGNED:

ATTORNEY

FRONTAGE OF PROPERTY

DEPTH OF PROPERTY

SQUARE FOOT AREA OF PROPERTY

LEGAL DESCRIPTION OF PROPERTY

.....
.....
.....
.....

PRESENT ZONING

PRESENT USE OF LAND

.....

PLAN COMMISSION RECOMMENDATION

..... DATE

BOARD ACTION

..... DATE

FILED 19..... RECEIVED 19.....

INSTRUCTIONS

NEWSPAPER LEGAL NOTICE--Must appear in the Shelbyville News one (1) time, at least 10 days prior to hearing date.

LETTERS FOR PROPERTY OWNERS--Sign each one. Send to persons listed below. Must be sent **CERTIFIED MAIL WITH A RETURN RECEIPT REQUESTED**. Must be in hands of property owners at least 10 days prior to hearing date.

BRING return receipts from these letters, or unopened letters to the hearing.

- (6) A case which has been decided favorably shall be forwarded to the County Board of Commissioners.

SCC 10-13-8 SPECIAL USE PERMITS

a.) Purpose :

The development and execution of this Ordinance is based upon the division of the County into districts, within which districts the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which because of their unique characteristics cannot be properly classified in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use of the particular location. Such special uses fall into two categories:

- (1) Uses publicly operated or traditionally affected with a public interest.
- (2) Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

b.) Initiation :

Any person having a freehold interest, a possessory interest entitled to exclusive possession, a contractual interest which may become a freehold interest or an exclusive possessory interest and which is specifically enforceable in a parcel of land may file an application to use such land for one or more of the special uses provided for in this Ordinance in the zoning district in which the land is located.

c.) Procedures and Decisions:

Application for a special use shall be processed as set forth in Chapter 4-1(c) of this Ordinance. The decision of the Board of Zoning Appeals submitted shall be predicated upon the following:

- (1) The special use being requested is specified in this Ordinance as a permissible special use within the zoning district which is applicable to the property in question.
- (2) The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.

- (3) The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.
- (4) The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- (5) Adequate utilities, access roads, drainage and/or other necessary site improvements have been or are being provided.
- (6) Adequate measures have been or will be taken to provide ingress and egress, so designed as to minimize traffic congestion in the public streets.
- (7) Conformance to special conditions outlined in the Ordinance for the use being requested.

SCC 10-13-9 ENFORCEMENT; LEGAL PROCEDURE; PENALTIES

It shall be the duty of the Plan Director to enforce this Ordinance.

Any person, firm, corporation, or organization, violating these provisions shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than \$10.00 nor more than \$ 300.00. Each day a violation continues to exist shall constitute a separate offense.

[This chapter was formerly Chapter 13 of BCC Ord. IZO-1974-A2, 12/2/74, as amended by BCC Ord. 1984-3, 7/30/84.]

USE VARIANCES

1) the approval will not be injurious to the public health, safety, morals, and general welfare of the community;

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;

3) the need for the variance arises from some condition peculiar to the property involved;

4) the strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and

5) the approval does not interfere substantially with the Comprehensive Area Plan under the Zoning Ordinance.

LEGAL NOTICE
OF
P U B L I C H E A R I N G
BY THE
SHELBY COUNTY BOARD OF ZONING APPEALS

Notice is hereby given that the undersigned has a petition pending before the Shelby County Board of Zoning Appeals requesting permission for a Special Use Permit and/or a Variance of land use in Shelby County to wit:

A public hearing will be held by said Board of Zoning Appeals in the Court House, on _____, at 8:00 P.M., at which time and place all interested persons will be given an opportunity to be heard in reference to the matters set out in said petition. This notice is sent to you as an owner of property affected by said petition, by order of the Board of Zoning Appeals.

Petitioner

LEGAL NOTICE

Notice is hereby given by the Shelby County Board of
Zoning Appeals that:

has filed a petition for a Special Use Variance of land for:

on the following described land:

Hearing on same, will be held at 8:00 P. M., in the
Commissioner's Room, Shelby County Courthouse, Shelbyville,
Indiana, on _____, at which time and
place, all interested persons will be given an opportunity to
be heard, in reference to the matters set out in said petition.

Jess McDaniel
Recording Secretary
Shelby County Board of Zoning Appeals