

City of Shelbyville

Unified Development Ordinance

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City of Shelbyville Unified Development Ordinance

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**Shelby
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Article

1

Ordinance Foundation

*City of Shelbyville
Unified Development
Ordinance*

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Basic Provisions

1.01 Title

This ordinance shall be formally known as the “*City of Shelbyville Unified Development Ordinance*,” and may be cited and referred to as “Zoning Ordinance,” “Subdivision Control Ordinance,” or “Unified Development Ordinance.”

1.02 Unified Development Ordinance

The City of Shelbyville's Zoning Ordinance and Subdivision Control Ordinance have been combined into one ordinance for the purpose of maintaining consistency, shortening the overall length of the document, and to improve user-friendliness for the end users. Article 1, 7, 8, 9, 10, and 11 are shared by both the Zoning Ordinance and Subdivision Control Ordinance. Articles 2, 3, 4, and 5 are exclusively Zoning Ordinance components. Article 6 is exclusively a Subdivision Control Ordinance component.

1.03 Defined Words

Words used in a special sense in this Unified Development Ordinance are defined in *Article 11: Definitions*.

1.04 Authority

This Unified Development Ordinance is adopted by the City pursuant to its authority under the laws of the State of Indiana, *IC 36-7-4 et seq.*

1.05 Purpose

This Unified Development Ordinance is intended to guide the growth and development of the City in accordance with the *City of Shelbyville Comprehensive Plan* for the following purposes:

- A. Basic Rights: To secure adequate light, air, convenience of access and safety from fire, flood and other dangers, which may include providing adequate open spaces for light, air, and outdoor uses.
- B. General Welfare: To promote the public health, safety, morals, comfort, convenience, and general welfare.
- C. Development and Growth: To promote the orderly, responsible, and beneficial development and growth of the areas within the planning jurisdiction in accordance with the City of Shelbyville's land use policy.
- D. Character: To protect the character and stability of agricultural, residential, institutional, commercial, industrial, historical, and natural areas.
- E. Circulation: To minimize or avoid congestion on public streets and to ensure safe, convenient, and efficient traffic circulation.
- F. Environmental Integrity: To preserve and enhance the scenic beauty, aesthetics, and environmental integrity of the planning jurisdiction.
- G. Compatibility: To bring about compatibility between different land uses and to protect the scale and character of existing development from the encroachment of incompatible uses.
- H. Intensity: To regulate and restrict the use of buildings, structures, and land for business, industry, residence and other uses.
- I. Public Service: To define the powers and duties of administrative officers and bodies, and to establish procedures for the implementation and enforcement of this Unified Development Ordinance.
- J. Compliance: To require ongoing compliance with the regulations and punitive recourse for noncompliance regarding the provisions of this Unified Development Ordinance.

1.06 Compliance

No structure shall be located, erected, constructed, reconstructed, moved, altered, converted, enlarged, or used, nor shall any piece of land be used, nor shall any existing use be expanded except when in full compliance with all provisions of this Unified Development Ordinance and the permits and certificates required by this Unified Development Ordinance have lawfully been issued. For information regarding nonconforming structures, see *Article 8: Nonconformances*.

1.07 Severability

If any provision or the application of any provision of this Unified Development Ordinance is held unconstitutional or invalid by the courts, the remainder of the Unified Development Ordinance or the application of such provision to other circumstances shall not be affected.

Basic Provisions

1.08 Interpretation

- A. Minimum Requirements: The provisions of this Unified Development Ordinance are the minimum requirements necessary for the protection of the health, safety, comfort, morals, convenience, and general welfare of the people at large.
- B. Conflict or Inconsistency:
 - 1. *Internal*: Unless otherwise specifically stated within this Unified Development Ordinance, if two or more provisions of this ordinance are in conflict or are inconsistent with one another, then the more restrictive provision shall apply.
 - 2. *Federal, State, and Local*:
 - a. Whenever a provision of the Unified Development Ordinance imposes a greater restriction or a higher standard than is required by any State or federal code or regulation or other City ordinance or regulation, the provision of the Unified Development Ordinance shall apply.
 - b. Whenever a provision of any State or federal code or regulation or other City ordinance or regulation imposes a greater restriction or a higher standard than is required by the Unified Development Ordinance, the provision of the State or federal code or regulation or other City ordinance or regulation shall apply.
 - 3. *Other*: Whenever a private covenant, contract, commitment, agreement or other similar private land use regulation imposes a greater restriction or a higher standard than is required by a provision of the Unified Development Ordinance, the City **is not obligated** to enforce the provisions of such private covenants, contracts, commitments, agreements or other similar regulations.
- C. Text: If differences are found between the meaning or implication of any drawing, table, figure, title, or section heading, the text of this Unified Development Ordinance shall apply.
- D. Time Frames: Unless specifically noted otherwise, time frames stated within this Unified Development Ordinance shall be calculated to include weekdays, weekends, and holidays. If a time frame ends on a Saturday, Sunday, or holiday that the City offices are closed, the time frame will be extended to the end of the next business day.
- E. Delegation of Authority: If a provision in this Unified Development Ordinance requires the Zoning Administrator or other City officer to perform an act or duty, that provision shall also include any person working under the authority and supervision of the Zoning Administrator unless specified otherwise.
- F. Mandatory and Permissive Terms: The words “shall” or “must” are always mandatory. The words “may” or “should” are always permissive.
- G. Words Used: If words used in this Unified Development Ordinance are not defined in *Article 11: Definitions*, they shall be construed to be the common usage of the language. Any legal or technical words not defined in this Unified Development Ordinance shall be construed to be as defined by appropriate lexicon or current and common dictionary.
- H. Tense: If words are used in a specific tense (past, future, or present) it shall be construed to include all tenses, unless the context clearly indicates a single tense.
- I. Singular/Plural Form: If words are used in singular form, the plural form shall apply and vice versa, unless the context clearly indicates the contrary.
- J. Gender: If a feminine term is used, the masculine shall also apply and vice versa.
- K. Conjunctions: The word “and” shall be construed to include all connected items in a series, conditions and provisions. The word “or” shall be construed to include one or more of the items in a series, conditions and provisions, unless the context clearly suggests the contrary.
- L. Rounding: If a formula is used within this Unified Development Ordinance and results in a non-whole number of an indivisible object or feature, the non-whole number shall be rounded to the next highest whole number.
- M. Utilization: The Phrase "used for" includes arranged for, designed for, intended for, maintained for, or occupied for.

Basic Provisions

1.09 Ordinance Jurisdictional Area

This Unified Development Ordinance applies to all land within the jurisdiction of the Shelbyville Plan Commission, including all lands within the City limits and any lands outside of the City limits but within the jurisdiction of the Shelbyville Plan Commission consistent with the provision of IC 36-7-4-205.

1.10 Repealer

- A. The following Shelbyville ordinances are hereby repealed and are replaced by the *City of Shelbyville Unified Development Ordinance* and Official Zoning Map:
 1. *Zoning Ordinance*: The Zoning Ordinance of the City of Shelbyville, Indiana dated January 1, 2004 as amended, and its associated Zoning Map (Chapter 150.001 through 150.115, Chapter 150.117 through 150.999 of the City's Code of Ordinance),
 2. *Subdivision Control*: The City of Shelbyville, Indiana Subdivision Control Ordinance dated January 1, 2004 as amended (Chapter 151 of the City's Code of Ordinance),
 3. Sign Code (Ord. #07-2604 and Ord. #11-2666; Chapter 98 of the City's Code of Ordinance),
 4. Communications Tower Ordinance (Ord. #98-2285; Chapter 150.140 of the City's Code of Ordinance),
 5. Adult Use Ordinance (Ord. #99-2320; Chapter 150.187 of the City's Code of Ordinance),
 6. Large Retail Establishment / Big Box Ordinance (Ord. #01-2397; Chapter 150.200 of the City's Code of Ordinance),
 7. Traditional Neighborhood Zoning District Ordinance (Ord. #01-2403; Chapter 150.210 of the City's Code of Ordinance),
 8. Administrative Accessory Structure Variance (Ord. #02-2424; Chapter 150 of the City's Code of Ordinance), and
 9. Race Track Overlay District Amendment (Ord. #07-2599; Chapter 150 of the City's Code of Ordinance).
- B. The following ordinances are not part of this Zoning Ordinance and shall remain in effect:
 1. Flood Hazard Ordinance (Ord. #07-2588; Chapter 159 of the City's Code of Ordinance), and
 2. Vending Machines Regulations Ordinance (Ord. #01-2388; Chapter 150.116 of the City's Code of Ordinance).

1.11 Transition Rules

- A. Plan Commission: Any application (e.g. Development Plan Review, or Primary Plat) filed with the Plan Commission or its designees that is full and complete prior to the effective date of this Unified Development Ordinance shall be regulated by the terms and conditions of the Zoning Ordinance and/or Subdivision Control Ordinance that was in place at the time of filing. Subdivisions that have received primary plat approval but not completed final plat approval shall also be subject to the regulations that were in place at the time of filing for primary plat. However, any project that has not started for three (3) years shall be subject to this Unified Development Ordinance.
- B. Rezoning: Any application for a Zone Map Amendment (Rezoning) filed with the Plan Commission or its designees, that is full and complete prior to the effective date of this Unified Development Ordinance shall continue through the process to completion pursuant to the terms and conditions of the Zoning Ordinance that were in place at the time of filing. However, if there is a specific use for which the rezone was proposed, and that use would no longer be permitted in the proposed zoning district, or if the proposed zoning district no longer exists under the Unified Development Ordinance, the Zoning Administrator shall amend the application such that the request for rezoning would accomplish the same end goal for the applicant.
- C. Board of Zoning Appeals: Any application (e.g. Development Standards Variance, or Administrative Appeal) filed with the Board of Zoning Appeals that is full and complete prior to the effective date of this Unified Development Ordinance shall continue the process pursuant to the terms and conditions of the Zoning Ordinance that were in place at the time of filing, provided that:
 1. *Required*: The application is still required by the terms of this Unified Development Ordinance; or
 2. *Additional Approvals*: If the proposed use or development requires additional approvals from the Board of Zoning Appeals pursuant to the terms of this Unified Development Ordinance that were not required under the previous ordinances, the application will be amended to include only those additional approvals that are now required and within the jurisdiction of the Board of Zoning Appeals.

Basic Provisions

D. Planned Development:

1. *Detailed Development Plan*: A Detailed Development Plan for a Planned Development District filed with the Plan Commission or its designees that is full and complete prior to the adoption of an amendment to the Planned Development District Ordinance and/or Concept Plan shall continue the process pursuant to the terms and conditions of the Planned Development District Ordinance and/or Concept Plan in place prior to the amendment.
2. *Final Development Plan*: A Final Development Plan for a Planned Development District filed with the Plan Commission or its designees that is full and complete prior to the adoption of an amendment to the Planned Development District Ordinance and/or Concept Plan shall continue the process pursuant to the terms and conditions of the Planned Development District Ordinance and/or Concept Plan in place prior to the amendment. If the Final Development Plan is compliant with a Detailed Development Plan that was approved prior to the adoption of such amendment to the Planned Development District Ordinance and/or Concept Plan, then the Final Development Plan may be considered for approval utilizing the same standards that applied to the Detailed Development Plan.

E. Building Sites: All new building sites shall meet the requirements of the Unified Development Ordinance unless:

1. *Building Permit*: A complete Building Permit application was filed and is still valid; or
2. *Improvement Location Permit*: A complete Improvement Location Permit application was filed and is still valid; or
3. *Buildable Lot*: A parcel was approved as a buildable lot by the Plan Commission (valid Primary or Final Plat) or the Board of Zoning Appeals (valid Development Standards Variance) prior to the effective date of this Unified Development Ordinance; or
4. *Primary Plat*: A complete and valid Primary Plat application has been filed with the Planning Department prior to the effective date of this Unified Development Ordinance.

F. Recorded Commitments: Any recorded commitments for a lot as a part of rezoning, established prior to the Unified Development Ordinance's effective date, shall remain in effect and in force regardless of allowances provided in the Unified Development Ordinance. Recorded commitments for a lot as part of a rezoning may petition for those commitments to be removed or modified through the Zoning Map Amendment (i.e. Rezoning) process.

G. Phased Subdivisions: Any subdivision approved as a primary plat with portions of the subdivision (i.e. phases) yet to complete final plat approval shall be permitted to utilize the minimum lot size, minimum lot width, and setback standards applicable to the previously approved phases.

1.12 **Administrative Officer**

The Zoning Administrator shall have the primary responsibility for administration of the Unified Development Ordinance within the City's planning jurisdiction.

1.13 **Enforcement Official**

The Enforcement Officer shall have the primary responsibility for enforcement of the Unified Development Ordinance within the City's planning jurisdiction.

1.14 **Saving Provision**

This Unified Development Ordinance shall not be construed as eliminating or reducing any action now pending under, or by virtue of, an existing law or previous Zoning Ordinance, Subdivision Control Ordinance, or related ordinance. This Unified Development Ordinance shall not be construed as discontinuing, reducing, modifying, or altering any penalty accruing or about to accrue.

1.15 **Effect of Annexation or Vacation on Zoning**

The Plan Commission shall be guided by the principles and directives of the *City of Shelbyville Comprehensive Plan* and this Unified Development Ordinance in making recommendations to the Common Council regarding zoning district classifications for newly annexed areas.

1.16 **Statutory Changes**

Whenever Indiana Code cited in this Unified Development Ordinance has been amended or superseded, this Unified Development Ordinance shall be deemed amended in reference to the new or revised code.

1.17 **References**

Whenever any agency, department, position, document, map, or publication referenced in the Unified Development Ordinance changes, the new or substitute agency, department, position, document, map, or publication shall be deemed incorporated into the Unified Development Ordinance.

Establishment of Districts

1.18 Establishment of Standard Zoning Districts

Each of the standard zoning districts in this Unified Development Ordinance stand alone and is not a part of a hierarchy or pyramidal system of zoning. Only those uses and development standards which are expressly permitted and noted for each zoning district apply to that zoning district.

For the purpose of the Unified Development Ordinance, the City of Shelbyville has established the following zoning districts:

Zoning District Code	Zoning District Name	Zoning District Purpose
PK	Parks and Open Space	This district is established for parks, recreational areas, open space, and trails.
AG	Agriculture	This district is established for agricultural areas and buildings associated with agricultural production.
AR	Agriculture / Rural Residential	This district is established for single-family detached residential for very large lots and for "hobby farms."
R1	Single-family Residential	This district is established for single-family detached, medium to large sized homes on large sized lots.
R2	Two-family Residential	This district is established for two-unit buildings on a single lot.
RM	Multiple-family Residential	This district is established for apartment complexes and other large scale multiple-family residential development.
MP	Manufactured Home Park	This district is established for developments (mobile or manufactured home parks) which typically lease dwelling sites for single-wide and double-wide manufactured homes.
IS	Institutional	This district is established for institutional and municipal owned lands for public purpose and use.
BN	Business Neighborhood	This district is established for small-scale, low intensity businesses offering retail goods and services for the convenience of nearby neighborhoods.
BC	Business Central	This district is established for a mix of retail, commercial, entertainment, governmental, and professional uses with upper floor office and residential uses that complement a urban commercial setting. This district is intended primarily for the existing central business area.
BG	Business General	This district is established for a wide variety of retail, service, entertainment, and dining establishments.
BH	Business Highway	This district is established for commercial uses that are closely related to the special needs of the traveling public, interstate commerce, trucking and, in general, vehicular traffic along interstates and major state highways.
IL	Light Industrial	This district is established for low intensity industrial uses and light manufacturing facilities.
IG	General Industrial	This district is established for moderate intensity industrial uses and heavy manufacturing facilities.
HI	High Impact	This district is established for uses that may have a high impact to the community.

Establishment of Districts

1.19 Establishment of Overlay Districts

The overlay districts as noted below have been established to add additional and unique development standards which will help the City accomplish its goals. For the purpose of this Unified Development Ordinance, the following overlay districts have been established for the purpose as stated:

Zoning District Code	Zoning District Name	Zoning District Purpose
AR-OL	Airport Overlay	This district is established to disallow land uses which are in conflict with or are adversely affected by normal airport operations, to help mitigate wildlife incursions, and to promote compatible uses.
RT-OL	Race Track Overlay	This overlay district is established to ensure that development around the race track adequately accommodates the traffic in the area, establishes a complimentary set of land uses, and provides an aesthetically pleasing environment for visitors to the City of Shelbyville. This overlay is intended to identify a specific geographic area in which further review of development proposals is needed to better guide growth in this area.

1.20 Establishment of Planned Development Districts

As provided for in the Unified Development Ordinance, only the following standard zoning districts may be rezoned to a Planned Development District: AG, AR, R1, R2, RM, MP, IS, BN, BC, BG, BH, IL, IG and HI.

1.21 Zoning District Land Uses

The two-page layout for each standard zoning district in *Article 2: Zoning Districts* identifies land uses allowed in that district. Such land uses are of two kinds: permitted uses and special exception uses. the City of Shelbyville's permitted and special exception uses for each district are noted in the "Permitted Use" and "Special Exception Use" columns on each two-page layout.

1.22 Unlisted Land Uses

- A. General: Any land use not listed in either the Permitted Use or Special Exception Use column of a particular standard zoning district shall be prohibited in that particular standard zoning district.
- B. Undeveloped Lots: Any undeveloped or vacant lot in any zoning district shall be permitted to be used for gardens.
- C. Un-utilized Ground: Any developed lot with two (2) or more undeveloped acres in any zoning district shall be permitted to be used for gardens.
- D. Administrative Interpretation: Any land use not listed in either the Permitted Use or Special Exception Use column of a particular standard zoning district, but that is substantially similar to a use that is a Permitted Use or a Special Exception Use in that particular standard zoning district may be deemed permitted by interpretation by the Zoning Administrator.

1.23 Official Zoning Map

- A. Description: The map labeled “Official Shelbyville Zoning Map” maintained by the Plan Commission is hereby included as part of the Unified Development Ordinance and is to function as the means to apply a zoning district to each lot within the City's jurisdiction. The zoning map shall be formally known as the “Official Zoning Map,” and it may be cited and referred to as the “Shelbyville Zoning Map” or the “Zoning Map.”
- B. Location: The Official Zoning Map will be located in the Planning Department and maintained by the Plan Commission.
- C. Zoning District Boundaries:
1. *Standard Zoning Districts*: The standard zoning district boundaries shall be shown on the Official Zoning Map. The two-digit abbreviations for the standard zoning districts appearing in the Unified Development Ordinance or a specific color noted on the map legend shall be used to identify the standard zoning districts on the map.
 2. *Overlay Districts*: The overlay zoning district boundaries shall be shown on the Official Zoning Map. The four-digit abbreviations for the overlay zoning districts appearing in the Unified Development Ordinance or a specific hatched pattern noted on the map legend shall be used to identify the overlay zoning districts on the map.
 3. *Boundary Standards*: Zoning district boundaries on the Official Zoning Map shall be interpreted as follows:
 - a. *Streets*: Zoning district boundaries shown within or parallel to the lines of streets, easements, and transportation rights-of-way shall be deemed to follow the centerline of the affected street, easement, or right-of-way.
 - b. *Section Lines*: Zoning district boundaries indicated as following or being parallel to section or fractional sectional lines, platted lot lines, or City's corporation lines shall be construed as following or paralleling such lines.
 - c. *Water*: Zoning district boundaries indicated as approximately following the centerline of streams, rivers, or other moving bodies of water shall be construed to follow such centerlines.
 - d. *Split Zoned Lots*: Any lot that has two (2) or more zoning districts that cover its area shall be subject to only one (1) of those districts when making improvements. The zoning district which covers fifty-one percent (51%) or more of the area on which the improvement is being made shall apply. Also, when a lot is eighty percent (80%) or more covered by any zoning district the entire lot shall be considered within the that zoning district.
 4. *Vacated*: Whenever any street, alley, public way, railroad right-of-way, waterway, or other similar area is vacated by proper authority, the zoning districts adjoining each side of vacated areas shall be extended automatically to the center of the vacated area. All areas included in the vacation shall thereafter be subject to all regulations of the extended zoning districts. The following exception applies:
 - a. In the event of a partial vacation, the adjoining zoning district, or zoning district nearest the portion vacated, shall be extended automatically to include all of the vacated area.
 5. *Disputes*: Any disputes as to the exact zoning district boundaries shall be determined by the Zoning Administrator. The Zoning Administrator may refuse to make a determination when he/she cannot definitely determine the location of a zoning district boundary. The Plan Commission may then interpret the location of the zoning district boundary with reference to the scale of the Official Zoning Map and the purposes set forth in all relevant provisions of the Unified Development Ordinance.
- D. Regular Revisions: The Official Zoning Map shall be formally revised by the Plan Commission as changes are made (e.g. rezonings, planned developments, or annexations) or as the Zoning Administrator determines necessary. During the time it takes for each revision to be made electronically, hand drawn lines and text on a printout of the previous Official Zoning Map will be appropriate to note zoning district changes. Revisions may be made at any time to correct drafting errors, clerical errors, or omissions on the map.
- E. Copies: Print copies of the Official Zoning Map may be distributed by the Zoning Administrator. An electronic version of the zoning map can be found on the city's website on "Thinkmap." However, any copy of the zoning map are not guaranteed to be up to date or 100% accurate.
- F. Damage, Destruction or Loss: In the event the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret, the Plan Commission may prepare a new map which shall depict the Official Zoning Map as best as possible, and shall supersede the prior map upon approval by the Common Council. The new map shall not have the effect of amending the Official Zoning Map.

Administration

1.24 Zoning Administrator

- A. Administrative Officer: The Zoning Administrator, will have the principal responsibility for the administration and enforcement of this Ordinance within the Plan Commission's planning jurisdiction. The duties of the Zoning Administrator shall include, but not be limited to:
1. *Improvement Location Permits*: Reviewing, approving, or disapproving all Improvement Location Permits and keeping permanent records of applications made and actions taken;
 2. *Inspections*: Conducting inspections of structures and properties to determine compliance with the requirements of this Ordinance and all approvals granted by the Plan Commission, Technical Review Committee, Common Council, Board of Zoning Appeals, Board of Public Works and Safety or other body in the execution of its duties as established by this Ordinance and Indiana Code;
 3. *Record Keeping*: Maintaining permanent and current records documenting the application of this Ordinance including, but not limited to, all maps, amendments, special exceptions, variances, and appeals;
 4. *Plan Commission Applications*: Receiving, processing, docketing, and referring to the Plan Commission all appropriate applications;
 5. *Board of Zoning Appeals Applications*: Receiving, processing, docketing, and referring to the Board of Zoning Appeals all appeals, variances, special exceptions, and other matters upon which it is authorized to act under this Ordinance and Indiana Code;
 6. *Technical Review Committee Applications*: Receiving, processing, and referring all appropriate applications to the Technical Review Committee; and
 7. *Clerical and Technical Assistance*: Providing all such clerical and technical assistance as may be required by the Board of Zoning Appeals, Plan Commission, Technical Review Committee, Common Council, or other body in the execution of its duties as established by this Ordinance and Indiana Code.
- B. Fee Schedule Established: The Zoning Administrator shall maintain a schedule of fees for all applications, permits, and other processes outlined in this Ordinance.
1. *Fee Basis*: All fees shall be intended to reimburse the Plan Commission for the time and cost of processing the required materials. In no instance shall a fee be used as a means of discouraging or encouraging any particular types of applications.
 2. *Public Access*: The fee schedule shall be made available to the public by the Zoning Administrator.
 3. *Establishment and Revisions*: The fee schedule shall be prepared by the Zoning Administrator, reviewed by the Plan Commission, and approved by Ordinance by the Common Council.
 - a. The fee schedule may be amended by a recommendation submitted to the Common Council by the Plan Commission followed by the Common Council's approval of a revised fee schedule Ordinance.
 - b. The Zoning Administrator shall review the fee schedule annually and bring any necessary revisions to the attention of the Plan Commission and Common Council.
 4. *Payment Required*: Until all applicable fees have been paid in full, no final action shall be taken on any application.
 5. *Fines for Failing to Obtain a Permit*: The Zoning Administrator may require any person who initiates construction of a structure or the alteration of land prior to obtaining any required permit to pay up to three times the amount of the normal permit fee listed on the fee schedule.
- C. Schedule of Meeting and Filing Dates: The Zoning Administrator shall maintain an annual Calendar of Meeting and Filing Dates separately for the Technical Review Committee, Plan Commission, and Board of Zoning Appeals. The existence of this calendar shall not be interpreted as prohibiting special meetings of the Technical Review Committee, Plan Commission, or Board of Zoning Appeals.
1. The calendars of the Technical Review Committee and Plan Commission shall be coordinated to ensure the efficient processing of applications.
 2. All meeting and filing dates shall be based on the requirements of this Ordinance and Indiana Code.
 3. The Calendar of Meeting and Filing Dates shall be prepared by the Zoning Administrator and adopted by resolution by the Plan Commission and Board of Zoning Appeals (the Plan Commission shall be responsible for adopting a coordinated calendar for the Technical Review Committee). The calendar of meeting and filing dates shall be reviewed and updated annually by the Zoning Administrator.

1.25 Technical Review Committee

- A. Intent: The intent of the Technical Review Committee is to provide a coordinated and thorough review of all development plans and to ensure that all applicable requirements are met. By establishing this body, applications can be reviewed by all necessary departments, local agencies, and utility providers at one (1) meeting. Such review helps to identify issues early in the process, and eliminates the need for multiple meetings and individual correspondence between the applicant and each of these departments and agencies. To provide flexibility, the Technical Review Committee can meet at the discretion of the Plan Commission.
- All approval processes and actions of the Technical Review Committee shall be consistent with the requirements of Indiana Law Code.
- B. General Provisions: The following general provisions shall apply to the functions of the Technical Review Committee:
1. *Accountability*: All information provided to the Technical Review Committee, including that shown on site plans and other drawings, should be accurate. This specifically applies to the existing and proposed locations of utilities.
 2. *Utility Standards*: Representatives of local utilities shall review the applications before the Technical Review Committee consistent with each utility's minimum standards. Adjustments to the determinations of the Technical Review Committee regarding utility locations may be made by the utilities in response to unforeseen site conditions. These adjustments shall not require additional review by the Technical Review Committee.
- C. Authority and Approvals: The authority of the Technical Review Committee and appeals of its decisions shall be as follows:
1. *Review Authority*: The Technical Review Committee shall have the authority to review the following types of applications, forwarding comments to the Plan Commission:
 - a. Site Development Plans,
 - b. Subdivision Plats, and
 - c. Construction Plans.
 2. *Appeal Rights*: All comments and recommendations of the Technical Review Committee may be appealed to the Plan Commission following the procedure outlined in *Section 9.05(H): Appeals*.
- D. Committee Structure: The Zoning Administrator shall serve as the staff for the Technical Review Committee. They shall distribute all appropriate materials and keep all necessary files and meeting records. The organization of the Technical Review Committee shall be as follows:
1. *Membership*: The Technical Review Committee shall, at a minimum, consist of the following members:
 - a. The Zoning Administrator;
 - b. The City Engineer (member of the Plan Commission);
 - c. The Police Chief or their designee;
 - d. The Fire Chief or their designee;
 - e. The Street Commissioner or their designee; and
 - f. Any others deemed necessary by the Zoning Administrator (such as representatives of the Soil and Water Conservation District, etc.).
 2. *Attendance*: It is expected that members of the Technical Review Committee shall be present at the time of the scheduled Technical Review Committee meeting. Regardless of attendance, members must submit written comments regarding each specific application to the Zoning Administrator prior to the appropriate meeting.
 - a. Each Technical Review Committee member shall only comment on the aspects of each application that directly relate to their area of expertise regarding the applicable adopted standards of the City of Shelbyville or the utility they are representing.
 - b. If no comments are received from any member of the Technical Review Committee it shall indicate that individually they have no objection to any aspect of the application.
 3. *Duties of the Zoning Administrator*: The Zoning Administrator shall oversee the operation of the Technical Review Committee and shall make the final determination regarding any specific aspect of an application on which members of the Technical Review Committee disagree.
 - a. In cases of disagreement and at their discretion, the Zoning Administrator may forward any application before the Technical Review Committee to the Plan Commission for a determination on the request.

- b. The Zoning Administrator shall determine the action to be taken on each application by the Technical Review Committee based on the comments of the Technical Review Committee members.
 - 4. *Continued Applications*: All applications which are not complete, or when questions cannot be answered, or when changes are requested which will need further review; as determined by the Technical Review Committee; and therefore are not forwarded to the Plan Commission shall be continued and placed on the agenda for the next appropriate Technical Review Committee meeting.
 - a. Prior to that meeting the applicant shall address the comments of the Technical Review Committee, making appropriate modifications to the application materials.
 - b. The applicant shall provide appropriate copies of the revised materials prior to the next Technical Review Committee meeting based on the adopted Calendar of Meetings and Filing Dates.
 - c. The applicant may withdraw any application following the review of the Technical Review Committee by submitting a notice of such withdrawal in writing to the Zoning Administrator. Any applications that are withdrawn and are subsequently re-filed shall be considered a new application and shall be subject to all applicable requirements for new applications (including fees).
- E. Attendance Required: The applicant and/or any representative of the applicant shall be required to attend all Technical Review Committee meetings at which their application is to be reviewed. If the applicant or their representative is not present, the application shall automatically be tabled and placed on the agenda for the next appropriate Technical Review Committee meeting.
- F. Meeting Record: The Zoning Administrator shall make written documentation of the comments of the Technical Review Committee for each application and, upon request, make those comments available to the applicant within five (5) business days of the Technical Review Committee's review. The written documentation shall consist of the following:
 - 1. *Outstanding Comments*: A list of any unresolved comments made by the members of the Technical Review Committee, including references to appropriate sections of adopted, applicable requirements of the City of Shelbyville, the local utility providers, the State of Indiana, and/or the federal government.
- G. Decision Criteria: In all cases, the Technical Review Committee shall only consider the applicable adopted requirements of the Unified Development Ordinance or the Shelbyville Construction Standards, and any other adopted and applicable standards of the City of Shelbyville, the State of Indiana, and/or the federal government. The minimum standards and specifications of each utility shall also be considered.
 - 1. *Technical Review Committee Member Comments*: In no case shall any applicant be required to make any modifications to any application based solely on the opinions or other undocumented standards of any member of the Technical Review Committee.
 - a. This shall not be interpreted as prohibiting any Technical Review Committee member from providing comments that express their professional opinions regarding a application being forwarded to the Plan Commission.
 - b. This shall further not be interpreted as preventing the City Engineer or private utility representatives from establishing requirements for individual applications based on professional norms.
- H. Appeals: Any applicant or interested party may appeal the comments or recommendations of the Technical Review Committee to the Plan Commission.
 - 1. *Relief from Specific Requirements*: Applicants seeking relief from specific development standards or other requirements of the Unified Development Ordinance that are unrelated to the Technical Review Committee's interpretation of the applicable requirements shall be required to obtain variance approval from the Board of Zoning Appeals (i.e. if a development standard) or waiver approval from the Plan Commission (i.e. if a design standard).
 - 2. *Appeal Procedure*: All appeals of comments and recommendations of the Technical Review Committee shall meet the following requirements:
 - a. The appealing party shall be required to provide the Zoning Administrator with written notice of the appeal within thirty (30) days of the date of the Technical Review Committee request or interpretation.
 - b. The Zoning Administrator shall place the appeal on the agenda for the next appropriate Board of Zoning Appeals meeting (if the appeal is in regard to a development standard), or Plan Commission meeting (if the appeal is in regard to a design standard, or subdivision plat) consistent with the adopted Calendar of Meeting and Filing Dates.

- c. Public notice for the meeting shall be required, consistent with the provisions *Section 9.13: Notice of Public Hearing*.
 - d. The Board of Zoning Appeals or Plan Commission shall consider the provisions of this Ordinance and all other documented, applicable standards in deciding the appeal.
- I. **Consistency:** In all cases, the application materials, including any drawings that are presented to the Plan Commission or provided to the Zoning Administrator with an Improvement Location Permit application following Technical Review Committee review shall be completely consistent with those that were approved by the Technical Review Committee, with the exception of any corrections or revisions requested by the Technical Review Committee. Any application that is inconsistent with the version approved by the Technical Review Committee shall be referred back to the Technical Review Committee for review and comment.

1.26 Common Council

The powers and duties of the Common Council with regard to this Ordinance are defined by Indiana Code, and are described in this Article. All powers and duties shall be executed consistent with the provisions of this Ordinance.

- A. **Duties:** Duties should be interpreted as activities that are obligations. Common Council duties include:
 - 1. *Plans and Ordinances:* Adopt, reject, or amend the *City of Shelbyville Comprehensive Plan*, any strategic plans, or the Unified Development Ordinance as certified and submitted by the Plan Commission;
 - 2. *Plan and Ordinance Amendments:* Adopt, reject, or amend proposals to amend or partially repeal the text of the *City of Shelbyville Comprehensive Plan*, any strategic plans, the Unified Development Ordinance as certified and submitted by the Plan Commission;
 - 3. *Zoning Map Amendments:* Adopt, reject, or amend proposals to amend the Official Zoning Map certified and submitted by the Plan Commission;
 - 4. *Planned Unit Developments:* Adopt, reject, or amend proposals for a Planned Unit Development as certified and submitted by the Plan Commission;
 - 5. *Fee Schedule:* Adopt, reject, or amend proposals to adopt or amend a Fee Schedule as certified and submitted by the Plan Commission; and
 - 6. *Other Duties:* All additional duties as established by Indiana Code.
- B. **Powers:** Powers should be interpreted as activities that are optional and may be initiated by the Common Council and include:
 - 1. *Plan and Ordinance Amendments:* Initiate amendments to the text of the *City of Shelbyville Comprehensive Plan*, any strategic plans or the Unified Development Ordinance;
 - 2. *Zoning Map Amendments:* Initiate amendments to the Official Zoning Map; and
 - 3. *Other Powers:* All additional powers as permitted by Indiana Code.

Administration

1.27 Plan Commission Duties and Powers

The powers and duties of the Plan Commission with regard to this Ordinance are defined by Indiana Code, and are described in this Article. These powers and duties are further described by the Plan Commission Rules and Procedures. All powers and duties shall be executed consistent with the provisions of this Ordinance.

A. Duties: Duties should be interpreted as activities that are obligations. Plan Commission duties include:

1. *Rules and Procedures*: Supervise and make rules for the administration of the affairs of the Plan Commission (IC 36-7-4-401(a)(1));
2. *Procedures*: Prescribe uniform rules pertaining to investigations and hearings (IC 36-7-4-401(a)(2));
3. *Record Keeping*: Maintain a complete record of all proceedings (IC 36-7-4-401(a)(3));
4. *Meeting Time and Records*: Fix the time for holding regular meetings each month, or as necessary, keep minutes of all meetings, and maintain all minutes and records in the office of the Plan Commission (IC 36-7-4-306);
5. *Certification*: Adopt a seal and certify all official acts (IC 36-7-4-401(a)(6) and (7));
6. *Recommendations*: Make recommendations to the Common Council concerning the adoption and amendment of the *City of Shelbyville Comprehensive Plan*, the Unified Development Ordinance (including the zoning map), and Planned Unit Development district ordinances (IC 36-7-4-405(a)(1));
7. *Decisions*: Approve or deny plats, re-plats, and amendments to plats consistent with the *IC 36-7-4-700 series* (IC 36-7-4-405(a)(2));
8. *Surety*: Record and file all bonds and contracts and assume responsibility for the custody and preservation of all Commission documents and papers (IC 36-7-5-401(a)(4));
9. *Publications*: Prepare, publish, and distribute reports, ordinances, and other material relating to the activities (IC 36-7-4-401(a)(5));
10. *Fiscal Supervision*: Supervise the fiscal affairs of the Plan Commission (IC 36-7-4-401(b)(1));
11. *Budgeting*: Prepare and submit an annual budget to the Common Council, and be limited in all expenditures to the provisions made for those expenditures by the Common Council (IC 36-7-4-401(b)(2));
12. *Employees*: Prescribe the qualifications of, appoint, remove, and fix the compensation of the employees of the Plan Commission, consistent with the compensation fixed by the Common Council (IC 36-7-4-402(a));
13. *Street Names and Addresses*: Assign street numbers to lots and structures, renumber lots and structures, assign street names, and approve or deny proposed street names in new developments (IC 36-7-4-405(b)(1), (2), and (3));
14. *Board of Zoning Appeals Meeting Facilities*: Provide suitable facilities for conducting Board of Zoning Appeals hearings and for the preserving of records, documents, and accounts (IC 36-7-4-914); and
15. *Other Duties*: All additional duties as established by Indiana Code.

B. Powers: Powers should be interpreted as activities that are optional and may be initiated by the Plan Commission and include:

1. *Advisory Committees*: Establish advisory committees as necessary, composed of specific members and organized for specific purposes (IC 36-7-4-407);
2. *Executive Committee*: Establish an executive committee (IC 36-7-4-408);
3. *Funding Assistance*: Seek funding assistance through grant programs as necessary (IC 36-7-4-409) and accept gifts, donations, and grants (IC 36-7-4-310);
4. *Fee Schedule*: Establish a schedule of fees to defray the administrative costs of the official actions of the Plan Commission (IC 36-7-4-411);
5. *Secretary*: Appoint and fix the duties of a secretary (IC 36-7-4-304);
6. *Professional Services*: Contract for special or temporary services and any professional counsel (IC 36-7-4-311); and
7. *Other Powers*: All additional powers as permitted by Indiana Code.

1.28 Board of Zoning Appeals Duties and Powers

The powers and duties of the Board of Zoning Appeals with regard to this Ordinance are defined by Indiana Code, and are described in this Article. These powers and duties are further described by the Board of Zoning Appeals Rules and Procedures. All powers and duties shall be executed consistent with the provisions of this Ordinance.

- A. Duties: Duties should be interpreted as activities that are obligations. Board of Zoning Appeals duties include;
1. *Meeting Time*: Fix a reasonable time for the hearing of administrative appeals, special exceptions, and variances (*IC 36-7-4-920*);
 2. *Minutes*: Keep minutes of its proceedings and record the vote on all actions taken, file all minutes and records in the office of the Board of Zoning Appeals, and make written findings of fact in all cases (*IC 36-7-4-915*);
 3. *Rules and Procedures*: Adopt rules concerning the filing of appeals, applications, public notice, the conduct of hearings, and the determination of whether a variance application is for a variance of use or for a variance from the development standards (*IC 36-7-4-916(a)*);
 4. *Publications*: Make adopted rules available to all applicants and other interested persons (*IC 36-7-4-916(c)*);
 5. *Variances*: Review, hear, and approve or deny all applications for variances from development standards (such as height, setback, or area) and variances of use (*IC 36-7-4-918.4 and 36-7-4-918.5*);
 6. *Special Exceptions*: Review, hear and approve or deny all applications for special exceptions (*IC 36-7-4-918.2*);
 7. *Administrative Appeals*: Review, hear, and decide appeals of decisions made under this Ordinance or in the enforcement of this Ordinance by the Zoning Administrator or other Plan Commission staff, committees, administrative boards, or any other bodies (except the Plan Commission) (*IC 36-7-4-918.1*); and
 8. *Other Duties*: All additional duties as established by Indiana Code.
- B. Powers: Powers should be interpreted as activities that are optional and may be initiated by the Board of Zoning Appeals, and include;
1. *Hearing Officer*: Appoint a hearing officer (*IC 36-7-4-923*);
 2. *Secretary*: Appoint a secretary and other employees as necessary for the discharge of Board of Zoning Appeals duties (*IC 36-7-4-913*); and
 3. *Other Powers*: All additional powers as permitted by Indiana Code.

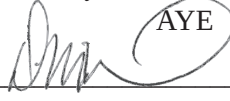
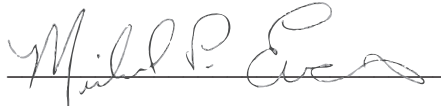
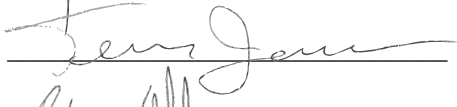
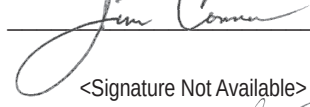
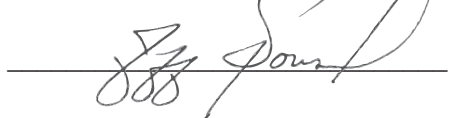
Ordinance Certification

1.29 Plan Commission Certification

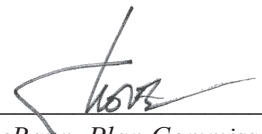
The Unified Development Ordinance was certified with a favorable recommendation for adoption then forwarded to the legislative body. Amendments were made to the certified draft by the Common Council. The amendments to the Unified Development Ordinance were then certified on the 28th of November, 2011 by the City of Shelbyville Advisory Plan Commission. The certification was made by the following Plan Commission vote:

Signatures:

The Advisory Plan Commission of Shelbyville, Indiana.

 AYE		NAY
_____	David Finkel, President	_____
	Mike Evans, Vice President	_____
	Terry James, Member	_____
	Rodger Keller, Member	_____
	Jim Conner, Member	_____
<Signature Not Available>	Dennis Baker, Member	_____
	Wade Lewis, Member	_____
	Linda Sanders, Member	_____
	Jeff Sponsel, Member	_____

Attest:

 _____ Date: 11/28/2011
 Tom DeBaun, Plan Commission Secretary, Shelbyville, Indiana

Form and content approved by: Trent Meltzer, City Attorney

Ordinance Adoption

1.30 Unified Development Ordinance Adoption and Effective Date

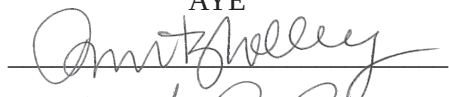
The Unified Development Ordinance was adopted by the Common Council of Shelbyville, Indiana on the 18th of January, 2012. The Unified Development Ordinance shall become effective on February 18th. The document was adoption by the following Common Council vote:

Signatures:

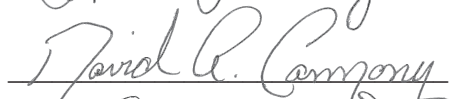
The Common Council of Shelbyville, Indiana

AYE

NAY



Rob Nolley,
Chairman



David Carmony,
Member



Richard Fero,
Member



Ron Hamilton,
Member



Jason Brown,
Member

<Signature Not Available>

Brian Asher,
Member



David Phares, II,
Member

Attest:


Tom DeBaun, Mayor, Shelbyville, Indiana

Date: 1/18/2012


Frank M. Zerr, Clerk Treasurer, Shelbyville, Indiana

Date: 1/18/2012

Form and content approved by: Trent Meltzer, City Attorney

1.31 Unified Development Ordinance Amendments and Effective Dates

Since being adopted in while, the Unified Development Ordinance has undergone several amendments. Below is a record of all amendments since adoption on the 18th of January of 2012:

Plan Commission Docket #	Council Ordinance #	Plan Commission Hearing	Council Approval	Effective Date	Sections Affected
PC 2014-09	14-2749	Sept. 22nd, 2014	Oct. 17th, 2014	Nov. 5th, 2014	Section 5.21 (A)
PC 2017-17	18-2830	Dec. 28th, 2017	Feb. 19th, 2018	Feb. 19th, 2018	Sections 1.31, 5.58-5.64, 9.05, 9.13, and 11.02
PC 2018-22	18-2850	Nov. 26th, 2018	Dec. 3rd, 2018	Dec. 3rd, 2018	Sections 5.18(B), 9.04(E)(3)(h), and 9.13(A)
PC 2020-04	20-2882	June 22nd, 2020	July 20th, 2020	July 20th, 2020	Sections 9.11, 2.01, 2.03, 2.05, 2.07, 2.09, 2.11, 2.13, 2.15, 2.17, 2.19, 2.21, 2.23, 2.25, 2.27, 2.29, 11.02, and Article 5 (addition of Solar Energy Standards)
PC 2022-07	22-2950	May 23rd, 2022	June 20th, 2022	June 20th, 2022	Sections 5.16, 5.31-5.38, 9.02, 11, and Appendix B
PC 2022-24	22-2966	Nov. 28th, 2022	Dec. 5th, 2022	Jan. 1st, 2023	Sections 2.12, 2.17, 2.19, 2.21-2.24, 5.07-5.10, 5.12, 9.01, 9.06, 9.11, 9.13, and 9.15
PC 2024-11	24-3003	June 24th, 2024	July 1st, 2024	July 1st 2024	Sections 2.18, 5.40, 6.09, and 11.02
PC 2025-12	25-3045	Oct. 27th, 2025	Nov. 5th, 2025	Nov. 5th, 2025	Sections 2.17, 2.25, 2.27, 2.29, 5.07, 5.08, 5.09, 5.10, 5.38, 5.50, 5.52, 5.57, 6.20, 11.02, and Appendix A

Article

2

Zoning Districts

*City of Shelbyville
Unified Development
Ordinance*

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**Shelby
ville.**

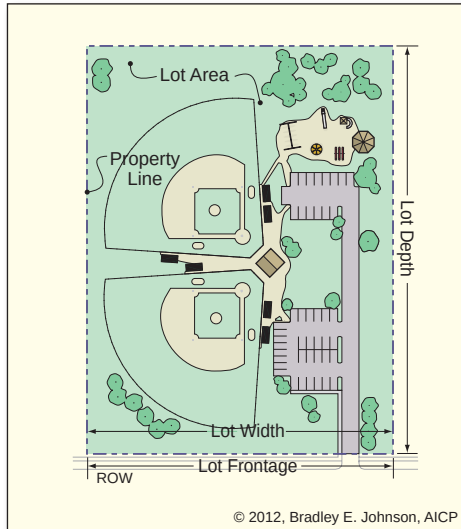
Parks and Open Space (PK) District

2.01 PK District Intent, Permitted Uses, and Special Exception Uses

Intent	Permitted Uses	Special Exception Uses
The Parks and Open Space (PK) District is intended to provide appropriate zoning regulations for public parks, open space, and private recreation developments. This district should be integrated with residential districts and natural features. Shelbyville should strive to use this district to provide usable open spaces and recreation amenities for the City's residential neighborhoods.	Commercial Uses • circus or carnival Institutional Uses • community center • fairgrounds Park Uses • driving range • golf course and/or country club • nature preserve/center • park, private • park, public Utility Uses • solar energy production, as an accessory use	Commercial Uses • health spa • recreational uses (large scale) • retreat center Institutional Uses • cemetery • government facility • government office • library • lodge or private club • museum or gallery • parking lot or parking garage (primary use) • police, fire, or rescue station Park Uses • campground/rv park Utility Uses • utility substation • water tower • wellfield or public pumphouse

Parks and Open Space (PK) District

2.02 PK District Development Standards



Minimum Lot Area

- 2 acres

Maximum Lot Area

- none

Minimum Lot Width

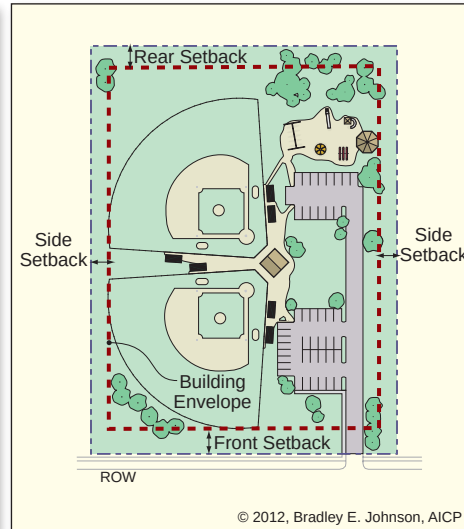
- 65 feet (measured at the front building setback line)

Minimum Lot Frontage

- 50 feet (on a public street, with access from that street)

Maximum Lot Depth

- none



Minimum Front Yard Setback

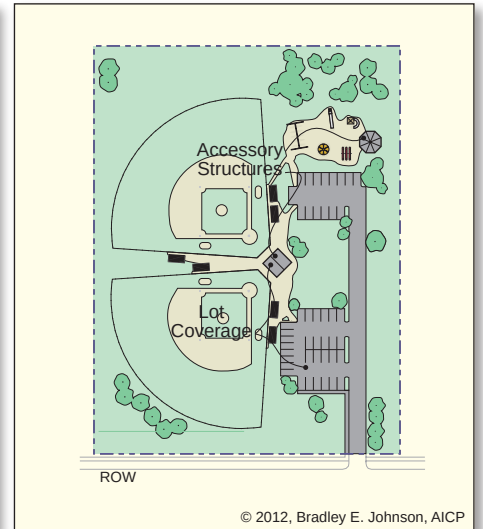
- 50 feet for primary and accessory structures when adjacent to an arterial street
- 30 feet for primary and accessory structures when adjacent to a collector street
- 20 feet for primary and accessory structures when adjacent to a local street

Minimum Side Yard Setback

- 10 feet for primary and accessory structures

Minimum Rear Yard Setback

- 10 feet for primary and accessory structures



Maximum Lot Coverage

- 25% (of the lot area may be covered by structures and other hard surfaces)

Minimum Living Area per Dwelling

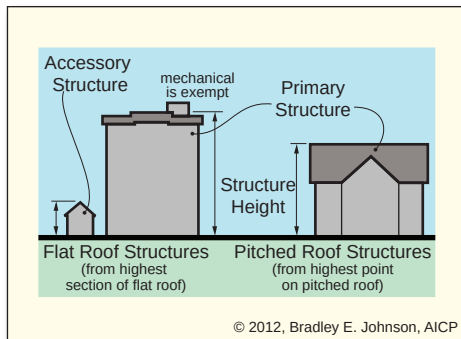
- not applicable

Minimum Ground Floor Area

- not applicable

Maximum Primary Structures per Lot

- not applicable



Maximum Structure Height

- 35 feet for primary structures
- 25 feet for accessory structures

Additional Development Standards that Apply

Accessory Use and Structures

- AS-01 5-3
- AS-02 5-5
- AS-03 5-6

Density and Intensity

- DI-01 5-15

Entrance and Drive

- ED-01 5-16
- ED-04 5-20

Environmental

- EN-01 5-22

Fence and Wall

- FW-01 5-24
- FW-03 5-24

Floodplain

- FP-01 5-26

Floor Area

- FA-01 5-27

Height

- HT-01 5-28

Landscaping

- LA-01 5-35
- LA-02 5-36
- LA-05 5-38
- LA-06 5-39

Lighting

- LT-01 5-42

Lot

- LO-01 5-45

Outdoor Storage

- OS-01 5-50

Parking

- PK-01 5-51
- PK-06 5-54

Public Improvement

- PI-01 5-58

Recreational Vehicle Park

- RV-01 5-59

Setback

- SB-01 5-60

Signs

- SI-01 5-65
- SI-05 5-71
- SI-06 5-72

Special Exception

- SE-01 5-91

Structure

- SR-01 5-92

Telecommunication Facility

- TC-01 5-93

Temporary Use

- TU-01 5-96

Utility Services

- US-01 5-100

Vision Clearance

- VC-01 5-101

Wind Turbine System

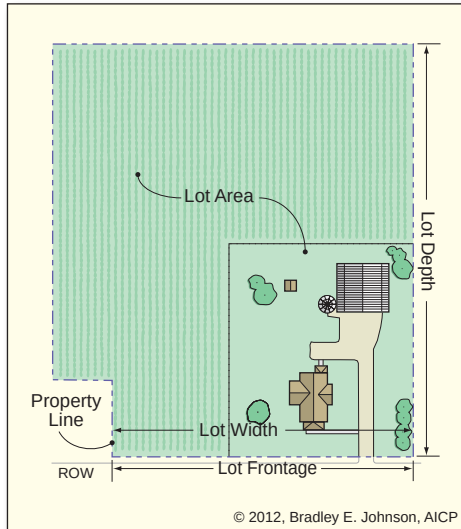
- WT-01 5-102
- WT-02 5-104

Agriculture (AG) District

2.03 AG District Intent, Permitted Uses, and Special Exception Uses

Intent	Permitted Uses	Special Exception Uses
The Agriculture (AG) District is intended to maintain areas within Shelbyville's zoning jurisdiction for agriculture. This district is further intended to reduce conflicts between residential and agricultural land uses and limit development in areas with minimal infrastructure. Shelbyville should strive to protect this district from conflicting, non-agricultural land uses and those uses that are incompatible with the available infrastructure.	Agricultural Uses • farm (general) • farmer's market (for sale of products grown on-site) • winery Institutional Uses • cemetery Park Uses • nature preserve/center • park, public Residential Uses • farmstead Utility Uses • utility substation • wellfield or public pumphouse • solar energy production, as an accessory use	Agricultural Uses • agricultural products sales, distribution, and storage facility • farmer's market (for sale of products grown off-site) • livestock auction/sales facility Commercial Uses • health spa • kennel • recreational uses (large scale) • retreat center Industrial Uses • agricultural products terminal • mineral extraction and processing Institutional Uses • fairgrounds • police, fire, or rescue station Residential Uses • bed and breakfast facility • dwelling, single-family Utility Uses • sewage treatment plant • telecommunications facility • water tower

2.04 AG District Development Standards



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Minimum Lot Area

- 20 acres

Maximum Lot Area

- none

Minimum Lot Width

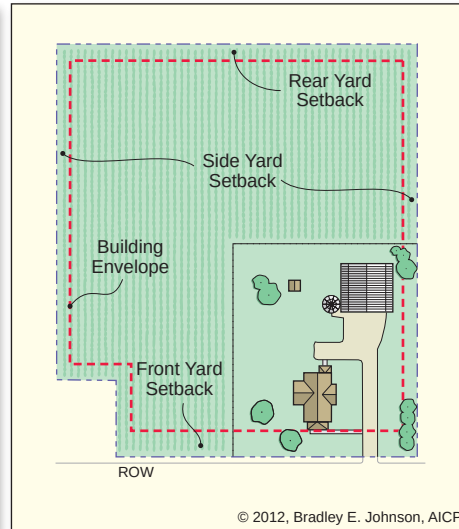
- 150 feet (measured at the front building setback line)

Minimum Lot Frontage

- legal access to a public street

Maximum Lot Depth

- none



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Minimum Front Yard Setback

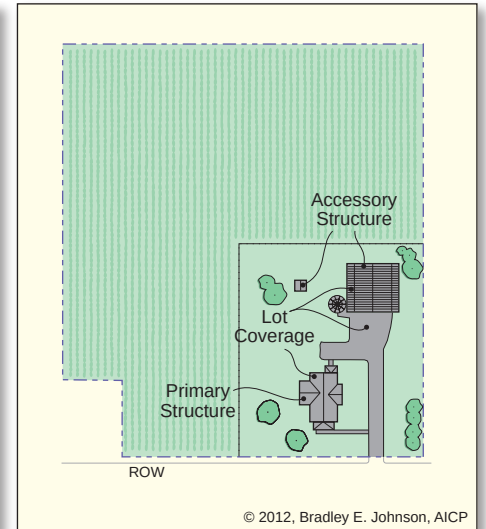
- 50 feet for primary and accessory structures when adjacent to an arterial street
- 50 feet for primary and accessory structures when adjacent to a collector street
- 50 feet for primary and accessory structures when adjacent to a local street

Minimum Side Yard Setback

- 50 feet for primary structures
- 25 feet for accessory structures

Minimum Rear Yard Setback

- 50 feet for primary structures
- 25 feet for accessory structures



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Maximum Lot Coverage

- 20% (of the lot area may be covered by structures and other hard surfaces)

Minimum Living Area per Dwelling

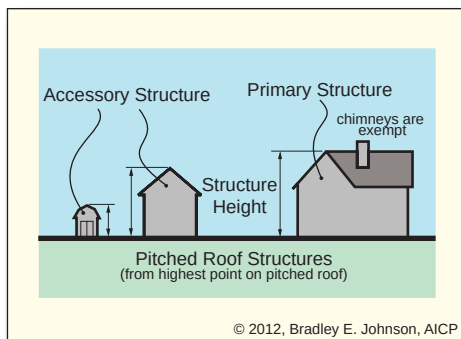
- 1,000 square feet

Minimum Ground Floor Area

- 1,000 square feet

Maximum Primary Structures per Lot

- 1 primary residential structure, no limit for agricultural structures



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Maximum Structure Height

- 35 feet for primary structures
- 25 feet for accessory structures
- all agricultural structures are exempt from height restrictions

Additional Development Standards that Apply

Accessory Use and Structures • AS-01 5-3 • AS-02 5-5	Keeping of Animals • KA-03 5-32	Signs • SI-01 5-65 • SI-02 5-70 • SI-03 5-71 • SI-05 5-71 • SI-06 5-72
Density and Intensity • DI-01 5-15	Kennel • KL-01 5-33 • KL-02 5-34	Special Exception • SE-01 5-91
Entrance and Drive • ED-01 5-16 • ED-02 5-18	Landscaping • LA-06 5-39	Structure • SR-01 5-92
Environmental • EN-01 5-22	Lighting • LT-01 5-42	Telecommunication Facility • TC-01 5-93
Fence and Wall • FW-01 5-24 • FW-02 5-24 • FW-03 5-24 • FW-04 5-25	Loading • LD-01 5-44	Temporary Use • TU-01 5-96 • TU-02 5-97 • TU-03 5-98
Floodplain • FP-01 5-26	Lot • LO-01 5-45	Utility Services • US-01 5-100
Floor Area • FA-01 5-27	Outdoor Storage • OS-01 5-50	Vision Clearance • VC-01 5-101
Height • HT-01 5-28	Parking • PK-01 5-51 • PK-02 5-52	Wind Turbine System • WT-01 5-102 • WT-02 5-104
Home Business • HB-01 5-29	Public Improvement • PI-01 5-58	
	Setback • SB-01 5-60	

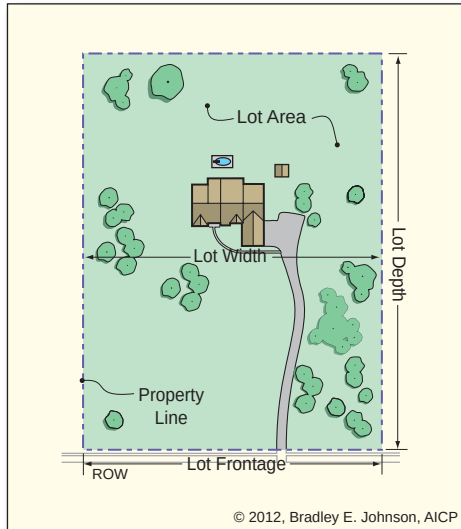
Agriculture/Rural Residential (AR) District

2.05 AR District Intent, Permitted Uses, and Special Exception Uses

Intent	Permitted Uses	Special Exception Uses
The Agriculture/Rural Residential (AR) District is intended to provide areas for a mixture of agricultural and residential land uses. This mixture is intended to maintain farming operations, while also allowing increased development in areas adjacent to developed infrastructure and on property not especially suited for agricultural uses. Shelbyville should strive to protect the agricultural uses in this district from conflicting land uses, while promoting development that will provide unique, rural housing options and the future ability to extend municipal infrastructure.	Agricultural Uses • animal boarding • farm (general) • winery Institutional Uses • cemetery Park Uses • nature preserve/center • park, public Residential Uses • farmstead • dwelling, single-family • fair housing facility (small) Utility Uses • utility substation • wellfield or public pumphouse • solar energy production, as an accessory use	Agricultural Uses • farmer's market (for sale of products grown off-site) Commercial Uses • health spa • kennel • recreational uses (large scale) • retreat center Industrial Uses • mineral extraction and processing Institutional Uses • fairgrounds • police, fire, or rescue station • school (P-12) Park Uses • driving range • golf course and/or country club Residential Uses • bed and breakfast facility • boarding house • fair housing facility (large) Utility Uses • sewage treatment plant • telecommunications facility • water tower

Agriculture/Rural Residential (AR) District

2.06 AR District Development Standards



Minimum Lot Area

- 2 acres (using a septic system)
- 1 acre (using a public sewer)

Maximum Lot Area

- none

Minimum Lot Width

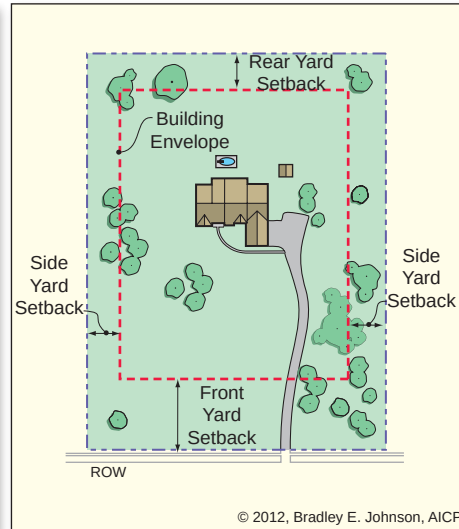
- 150 feet (measured at the front building setback line)

Minimum Lot Frontage

- 50 feet

Maximum Lot Depth

- 3 ½ times the lot width



Minimum Front Yard Setback

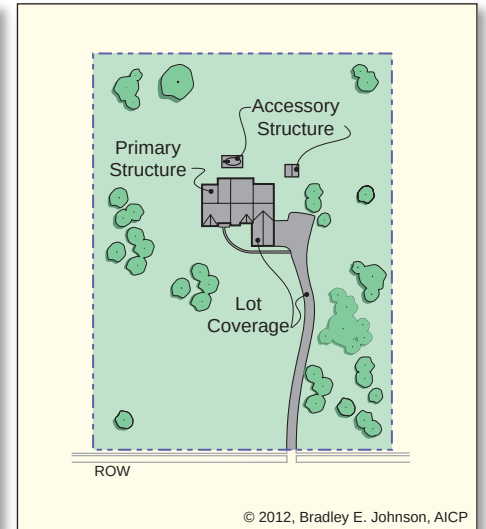
- 50 feet for primary and accessory structures when adjacent to an arterial street
- 50 feet for primary and accessory structures when adjacent to a collector street
- 50 feet for primary and accessory structures when adjacent to a local street

Minimum Side Yard Setback

- 35 feet for primary structures
- 25 feet for accessory structures

Minimum Rear Yard Setback

- 35 feet for primary structures
- 25 feet for accessory structures



Maximum Lot Coverage

- 35% (of the lot area may be covered by structures and other hard surfaces)

Minimum Living Area per Dwelling

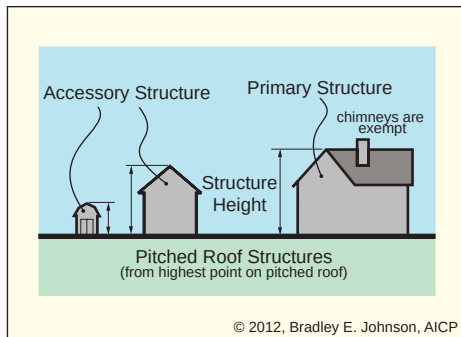
- 1,000 square feet (dwelling, farm)
- 1,600 square feet (dwelling, non-farm)

Minimum Ground Floor Area

- 1,000 square feet

Maximum Primary Structures per Lot

- 1 primary residential structure, no limit for agricultural structures



Maximum Structure Height

- 35 feet for primary structures
- 25 feet for accessory structures
- all agricultural structures are exempt from height restrictions

Additional Development Standards that Apply

Accessory Use and Structures

- AS-01..... 5-3
- AS-02..... 5-5

Density and Intensity

- DI-01..... 5-15

Entrance and Drive

- ED-01..... 5-16
- ED-02..... 5-18

Environmental

- EN-01..... 5-22

Fence and Wall

- FW-01..... 5-24

Floodplain

- FP-01..... 5-26

Floor Area

- FA-01..... 5-27

Height

- HT-01..... 5-28

Home Business

- HB-01..... 5-29

Keeping of Animals

- KA-01..... 5-31

Landscaping

- LA-06..... 5-39
- LT-01..... 5-42

Lot

- LO-01..... 5-45

Outdoor Storage

- OS-01..... 5-50

Parking

- PK-01..... 5-51
- PK-02..... 5-52

Public Improvement

- PI-01..... 5-58

Setback

- SB-01..... 5-60

Signs

- SI-01..... 5-65

- SI-02..... 5-70

- SI-03..... 5-71

- SI-05..... 5-71

- SI-06..... 5-72

Special Exception

- SE-01..... 5-91

Structure

- SR-01..... 5-92

Telecommunication Facility

- TC-01..... 5-93

Temporary Use

- TU-01..... 5-96

- TU-02..... 5-97

- TU-03..... 5-98

Utility Services

- US-01..... 5-100

Vision Clearance

- VC-01..... 5-101

Wind Turbine System

- WT-01..... 5-102

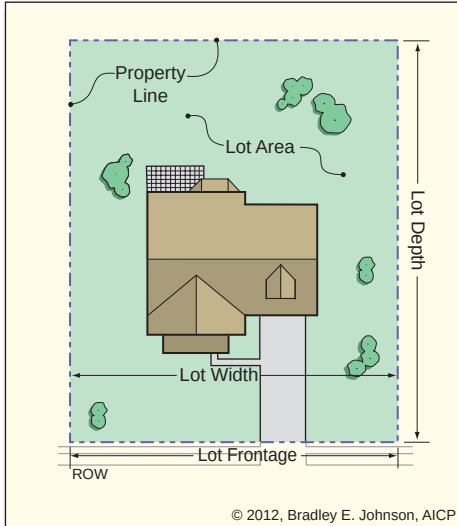
Single-family Residential (R1) District

2.07 R1 District Intent, Permitted Uses, and Special Exception Uses

Intent	Permitted Uses	Special Exception Uses
The Single-family Residential (R1) District is intended to provide an area exclusively for single-family homes. This district may be used to provide a transition between the Agriculture (AG) and Agriculture/Rural Residential (AR) areas and those of higher density residential uses. Shelbyville should strive to protect this district from conflicting industrial and commercial land uses and to integrate these neighborhoods with higher density residential areas, institutions, commercial centers, and parks in the community.	Park Uses • nature preserve/center • park, public Residential Uses • dwelling, single-family • fair housing facility (small) • farmstead Utility Uses • solar energy production, as an accessory use	Institutional Uses • cemetery • day care center • police, fire, or rescue station Park Uses • driving range • golf course and/or country club Residential Uses • fair housing facility (large) Utility Uses • water tower

Single-family Residential (R1) District

2.08 R1 District Development Standards



Minimum Lot Area

- 10,000 square feet

Maximum Lot Area

- none

Minimum Lot Width

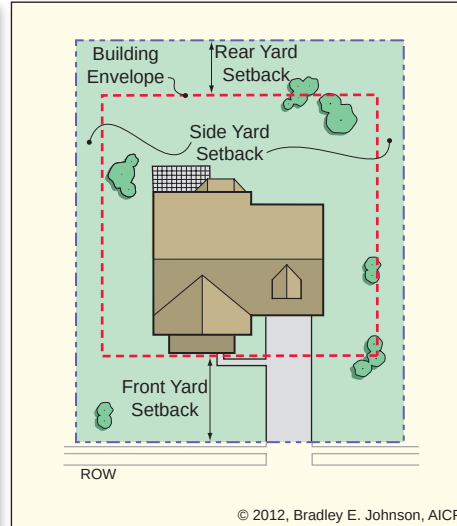
- 80 feet (measured at the front building setback line)

Minimum Lot Frontage

- 45% of the lot width

Maximum Lot Depth

- none



Minimum Front Yard Setback

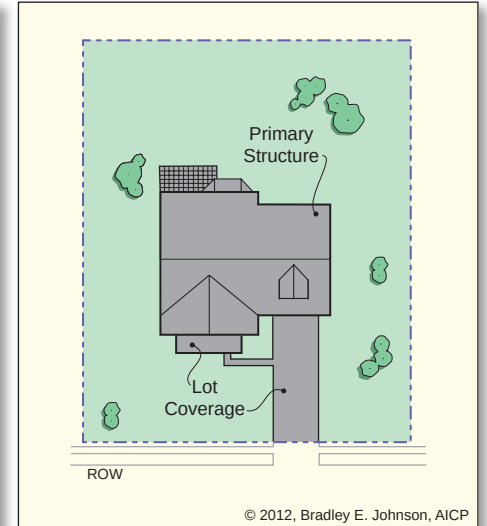
- 50 feet for primary and accessory structures when adjacent to an arterial street
- 30 feet for primary and accessory structures when adjacent to a collector street
- 20 feet for primary and accessory structures when adjacent to a local street

Minimum Side Yard Setback

- 10 feet for primary structures
- 4 feet for accessory structures

Minimum Rear Yard Setback

- 20 feet for primary structures
- 4 feet for accessory structures



Maximum Lot Coverage

- 45% (of the lot area may be covered by structures and other hard surfaces)

Minimum Living Area per Dwelling

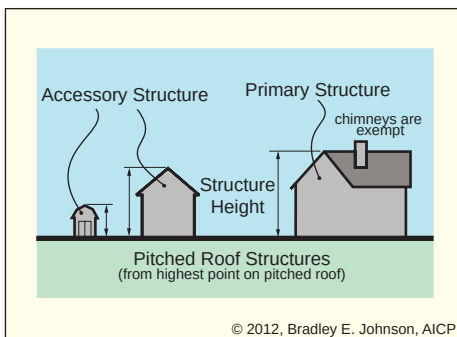
- 1,400 square feet

Minimum Ground Floor Area

- 800 square feet

Maximum Primary Structures per Lot

- 1



Maximum Structure Height

- 35 feet for primary structures
- Equal to the height of a one-story primary structure or 75% of the height of a multi-story primary structure for accessory structures

Additional Development Standards that Apply

Accessory Use and Structures • AS-01.....5-3 • AS-02.....5-5 Architectural • AR-01.....5-9 Density and Intensity • DI-01.....5-15 Entrance and Drive • ED-01.....5-16 • ED-03.....5-19 Environmental • EN-01.....5-22 Fence and Wall • FW-01.....5-24 • FW-02.....5-24 Floodplain • FP-01.....5-26 Floor Area • FA-01.....5-27 Height • HT-01.....5-28	Home Business • HB-01.....5-29 Keeping of Animals • KA-01.....5-31 Landscaping • LA-06.....5-39 Lighting • LT-01.....5-42 Lot • LO-01.....5-45 Outdoor Storage • OS-01.....5-50 Parking • PK-01.....5-51 • PK-03.....5-52 Public Improvement • PI-01.....5-58 Setback • SB-01.....5-60 Sidewalk • SD-01.....5-64	Signs • SI-01.....5-65 • SI-02.....5-70 • SI-04.....5-71 • SI-05.....5-71 • SI-06.....5-72 Special Exception • SE-01.....5-91 Structure • SR-01.....5-92 Temporary Use • TU-01.....5-96 • TU-02.....5-97 • TU-03.....5-98 Utility Services • US-01.....5-100 Vision Clearance • VC-01.....5-101 Wind Turbine System • WT-01.....5-102

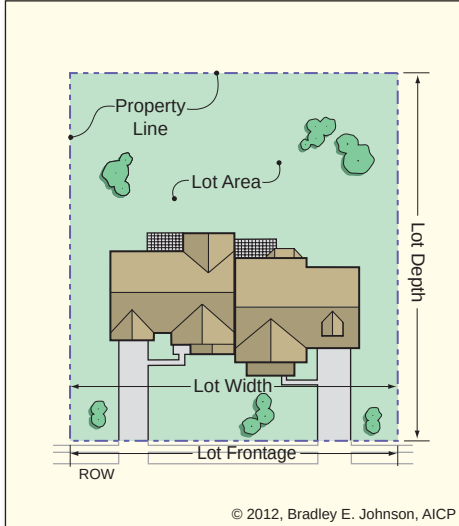
Two-family Residential (R2) District

2.09 R2 District Intent, Permitted Uses, and Special Exception Uses

Intent	Permitted Uses	Special Exception Uses
The Two-family Residential (R2) District is intended to provide an area for two-family dwellings, such as duplexes and "patio homes". Shelbyville should strive to protect this district from conflicting land uses and to integrate these neighborhoods with the other residential areas, institutions, neighborhood commercial centers, and parks of the community.	Park Uses • nature preserve/center • park, public Residential Uses • dwelling, two-family • fair housing facility (small) Utility Uses • solar energy production, as an accessory use	Institutional Uses • cemetery • community center • day care center • police, fire, or rescue station Park Uses • driving range • golf course and/or country club Residential Uses • assisted living facility • dwelling, single-family • fair housing facility (large) • farmstead • nursing home • retirement facility Communication Uses • water tower

Two-family Residential (R2) District

2.10 R2 District Development Standards



Minimum Lot Area

- 10,000 square feet

Maximum Lot Area

- none

Minimum Lot Width

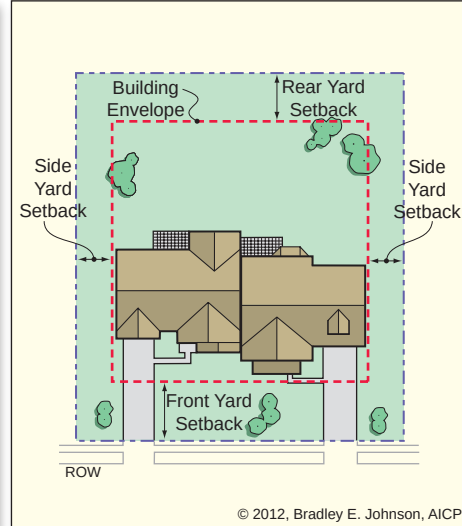
- 80 feet (measured at the front building setback line)

Minimum Lot Frontage

- 45% of the lot width (on a public street, with access from that street)

Maximum Lot Depth

- none



Minimum Front Yard Setback

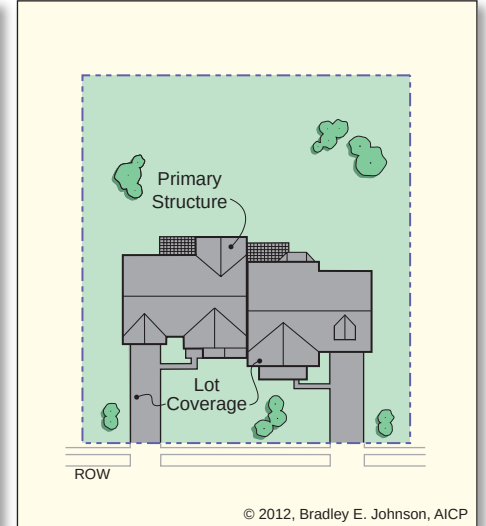
- 50 feet for primary and accessory structures when adjacent to an arterial street
- 30 feet for primary and accessory structures when adjacent to a collector street
- 20 feet for primary and accessory structures when adjacent to a local street

Minimum Side Yard Setback

- 7 feet for primary structures
- 4 feet for accessory structures

Minimum Rear Yard Setback

- 15 feet for primary structures
- 4 feet for accessory structures



Maximum Lot Coverage

- 65% (of the lot area may be covered by structures and other hard surfaces)

Minimum Living Area per Dwelling

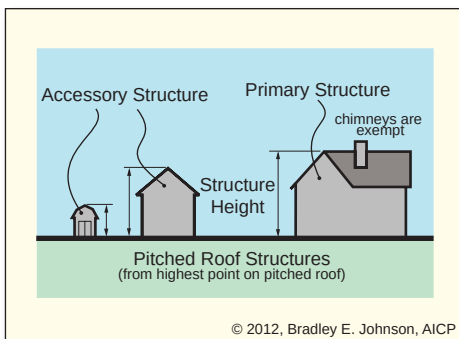
- 1,400 square feet

Minimum Ground Floor Area

- not applicable

Maximum Primary Structures per Lot

- 1



Maximum Structure Height

- 45 feet for primary structures
- 15 feet for accessory structures

Additional Development Standards that Apply

Accessory Use and Structures • AS-01..... 5-3 • AS-02..... 5-5 Architectural • AR-01..... 5-9 Density and Intensity • DI-01..... 5-15 Entrance and Drive • ED-01..... 5-16 • ED-03..... 5-19 Environmental • EN-01..... 5-22 Fence and Wall • FW-01..... 5-24 • FW-02..... 5-24 Floodplain • FP-01..... 5-26 Floor Area • FA-01..... 5-27 Height • HT-01..... 5-28	Home Business • HB-01..... 5-29 Keeping of Animals • KA-01..... 5-31 Landscaping • LA-06..... 5-39 Lighting • LT-01..... 5-42 Lot • LO-01..... 5-45 Outdoor Storage • OS-01..... 5-50 Parking • PK-01..... 5-51 • PK-03..... 5-52 Public Improvement • PI-01..... 5-58 Setback • SB-01..... 5-60 Sidewalk • SD-01..... 5-64	Signs • SI-01..... 5-65 • SI-02..... 5-70 • SI-04..... 5-71 • SI-05..... 5-71 • SI-06..... 5-72 Special Exception • SE-01..... 5-91 Structure • SR-01..... 5-92 Temporary Use • TU-01..... 5-96 • TU-02..... 5-97 • TU-03..... 5-98 Utility Services • US-01..... 5-100 Vision Clearance • VC-01..... 5-101 Wind Turbine System • WT-01..... 5-102

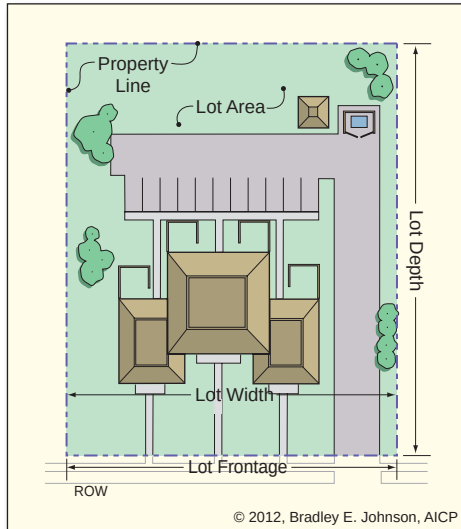
Multiple-family Residential (RM) District

2.11 RM District Intent, Permitted Uses, and Special Exception Uses

Intent	Permitted Uses	Special Exception Uses
The Multiple-family Residential (RM) District is intended to provide an area for multiple-family dwellings, such as apartment houses, apartments complexes, and condominiums. This district may be used to provide a transition between other residential and non-residential land uses. Shelbyville should strive to protect this district from conflicting industrial land uses and to integrate these developments with the other residential areas, commercial areas, institutions, and parks in the community.	Park Uses • nature preserve/center • park, public Residential Uses • assisted living facility • dwelling, multiple-family • dwelling, two-family • fair housing facility (small) • nursing home • retirement facility Utility Uses • solar energy production, as an accessory use	Institutional Uses • community center • day care center • police, fire, or rescue station Park Uses • driving range • golf course and/or country club Residential Uses • boarding house • fair housing facility (large) Utility Uses • water tower

Multiple-family Residential (RM) District

2.12 RM District Development Standards



Minimum Lot Area

- 1 acre

Maximum Lot Area

- none

Minimum Lot Width

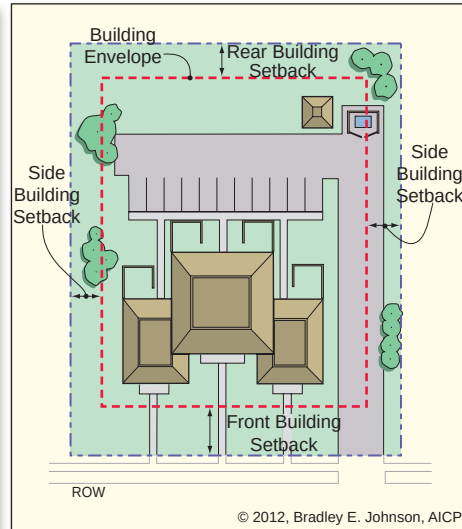
- 100 feet (measured at the front building setback line)

Minimum Lot Frontage

- 50 feet (on a public street, with access from that street)

Maximum Lot Depth

- none



Minimum Front Yard Setback

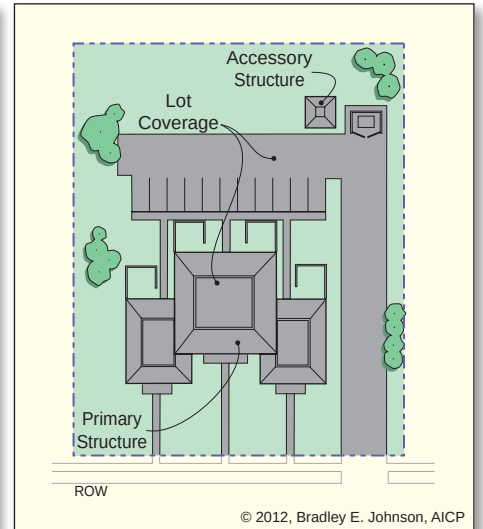
- 50 feet for primary and accessory structures when adjacent to an arterial street
- 30 feet for primary and accessory structures when adjacent to a collector street
- 20 feet for primary and accessory structures when adjacent to a local street

Minimum Side Yard Setback

- 40 feet for primary structures (if an apartment complex)
- 10 feet for primary structures (if a single apartment house)
- 10 feet for accessory structures

Minimum Rear Yard Setback

- 40 feet for primary structures (if an apartment complex)
- 15 feet for primary structures (if a single apartment house)
- 10 feet for accessory structures



Maximum Lot Coverage

- 65% (of the lot area may be covered by structures and other hard surfaces)

Minimum Living Area per Dwelling

- 600 square feet

Minimum Ground Floor Area

- not applicable

Maximum Density

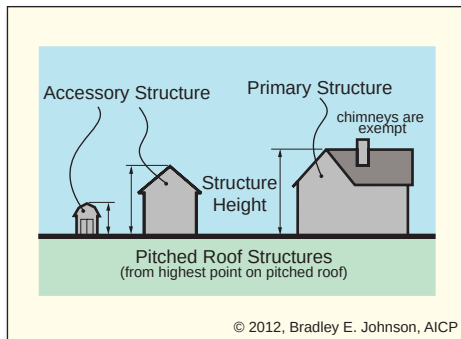
- 12 dwelling units per acre

Maximum Primary Structures per Lot

- none

Minimum Separation Between Primary Structures

- 10 feet



Maximum Structure Height

- 65 feet for primary structures
- 15 feet for accessory structures

Additional Development Standards that Apply

Accessory Use and Structures • AS-01.....5-3 • AS-02.....5-5 • AS-04.....5-7	Home Business • HB-01.....5-29	Sidewalk • SD-01.....5-64
Architectural • AR-01.....5-9	Keeping of Animals • KA-02.....5-31	Signs • SI-01.....5-65 • SI-02.....5-70 • SI-03.....5-71 • SI-05.....5-71 • SI-07.....5-77
Density and Intensity • DI-01.....5-15	Landscaping • LA-01.....5-35 • LA-03.....5-37 • LA-05.....5-38 • LA-06.....5-39	Special Exception • SE-01.....5-91
Entrance and Drive • ED-01.....5-16 • ED-03.....5-19	Lighting • LT-01.....5-42	Structure • SR-01.....5-92
Environmental • EN-01.....5-22	Lot • LO-01.....5-45	Temporary Use • TU-01.....5-96 • TU-02.....5-97
Fence and Wall • FW-01.....5-24 • FW-02.....5-24	Outdoor Storage • OS-01.....5-50	Utility Services • US-01.....5-100
Floodplain • FP-01.....5-26	Parking • PK-01.....5-51 • PK-04.....5-53	Vision Clearance • VC-01.....5-101
Floor Area • FA-01.....5-27	Public Improvement • PI-01.....5-58	Wind Turbine System • WT-01.....5-102
Height • HT-01.....5-28	Setback • SB-01.....5-60	

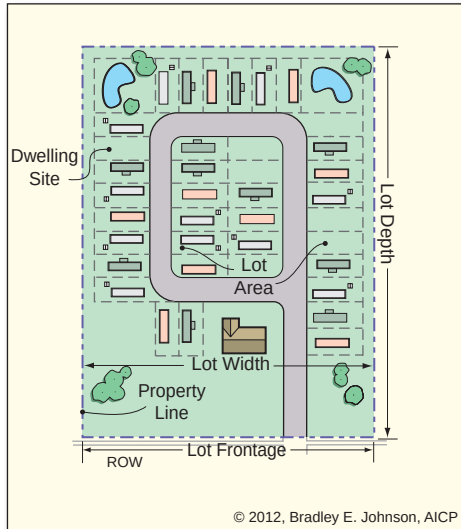
Manufactured Home Park (MP) District

2.13 MP District Intent, Permitted Uses, and Special Exception Uses

Intent	Permitted Uses	Special Exception Uses
The Manufactured Home Park (MP) District is intended to provide areas within the community for leased-lot parks of manufactured homes. All manufactured home parks shall be established and maintained in accordance with <i>IC 16-41-27 et seq.</i>, Rule 410 IAC 6-6, and all subsequent amendments to either. All such developments shall also be consistent with the requirements of the Indiana Board of Health.	Park Uses • nature preserve/center • park, public Residential Uses • mobile home/manufactured home park Utility Uses • solar energy production, as an accessory use	Institutional Uses • community center • day care center • police, fire, or rescue station Utility Uses • water tower

Manufactured Home Park (MP) District

2.14 MP District Development Standards



Minimum Lot Area

- 5 acres

Minimum Dwelling Site Area

- 4,000 square feet per dwelling site

Maximum Lot Area

- 10 acres

Minimum Lot Width

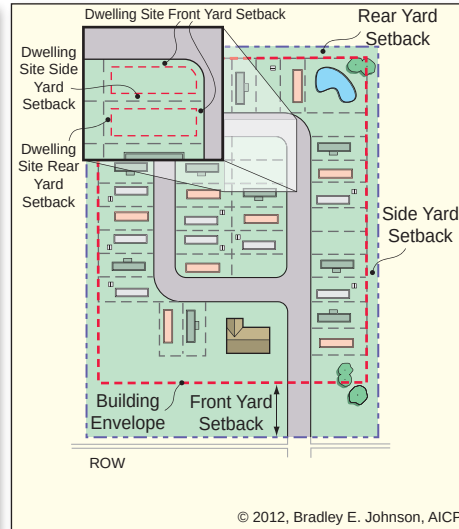
- 200 feet (measured at the front building setback line)

Minimum Lot Frontage

- 50 feet (on a public street, with access from that street)

Maximum Lot Depth

- none



Minimum Front Yard Setback

- All dwelling sites, management office, development amenities, and the like shall be at least 50 feet from any right-of-way

Minimum Side and Rear Yard Setback

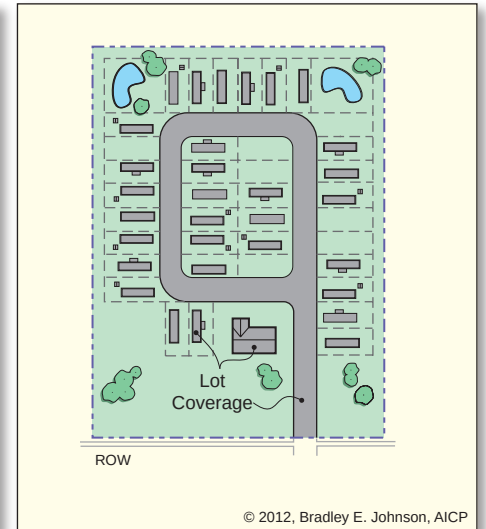
- All dwelling sites, management office, development amenities, and the like shall be at least 50 feet from any side or rear property line

Minimum Dwelling Site Front Yard Setback

- 20 feet from the edge of pavement of interior streets (if private) or the right-of-way (if public)

Minimum Dwelling Site Side and Rear Yard Setback

- 8 feet for primary structures
- 4 feet for accessory structures



Maximum Lot Coverage

- 50% of the park's lot area may be covered by structures and other hard surfaces

Minimum Living Area per Dwelling

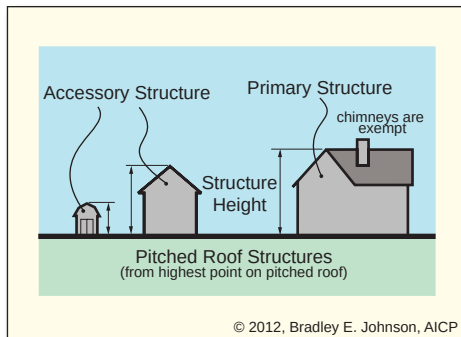
- 900 square feet

Minimum Ground Floor Area

- not applicable

Maximum Primary Structures

- 1 per dwelling site



Maximum Structure Height

- 35 feet for primary structures
- 15 feet for accessory structures

Additional Development Standards that Apply

Accessory Use and Structures • AS-01.....5-3 • AS-02.....5-5 • AS-05.....5-7	Home Business • HB-01.....5-29	Setback • SB-01.....5-60
Density and Intensity • DI-01.....5-15	Keeping of Animals • KA-02.....5-31	Sidewalk • SD-01.....5-64
Entrance and Drive • ED-01.....5-16 • ED-03.....5-19	Landscaping • LA-01.....5-35 • LA-04.....5-37 • LA-05.....5-38 • LA-06.....5-39	Signs • SI-01.....5-65 • SI-02.....5-70 • SI-03.....5-71 • SI-05.....5-71 • SI-07.....5-77
Environmental • EN-01.....5-22	Lighting • LT-01.....5-42	Special Exception • SE-01.....5-91
Fence and Wall • FW-01.....5-24 • FW-02.....5-24	Lot • LO-01.....5-45	Structure • SR-01.....5-92
Floodplain • FP-01.....5-26	Manufactured Home Park • MH-01.....5-46	Temporary Use • TU-01.....5-96 • TU-02.....5-97
Floor Area • FA-01.....5-27	Outdoor Storage • OS-01.....5-50	Utility Services • US-01.....5-100
Height • HT-01.....5-28	Parking • PK-01.....5-51 • PK-05.....5-53	Vision Clearance • VC-01.....5-101
	Public Improvement • PI-01.....5-58	Wind Turbine System • WT-01.....5-102

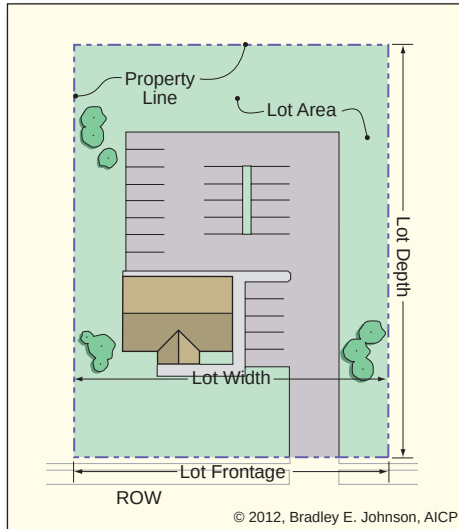
Institutional (IS) District

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

Intent	Permitted Uses	Special Exception Uses
The IS (Institutional) District is intended to provide areas for varying intensities of institutionally owned lands, including places of worship, museums, schools, and State, County, and City government facilities.	Institutional Uses • airport • cemetery • community center • day care center • fairgrounds • funeral home • government facility • government office • heliport • hospital/medical center • library • lodge or private club • medical or health clinic • museum or gallery • parking lot or parking garage (primary use) • place of worship • police, fire, or rescue station • post office • school (P-12) • trade or business school Residential Uses • assisted living facility • fair housing facility (large) • fair housing facility (small) • nursing home Utility Uses • solar energy production, as an accessory use	Institutional Uses • university or college Utility Uses • telecommunication facility

Institutional (IS) District

2.16 IS District Development Standards


Minimum Lot Area

- not applicable

Maximum Lot Area

- not applicable

Minimum Lot Width

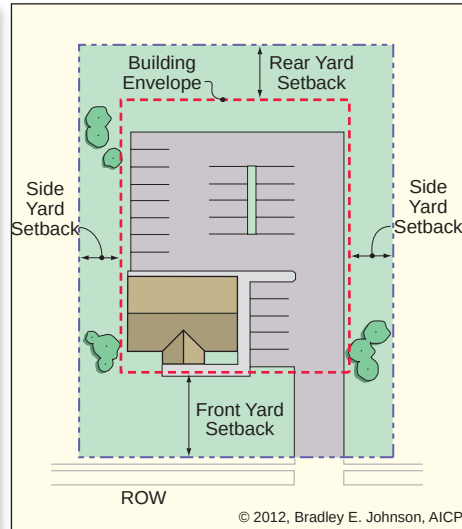
- not applicable

Minimum Lot Frontage

- not applicable

Maximum Lot Depth

- not applicable


Minimum Front Yard Setback

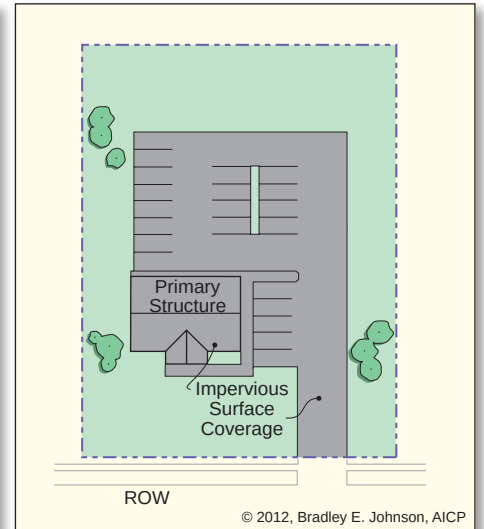
- 50 feet for primary and accessory structures when adjacent to an arterial street
- 50 feet for primary and accessory structures when adjacent to a collector street
- 30 feet for primary and accessory structures when adjacent to local street

Minimum Side Yard Setback

- 10 feet for primary and accessory structures

Minimum Rear Yard Setback

- 20 feet for primary structures
- 10 feet for accessory structures


Maximum Lot Coverage

- 70% (of the lot area may be covered by structures and other hard surfaces)

Minimum Living Area per Dwelling

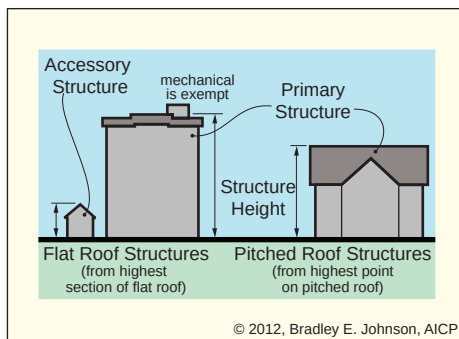
- 600 square feet

Minimum Ground Floor Area

- 1,000 square feet

Maximum Primary Structures per Lot

- no limit


Maximum Structure Height

- 60 feet for primary structures
- 30 feet for accessory structures
- 3 stories for primary structures

Additional Development Standards that Apply

Accessory Use and Structures

- AS-01 5-3
- AS-02 5-5

Architectural

- AR-02 5-10

Density and Intensity

- DI-01 5-15

Entrance and Drive

- ED-01 5-16
- ED-04 5-20

Environmental

- EN-01 5-22

Fence and Wall

- FW-01 5-24
- FW-04 5-25

Floodplain

- FP-01 5-26

Floor Area

- FA-01 5-27

Height

- HT-01 5-28

Landscaping

- LA-01 5-35
- LA-02 5-36
- LA-05 5-38
- LA-06 5-39
- LA-07 5-41

Lighting

- LT-01 5-42

Lot

- LO-01 5-45

Outdoor Storage

- OS-01 5-50

Parking

- PK-01 5-51
- PK-06 5-54

Public Improvement

- PI-01 5-58

Setback

- SB-01 5-60

Signs

- SI-01 5-65
- SI-03 5-71
- SI-05 5-71
- SI-06 5-72

Special Exception

- SE-01 5-91

Structure

- SR-01 5-92

Telecommunication Facility

- TC-01 5-93

Temporary Use

- TU-01 5-96

Utility Services

- US-01 5-100

Vision Clearance

- VC-01 5-101

Wind Turbine System

- WT-01 5-102
- WT-02 5-104

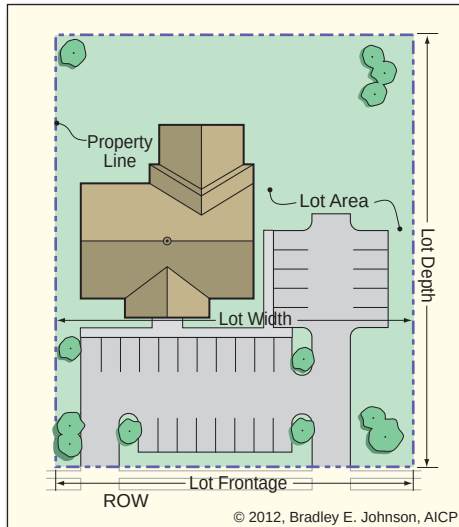
Business Neighborhood (BN) District

2.17 BN District Intent, Permitted Uses, and Special Exception Uses

Intent	Permitted Uses	Special Exception Uses
The Business Neighborhood (BN) District is intended to provide goods and services to neighborhoods and residential developments within the City. This district is further intended to permit the development of traditional, mixed-use neighborhood areas and to maintain a residential appearance and scale. Shelbyville should strive to protect this district from non-neighborhood serving commercial uses that would create land use conflicts. This district should be integrated into the community's neighborhoods at significant street intersections and with open space or institutional uses.	Commercial Uses • animal grooming • office uses • personal service uses • restaurant • retail (type 1) Institutional Uses • community center • day care center • library • medical and health clinic Park Uses • nature preserve/center • park, public Residential Uses • dwelling, multiple-family (excluding ground level storefronts not historically used for residential) • dwelling, single family (on upper floors of other uses) • dwelling, two-family (on upper floors of other uses) Utility Uses • solar energy production, as an accessory use	Commercial Uses • bank or financial institution • drive-up/drive thru facility (as an accessory use) • recreation uses (small scale) • retail (type 2) Institutional Uses • parking lot or parking garage (primary use) • police, fire, or rescue station Residential Uses • assisted living facility • bed and breakfast facility • fair housing facility (large) • fair housing facility (small) • nursing home • retirement facility Utility Uses • water tower

Business Neighborhood (BN) District

2.18 BN District Development Standards



Minimum Lot Area

- 5,000 square feet

Maximum Lot Area

- not applicable

Minimum Lot Width

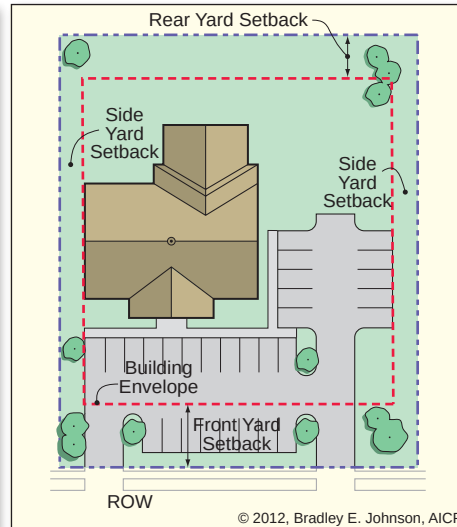
- 50 feet (measured at the front building setback line)

Minimum Lot Frontage

- 100% of the lot width (on a public street, with access from that street)

Maximum Lot Depth

- none



Minimum Front Yard Setback

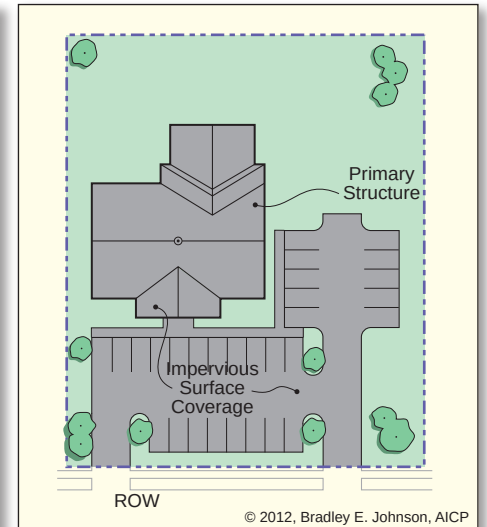
- 20 feet for primary and accessory structures when adjacent to an arterial street
- 15 feet for primary and accessory structures when adjacent to a collector street
- 10 feet for primary and accessory structures when adjacent to a local street

Minimum Side Yard Setback

- 10 feet for primary and accessory structures

Minimum Rear Yard Setback

- 20 feet for primary structures
- 10 feet for accessory structures



Maximum Lot Coverage

- 85% (of the lot area may be covered by structures and other hard surfaces)

Minimum Living Area per Dwelling

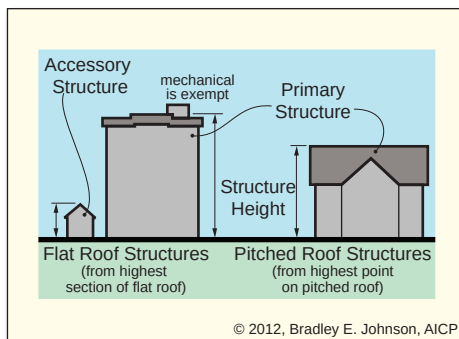
- 600 square feet

Minimum Ground Floor Area

- not applicable

Maximum Primary Structures per Lot

- 1



Maximum Structure Height

- 35 feet for primary structures
- 25 feet for accessory structures
- 2 stories for primary structures

Additional Development Standards that Apply

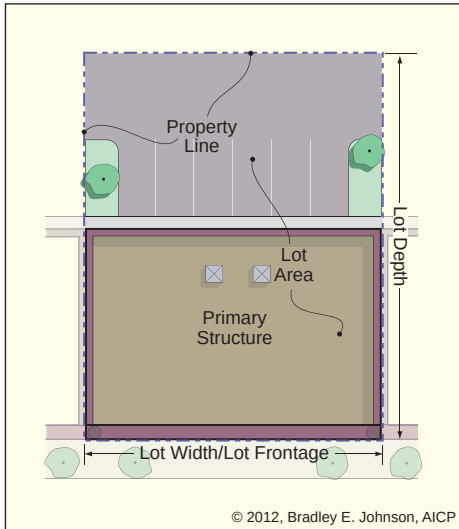
Accessory Use and Structures • AS-01 5-3 • AS-02 5-5 Architectural • AR-01 5-9 Commercial • CM-01 5-12 Density and Intensity • DI-01 5-15 Entrance and Drive • ED-01 5-16 • ED-04 5-20 Environmental • EN-01 5-22 Fence and Wall • FW-01 5-24 • FW-03 5-24 Floodplain • FP-01 5-26 Floor Area • FA-01 5-27 Height • HT-01 5-28	Landscaping • LA-01 5-35 • LA-02 5-36 • LA-05 5-38 • LA-06 5-39 • LA-07 5-41 Lighting • LT-01 5-42 Loading • LD-01 5-44 Lot • LO-01 5-45 Outdoor Dining • OD-01 5-47 Outdoor Display Area • DA-01 5-49 Outdoor Storage • OS-01 5-50 • OS-02 5-50 Parking • PK-01 5-51 • PK-06 5-54 Public Improvement • PI-01 5-58	Setback • SB-01 5-60 Signs • SI-01 5-65 • SI-02 5-70 • SI-03 5-71 • SI-05 5-71 • SI-09 5-82 Special Exception • SE-01 5-91 Structure • SR-01 5-92 Telecommunication Facility • TC-01 5-93 Temporary Use • TU-01 5-96 • TU-04 5-99 Utility Services • US-01 5-100 Vision Clearance • VC-01 5-101 Wind Turbine System • WT-01 5-102

Business Central (BC) District

2.19 BC District Intent, Permitted Uses, and Special Exception Uses

Intent	Permitted Uses	Special Exception Uses
The Business Central (BC) District is intended to provide areas for the combination of land uses common to traditional central business districts. This zoning district is intended to accommodate the current uses and structures within Shelbyville's traditional downtown and permit the continued, contextually appropriate development of the area. Shelbyville should use this zoning district to protect the existing downtown area and its historic structures from incompatible uses and inappropriate site designs. This zoning district should also be used to provide for cohesive and appropriate infill development in and around the downtown area.	Agricultural Uses - farmer's market (for sale of products grown off-site) Commercial Uses - animal grooming - bank/financial institution - call center - conference center - data processing center - hotel/motel - office uses - performing arts center - personal service uses - recreation uses (small scale) - restaurant - retail (type 1), excluding pet stores that sell dogs or other large animals - retail (type 2), excluding pet stores that sell dogs or other large animals Institutional Uses - community center - funeral home - government office - hospital/medical center - library - lodge or private club - medical or health clinic - museum or gallery - police, fire, or rescue station - post office - trade or business school Park Uses - park, public Residential Uses - dwelling, multiple-family (excluding ground level storefronts not historically used for residential) - dwelling, single family (on upper floors of other uses) - dwelling, two-family (on upper floors of other uses) Utility Uses - solar energy production, as an accessory use	Commercial Uses - auto-oriented uses (medium scale) - auto-oriented uses (small scale) - bus/mass transit terminal - circus or carnival - drive-up/drive thru facility (as an accessory use) - health spa - recreation uses (medium scale) - retail (type 3) - retreat center Institutional Uses - day care center - parking lot or parking garage (primary use) - penal or correctional institution - place of worship - school (P-12) - university or college Residential Uses - assisted living facility - bed and breakfast facility - boarding house - fair housing facility (large) - fair housing facility (small) - nursing home - retirement facility Utility Uses - communications service exchange - telecommunications facility - utility substation - water tower

2.20 BC District Development Standards



Minimum Lot Area

- consistent with all lots legally established at the effective date of this Ordinance

Maximum Lot Area

- consistent with all lots legally established at the effective date of this Ordinance

Minimum Lot Width

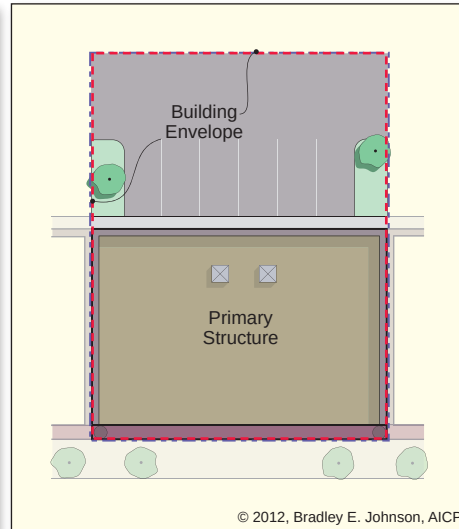
- consistent with all lots legally established at the effective date of this Ordinance

Minimum Lot Frontage

- consistent with all lots legally established at the effective date of this Ordinance

Maximum Lot Depth

- consistent with all lots legally established at the effective date of this Ordinance



Minimum Front Yard Setback and Build-to Line

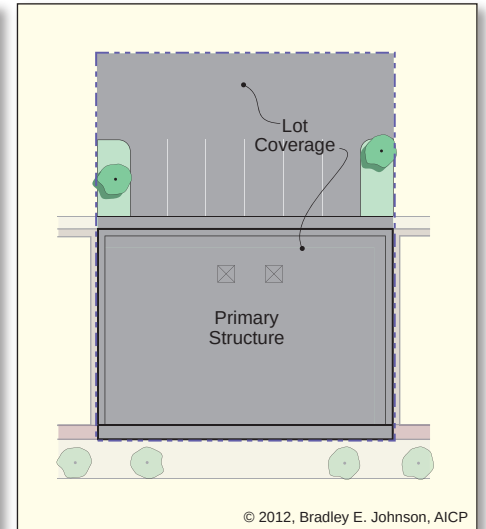
- 0 feet for primary and accessory structures when adjacent to an arterial street
- 0 feet for primary and accessory structures when adjacent to a collector street
- 0 feet for primary and accessory structures when adjacent to a local street

Minimum Side Yard Setback

- apply the average setback for other BC zoned properties fronting the same street and within the same block as the subject property

Minimum Rear Yard Setback

- apply the average setback for other BC zoned properties fronting the same street and within the same block as the subject property



Maximum Lot Coverage

- 100% (of the lot area may be covered by structures and other hard surfaces)

Minimum Living Area per Dwelling

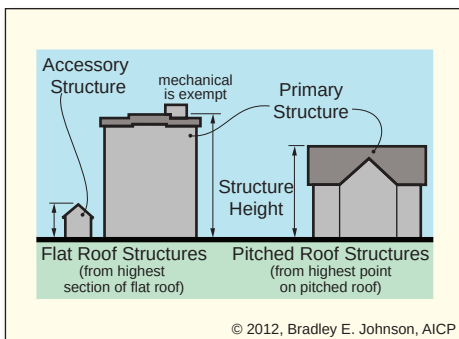
- 600 square feet

Minimum Ground Floor Area

- not applicable

Maximum Primary Structures per Lot

- 1



No maximum structure height within this district

Additional Development Standards that Apply

Accessory Use and Structures • AS-01 5-3 • AS-02 5-5 Architectural • AR-02 5-10 Commercial • CM-01 5-12 • CM-02 5-13 Density and Intensity • DI-01 5-15 Entrance and Drive • ED-01 5-16 • ED-04 5-20 Environmental • EN-01 5-22 Fence and Wall • FW-01 5-24 • FW-03 5-24 Floodplain • FP-01 5-26 Floor Area • FA-01 5-27 Height • HT-01 5-28	Landscaping • LA-01 5-35 • LA-05 5-38 • LA-06 5-39 • LA-07 5-41 Lighting • LT-01 5-42 Loading • LD-01 5-44 Lot • LO-01 5-45 Outdoor Dining • OD-01 5-47 Outdoor Display Area • DA-01 5-49 Outdoor Storage • OS-01 5-50 • OS-02 5-50 Parking • PK-01 5-51 • PK-06 5-54 Public Improvement • PI-01 5-58	Setback • SB-01 5-60 Signs • SI-01 5-65 • SI-02 5-70 • SI-03 5-71 • SI-05 5-71 • SI-08 5-79 Special Exception • SE-01 5-91 Structure • SR-01 5-92 Telecommunication Facility • TC-01 5-93 Temporary Use • TU-01 5-96 • TU-04 5-99 Utility Services • US-01 5-100 Vision Clearance • VC-01 5-101 Wind Turbine System • WT-01 5-102

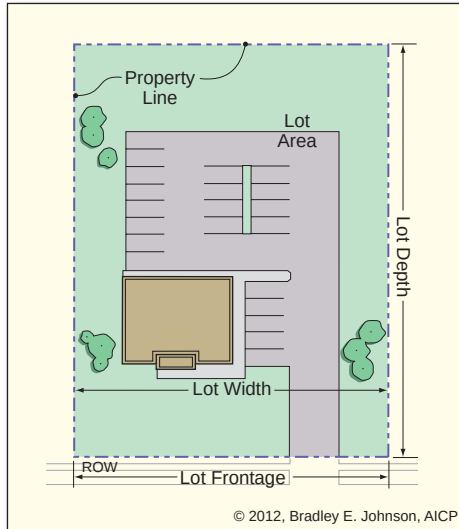
Business General (BG) District

2.21 BG District Intent, Permitted Uses, and Special Exception Uses

Intent	Permitted Uses	Special Exception Uses
The Business General (BG) District is intended to provide an area for a variety of general commercial uses, including those that are not specifically associated with the central, neighborhood, or highway-related business areas. Shelbyville should strive to use this district to provide a variety of goods and services that are accessible to the City's neighborhoods and complimentary to its other types of business districts. See Also: Ordinance No. 2001-2397, Regulation of Large Retail Establishments	Agricultural Uses - farmers market (for products grown off-site) Commercial Uses - animal grooming - auto-oriented uses (medium scale) - auto-oriented uses (small scale) - bank/financial institution - call center - conference center - data processing center - drive-up/drive thru facility (as an accessory use) - hotel/motel - office uses - personal service uses - recreation uses (medium scale) - recreation uses (small scale) - restaurant - retail (type 1) - retail (type 2) - retail (type 3) - sexually oriented entertainment business Industrial Uses - research and development facility Institutional Uses - day care center - funeral home - government office - hospital/medical center - lodge or private club - medical or health clinic - parking lot or parking garage (primary use) - police, fire, or rescue station - trade or business school - university or college Park Uses - nature preserve/center - park, public Residential Uses - dwelling, multiple-family Utility Uses - communication service exchange - utility substation - solar energy production, as an accessory use	Commercial Uses - bus/mass transit terminal - fireworks sales - health spa - retreat center Industrial Uses - warehouse and distribution facility Institutional Uses - government facility - library - museum or gallery - post office Residential Uses - assisted living facility - bed and breakfast facility - fair housing facility (small) - nursing home - retirement facility Utility Uses - telecommunications facility - water tower

Business General (BG) District

2.22 BG District Development Standards



Minimum Lot Area

- 15,000 square feet

Maximum Lot Area

- none

Minimum Lot Width

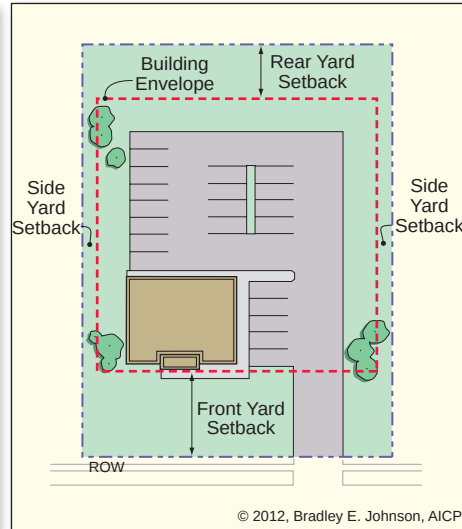
- 75 feet (measured at the front building setback line)

Minimum Lot Frontage

- 50 feet (on a public street, with access from that street)

Maximum Lot Depth

- none



Minimum Front Yard Setback

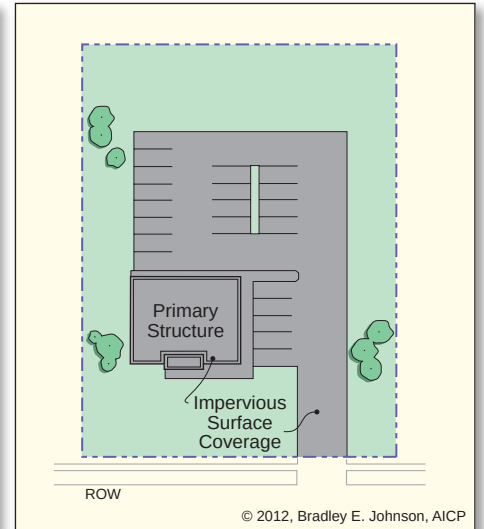
- 50 feet for primary and accessory structures when adjacent to an arterial street
- 30 feet for primary and accessory structures when adjacent to a collector street
- 20 feet for primary and accessory structures when adjacent to a local street

Minimum Side Yard Setback

- 10 feet for primary and accessory structures

Minimum Rear Yard Setback

- 20 feet for primary structures
- 10 feet for accessory structures



Maximum Lot Coverage

- 85% (of the lot area may be covered by structures and other hard surfaces)

Minimum Living Area per Dwelling

- 600 square feet

Minimum Ground Floor Area

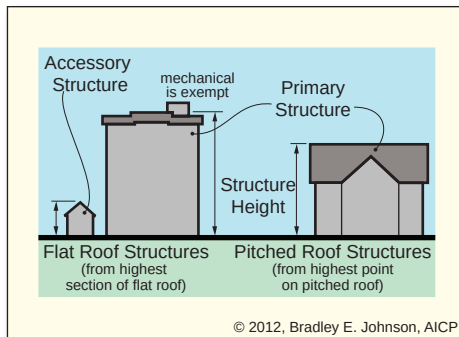
- not applicable

Maximum Primary Structures per Lot

- 1

Intensity Incentives

- lot area



Maximum Structure Height

- 45 feet for primary structures
- 25 feet for accessory structures

Additional Development Standards that Apply

Accessory Use and Structures • AS-01 5-3 • AS-02 5-5 Architectural • AR-02 5-10 Commercial • CM-01 5-12 • CM-02 5-13 Density and Intensity • DI-01 5-15 Entrance and Drive • ED-01 5-16 • ED-04 5-20 Environmental • EN-01 5-22 Fence and Wall • FW-01 5-24 • FW-03 5-24 Floodplain • FP-01 5-26 Floor Area • FA-01 5-27 Height • HT-01 5-28	Kennel • KL-02 5-34 Landscaping • LA-01 5-35 • LA-02 5-36 • LA-05 5-38 • LA-06 5-39 • LA-07 5-41 Lighting • LT-01 5-42 Loading • LD-01 5-44 Lot • LO-01 5-45 Outdoor Display Area • DA-01 5-49 Outdoor Storage • OS-01 5-50 • OS-02 5-50 Parking • PK-01 5-51 • PK-06 5-54 Public Improvement • PI-01 5-58	Setback • SB-01 5-60 Sexually Oriented Business • SX-01 5-62 Signs • SI-01 5-65 • SI-02 5-70 • SI-03 5-71 • SI-05 5-71 • SI-09 5-82 Special Exception • SE-01 5-91 Structure • SR-01 5-92 Temporary Use • TU-01 5-96 • TU-04 5-99 Utility Services • US-01 5-100 Vision Clearance • VC-01 5-101 Wind Turbine System • WT-01 5-102 • WT-02 5-104

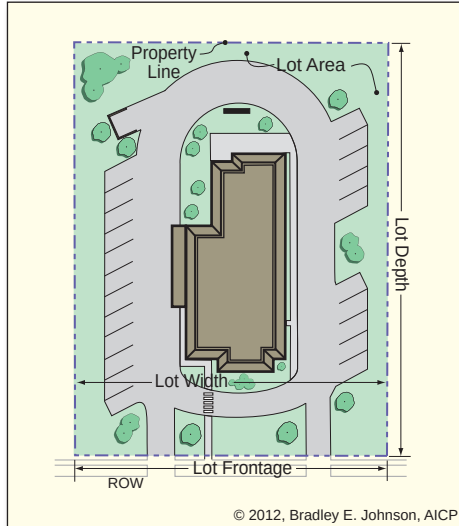
Business Highway (BH) District

2.23 BH District Intent, Permitted Uses, and Special Exception Uses

Intent	Permitted Uses	Special Exception Uses
The Business Highway (BH) District is intended to provide areas for business that either services travelers or requires immediate access to high-volume streets for the delivery of goods and services. Shelbyville should strive to provide specific areas for highway-serving businesses and prevent these uses from conflicting with industrial, residential, and other commercial uses. This district should be integrated into the community at its entrances and in centers along major transportation routes.	Commercial Uses • animal grooming • auto-oriented uses (large scale) • auto-oriented uses (medium scale) • auto-oriented uses (small scale) • bank/financial institution • conference center • drive-up/drive thru facility (accessory use) • hotel/motel • office uses • personal service uses • recreation uses (small scale) • restaurant • retail uses (type 1) • retail uses (type 2) • retail uses (type 3) Institutional Uses • medical or health clinic • parking lot or parking garage (primary use) • police, fire, or rescue station Park Uses • nature preserve/center Residential Uses • dwelling, multiple-family Utility Uses • communication service exchange • telecommunications facility • utility substation • water tower • solar energy production, as an accessory use	Agricultural Uses • agricultural product sales, distribution, and storage facility • commercial greenhouse • farm equipment sales and service • farmer's market (for sale of products grown off-site) Commercial Uses • bus/mass transit terminal • kennel • mobile/manufactured home sales • recreation uses (medium scale) • truck stop Industrial Uses • agricultural products terminal • truck freight terminal • truck sales and service center • warehouse and distribution facility • wholesale facility Institutional Uses • government facility • government office • hospital or medical center • museum or gallery Residential Uses • boarding house

Business Highway (BH) District

2.24 BH District Development Standards



Minimum Lot Area

- 15,000 square feet

Maximum Lot Area

- none

Minimum Lot Width

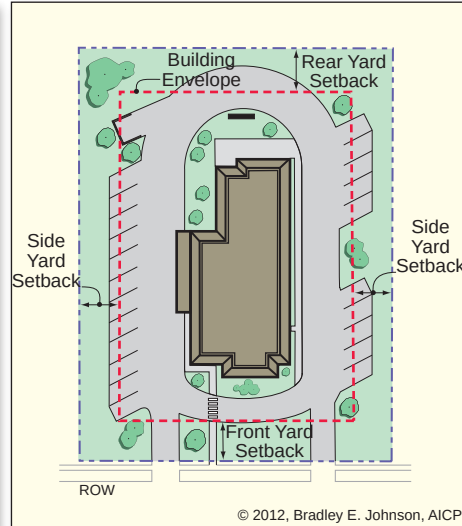
- 80 feet (measured at the front building setback line)

Minimum Lot Frontage

- 50 feet (on a public street, with access from that street)

Maximum Lot Depth

- none



Minimum Front Yard Setback

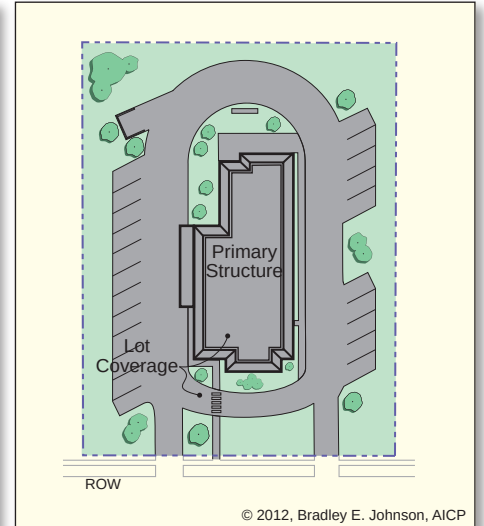
- 50 feet for primary and accessory structures when adjacent to an arterial street
- 30 feet for primary and accessory structures when adjacent to a collector street
- 20 feet for primary and accessory structures when adjacent to a local street

Minimum Side Yard Setback

- 10 feet for primary and accessory structures

Minimum Rear Yard Setback

- 20 feet for primary structures
- 10 feet for accessory structures



Maximum Lot Coverage

- 85% (of the lot area may be covered by structures and other hard surfaces)

Minimum Living Area per Dwelling

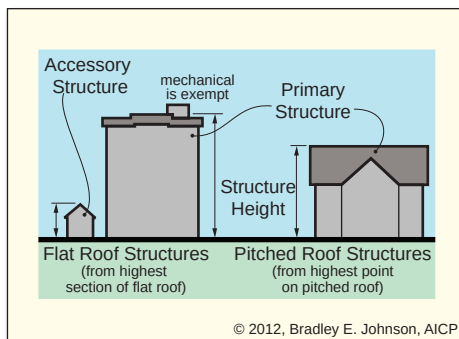
- 600 square feet

Minimum Ground Floor Area

- not applicable

Maximum Primary Structures per Lot

- 1



Maximum Structure Height

- No Maximum Structure Height within this district

Additional Development Standards that Apply

Accessory Use and Structures

- AS-01 5-3
- AS-02 5-5

Architectural

- AR-02 5-10

Commercial

- CM-01 5-12
- CM-02 5-13

Density and Intensity

- DI-01 5-15

Entrance and Drive

- ED-01 5-16
- ED-04 5-20

Environmental

- EN-01 5-22

Fence and Wall

- FW-01 5-24
- FW-03 5-24

Floodplain

- FP-01 5-26

Floor Area

- FA-01 5-27

Height

- HT-01 5-28

Landscaping

- LA-01 5-35
- LA-02 5-36
- LA-05 5-38
- LA-06 5-39
- LA-07 5-41

Lighting

- LT-01 5-42

Loading

- LD-01 5-44

Lot

- LO-01 5-45

Outdoor Display Area

- DA-01 5-49

Outdoor Storage

- OS-01 5-50
- OS-02 5-50

Parking

- PK-01 5-51
- PK-06 5-54

Public Improvement

- PI-01 5-58

Setback

- SB-01 5-60

Signs

- SI-01 5-65
- SI-02 5-70
- SI-03 5-71
- SI-05 5-71
- SI-09 5-82
- SI-11 5-90

Special Exception

- SE-01 5-91

Structure

- SR-01 5-92

Telecommunication Facility

- TC-01 5-93

Temporary Use

- TU-01 5-96
- TU-04 5-99

Utility Services

- US-01 5-100

Vision Clearance

- VC-01 5-101

Wind Turbine System

- WT-01 5-102
- WT-02 5-104

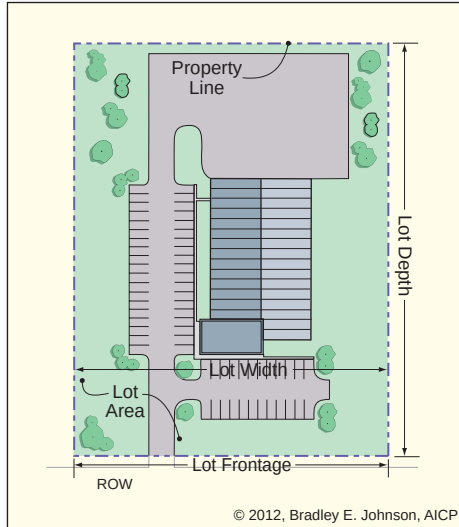
Light Industrial (IL) District

2.25 IL District Intent, Permitted Uses, and Special Exception Uses

Intent	Permitted Uses	Special Exception Uses
The Light Industrial (IL) District is intended to provide areas for light industrial, warehousing, research, and distribution facilities. This district is intended to include industrial uses that are completely enclosed within structures and do not involve the outdoor storage of any materials or include the release of detectable emissions. Shelbyville should strive to protect this district from retail commercial, residential, and general industrial uses.	Agricultural Uses • agricultural product sales, distribution, and storage facility • commercial greenhouse • farm (general) Commercial Uses • call center • data center • data processing and entry center Industrial Uses • contractor's warehouse/storage facility • light industrial assembly and distribution • light industrial processing and distribution • mini-storage facility • research and development facility • warehouse and distribution facility • wholesale facility Institutional Uses • airport • government facility • parking lot or parking garage (primary use) • police, fire, or rescue station • trade or business school • university or college Park Uses • nature preserve/center Residential Uses • farmstead Utility Uses • communication service exchange • sewage treatment plant • telecommunications facility • utility substation • water tower • energy production, as an accessory use	Commercial Uses • conference center • hotel/motel • kennel • retreat center Industrial Uses • agricultural products terminal • boat/RV storage facility • truck freight terminal • truck sales and service center Institutional Uses • day care center • heliport • hospital/medical center • medical or health clinic • penal or correctional institution

Light Industrial (IL) District

2.26 IL District Development Standards



Minimum Lot Area

- 10,000 square feet

Maximum Lot Area

- none

Minimum Lot Width

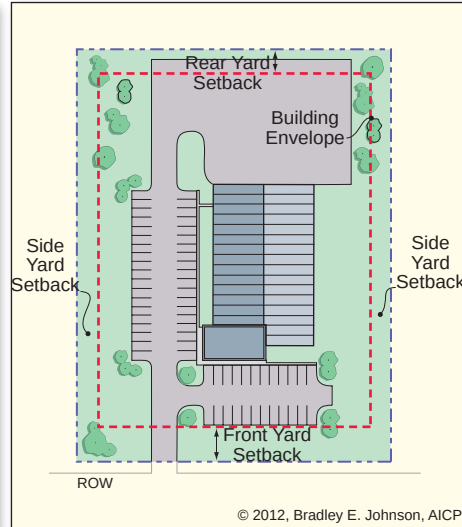
- 80 feet (measured at the front building setback line)

Minimum Lot Frontage

- 50 feet (on a public street, with access from that street)

Maximum Lot Depth

- none



Minimum Front Yard Setback

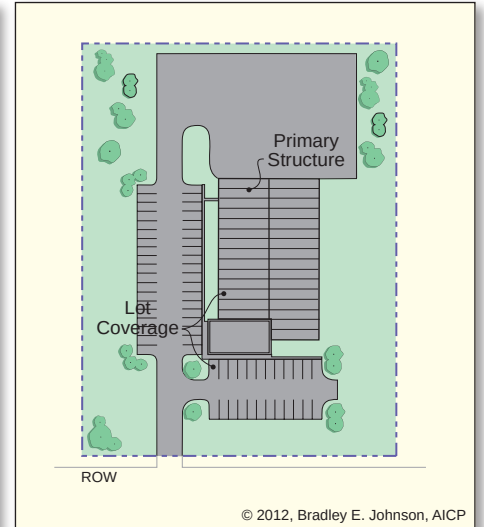
- 50 feet for primary and accessory structures when adjacent to an arterial street
- 50 feet for primary and accessory structures when adjacent to a collector street
- 50 feet for primary and accessory structures when adjacent to a local street

Minimum Side Yard Setback

- 25 feet for primary and accessory structures

Minimum Rear Yard Setback

- 25 feet for primary and accessory structures



Maximum Lot Coverage

- 85% (of the lot area may be covered by structures and other hard surfaces)

Minimum Living Area per Dwelling

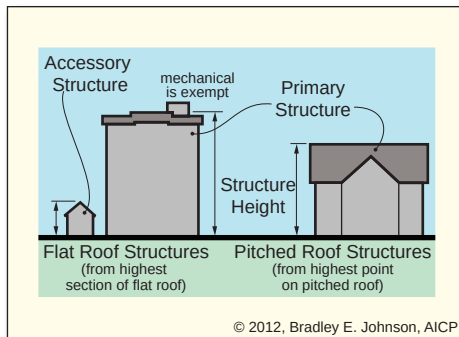
- not applicable

Minimum Ground Floor Area

- not applicable

Maximum Primary Structures per Lot

- 5



Maximum Structure Height

- 60 feet for primary structures
- 25 feet for accessory structures

Additional Development Standards that Apply

Accessory Use and Structures

- AS-01 5-3
- AS-02 5-5

Density and Intensity

- DI-01 5-15

Entrance and Drive

- ED-01 5-16
- ED-04 5-20

Environmental

- EN-01 5-22

Fence and Wall

- FW-01 5-24
- FW-04 5-25

Floodplain

- FP-01 5-26

Floor Area

- FA-01 5-27

Height

- HT-01 5-28

Industrial

- IN-01 5-30

Landscaping

- LA-01 5-35
- LA-02 5-36
- LA-05 5-38
- LA-06 5-39
- LA-07 5-41

Lighting

- LT-01 5-42

Loading

- LD-01 5-44

Lot

- LO-01 5-45

Outdoor Storage

- OS-03 5-50

Parking

- PK-01 5-51
- PK-06 5-54

Public Improvement

- PI-01 5-58

Setback

- SB-01 5-60

Signs

- SI-01 5-65
- SI-02 5-70
- SI-03 5-71
- SI-05 5-71
- SI-10 5-87
- SI-11 5-90

Special Exception

- SE-01 5-91

Structure

- SR-01 5-92

Telecommunication Facility

- TC-01 5-93

Temporary Use

- TU-01 5-96
- TU-04 5-99

Utility Services

- US-01 5-100

Vision Clearance

- VC-01 5-101

Wind Turbine System

- WT-01 5-102
- WT-02 5-104

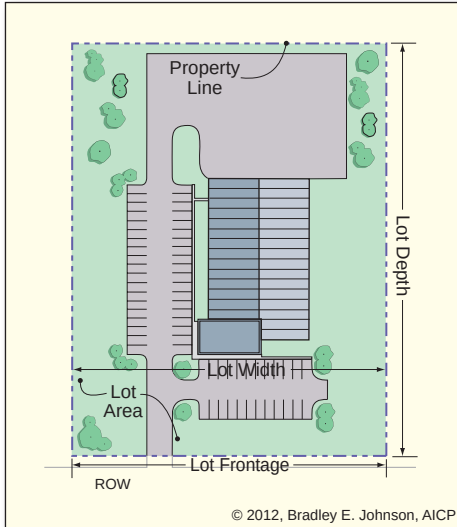
General Industrial (IG) District

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

Intent	Permitted Uses	Special Exception Uses
The General Industrial (IG) District is intended to provide areas for general industrial use under conditions that minimize conflicts with other land uses. Shelbyville should strive to protect these districts from commercial and residential land uses. This district should be used in combination with the Light Industrial (IL) District to provide ample employment centers and opportunities for economic development.	Agricultural Uses • farm (general) Industrial Uses • agricultural products terminal • data center • data processing and entry center • general industrial production • light industrial assembly and distribution • light industrial processing and distribution • research and development facility • warehouse and distribution center Institutional Uses • parking lot or parking garage (primary use) • police, fire, or rescue station Park Uses • nature preserve/center Residential Uses • farmstead Utility Uses • communication service exchange • sewage treatment plant • telecommunications facility • utility substation • water tower • energy production, as an accessory use	Industrial Uses • animal and animal products processing • concrete/asphalt production facility • food and beverage production • hazardous materials production • mineral extraction and processing • truck freight terminal • truck sales and service center • waste disposal facility Institutional Uses • heliport • medical or health clinic • trade or business school

General Industrial (IG) District

2.28 IG District Development Standards



Minimum Lot Area

- 1 acre

Maximum Lot Area

- none

Minimum Lot Width

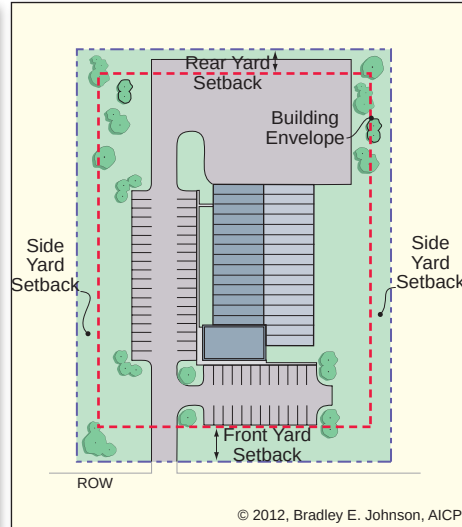
- 100 feet (measured at the front building setback line)

Minimum Lot Frontage

- 50 feet (on a public street with access from that street)

Maximum Lot Depth

- none



Minimum Front Yard Setback

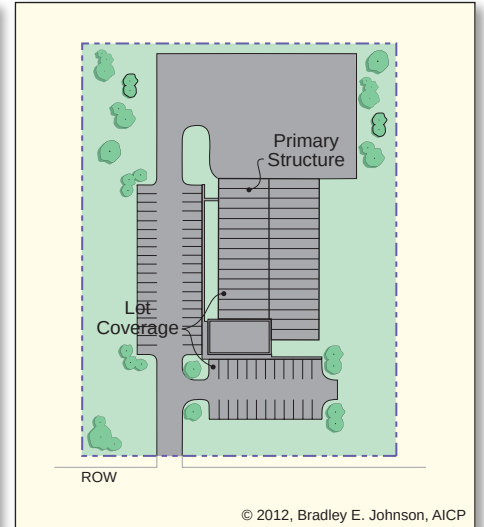
- 50 feet for primary and accessory structures when adjacent to an arterial street
- 50 feet for primary and accessory structures when adjacent to a collector street
- 50 feet for primary and accessory structures when adjacent to a local street

Minimum Side Yard Setback

- 25 feet for primary and accessory structures

Minimum Rear Yard Setback

- 25 feet for primary and accessory structures



Maximum Lot Coverage

- 85% (of the lot area may be covered by structures and other hard surfaces)

Minimum Living Area per Dwelling

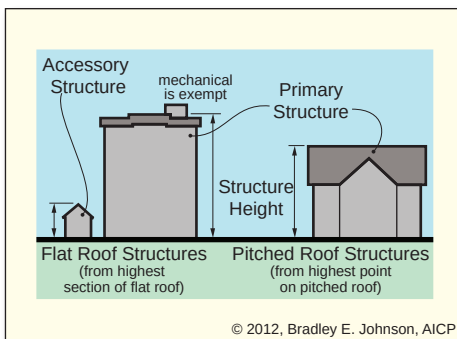
- not applicable

Minimum Ground Floor Area

- not applicable

Maximum Primary Structures per Lot

- 5



Maximum Structure Height

- 100 feet for primary structures
- 50% of the height of the tallest primary structure for accessory structures

Additional Development Standards that Apply

Accessory Use and Structures

- AS-01 5-3
- AS-02 5-5

Density and Intensity

- DI-01 5-15

Entrance and Drive

- ED-01 5-16
- ED-04 5-20

Environmental

- EN-01 5-22

Fence and Wall

- FW-01 5-24
- FW-04 5-25

Floodplain

- FP-01 5-26

Floor Area

- FA-01 5-27

Height

- HT-01 5-28

Industrial

- IN-01 5-30

Landscaping

- LA-01 5-35
- LA-02 5-36
- LA-05 5-38
- LA-06 5-39
- LA-07 5-41

Lighting

- LT-01 5-42

Loading

- LD-01 5-44

Lot

- LO-01 5-45

Outdoor Storage

- OS-03 5-50

Parking

- PK-01 5-51
- PK-06 5-54

Public Improvement

- PI-01 5-58

Setback

- SB-01 5-60

Signs

- SI-01 5-65
- SI-02 5-70
- SI-03 5-71
- SI-05 5-71
- SI-10 5-87
- SI-11 5-90

Special Exception

- SE-01 5-91

Structure

- SR-01 5-92

Telecommunication Facility

- TC-01 5-93

Temporary Use

- TU-01 5-96
- TU-04 5-99

Utility Services

- US-01 5-100

Vision Clearance

- VC-01 5-101

Wind Turbine System

- WT-01 5-102
- WT-02 5-104

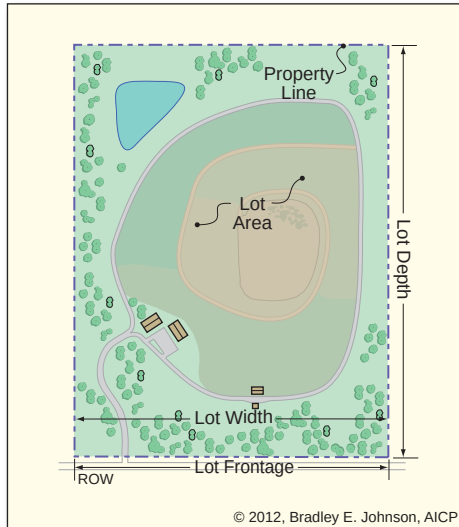
High Impact (HI) District

2.29 HI District Intent, Permitted Uses, and Special Exception Uses

Intent	Permitted Uses	Special Exception Uses
The HI (High Impact) District is intended to provide areas for high impact use under conditions that minimize conflicts with other land uses. Shelbyville should strive to protect these districts from all other zoning districts.	Commercial Uses • shooting range (outdoor) Industrial Uses • concrete/asphalt production facility • explosive manufacturing and storage • incinerator • inoperable vehicle storage • junk/scrap metal yard • mineral extraction and processing • recycling center • salvage yard • waste disposal facility Institutional Uses • government facility • penal or correctional institution Utility Uses • sewage treatment plant • telecommunications facility • utility substation • solar energy production, as an accessory use	Industrial Uses • animal and animal products processing • hazardous materials production • refuse dump • sanitary landfill Utility Uses • solar energy production, as a primary use

High Impact (HI) District

2.30 HI District Development Standards



Minimum Lot Area

- 20 acres

Maximum Lot Area

- none

Minimum Lot Width

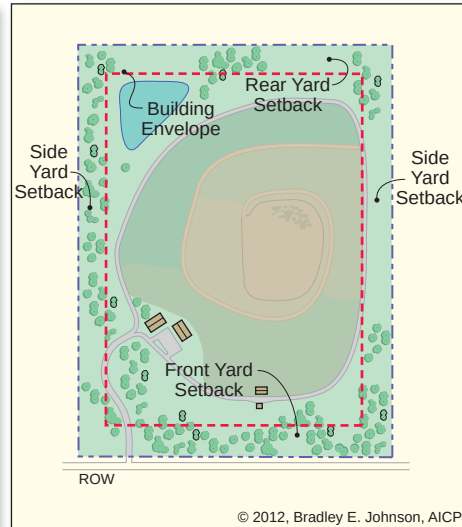
- 250 feet (measured at the front building setback line)

Minimum Lot Frontage

- none

Maximum Lot Depth

- none



Minimum Front Yard Setback

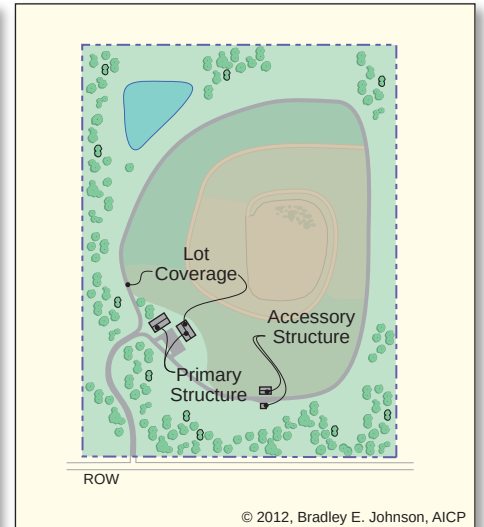
- 150 feet for primary and accessory structures when adjacent to an arterial street
- 150 feet for primary and accessory structures when adjacent to a collector street
- 150 feet for primary and accessory structures when adjacent to a local street

Minimum Side Yard Setback

- 100 feet for primary structures
- 50 for accessory structures

Minimum Rear Yard Setback

- 100 feet for primary structures
- 50 for accessory structures



Maximum Lot Coverage

- 50% (of the lot area may be covered by structures and other hard surfaces)

Minimum Living Area per Dwelling

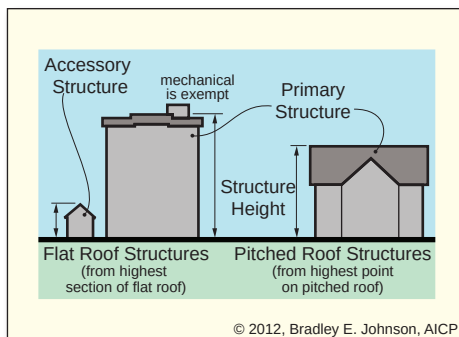
- not applicable

Minimum Ground Floor Area

- 500 square feet

Maximum Primary Structures per Lot

- no limit



Maximum Structure Height

- 40 feet for primary structures
- 20 feet for accessory structures
- 4 stories for primary structures

Additional Development Standards that Apply

Accessory Use and Structures		
• AS-01.....	5-3	
• AS-02.....	5-5	
Density and Intensity		
• DI-01.....	5-15	
Entrance and Drive		
• ED-01.....	5-16	
• ED-04.....	5-20	
Environmental		
• EN-01.....	5-22	
Fence and Wall		
• FW-01.....	5-24	
• FW-04.....	5-25	
Floodplain		
• FP-01.....	5-26	
Floor Area		
• FA-01.....	5-27	
Height		
• HT-01.....	5-28	
Industrial		
• IN-01.....	5-30	
Landscaping		
• LA-01.....	5-35	
• LA-02.....	5-36	
• LA-05.....	5-38	
• LA-06.....	5-39	
• LA-07.....	5-41	
Lighting		
• LT-01.....	5-42	
Loading		
• LD-01.....	5-44	
Lot		
• LO-01.....	5-45	
Outdoor Storage		
• OS-03.....	5-50	
Parking		
• PK-01.....	5-51	
• PK-06.....	5-54	
Public Improvement		
• PI-01.....	5-58	
Setback		
• SB-01.....	5-60	
Signs		
• SI-01.....	5-65	
• SI-10.....	5-87	
Special Exception		
• SE-01.....	5-91	
Structure		
• SR-01.....	5-92	
Telecommunication Facility		
• TC-01.....	5-93	
Temporary Use		
• TU-01.....	5-96	
• TU-04.....	5-99	
Utility Services		
• US-01.....	5-100	
Vision Clearance		
• VC-01.....	5-101	
Wind Turbine System		
• WT-01.....	5-102	
• WT-02.....	5-104	

Article

3

Overlay Districts

*City of Shelbyville
Unified Development
Ordinance*

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**Shelby
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Airport Compatibility Overlay (AR-OL) District

3.01 AR-OL District Intent, Effect on Uses, and Effect on Standards

District Intent	Effect on Land Uses	Effect on Development Standards
The intent of the AR-OL is to establish specific zoning requirements for the area around the Shelbyville Municipal Airport in order to maintain the vitality and functionality of the airport, protect persons on the ground and traveling by air from hazards associated with airplane flight, and reduce land use conflicts in the area of the airport. The area around the airport presents unique considerations for the height of structures, the presence of factors that interfere with safe flight, and large gatherings of the public that require the establishment of additional development standards to meet the goals of the <i>City of Shelbyville Comprehensive Plan</i> and fulfill the purpose of this Ordinance.	All uses permitted in the underlying district(s) are permitted in the Airport Compatibility Overlay District with the exception of those uses which are prohibited by <i>Section 3.04(E): Prohibited Uses</i> or listed as special exceptions by <i>Section 3.04(F): Special Exception Uses</i>. All uses that are special exceptions in the underlying district are special exceptions in the Airport Compatibility Overlay District with the exception of those uses which are prohibited by <i>Section 3.04(E): Prohibited Uses</i>.	The development standards from the base zoning district shall apply to the AR-OL District in addition to the development standards described in <i>Section 3.04</i>.

Airport Compatibility Overlay (AR-OL) District

3.02 AR-OL District Applicability

The following requirements apply to all land within the AR-OL District as defined in Section 3.03: AR-OL Boundaries and Exemptions. Under no circumstances shall a planned development or rezoning of property change the applicability of the AR-OL District's land use restrictions and additional development standards.

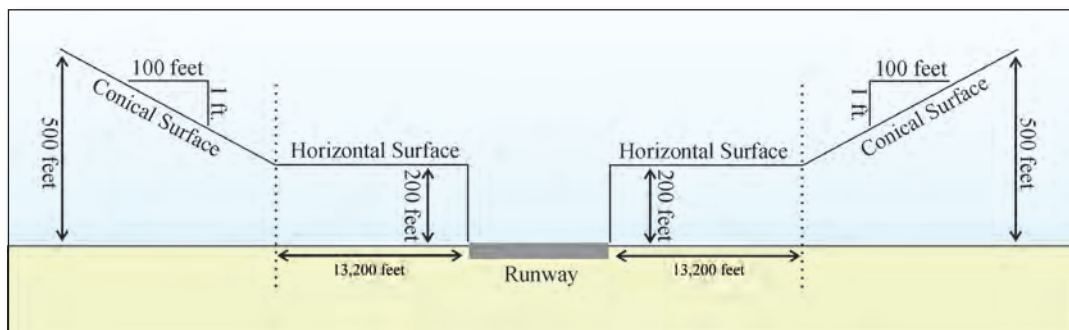
3.03 AR-OL Boundaries and Exemptions

The Airport Overlay District (AR-OL) shall apply to all properties as indicated on the Official Zoning Map of the City of Shelbyville, and all properties affected by the Shelbyville Airport Layout Plan as described by this Article. Generally this includes the area surrounding the airport extending 13,200 feet (2.5 miles) from the ends and each side of the active runway(s).

3.04 AR-OL Development Standards

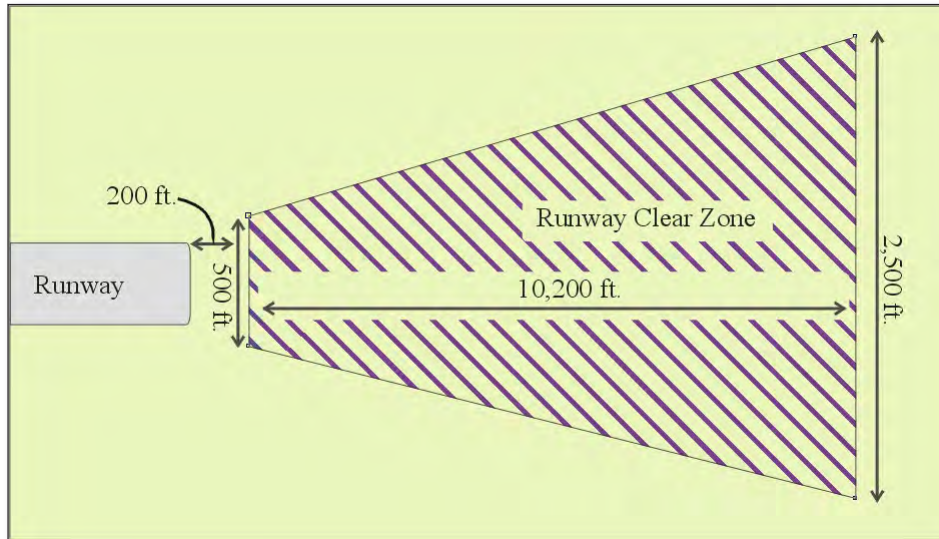
All development within the boundaries of the AR-OL district shall comply with the following development standards.

- A. General Use Restrictions: No land use within the AR-OL district shall:
 1. Create electrical interference with radio communication between the airport and aircraft or create interferences with navigational aids employed by aircraft;
 2. Make it difficult for pilots to distinguish between airport lights and other lights;
 3. Result in glare in the eyes of pilots using the airport;
 4. Create pollution or other conditions that would impair visibility in the vicinity of the airport; or
 5. Otherwise endanger the landing, taking-off, or maneuvering of aircraft.
- B. Bird Strike Hazard Restrictions: No waste disposal site, solid waste transfer station, recycling facility, or other bird attracting use shall be located within the AR-OL district without approval and proper authorization by the Federal Aviation Administration FAA when applicable.
- C. Height Restrictions: The following height restrictions shall apply within the AR-OL district:
 1. *Horizontal or Conical Surface*: Proposed development or natural vegetation shall not be of a height greater than the horizontal surface or conical surface. The horizontal surface is an imaginary surface that is 200 feet above the active runway, and extends outward for a horizontal distance of 13,200 feet. The conical surface extends upward from the ends of the horizontal surface at a slope of one foot (1') vertical to 100 feet horizontal, outward to a height of 500 feet. See the Horizontal and Conical Surface Diagram below.



2. *Exemptions*: The following uses and structures are exempt from these height restrictions:
 - a. A structure or object that is shielded by existing permanent structures or by natural terrain or topographic features of equal or greater height and is located in an area of established development where it is evident that the shielded structure would not adversely affect aircraft navigation.
 - b. Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device of a type approved by the FAA and the height of which is fixed by its functional purpose.
 - c. Any structures owned or maintained by the airport or any branch of government for utility purposes.

- D. Runway Clear Zone Regulations: The following regulations shall apply to the runway clear zone within the AR-OL district:
1. *Clear Zone Defined*: A runway clear zone shall be established at each end of every active runway . This clear zone shall have a width of 500 feet at a distance of 200 feet beyond each end of the runway, widening thereafter uniformly to a width of 2,500 feet at a distance of 10,200 feet beyond each runway, its centerline being a continuation of the centerline of the runway. See the Runway Clear Zone Diagram below



- E. Prohibited Uses: The following types of uses shall be prohibited within the runway clear zone:
1. *Educational Facilities: Including schools (P-12), colleges and universities, day care homes, and day care centers;*
 2. *Churches and other places of worship;*
 3. *Nursing homes, retirement centers, and assisted living facilities;*
 4. *Residential uses; and*
 5. *Stadiums, theaters, and similar places where the public is assembled.*
- F. Special Exception Uses: The following types of uses shall be special exceptions within the runway clear zone, provided that they are also listed as permitted or special exception uses in the underlying standard zones:
1. *Trade and business schools;*
 2. *Hospitals and medical centers and clinics;*
 3. *Hotels; and*
 4. Any uses involving the sales, storage, manufacture, and/or distribution of gasoline, propane, or other flammable, toxic, explosive, radioactive, biohazardous materials in a quantity and of a type that would further jeopardize the health of aircraft occupants, bystanders, and emergency personal in the event of an aircraft accident.
- G. Noise Protection: All structures located in the runway clear zone should be adequately sound-proofed per FAA regulations to ensure the health and general welfare of occupants.

Race Track Overlay (RT-OL) District

3.05 RT-OL District Intent, Effect on Uses, and Effect on Standards

District Intent	Effect on Land Uses	Effect on Development Standards
The intent of the RT-OL District is to establish specific zoning requirements for the area surrounding Shelbyville's race track facility. This overlay is intended to identify a specific geographic area in which further review of development proposals is needed to better guide growth in this intensely used area and to implement the <i>City of Shelbyville Comprehensive Plan</i>. The race track facility presents unique concerns for traffic management, land use, and aesthetic quality. This overlay district is established to ensure that development around the race track adequately accommodates the traffic in the area, establishes a complimentary set of land uses, and provides an aesthetically pleasing environment for visitors to the City of Shelbyville. This overlay district is intended to provide the Shelbyville Plan Commission with a vehicle to more closely examine proposed development in this area.	Principal Permitted Uses • gaming facilities, including casinos as established pursuant to state statute • horse racing facilities and associated activities established pursuant to state statute • licensed off-track betting facilities • retail sales and services • spas and resorts • artist studios • lodging and accommodations • restaurants containing inside and outside seating • restaurants containing drive up/through facilities • package liquor sales • conference center, ball rooms, auditoriums and banquet facilities • theatres and cinemas • indoor recreation and amusement • offices for personal or professional services • automobile parking facilities • government use facilities such as a fire, rescue or police station Accessory Permitted Uses • uses which are customarily incidental to any of the permitted principal uses and are located on the same lot or adjoining property as the principal use are permitted. Special Exception Uses • outdoor recreation, amusement and entertainment venues such as golf courses and driving ranges, swimming pools and water parks and commercial amphitheaters • heliports • vehicle Repair facilities, excluding auto body repair and the repair of semi, commercial or fleet vehicles • car washes • vehicle fuel sales, excluding semi and fleet vehicle fuel sales • vehicle storage Prohibited Uses • adult entertainment uses as defined in <i>Article 11: Definitions</i> • massage therapy salons as a primary use • automobile Sales • truck stop • truck and trailer sales • farm equipment sales and service • mobile/manufactured home sales • pawn shops • cash advance/payroll advance and check cashing facilities • tattoo and body alteration parlors • mini warehouse storage • sales of building materials • any industrial use • outdoor storage of any materials other than those associated with permitted horse racing facilities • all residential uses as a primary use • communication facilities that require the use of towers • religious assembly facilities and places of worship • daycare facilities • schools and similar educational facilities	The development standards from the base zoning district shall apply to the RT-OL District.

Race Track Overlay (RT-OL) District

3.06 RT-OL District Applicability

The following requirements apply to all land within the RT-OL District as defined in *Section 3.07: RT-OL Boundaries and Exemptions*. Under no circumstances shall a planned development or rezoning of property change the applicability of the RT-OL District's land use restrictions and additional development standards.

3.07 RT-OL Boundaries and Exemptions

The Race Track Overlay District (RT-OL) shall apply to all properties as indicated on the Official Zoning Map of the City of Shelbyville.

3.08 RT-OL Development Standards

All construction in the RT-OL area shall conform to all development standards in *Article 5: Development Standards*.

Article

4

Planned Development District

*City of Shelbyville
Unified Development
Ordinance*

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Planned Development (PD) District

4.01 PD District Intent, Regulations, and Prerequisites

District Intent

The Planned Development (PD) District is intended to provide flexible development standards in order for the development to result in a significantly better design than what would have been the result under the zoning regulations. The first priority for the City of Shelbyville is to make sure the development exceeds the quality that would have resulted from traditional application of the Unified Development Ordinance. The second priority is to confirm that a PD District is necessary due to any of the following:

- A development with complex mixes of land uses, or mixes of land uses within buildings
- A development on a unique geological feature, or on a site with a notable quality natural features, or on a site with a notable quantity of natural features
- A development with a notably unique or innovative design

Plan Commission

- Any parcel that meets the prerequisites specified herein may be considered for a PD District
- The necessity for variances shall not by itself justify a developers pursuit of a PD District
- The base zoning district and the *City of Shelbyville Comprehensive Plan* shall be used to determine the appropriateness of the dominant land use in the PD District
- The proposed development shall be a clear benefit to the community

Common Council

- Under no circumstance is the Common Council required to rezone a property as a PD District
- Rezone a property to a PD District only after the Plan Commission provides a favorable recommendation
- Require commitments that will improve the quality of the development
- Restrict particular land uses that would not be appropriate for the district
- Assure the development is consistent with the *City of Shelbyville Comprehensive Plan*

Regulations

Permitted Uses

- Predominantly in line with the permitted uses in the original zoning district
- Predominantly in line with the *City of Shelbyville Comprehensive Plan*
- Compatible with surrounding land uses and adjacent zoning districts
- Flexible only to the extent permitted in *Article 4: Planned Development District*

Development Standards

- Generally in line with the intent of the original zoning district
- Predominantly in line with the *City of Shelbyville Comprehensive Plan*
- Compatible with surrounding land uses and adjacent zoning districts
- Flexible only to the extent permitted in *Article 4: Planned Development District*

Design Standards

- Predominantly in compliance with *Article 6: Design Standards*
- Flexible only to the extent permitted in *Article 4: Planned Development District*

Construction Standards

- Fully in compliance with City of Shelbyville's construction and engineering standards

Prerequisites

Ownership

- The site proposed for a Planned Development shall be under single ownership, or if multiple owners exist a legal document, legal partnership, or corporation shall be provided indicating that all owners of property support and desire to develop the land. Said legal document shall also indicate who the owners appoint as their representative

Site Area

- The minimum site area required for a Planned Development is 5 acres

Zoning Districts

- Only the following standard zoning districts may be rezoned to a Planned Development District: R1, R2, MP, BH, IL, and IG.

Planned Development (PD) District

4.02 General

- A. Description: A Planned Development (PD) District is a special district that can be pursued by an applicant in which a stand alone ordinance regulating the development is drafted and which binds the development to its unique language.
- B. Creation: The procedure for the creation of a PD District shall be consistent with the process set forth in *Article 09: Processes* of the Unified Development Ordinance.
- C. Maps: PD Districts shall be identified as such on the Official Zoning Map.
- D. Regulations:
 - 1. *Development Standards and Design Standards*: The requirements of *Article 05: Development Standards* and *Article 06: Design Standards* of the Unified Development Ordinance shall apply to Planned Developments unless alternate standards are deemed appropriate by the Plan Commission in order to accomplish the intent of the Planned Development. Any lessening of the required standards of the Unified Development Ordinance shall be directly linked to the intent of the Planned Development to provide a mixed use development, accommodate a creative and unique design not otherwise achievable using standard zoning districts and subdivision control regulations, or address unusual physical conditions.
 - 2. *Preliminary Plan*: The Preliminary Plan shall indicate the proposed land uses, location of all proposed improvements, and a proposed ordinance that includes development standards, design standards, and other specifications which shall govern the Planned Development. If the Preliminary Plan is silent or does not address a particular land use, development standard, design standard, or other specification, the standard of the base zoning district or other applicable regulations shall apply.
 - 3. *Open Space*: Open space shall either be:
 - a. Conveyed to a municipal or public corporation if it is willing to accept it; or
 - b. Conveyed to a not-for-profit corporation or entity established for the purpose of benefiting the owners and tenants of the Planned Development.

4.03 Origination of Proposals

A proposal for a PD District shall be initiated by the property owner(s). The site proposed for a Planned Unit Development shall be under single ownership, or if multiple owners exist a legal document, legal partnership, or corporation shall be provided indicating that all owners of property support and desire to develop the land. Said legal document shall also indicate who the owners appoint as their representative.

4.04 Process

All proposed Planned Developments shall utilize the process described in *Section 9.06: Planned Development*.

4.05 Rules and Procedures

All proceedings brought under *Article 04: Planned Development District* are subject to the Rules and Procedures of the Plan Commission, unless stated otherwise. All applications that involve subdivision of a parcel shall also be subject to the subdivision procedures established by *Article 09: Processes* of the Unified Development Ordinance.

4.06 Limitation of Revisions to the Unified Development Ordinance

- A. Public Health and Safety: Changes to the Unified Development Ordinance that directly affect public health and safety shall apply to any Planned Development whether prior to or during development.
- B. Failure to Comply: If a Planned Development is no longer proceeding in accordance with its ordinance, the commitments, or time requirements imposed by its ordinance, the City may follow the process for violations outlined in *Article 10: Enforcement and Penalties*.
- C. Rezoning to Standard District: All Planned Developments or subdistricts thereof, once ninety percent (90%) built-out are subject to being rezoned into an appropriate standard zoning district if the City deems it necessary to better administer the development.
- D. Processes: A Planned Development Ordinance shall not supersede the Site Development Plan review process applicable to each site within a Planned Development as it is developed. Similarly, a Planned Development Ordinance shall not supersede the variance process or offer an alternative to variances. Further, a Planned Development Ordinance shall not supersede or offer alternatives to the normal role of the Technical Review Committee.
- E. Architectural Review Committee: If a Planned Development establishes a development-specific architectural review committee, and that committee fails to function as intended, the City of Shelbyville reserves the right to assume the Architectural Review Committee.

Planned Development (PD) District

4.07 Designation of Permanent Open Space

- A. Designation: No PD District shall be approved, unless the design provides for permanent landscaped or natural open space. Natural open space may be designated through the use of common space or other mechanisms such as conservation easements to the satisfaction of the Plan Commission and Common Council. Open space shall be provided in at least the following percentage of the total gross area of the Planned Development by type of use:
1. *Single-family and multiple-family residential use:* 25%
 2. *Office use:* 20%
 3. *All other uses:* 15%
- B. Mixed Uses: In the case of mixed uses, permanent open space shall be allocated to the property in proportion to the uses assigned to the Planned Development and shall be located in close proximity to those uses. The permanent open space need not be located in proximity to the use in the case of preservation of existing natural features.
- C. Development in Stages: If the Preliminary Plan provides for the Planned Development to be constructed in stages, open space shall be provided for each stage of the development in proportion to that stage, and conveyed or guaranteed.

Article

5

Development Standards

*City of Shelbyville
Unified Development
Ordinance*

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**Shelby
ville.**

How to Use this Article

5.01 How to Use this Article

Article 05: Development Standards contains development standards that are arranged by category. There are two (2) ways to determine which development standards apply to a specific zoning district. They are:

- A. **Blue Boxes:** Refer to the two-page layouts in *Article 2: Zoning Districts* for a specific zoning district. In the “Additional Development Standards that Apply” box for that specific zoning district are listed four-digit codes that determine which development standards apply. Only the development standards referenced by the four-digit codes listed in the “Additional Development Standards that Apply” section apply to that zoning district.

[Example: On page 2-9, the four-digit code “AS-02” can be found under the “Additional Development Standards that Apply” section in the Single-family Residential (R1) zoning district. Therefore, the Development Standards in the section labeled “AS-02” (on page 5-5) would apply to the Single-family Residential (R1) zoning district.]

- B. **District Icons:** Refer to the icons used at the top of each development standard section in this Article. Each development standard section begins with a four-digit code and introductory sentence followed by one (1) or more icons with zoning district abbreviations (e.g. R1 for the Single-family Residential zoning district). These zoning district icons note that the development standard written in that section applies to that zoning district.

[Example: On page 5-9, the **R1** icon can be found under *Section 5.07: AR-01 Residential and Business Neighborhood Architectural Standards*. Therefore the language in the AR-01 section would apply to the R1 zoning district.]

Accessory Use and Structure Standards (AS)

5.02 AS-01: General Accessory Use Standards

This Accessory Use and Structure Standards (AS) section applies to the following zoning districts:



- A. **Order of Establishment:** No accessory use shall be permitted to be located, placed, or established on any lot prior to the establishment of a primary use unless otherwise permitted by this Ordinance. All accessory uses shall be permitted only in association with, and on the same lot as, the primary use.
- B. **Permitted Accessory Uses:** Accessory uses shall be permitted in each zoning district as either permitted uses or special exceptions consistent with the Permitted Accessory Uses table. All Accessory uses shall be subject to the standards provided by this Article. The Zoning Administrator shall determine whether or not accessory uses not specifically listed are permitted based on the consistency of each use with the intent of the zoning district in which it is proposed to be located.

Permitted Accessory Uses

Use	Zoning District														
	Park and Open Space - PK	Agriculture - AG	Agricultural/Rural Residential - AR	Single-family Residential - R1	Two-family Residential - R2	Multiple-family Residential - RM	Manufactured Home Park - MP	Institutional - IS	Business Neighborhood - BN	Business Central - BC	Business General - BG	Business Highway - BH	Light Industry - IL	General Industry - IG	High Impact - HI
Recreational Raising of non-farm Animals		P	P										S	S	
Retail Sales of Products Grown On-site		P	P										P	P	
Dwelling, Accessory			S	S											
Farm Worker Seasonal Housing		S	S										S	S	
Day-care Home		P	P	P	P	P	P		P	P	S				
Home Occupation		P	P	P	P	P	P		P	P	S				
Home Enterprise Kennel		S													
Private Air Strip		S	S										S	S	
Outdoor Storage of Sales Items									S	S	P	P			
Outdoor Storage of Products & Materials													S	P	P
Outdoor Storage of Equipment											S		P	P	P
Outdoor Storage of Inoperable Vehicles														P	
(P = Permitted, S = Special Exception)															

- C. **Accessory Dwelling Standards:** Single-family dwellings constructed and used as accessories to the primary dwelling on the property (otherwise commonly known as "mother-in-law quarters" and "granny flats") shall be designed and constructed as either part of the primary structure or as part of a detached garage located on the same lot as, and providing service to, the primary structure. In no case may any accessory dwelling exceed 600 square feet in living area.
- D. **Day Care Home Standards:** Child day care homes shall meet the definition established by IC 12-7-2-28.6 and shall be consistent with all applicable regulations of the State of Indiana.
- E. **Home Occupation Standards:** Home occupations shall comply with the *Home Occupation Standards*.

- F. **Outdoor Storage Standards:** In no case may outdoor storage occur in any easement, right-of-way, parking space (unless the minimum required parking spaces are maintained), interior drive, sidewalk or pedestrian way, or required landscaping area.
1. **Exemptions:** Outdoor storage associated with the following primary uses shall be exempt from these outdoor storage standards:
 - a. Nurseries (this shall not be interpreted as including seasonal and other sales of products grown off-site);
 - b. Automobile, boat, recreational vehicle, and farm implement dealers; and
 - c. Agriculture.
 2. **Storage Area Design:** All outdoor storage shall occur in areas designed and designated specifically for outdoor storage.
 3. **Screening:** All outdoor storage areas shall be subject to the screening requirements provided by the *Buffering and Screening Standards*.
 4. **Types of Storage:** The following types of outdoor storage shall meet the specific standards provided for each:
 - a. **Outdoor Storage of Items for Sale:** The outdoor storage of items for sale shall be limited to finished products that are for sale at the business where the outdoor storage is occurring. Outdoor sales items subject to the provisions of this section include, but are not limited to, seasonal sales items, mulch and landscaping materials, and newspapers. The outdoor display of items for sale that are brought outdoors daily and then stored indoors when the business is closed shall be exempt from any requirements.
 - b. **Outdoor Storage of Manufactured Products and Materials:** The outdoor storage of manufactured products and production materials shall be limited to materials that are either used in the production process or produced on the property where the outdoor storage is occurring.
 - c. **Outdoor Storage of Equipment:** The outdoor storage of equipment shall be limited to properties on which contractors warehouses/storage yards are the permitted primary uses. Outdoor storage of equipment shall be prohibited in all front yards.
 - d. **Outdoor Storage of Inoperable Vehicles:** Outdoor storage of inoperable vehicles shall be limited to properties on which an auto repair/body shop is the legally established primary use. Any such outdoor storage shall conform to the requirements of the *Parking Standards*.

Accessory Use and Structure Standards (AS)

5.03 AS-02: General Accessory Structure Standards

This Accessory Use and Structure Standards (AS) section applies to the following zoning districts:



- A. **Order of Establishment:** No accessory structure shall be permitted to be located, placed, or established on any lot prior to the establishment of a primary structure unless otherwise permitted by this Ordinance. All accessory structures shall be permitted only in association with, and on the same lot as, the primary structure.
- B. **Exemptions:** Accessory structures are not deemed to include parking lots and multiple story parking structures, bird baths and bird houses, swing sets, mailboxes, lamp posts, flag poles, doghouses, tree houses, saunas and hot tubs, and detached decks/patios less than 200 square feet in size, gazebos, yard ornaments, athletic courts, and other incidentals except as otherwise stated by this Ordinance.
- C. **Location:** Accessory structures shall comply with the following location requirements:
 1. **Setbacks from other Structures:** A minimum separation of five (5) feet shall be provided between an accessory structure and any primary structure or other accessory structure.
 2. **Rights-of-way:** No accessory structure shall encroach on any right-of-way without written consent of the holder of the right-of-way. Encroachment into any right-of-way held by the City of Shelbyville shall require the consent of the Board of Public Works and Safety.
 3. **Septic Fields:** No accessory structures shall be placed in any operable septic fields or areas set aside for a replacement septic field.
 4. **Yard Location:** With the exception of gazebos and decks, all accessory structures shall only be located to the rear or side of the primary structure.
- D. **Vehicle/Trailer Use:** In no instance shall a vehicle or trailer (e.g. semi trailer) be used as an accessory structure in any district (such as for storage, shelter for pets, etc.).
- E. **Shipping Container:** In no instance shall a shipping container be used as an accessory structure in any district (such as for storage, shelter for pets, etc.).
- F. **Permitted Accessory Structures:** The type of accessory structures, side and rear yard setbacks for accessory structures, and maximum number of accessory structures per dwelling unit or business use in each zoning district shall be consistent with the Permitted Accessory Structures table.
 1. **Applicable Standards:** All accessory structures shall be subject to the standards provided by this Article and all other applicable standards established by this Ordinance.
 2. **Permitted Structures:** The Zoning Administrator shall determine whether or not accessory structures not specifically listed in this section are permitted based on the consistency of each structure with the intent of the zoning district in which it is proposed to be located.
- G. **Amateur Radio Antennas:** Amateur radio antenna shall be permitted as an incidental accessory structure in all zoning districts, and shall meet the following requirements:
 1. **Location:** No amateur radio antenna shall be located in any provided front yard. No amateur radio antenna shall be located within any required rear or side yard setback.
 2. **Height:** No amateur radio tower shall exceed sixty (60) feet in height from ground level or six (6) feet in height above the highest point of the roof of the primary structure, whichever is greater.
 3. **Interference:** No amateur radio antenna or operation shall create electrical or communications interference, including visual or audible interference with radio or television reception.
 4. **Signs:** Signs and other forms of advertisement shall not be placed on amateur radio towers.
- H. **Swimming Pools:** All swimming pools shall conform to the requirements of the Indiana Pool Code and all applicable provisions of the Shelbyville Building Code.
- I. **Dumpsters and Trash Containers:**
 1. **Exemption:** Residential trash containers, less than ninety-six (96) gallons in capacity, shall be exempt from the Dumpster and Trash Containers regulations.
 2. **Front Yards:** All dumpsters and trash containers shall be prohibited from all provided front yards.
 3. **Setbacks:** Dumpsters and trash containers are subject to the accessory structure setback requirements of *Article 2: Zoning Districts*.
 4. **Screening:** Dumpster and trash containers are subject to the screening requirements provided in *Section 5.37: Landscape Screening Standards*.

Permitted Accessory Structures

Structure (P - Permitted)	Zoning District															
	Park and Open Space - PK	Agriculture - AG	Agricultural/Rural Residential - AR	Single-family Residential - R1	Two-family Residential - R2	Multiple-family Residential - RM	Manufactured Home Park - MP	Institutional - IS	Business Neighborhood - BN	Business Central - BC	Business General - BG	Business Highway - BH	Light Industry - IL	General Industry - IG	High Impact - HI	
	Recreational Greenhouses		P	P	P	P	P									
	Detached Garages and Carports		P	P	P	P	P		P	P						
	Mini-barns and Sheds	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Exterior Swimming Pools	P	P	P	P	P	P									
	Dumpsters and Trash Containers	P				P	P	P	P	P	P	P	P	P	P	
	Other Accessory Structures Related to the Primary Use	P	P	P					P	P	P	P	P	P	P	
	Maximum Number of These Accessory Structures Permitted	NA	NA	NA	4*	4*	4	4**		4	4	5	5	5	5	
	NA - Not Applicable															
	* May not have more than 2 of the same type of accessory structure.															
	** Plus 1 storage-based accessory structure for each dwelling site.															

5.04 AS-03: Parks and Recreation Accessory Use and Structure Standards

This Accessory Use and Structure Standards (AS) section applies to the following zoning districts:

PK

Where park and recreation facilities are permitted customary accessory uses and structures such as restrooms, groceries, refreshment stands, restaurants, laundries, dumpsters and other waste containers, theaters, bandshells, performance spaces, and sporting goods sales are also permitted, subject to the following standards:

A. Types:

- Storage-based:** Storage-based accessory structures shall be permitted. Storage-based accessory structures shall include barns, carports, detached garages, greenhouses, mini-barns, pool houses, sheds, and other structures used primarily for storage purposes.
- Recreation-based:** Recreation-based accessory structures shall be permitted. Recreation-based accessory structures shall include decks, gazebos, hot tubs, ground-mounted satellite dishes, sport courts, swimming pools, and other structures used primarily for recreational purposes.

B. Relationship:

- Use:** An accessory structure shall relate to the primary use of the lot or the zoning district's permitted uses.
- Timing:** An accessory structure may be installed or built on a lot prior to the construction of a primary structure or without the existence of the primary structure.

C. Maximum Area:

The maximum cumulative area occupied by accessory uses and structures, including any associated parking, shall not exceed ten percent (10%) of the park and recreation site.

D. Subordinate Character:

The accessory uses and structures shall be subordinate to the recreational character of the development.

E. Service Intent:

The accessory uses and structures shall be located, designed, and intended to serve only the needs of the park or recreation facility.

F. Visible Evidence:

The accessory uses and structures shall present no visible evidence of their business nature to areas outside the park or recreation facility.

G. Parking:

Parking for accessory uses and structures shall be consistent with the requirements of the *Parking Standards*.

Accessory Use and Structure Standards (AS)

5.05 AS-04: Multiple-family Residential Accessory Use and Structure Standards

This Accessory Use and Structure Standards (AS) section applies to the following zoning districts:



Where multiple-family dwellings are permitted customary accessory uses and accessory structures such as management offices, sales offices, storage facilities, child day-care centers, self-service laundries, fitness centers, community centers, recreation centers, dumpsters and other waste containers, and swimming pools shall also be permitted, subject to the following standards:

A. Types:

1. *Support-based*: Support-based accessory structures shall be permitted. Support-based accessory structures may include a management office, sales office, maintenance facility, indoor fitness room, indoor or outdoor sport courts, indoor or outdoor swimming pool, indoor or outdoor play equipment, enclosed vending, laundry, and other structures customarily incidental to the development. All support-based accessory structures shall be subordinate to the residential component of the development; be located, designed, and intended to serve only the needs of the development and its residents; and shall present no visible evidence of its non-residential nature to areas outside the development.
2. *Storage-based*: Except for garages and carports, storage-based accessory structures specific to each dwelling unit shall not be permitted.

B. Relationship:

1. *Use*: An accessory structure shall relate to the primary use of the land and be solely used in connection with the primary use.
2. *Timing*:
 - a. Support-based: A support-based accessory structure may be installed or built on a lot prior to the construction of a primary structure.
 - b. Storage-based: A storage-based accessory structure shall not be installed or built on a lot prior to the construction of a primary structure.
- C. Maximum Area: The maximum cumulative area occupied by accessory uses and structures, including any parking associated with the accessory use, shall not exceed ten percent (10%) of the development site.
- D. Subordinate Character: The accessory uses and structures shall be subordinate to the residential character of the development.
- E. Service Intent: The accessory uses and structures shall be located, designed and intended to serve only the needs of the development.
- F. Visible Evidence: The accessory uses and structures shall present no visible evidence of their business nature to areas outside the development.
- G. Parking: Parking for accessory uses and structures shall be consistent with the requirements of the *Parking Standards*.

5.06 AS-05: Manufactured Home Park Accessory Use and Structure Standards

This Accessory Use and Structure Standards (AS) section applies to the following zoning districts:



Where manufactured home parks are permitted customary accessory uses and accessory structures such as management offices, sales offices, storage facilities, child day-care centers, self-service laundries, fitness centers, community centers, recreation centers, dumpsters and other waste containers, and swimming pools shall also be permitted, subject to the following standards:

A. Types:

1. *Support-based*: Support-based accessory structures shall be permitted in areas on the lot that are not dwelling sites.
 - a. Support-based accessory structures shall include a management office, sales office, maintenance facility, indoor fitness room, indoor or outdoor sport courts, indoor or outdoor swimming pool, indoor or outdoor play equipment, enclosed vending, laundry, emergency storm shelter, and other structures customarily incidental to the development. Any support-based accessory structure shall be for the benefit of all residents living on the development's dwelling sites.
 - b. Support-based accessory structures shall be subordinate to the residential component of the development.

- c. Support-based accessory structures shall be located, designed, and intended to serve only the needs of the development and its residents.
 - d. Support-based accessory structures shall present no visible evidence of its non-residential nature to areas outside the development.
2. *Storage-based*: Storage-based accessory structures in the form of detached garages, carports, and sheds shall be permitted on dwelling sites.
3. *Recreation-based*: Recreation-based accessory structures in the form of decks and ground-mounted satellite dishes shall be permitted on dwelling sites. Pools and other recreation-based accessory structures shall not be permitted on dwelling sites.
- B. Relationship:
 1. *Use*: An accessory structure shall relate to the primary use of the land and be solely used in connection with the primary use.
 2. *Timing*:
 - a. Support-based: A support-based accessory structure may be installed or built on the lot (i.e. not on dwelling sites) prior to the construction of a primary structure.
 - b. Storage-based and Recreation-based: Storage-based and recreation-based accessory structures shall not be installed or constructed on a dwelling site prior to the construction or installation of a primary structure.
- C. Quantity and Size:
 1. *Maximum Quantity per Development*: No more than four (4) support-based accessory structures shall be permitted for any development. There is no limit on recreation-based accessory structures.
 2. *Maximum Quantity per Dwelling Site*: Each dwelling site shall be permitted one (1) shed in addition to a carport or garage. No additional storage-based accessory structures shall be permitted on a dwelling site.
 3. *Maximum Size*: The total area of storage-based accessory structures on a dwelling site shall not exceed twenty-five percent (25%) of the dwelling site area or 600 square feet, whichever is less.
- D. Subordinate Character: The accessory uses and structures shall be subordinate to the residential character of the development.
- E. Service Intent: The accessory uses and structures shall be located, designed and intended to serve only the needs of the development.
- F. Visible Evidence: The accessory uses and structures shall present no visible evidence of their business nature to areas outside the development.
- G. Parking: Parking for accessory uses and structures shall be consistent with the requirements of the *Parking Standards*.
- H. Materials: The exterior finish and facade of all accessory structures greater than 200 square feet shall match, closely resemble, or significantly complement the materials and colors used on the primary structure.
- I. Location: Support-based accessory structures shall be located on land that is not a dwelling site and shall meet setbacks when measured from the overall property lines. Support-based accessory structures shall also be setback from any dwelling site lines and edges of pavement by at least ten (10) feet. Storage-based and recreation-based accessory structures shall only be allowed in side yards and rear yards with the following exception:
 1. *Decks*: An attached deck shall be permitted in front yards of a dwelling site if they are less than 100 square feet in size.
 2. *Basketball Goals*: A basketball goal along a driveway or mounted on the garage shall be permitted in front yards of dwelling sites. However, a basketball goal shall meet the front yard setback requirement if it is to be permanently mounted or affixed thus making it not portable in nature. Under no circumstances shall a basketball goal be installed along or in a public or private street, or along a sidewalk.

Architectural Standards (AR)

5.07 AR-01: Residential and Business Neighborhood Architectural Standards

These Architectural Standards (AR) apply to the following districts:

R1 R2 RM

The following standards apply:

- A. **Facade:** The front facade of all single-family and two-family dwellings shall face the public or private street to which the home gains primary access, except as described below:
 1. *Corner Lots:* The front facade may face either street if located on a corner lot.
 2. *Large Setbacks:* A single-family dwelling setback a minimum of 200 feet from the public right-of-way may orient the front facade up to ninety degrees (90°) from parallel to that public right-of-way.
- B. **Roof:**
 1. *Minimum Pitch:* Five vertical units to twelve horizontal units (5:12 pitch) for the main roof planes.
 2. *Minimum Eave/Overhang:* All dwellings shall have eaves or overhangs a minimum of twelve (12) inches from the facade's siding material on at least eighty percent (80%) of the roofline. The eave/overhang shall be determined after the installation of masonry.
- C. **Equipment:** All ground mounted mechanical equipment, air conditioner units, propane tanks, and the like shall not be located forward of the front facade. This standard applies to each facade that faces a public right-of-way, unless screened by a fence, landscaping, or complementary building feature.
- D. **Garage and Carport:**
 1. *Garage Capacity:* A minimum of a one-car garage is required for all single-family and two-family dwellings except for new single-family or two-family dwellings in areas where a majority of structures were constructed prior to 1990, and/or a majority of lots were platted prior to 1990, in which case a one-car garage is only recommended.
 2. *Garage-forward Design:* Front-loading garages shall not be located forward of the facade by more than eight (8) feet on multiple-family units or single-family units with less than 1,200 square feet of living space.
 3. *Carport:* Carports shall be attached and integrally designed with the primary structure. The carport's materials shall be complementary to the materials of the primary structure.
 4. *Metal Carports:* Metal, stand alone carports shall not be placed forward of a primary structure.

5.08 AR-02: Institutional and Business Architectural Standards

These Architectural Standards (AR) apply to the following districts:



The following standards apply:

A. Facade:

1. *Facade Elements*: A primary structure's facades shall include a repeating pattern with no less than three (3) of the elements listed below. At least one (1) of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than thirty (30) feet either horizontally or vertically.
 - a. Color change,
 - b. Texture change,
 - c. Material module change, and
 - d. Expression of architectural or structural bay through a change in plane no less than twelve (12) inches in width, such as an offset, reveal, or projecting rib.

The Zoning Administrator may approve facades that meet only two (2) of the above listed elements if the proposed architecture clearly meets the intent of the regulation for quality architectural character.

2. *Front Facade*: The front facade shall generally face the public or private street to which the business gains primary access or which has the greatest exposure to an adjacent street including a highway or an interstate. On corner lots and through lots, the front facade may face either street. If the primary structure is greater than 300 feet from the front property line and greater than fifty (50) feet from all other property lines, its front facade may face any direction.
3. *Other Facades*: Any other facade (i.e. not the front facade) that faces an interstate, highway, or arterial street shall be finished to a standard similar to the architectural quality of the front facade, including building materials, architectural details, windows, or faux windows. Facades thirty (30) feet or greater in length or facade faces 420 square feet or greater in area without visual relief shall not be permitted.
4. *Long Facades*: Facades greater than 100 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent (3%) of the length of the facade and extending at least twenty percent (20%) of the length of the facade. No uninterrupted length of any facade shall exceed 100 horizontal feet.
5. *Ground Floor Facades*: Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings, and/or other such features, along no less than sixty percent (60%) of their horizontal length.

B. Roof: Roof features should add interest to the area and compliment the character of adjoining neighborhoods.

1. *Applicability*: This subsection shall apply to all buildings, primary and accessory, within the above Zoning Districts. Irregardless the specific use of a structure, the square footage of the building as determined by "Retail (Type 1) Low Intensity", "Retail (Type 2) Medium Intensity", and "Retail (Type 3) High Intensity", established in Article 11: Definitions, shall determine the required number of "Design Features" described below. This subsection shall not be interpreted that uses other than "Retail" are not required to incorporate "Design Features." These terms are solely used to reference the corresponding square footage descriptions.
2. *Mechanical Equipment*: Mechanical equipment located on the roof shall be completely screened by a parapet or other building feature.
3. *Design Features*: Roofs on all buildings that meet the "Retail Floor Area" limitation of "Retail (Type 1) Low Intensity" shall have no less than one (1) of the following features; roofs on all buildings that meet the "Retail Floor Area" limitation of "Retail (Type 2) Medium Intensity" shall have no less than two (2) of the following features; roofs on all buildings that meet the "Retail Floor Area" limitation of "Retail (Type 3) High Intensity" shall have no less than three (3) of the following features:
 - a. Parapets concealing flat roofs and rooftop equipment such as HVAC units from public view. The average height of such parapets shall not exceed fifteen percent (15%) of the height of the supporting wall. Such parapets shall feature three-dimensional cornice treatment.
 - b. Sloping roofs that do not exceed the average height of the supporting walls with an average slope greater than or equal to one (1) foot of vertical rise for every three (3) feet of horizontal run and less than or equal to one (1) foot of vertical rise for every one (1) foot of horizontal run.

- c. Three (3) or more roof slopes.
 - d. A sloped roof system containing at least two (2) or more dormers featuring windows and overhanging eaves that must extend at least three (3) feet past all supporting walls.
 - e. Two (2) or more visible roof slopes in addition to dormers, turrets, or cornice work such as corbels, spaced consistently along all façade planes in a manner that is appropriate with the surrounding area
 - f. Installation of an on-site solar energy system covering an area anywhere on the roof of the building equal to or greater than thirty-five percent (35%) of the total roof area of all primary buildings. This solar energy system shall satisfy all requirements of *Section 5.65-5.70* of this Ordinance.
 - g. Varying roof heights, consisting of at least two percent (2%) variation in height of the overall length of the street-facing facade, with at least three different roof heights.
- 4. *Material Type*: Sloped roofs shall either be of architectural standing seam metal, tile, slate, or dimensional shingles.
- C. **Building Materials**: Exterior building materials and colors shall generally be aesthetically pleasing and compatible with materials and colors used in adjoining neighborhoods.
 - 1. *Material Types*: The exterior materials shall be a combination of brick; wood; stone; tinted and textured concrete masonry units; architectural precast concrete, architectural metal; and other products that replicate the appearance and durability of these materials. The use of smooth faced concrete block, un-textured smooth faced tilt-up concrete panels, and standing seam steel panels shall be prohibited. The Zoning Administrator shall approve or deny the use of all composite and alternative materials. These standards shall apply to both primary and accessory structures, including the vertical up-rights and structural components of unenclosed canopies and shelters.
 - 2. *Color*: Facade colors shall be low reflectance, subtle, neutral, or earth tone colors. Building trim and accent areas may feature brighter colors, including primary colors and black, but neon tubing or LED lights shall not be an acceptable feature. The use of high intensity colors, metallic colors, or fluorescent colors is prohibited on all building exteriors.
- D. **Entryways**: An entryway should provide design elements, orientation, and aesthetically pleasing character to buildings.
 - 1. *Principal Building*: Each principal building on a site shall have clearly defined, highly visible customer entrances featuring no less than three (3) of the following:
 - a. Canopies or porticos,
 - b. Overhangs,
 - c. Recesses or projections,
 - d. Arcades,
 - e. Raised corniced parapets over the door,
 - f. Peaked roof forms,
 - g. Arches,
 - h. Display windows,
 - i. Tile work or moldings which are integrated into the building structure and design, and
 - j. Planters or wing walls that incorporate landscaped areas and/or places for sitting.
 - 2. *Individual Stores*: Where additional stores will be located in the principal building, each such store shall have at least one (1) exterior customer entrance which shall conform to the requirements listed above in *Section 5.08(D)(1): Principal Building*.
- E. **Storefronts**: When primary structures contain additional, separately owned stores which occupy less than 25,000 square feet of gross floor area with separate exterior customer entrances:
 - 1. *Street Level*: The street level facade of such stores shall be transparent between the height of three (3) feet and eight (8) feet above the sidewalk grade for no less than sixty percent (60%) of the horizontal length of the building facade of such additional stores.
 - 2. *Windows*: Windows shall be recessed and should include visually prominent sills, shutters or other such forms of framing.

5.09 CM-01: Commercial Standards

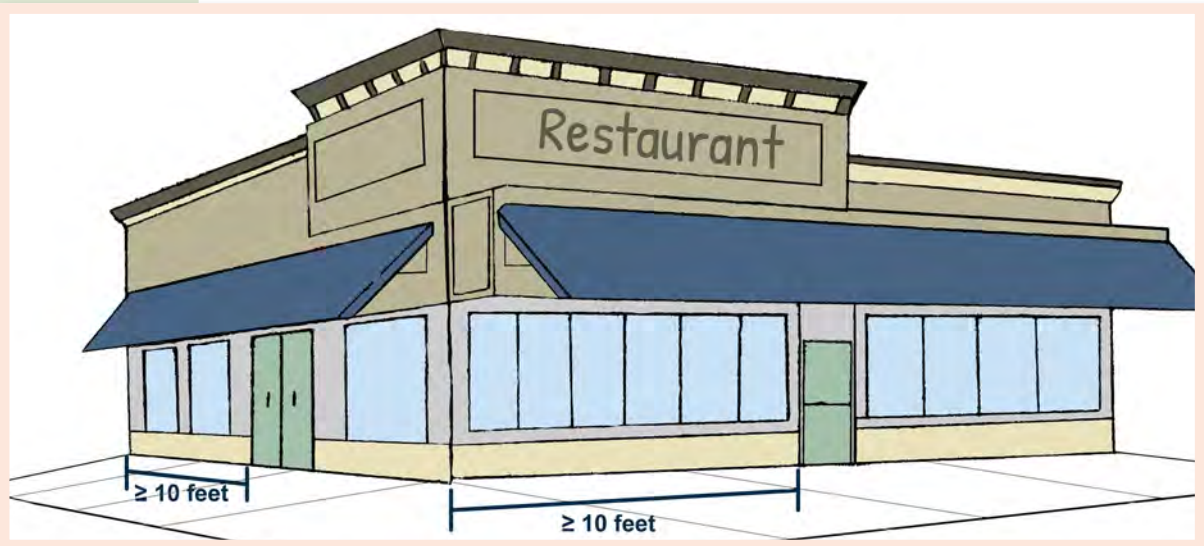
These Commercial Standards (CM) apply to the following districts:



- A. Applicability: This section shall apply to all buildings, primary and accessory, within the above Zoning Districts. Despite the specific use of a structure, square footage of the building as determined by “Retail (Type 1) Low Intensity”, “Retail (Type 2) Medium Intensity”, and “Retail (Type 3) High Intensity”, established in Article 11: Definitions, shall determine the applicable Commercial Standards as described below. These terms are solely used to reference the corresponding square footage limitations. These standards and guidelines apply to all Retail (Type 1) Low Intensity and Retail (Type 2) Medium Intensity.
- B. Cross Reference:
1. *Architectural Standards*: See Section 5.08: Institutional and Business Architectural Standards.
 2. *Landscape Screening Standards*: See Section 5.37: Landscape Screening Standards.
 3. *Loading Standards*: See Section 5.39: Loading Standards.
 4. *Outdoor Display Area Standards*: See Section 5.43: Outdoor Display Area Standards.
 5. *Sidewalk and Pedestrian Path Standards*: See Section 6.14
 6. *Engineering Design Standards*: Sidewalks along public and private streets shall be provided in accordance with the City of Shelbyville Construction Standards
- C. Sidewalks: Pedestrian walkways and sidewalks shall be provided on each lot in order to promote pedestrian access and reduce vehicle traffic impacts. Sidewalks shall meet the following requirements.
1. *Applicability*: A sidewalk is required to be installed when a new primary structure is constructed or when a primary structure is enlarged by twenty percent (20%) or greater. Sidewalks are also required to be installed in front of any lot created after the effective date of the Unified Development Ordinance once it has sat vacant for twenty-four (24) months (if a single lot was created), or twenty-four (24) months from the date the first certificate of occupancy was issued (if a multiple-lot subdivision) and where infrastructure exists.
 2. *Location*: Public sidewalks shall be provided along the frontage of each lot in order to promote pedestrian access and reduce vehicle traffic impacts. All required pedestrian walkways shall be constructed consistent with the sidewalk standards provided in Section 6.14: Sidewalk and Pedestrian Path Standards and the Shelbyville Construction Standards. When the Shelbyville Bicycle and Pedestrian Master Plan, or any other section or element of the Comprehensive Plan, indicates the need for dedicated bicycle and pedestrian infrastructure adjacent to or in close proximity to a proposed development, those enhanced improvements may be required as deemed necessary by the Zoning Administrator or City Engineer. These types of improvements can include, but are not limited to; asphalt trails, wider sidewalks, on-street bike lanes, protected bike lanes, or additional pedestrian safety signage.
 3. *Customer Entrances and Internal Sidewalk System*: All sides of a principal building that directly face an abutting public street shall feature at least one (1) customer entrance. Where a primary structure directly faces more than one (1) abutting public streets, this requirement shall apply only to one (1) of the frontages.
 - a. Continuous sidewalks shall be provided from the public sidewalks to the main customer entrance of the structure on each lot and along the facade of the building that includes a customer entrance, or that abuts a parking area.
 - b. Sidewalks connecting the store entries with the public sidewalks shall be concrete or similar durable material, and a minimum of six (6) feet in width.
 - c. Sidewalks shall be bordered by a planting area that is a minimum two (2) feet in width when practical. Otherwise on-site sidewalks shall have a curb or other design feature that distinguishes and separates them from vehicular areas. The planting areas shall be planted with flowers, shrubs, and/or trees for a minimum of fifty percent (50%) of their length. The remainder shall be planted with grass or shall be mulched.
 - d. All internal sidewalks shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the sidewalks.
 - e. Places where pedestrians have to cross aisles, access roads, or driveways shall be a paving material different from that of the vehicle surface to clearly distinguish them as a pedestrian route.
 - f. Sidewalks, no less than six (6) feet in width, shall be required along at least eighty percent (80%) of the primary structure if its facade is street-facing or parking lot-facing. These sidewalks shall be concrete,

- shall be a minimum of six (6) feet in width, and shall be separated from the building by a landscape area. Such sidewalks shall be located at least six (6) feet from the facade of the primary structure to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.
- g. A full six (6) feet of sidewalk width shall continuously remain unencumbered by merchandise, machines, and other items that could block the use of the sidewalk.
 - h. Weather protection features six (6) feet in depth, such as awnings or arcades shall be provided over all sidewalks beyond ten (10) feet of the edge of the frame of the entrance, on both sides, of all customer entrances. See Exhibit CM-01 below for guidance.
4. *Fee-In-Lieu*: In some scenarios, all or part of the public sidewalk required in this standard is not practical or safe to install at the time of development. When the City Engineer determines that it is in the public interest to not have all or some of the public sidewalk installed at the time that the rest of the site is developed, the petitioner shall pay a fee-in-lieu and then be exempt from installing those portions of the public sidewalk.
- a. **Decision Criteria:** Decision Criteria: The City Engineer shall make this determination, in writing, based on the following decision criteria:
 - i. There are no sidewalks within 1,320 feet of the exterior boundaries of the project, and it is unlikely that there will be development within 1,320 feet that would facilitate the installation of sidewalks at any point in the future.
 - ii. A stormwater drainage ditch or similar public utility facility prevents the installation of the sidewalk, and neither the sidewalk nor the facility can be reasonably relocated to accommodate both the sidewalk and the facility.
 - iii. The topography would require the construction of a retaining wall more than six-feet in height to accommodate the sidewalk.
 - iv. There is a planned roadway or infrastructure improvement scheduled to be implemented within the next five-years which would require the removal or relocation of the required sidewalk.
 - v. Other unusual circumstances that are unique to this specific site make the sidewalk installation requirement unreasonable or inappropriate.
 - b. **Determination of Fee Amount:** This fee shall be based on the square footage of the sidewalks which are being exempted from installation, and the petitioner's engineer or contractor's estimate of the cost of the improvements and their installation, and the petitioner's engineer or contractor's estimate of the cost of the improvements and their installation. The City Engineer shall make the final determination of the fee to be paid based on the foregoing criteria.
 - c. **Deposit of Funds:** All fees paid-in-lieu of sidewalk construction shall be deposited into the "Sidewalk Fund" established by Ordinance No. 25-3047."

Exhibit CM-01



- D. Outdoor Storage, Trash Collection, and Loading Areas: Loading areas and outdoor storage areas exert visual and noise impacts on surrounding neighborhoods. These areas, when visible from adjoining properties and/or public streets, should be screened, recessed, or enclosed. While screens and recesses can effectively mitigate these impacts, the selection of inappropriate screening materials can exacerbate the problem. Appropriate locations for loading and outdoor storage areas include areas behind the building or on those sides of primary structures that do not have customer entrances, or between primary structures where more than one (1) primary structure is located on a site and such buildings are not more than forty (40) feet apart or on those sides of primary structures that do not have customer entrances.
1. No areas for outdoor storage, truck parking, trash collection or compaction, loading docks, utility meters, HVAC equipment, or other such uses shall be visible from abutting streets.
 - a. All enclosures shall be made of materials consistent with the exterior of the primary structure, and shall completely enclose the area.
 2. Non-enclosed areas for the storage and sale of seasonal inventory shall be permanently defined and screened with walls and/or fences. Materials, colors and design of screening walls and/or fences and the cover shall conform to those used as predominant materials and colors on the primary structure. If such areas are to be covered, then the covering shall conform to those used as predominant materials and colors on the primary structure.

Commercial Standards (CM)

5.10 CM-02: Commercial Standards

These Commercial Standards (CM) apply to the following districts:



- A. **Applicability:** This section shall apply to all buildings, primary and accessory, within the above Zoning Districts. Despite the specific use of a structure, square footage of the building as determined by “Retail (Type 1) Low Intensity”, “Retail (Type 2) Medium Intensity”, and “Retail (Type 3) High Intensity”, established in Article 11: Definitions, shall determine the applicable Commercial Standards as described below. These terms are solely used to reference the corresponding square footage limitations. These standards and guidelines apply to all Retail (Type 3) High Intensity establishments.
- B. **Cross-Reference:**
 1. *Architectural Standards:* See Section 5.08: Institutional and Business Architectural Standards.
 2. *Landscape Screening Standards:* See Section 5.37: Landscape Screening Standards.
 3. *Loading Standards:* See Section 5.239: Loading Standards.
 4. *Outdoor Display Area Standards:* See Section 5.43: Outdoor Display Area Standards.
 5. *Section 6.14: Sidewalk and Pedestrian Path Standards:* See Section 6.14
 6. *Engineering Design Standards:* sidewalks along public and private streets shall be provided in accordance with the City of Shelbyville Construction Standards.
- C. **Sidewalks:** Pedestrian walkways and sidewalks shall be provided on each lot in order to promote pedestrian access and reduce vehicle traffic impacts. Sidewalks shall meet the following requirements.
 1. **Applicability:** A sidewalk is required to be installed when a new primary structure is constructed or when a primary structure is enlarged by twenty percent (20%) or greater. Sidewalks are also required to be installed in front of any lot created after the effective date of the Unified Development Ordinance once it has sat vacant for twenty-four (24) months (if a single lot was created), or twenty-four (24) months from the date the first certificate of occupancy was issued (if a multiple-lot subdivision) and where infrastructure exists.
 2. **Location:** Public sidewalks shall be provided along the frontage of each lot in order to promote pedestrian access and reduce vehicle traffic impacts. All required pedestrian walkways shall be constructed consistent with the sidewalk standards provided in Section 6.14: Sidewalk and Pedestrian Path Standards and the Shelbyville Construction Standards. When the Shelbyville Bicycle and Pedestrian Master Plan, or any other section or element of the Comprehensive Plan, indicates the need for dedicated bicycle and pedestrian infrastructure adjacent to or in close proximity to a proposed development, those enhanced improvements may be required as deemed necessary by the Zoning Administrator or City Engineer. These types of improvements can include, but are not limited to; asphalt trails, wider sidewalks, on-street bike lanes, protected bike lanes, or additional pedestrian safety signage.
 3. **Customer Entrances and Internal Sidewalk System:** All sides of a principal building that directly face an abutting public street shall feature at least one (1) customer entrance. Where a primary structure directly faces more than two (2) abutting public streets, this requirement shall apply only to the two (2) sides of the primary structure including the side of the primary structure facing the primary street and another side of the building facing the second street.
 - a. Continuous sidewalks shall be provided from the public sidewalks to the main customer entrance of the structure on each lot and along the facade of the building that includes a customer entrance, or that abuts a parking area.
 - b. Sidewalks connecting the store entries with the public sidewalks shall be concrete or similar durable material, and a minimum of ten (10) feet in width.
 - c. Sidewalks shall be bordered by a planting area that is a minimum two (2) feet in width when practical. Otherwise on-site sidewalks shall have a curb or other design feature that distinguishes and separates them from vehicular areas. The planting areas shall be planted with flowers, shrubs, and/or trees for a minimum of fifty percent (50%) of their length. The remainder shall be planted with grass or shall be mulched.
 - d. All internal sidewalks shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the sidewalks.
 - e. Places where pedestrians have to cross aisles, access roads, or driveways shall be a paving material different from that of the vehicle surface to clearly distinguish them as a pedestrian route.

- f. Sidewalks, no less than ten (10) feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance and along any facade abutting public parking areas. Such sidewalks shall be located at least six (6) feet from the facade of the primary structure to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.
 - g. A full ten (10) feet of sidewalk width shall continuously remain unencumbered by merchandise, machines, and other items that could block the use of the sidewalk.
 - h. Weather protection features ten (10) feet in depth, such as awnings or arcades, shall be provided over all sidewalks beyond thirty (30) feet of the edge of the frame of the entrance, on both sides, of all customer entrances. See Exhibit CM-02 below for guidance.
4. *Fee-In-Lieu*: In some scenarios, all or part of the public sidewalk required in this standard is not practical or safe to install at the time of development. When the City Engineer determines that it is in the public interest to not have all or some of the public sidewalk installed at the time that the rest of the site is developed, the petitioner shall pay a fee-in-lieu and then be exempt from installing those portions of the public sidewalk.
- a. Decision Criteria: Decision Criteria: The City Engineer shall make this determination, in writing, based on the following decision criteria:
 - i. There are no sidewalks within 1,320 feet of the exterior boundaries of the project, and it is unlikely that there will be development within 1,320 feet that would facilitate the installation of sidewalks at any point in the future.
 - ii. A stormwater drainage ditch or similar public utility facility prevents the installation of the sidewalk, and neither the sidewalk nor the facility can be reasonably relocated to accommodate both the sidewalk and the facility.
 - iii. The topography would require the construction of a retaining wall more than six-feet in height to accommodate the sidewalk.
 - iv. There is a planned roadway or infrastructure improvement scheduled to be implemented within the next five-years which would require the removal or relocation of the required sidewalk.
 - v. Other unusual circumstances that are unique to this specific site make the sidewalk installation requirement unreasonable or inappropriate.
 - b. Determination of Fee Amount: This fee shall be based on the square footage of the sidewalks which are being exempted from installation, and the petitioner's engineer or contractor's estimate of the cost of the improvements and their installation, and the petitioner's engineer or contractor's estimate of the cost of the improvements and their installation. The City Engineer shall make the final determination of the fee to be paid based on the foregoing criteria.
 - c. Deposit of Funds: All fees paid-in-lieu of sidewalk construction shall be deposited into the "Sidewalk Fund" established by Ordinance No. 25-3047.

Exhibit CM-02



D. Parking:

1. *Allocation of Parking:* No more than fifty percent (50%) of the parking spaces shall be placed between the front facade of the primary structure and any single adjacent street.
 - a. *Parking Lot Restrictions:* Parking areas restricted to patrons of the business located on each specific lot shall be prohibited. Nothing in this section shall be interpreted as restricting the designation of employee, delivery, pick-up, or handicap parking areas, or prohibiting of loitering.

E. Outdoor Storage, Trash Collection, and Loading Areas: Loading areas and outdoor storage areas exert visual and noise impacts on surrounding neighborhoods. These areas, when visible from adjoining properties and/or public streets, should be screened, recessed, or enclosed. While screens and recesses can effectively mitigate these impacts, the selection of inappropriate screening materials can exacerbate the problem. Appropriate locations for loading and outdoor storage areas include areas behind the building or on those sides of primary structures that do not have customer entrances, or between primary structures where more than one (1) primary structure is located on a site and such buildings are not more than forty (40) feet apart or on those sides of primary structures that do not have customer entrances.

1. No areas for outdoor storage, trash collection or compaction, loading or other such uses shall be located within twenty (20) feet of any public street, public sidewalk or internal pedestrian way.
2. Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash collection, trash compaction and other service functions shall be incorporated into the overall design of the primary structure and the landscaping.
 - a. These shall be made of materials consistent with the exterior of the primary structure, and shall completely enclose the area so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets
3. Non-enclosed areas for the storage and sale of seasonal inventory shall be permanently defined and screened with walls and/or fences. Materials, colors and design of screening walls and/or fences and the cover shall conform to those used as predominant materials and colors on the primary structure. If such areas are to be covered, then the covering shall conform to those used as predominant materials and colors on the primary structure.

Density and Intensity Standards (DI)

5.11 DI-01: Density and Intensity Standards

This Density and Intensity Standards (DI) section applies to the following districts:



The following standards apply:

- A. Applicability: If a density or intensity standard does not appear on the two-page layout for a zoning district, then no density or intensity standard applies to that particular zoning district.
 1. *Maximum Lot Coverage*: The maximum lot coverage shall be as indicated on the applicable two-page layout in *Article 2: Zoning Districts*.
 2. *Maximum Primary Structures*: The maximum number of primary structures on one (1) lot or multiple lots used in combination shall be as indicated on the applicable two-page layout in *Article 2: Zoning Districts*.

Entrance and Drive Standards (ED)

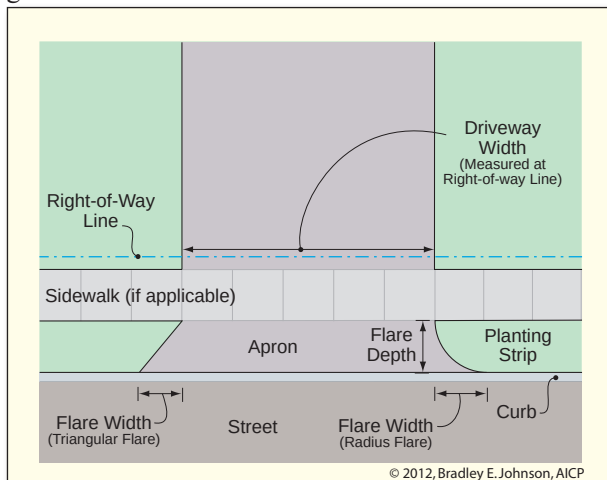
5.12 ED-01: General Driveway Standards

This Entrance and Drive Standards (ED) section applies to the following zoning districts:



The following standards apply:

- A. **Project Applicability:** Any new or expanded access to a public right-of-way intended for vehicular or farm equipment use shall be considered a driveway and shall meet the Driveway Standards of the Unified Development Ordinance.
 1. *Residential Limits:* Access to four (4) or more single-family lots or access to four (4) or more dwelling sites within a manufactured home park shall be established as a public or private street and meet the applicable standards within the City of Shelbyville's Construction Standards.
 2. *Non-residential Limits:* Access to four (4) or more non-residential lots and that conveys over 2,000 vehicles on average per day shall be established as a public or private street and meet the applicable standards within the City of Shelbyville's Construction Standards.
- B. **Cross Reference:** Some regulations related to Driveway Standards are not included in this section. Please refer to the following documents for additional information and regulations:
 1. *Street Classification:* The classification of streets shall be based on the Thoroughfare Plan located in the *City of Shelbyville Comprehensive Plan*.
 2. *Design Standards:* A driveway shall meet or exceed the City of Shelbyville's Construction Standards.
- C. **Permits:** A Right-Of-Way Permit may be required in accordance with the policies of the City of Shelbyville Office of the Engineer for all driveway cuts onto public streets. The Engineering Department reviews and issues the Right-Of-Way Permit in the City of Shelbyville and shall be issued prior to the receipt of an Improvement Location Permit.
 1. *State and Federal Highways:* An Indiana Department of Transportation permit shall be required as a prerequisite to the Driveway Permit for all driveway cuts onto State or Federal highways.
 2. *County Roads:* Streets located outside the corporate limits of Shelbyville shall first get approval for driveway cuts from the Shelby County Commissioners Office.
- D. **Measurement Rules:**
 1. *Between Driveway and Street Intersection:* The distance between a driveway and a street intersection shall be determined by measuring from the edge of pavement of the driveway to the nearest right-of-way line of the street that is parallel or mostly parallel to the driveway. This measurement shall be taken at the right-of-way line of the street to which the driveway gains access.
 2. *Between Driveways:* The distance between driveways shall be determined by measuring from the edge of pavement of one (1) driveway to the nearest edge of pavement of the other driveway at the right-of-way line of the street to which the driveways gain access.
 3. *Driveway Width:* The width of a driveway shall be determined by measuring from one (1) edge of the driveway surface to the other edge of the driveway surface at the right-of-way line of the street to which the driveway gains access.



E. Positioning:

1. *Alignment*: The centerline of two (2) driveways accessing an arterial or collector street from opposite sides of the street shall align with each another, or shall meet the applicable driveway separation requirements.
2. *Clear Vision of Driveways*: All driveways shall be located to reasonably prevent collisions with intersecting traffic.
 - a. Driveways gaining access to streets with a posted speed limit of thirty miles per hour (30 MPH) or less shall be located such that they are visible by a driver for at least sixty (60) feet after cresting a hill, rounding a curve, or passing any other physical barriers that prevent clear vision.
 - b. Driveways gaining access to streets with a posted speed limit of thirty-five miles per hour (35 MPH) to forty-five miles per hour (45 MPH) shall be located such that they are visible by a driver for at least 120 feet after cresting a hill, rounding a curve, or passing any other physical barriers that prevent clear vision.
 - c. Driveways gaining access to streets with a posted speed limit of fifty miles per hour (50 MPH) or higher shall be located such that they are visible by a driver for at least 200 feet after cresting a hill, rounding a curve, or passing any other physical barriers that prevent clear vision.
3. *Additional Separation*: Either the Zoning Administrator or the Engineer may deny a proposed driveway location or require additional separation due to other safety concerns, including, but not limited to, width of the public street, condition of the public street, lack of shoulder, natural or man-made hazards, adverse shadowing from natural or man-made features, and adverse drainage on or around the public street.

F. Discretion: The Zoning Administrator, or Engineer may determine if public improvements such as acceleration lanes, deceleration lanes, passing blisters, wider shoulders or approaches, frontage streets, or other improvements are necessary. See *Section 5.53: Public Improvement Standards*.

Entrance and Drive Standards (ED)

5.13 ED-02: Agricultural Driveway Standards

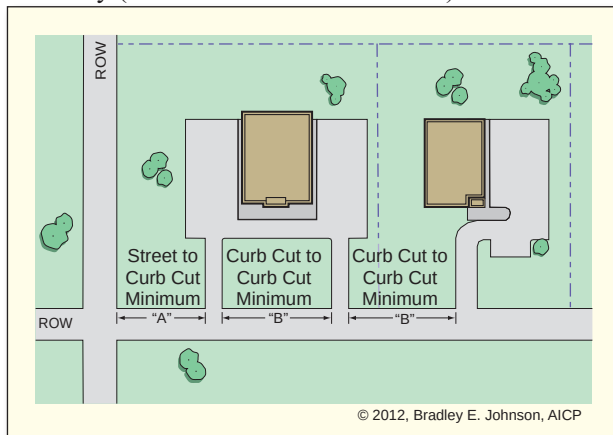
This Entrance and Drive Standards (ED) section applies to the following zoning districts:



The following standards apply:

A. Separation:

1. *From Street Intersection*: A driveway shall not be permitted to be installed within 100 feet of any intersecting street (see "A" below in illustration).
2. *From Another Driveway*: A driveway shall not be permitted to be installed within sixty (60) feet of another driveway (see "B" below in illustration).



- B. Width: A driveway shall not exceed thirty (30) feet in width.
- C. Materials: Asphalt, concrete, pavers, pervious pavement, other durable paving materials approved by the Zoning Administrator, or gravel shall be acceptable driveway surface materials.
- D. Setback: All driveways shall be setback at least ten (10) feet from side property lines.

Entrance and Drive Standards (ED)

5.14 ED-03: Residential Driveway Standards

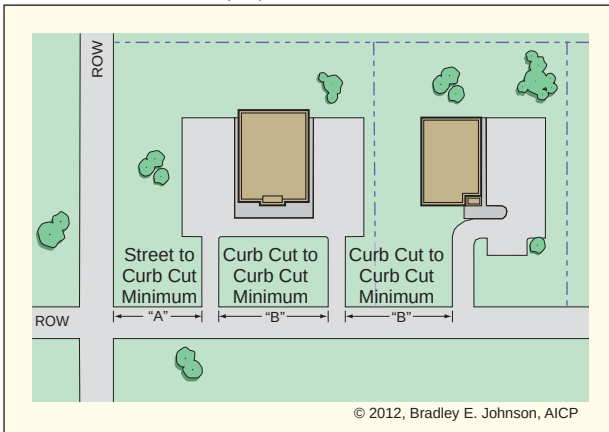
This Entrance and Drive Standards (ED) section applies to the following zoning districts:



The following standards apply:

A. Separation:

1. *From a Street Intersection:* A driveway shall not be permitted to be installed:
 - a. Within 150 feet of any intersecting street if access is along an arterial or collector street (see "A" below in illustration).
 - b. Within 100 feet of any intersecting street if access is along a local street (see "A" below in illustration).
 - c. If the lot is not large enough to achieve the required separation, then the driveway shall be installed at the location farthest from the intersection.
2. *Between Driveways:* Unless a shared driveway is established, two (2) or more driveways shall not be permitted to be installed:
 - a. Within 100 feet of each another if access is along an arterial or collector street (see "B" below in illustration).
 - b. Within sixteen (16) feet of one another if access is along a local street (see "B" below in illustration).



B. Width:

1. *Minimum Width:* At least nine (9) feet wide.
2. *Maximum Width:*
 - a. Lots with frontage of forty (40) feet or less shall have a maximum driveway width of twenty-four (24) feet, measured only at the right-of-way line and not including any "flare" designed into the driveway.
 - b. Lots with frontage greater than forty (40) feet shall have a maximum driveway width of twenty-eight (28) feet, measured only at the right-of-way line and not including any "flare" designed into the driveway.

C. Materials: Driveways shall consist of asphalt, concrete, pavers, pervious pavement, or other durable paving material approved by the Zoning Administrator.

D. Setback: Driveways shall be setback at least three (3) feet from side property lines unless a shared driveway is established.

E. Shared Driveway:

1. *Easement Required:* Shared driveways shall be permitted, but they shall be placed in a shared driveway easement per the easement standards or other legal mechanism but the lot shall have the required frontage per the Lot Standards.
2. *Width:* Shared driveways shall not exceed twenty-eight (28) feet in width, measured only at the right-of-way line and not including any "flare" designed into the driveway.

F. Maximum Driveways:

1. *Narrow Lots:* Lots with frontage of two hundred feet or less shall have a maximum of one (1) driveway.
2. *Wide Lots:* Lots with frontage greater than two hundred feet may have up to two (2) driveways (e.g. looped driveway). However, the driveways shall maintain the minimum separation requirements listed above in Section 5.14(A)(2): *Between Driveways*.

Entrance and Drive Standards (ED)

5.15 ED-04: Non-residential Driveway Standards

This Entrance and Drive Standards (ED) section applies to the following zoning districts:



The following standards apply:

- A. **Separation:** The following tables shall regulate separation from a street and from another driveway or entrance.

Table ED-A: Driveway Separation Distances from Another Street (see "A" below in illustration)

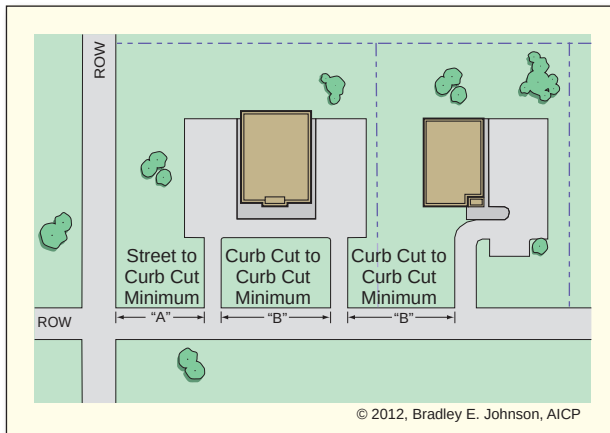
Type of Facility	Arterial	Collector	Local
Right-in Only	300 feet**	100/200* feet	75/150* feet
Right-out Only	300 feet**	200 feet	150 feet
2-way Traffic	300 feet	250 feet	150 feet
2-way Traffic Entrance with Bidirectional Turn Lane on Street	300 feet	250 feet	150 feet

* First number is separation distance if drive upstream from an intersection/driveway and second number is separation distance if drive downstream from an intersection/driveway.
 ** Entrances on Arterial can be reduced by 100 feet when the speed limit is 20 to 30 MPH.

Table ED-B: Driveway Separation Distances from Another Driveway/Entrance (see "B" below in illustration)

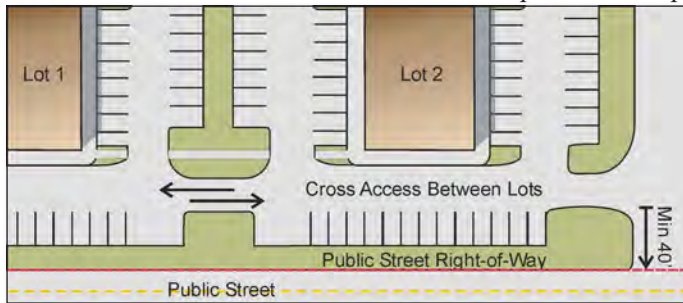
Type of Facility	Arterial	Collector	Local
Right-in Only	200/300* feet**	150/100* feet	75 feet
Right-out Only	250 feet**	150 feet	100 feet
2-way Traffic	300 feet	200 feet	100 feet
2-way Traffic Entrance with Bidirectional Turn Lane on Street	250 feet	150 feet	100 feet

* First number is separation distance if drive upstream from an intersection/driveway and second number is separation distance if drive downstream from an intersection/driveway.
 ** Entrances on Arterial can be reduced by 100 feet when the speed limit is 20 to 30 MPH.



1. **Aligned Entrances and Driveways:** Separation from another entrance or drive aligned directly across the opposite side of the street shall not be required as long as the centerline of the two (2) opposing entrances or driveways are not offset by more than fifteen (15) feet. This provision also applies when a street is directly across from a new entrance or driveway.
- B. **Width:** An access road shall be at least twenty (20) feet wide, but not exceed twelve (12) feet per lane and thirty-six (36) feet in overall width. The access road shall also have thirteen feet, six inches (13' 6") of unobstructed vertical clearance.
- C. **Materials:** An access road shall consist of asphalt, concrete, pavers, pervious pavement, or other durable paving material approved by the Zoning Administrator.
- D. **Setback:** An access road shall be setback at least ten (10) feet from side property lines.
- E. **Curbs:** When curbs are established along the subject property, the curb shall be extended to the property line from the edge of pavement for all access roads, following the edge of the access road.

- F. Design Requirements: All access roads, entrances, and interior drives shall conform to the following design requirements:
1. *Curbs*: All entrances for non-industrial uses shall be completely curbed. Curbing shall not be required for non-industrial uses only if, in the opinion of the City Engineer, the drainage system for the property shall be best served if curbs were not present.
 2. *Internal Linkages*: All commercial uses shall provide interior drives and sidewalks that allow access between existing and proposed commercial uses on adjacent properties.
 - a. *Cross-access Required*: The access road shall be designed as single two-way access road or a pair of one-way access roads which provide access each direction between adjacent parking lots and interior access road. Sidewalks, measuring a minimum of four (4) feet in width, shall also be provided to allow pedestrian access between adjoining properties.
 - b. *Applicable Standards*: The cross-access access road shall be designed consistent with the requirements of this Article.
 - c. *Separation*: Interior drives providing cross-access between adjacent parcels that serve to create a frontage road parallel to a public street from which access to the properties is provided shall be separated from the right-of-way of any such street by a minimum of forty (40) feet unless otherwise specified by the City Engineer (based on the stacking requirements of vehicles exiting the property onto the public road). Any such access road shall be differentiated and separated from parking lots by curbing and landscape areas.



5.16 EN-01: Environmental Standards

These Environmental Standards (EN) apply to the following zoning districts:



- A. **Land Suitability:** No land should be used or structure erected where the land is unsuitable for such use or structure due to slopes; adverse soil or rock formations; erosion susceptibility; or any other feature determined by the Zoning Administrator, City Engineer, or Plan Commission to be harmful to the health, safety, prosperity, and/or general welfare of the community.
- B. **Preservation of Natural Features:** Existing natural features that would add value to the development of the City, such as mature trees, streams, lakes, wetlands, stream-side forests (riparian areas), floodplains, and similar irreplaceable assets should be preserved through harmonious and careful design. Land to be developed should be designed and improved as far as practical in conformity to existing topography in order to minimize storm water runoff and to conserve the natural cover and soil.
 - 1. **Wetlands:** Wetland areas should be managed consistent with all applicable standards of the U.S. Army Corps of Engineers and the Indiana Department of Environmental Management.
 - 2. **Stream-side Forests (Riparian Areas):** Stream-side forests should be managed consistent with standards adopted by the National Resource Conservation Service as expressed in the *Conservation Practice Standards for Riparian Forest Buffers (Code 391)* and all subsequent amendments and revisions.
 - 3. **Floodplains:** Floodplains shall be managed consistent with the *Floodplain Standards*.
- C. **Conservation of Historic Features:** Existing historic features that would add value to the development of the City, specifically historic landmarks (such as those listed as "outstanding", "notable", or "contributing" in the Indiana Department of Natural Resources *Indiana Historic Sites and Structures Inventory - Shelby County Interim Report* or listed on the *National Register of Historic Places* or *Indiana Register of Historic Sites and Structures*) and similar irreplaceable assets should be preserved through harmonious and careful design.
- D. **Ground Cover:** Any part or portion of a non-farm parcel that is not used for structures, loading or parking spaces, sidewalks, or accessory uses shall be landscaped or left in a natural state that complies with the applicable weed and nuisance ordinances of the City of Shelbyville. If landscaped, it shall be planted with an all season ground cover and with trees and shrubs in accordance with the requirements of this Ordinance and in keeping with natural surroundings.
- E. **Cut/Fill Grade:** No cut or fill grade should exceed a slope of three-to-one (3:1). This provision shall apply to all cuts and fills exceeding 100 square feet in exposed surface area, including cuts or fills on land naturally exceeding a three-to-one (3:1) rise-to-run in slope. Cut and fill grade exceeding three-to-one (3:1) rise-to-run in slope may be permitted using retaining walls and/or terraces subject to the approval of the City Engineer. Cut and fill practices which remove natural topography and/or alter natural drainage should be minimized.
- F. **Treatment of Fill:** Material used for fill where permitted by this Ordinance and/or by the Indiana Department of Environmental Management, Indiana Department of Natural Resources, or other governmental agency should be promptly covered and seeded.
- G. **Erosion Prevention:** All erosion prevention measures shall meet the Indiana Department of Natural Resources, Indiana Department of Environmental Management, and Shelbyville MS4 Operator Standards for erosion control. Generally all erosion control measures should make use of best management practices that ensure the long-term operation and maintenance of the control features.
- H. **Surface Water:** It shall be the responsibility of the owner of any lot or parcel of land developed for any use to provide for adequate surface water drainage.
 - 1. Existing natural surface drainage should be used where practical.
 - 2. Whenever the evidence available indicates that the natural surface drainage is inadequate, the owner shall provide the parcel with an adequate surface water drainage system that shall be integrated into the drainage patterns of surrounding properties.
 - 3. Swales that provide drainage for a property or properties other than that upon which they are located are required to be placed in an easement meeting the specifications of the Shelbyville Storm Water Technical Standards and the City Engineer to prohibit future filling or constructing.
 - 4. On-site detention meeting the standards set forth in the Shelbyville Storm Water Technical Standards shall be required unless a written statement by the City Engineer indicates that it is not necessary to prevent harm to adjoining properties.

5. All drainage plans are subject to review and approval by the City Engineer and the City of Shelbyville MS4 Operator.
- I. Drainage Swales: Drainage swales within dedicated drainage easements are not to be altered except for maintenance as originally constructed and approved by the City Engineer and/or MS4 Operator.
- J. Regulated Drains: No permanent structures, other than fences, may be erected within seventy-five (75) feet of the center line of any regulated tile ditch, or within seventy-five (75) feet of the existing top of bank of any regulated open ditch or tile unless approved by the Shelby County Drainage Board.
- K. Alterations to Bodies of Water: No alteration of the shoreline or bed of a river, wetland, or public lake shall be made until written approval is obtained from the Indiana Department of Environmental Management and/or Indiana Department of Natural Resources and any necessary approvals are obtained from the U.S. Army Corp. of Engineers. Alterations include, among other things, filling of a pond, river, or wetland.
- L. Retention Ponds and Pond Edges: The use of "rip-rap" or any other engineered hard edges is prohibited except around inlets and outlets, and shall not exceed ten percent (10%) of the lineal feet of the total edge of any retention facility or pond. Ponds shall be properly and adequately aerated to prevent stagnation and septic conditions.
- M. Environmental Quality: All development shall be in compliance with Title 13 of the Indiana Code, as amended, as it relates to air pollution control, water pollution control, solid waste management, and other issues of environmental quality.
- N. Hazardous Waste: All development shall be in compliance with Title 7 of the Indiana Code, as amended, as it relates to hazardous waste, low level nuclear waste, underground storage tanks, waste tires, and other materials.
- O. Waste/Debris: All properties at all times shall be maintained and used only in a clean, neat and well-groomed condition and be free from all natural and man-made debris, junk, rubbish, trash, weeds, and similar items.
1. *Waste Stored Outdoors*: No waste materials such as, but not limited to, garbage, rubbish, household appliances, inoperable vehicles, furniture designed for interior use, gasoline, oil, flammables, soils, tars, chemicals, greases, dead plant material, noxious weeds, industrial or agricultural waste, or any other material of such nature, quantity, obnoxiousness, toxicity, or temperature that contaminates, pollutes, or harms water bodies or ground water, provides a habitat for disease carrying animals and insects, or represents a public safety hazard shall be deposited, located, stored, or discharged on any lot.
 2. *Waste Stored in Structures*: Waste shall not be allowed to accumulate within structures in a manner that is inconsistent with applicable regulations for the storage of such materials.
- P. Fuel Storage: All highly flammable or explosive liquids, solids, or gasses shall meet all requirements of the State Fire Marshal.

Fence, Hedge, and Wall Standards (FW)

5.17 FW-01: General Fence, Hedge, and Wall Standards

These Fence, Hedge, and Wall Standards (FW) apply to the following districts:

PK AG AR R1 R2 RM MP IS BN BC BG BH IL TG HI

- A. **General Requirements:** Fences, hedges, and walls shall be permitted in all zoning districts without a permit subject to conformance with the following requirements:
 1. *Structural Face:* All fences and walls shall present the non-structural face outward.
 2. *Setbacks:* All fences, hedges, and walls may be permitted up to any property line as long as the property owner is able to maintain both sides of the fence. No fence, hedge, or wall may be placed in any right-of-way or required sight visibility triangle that is more than two feet six inches (2'6") tall.
 3. *Buffer Yards:* No fence or wall may be placed in any required buffer yard that does not specifically provide for the inclusion of fences.
 4. *Maintenance:* All fences, hedges, and walls shall generally be kept in good repair.
 5. *Gates:* All gates located within three (3) feet of a sidewalk or driveway shall only swing inward. At no time can any gate that opens outward encumber a sidewalk or other public way.
- B. **Height Exceptions:** Fences specifically required by this Ordinance for screening, enclosing swimming pools, or other purposes may exceed the maximum heights established by this Article in a manner consistent with the specific alternate requirements of this Ordinance.
- C. **Height Measurement:** The height of a fence shall be determined by measuring from grade level to the highest point of the fence, including any posts or finials.

5.18 FW-02: Residential Fence, Hedge, and Wall Standards

These Fence, Hedge, and Wall Standards (FW) apply to the following districts:

R1 R2 RM MP

- A. **Height Requirements:**
 1. *Height:* Fences, hedges, and walls shall not exceed eight (8) feet in height in any side or rear yard or three (3) feet in height in any front yard. For the purposes of this requirement, the front yard shall be defined as all areas located between any adjacent streets and the walls of the primary structure that face them.
 2. *Corner Lots:* On corner lots, fences, hedges, and walls may be placed in rear yards and areas designated as front yards located along the side of the primary structure (i.e. the home) as long as it is outside the sight visibility triangle; and shall not exceed eight (8) feet in height.
- B. **Material Requirements:**
 1. *Permitted Materials:* Wood, composite wood, stone, masonry, wrought iron, decorative metal, PVC, vinyl, zinc, or powder coated chain link, and galvanized chain link shall be permitted materials for fences and walls. Fences may incorporate chicken wire or mesh wire only if the wire is within a wooden framed panel.
 2. *Prohibited Materials:* Fences and walls shall not incorporate chicken wire, mesh wire, agricultural wire, metal or plastic slats within chain links, barbed wire, above ground electrified wires, razor wire, glass, sharpened top spikes, or similarly hazardous materials.

5.19 FW-03: Parks and Recreation and Business Fence, Hedge, and Wall Standards

These Fence, Hedge, and Wall Standards (FW) apply to the following districts:

PK BN BC BG BH

- A. **Height Requirements:** Fences, hedges, and walls shall not exceed eight (8) feet in height in any side or rear yard and shall not extend past the front facade of the primary structure.
- B. **Prohibited Fences:** All electrified, razor wire, barbed wire, and stockade fences are prohibited on all lots not used for agricultural purposes.

Fence, Hedge, and Wall Standards (FW)

5.20 FW-04: Institutional and Industrial Fence, Hedge, and Wall Standards

These Fence, Hedge, and Wall Standards (FW) apply to the following districts:



- A. Height Requirements: Fences, hedges, and walls shall not exceed eight (8) feet in height in any side or rear yard and shall not extend past the front facade of the primary structure.
- B. Prohibited Fences: All electrified, razor wire, and stockade fences are prohibited on all lots not used for agricultural purposes.
 - 1. *Penal and Correctional Facilities*: Penal and correctional facilities shall be exempt from this standard.
 - 2. *Barbed Wire*: All commercial and industrial uses shall be permitted to use barbed wire topped fencing for security purposes.

Floodplain Standards (FP)

5.21 FP-01: Floodplain Standards

These Floodplain Standards (FP) apply to the following districts:



A. Cross Reference: See the *City of Shelbyville Flood Hazard Area Ordinance*.

Floor Area Standards (FA)

5.22 FA-01: General Floor Area

The Floor Area Standards (FA) section applies to the following zoning districts:



The following standards apply:

- A. Applicability: If a floor area standard does not appear on the two-page layout for a zoning district, then the standard does not apply to that particular zoning district.
- B. Minimum Main Floor Area: The minimum main floor area shall be per each two-page layout in *Article 2: Zoning Districts*.
- C. Minimum Dwelling Unit Size: The minimum dwelling unit size shall be per each two-page layout in *Article 2: Zoning Districts*.

Height Standards (HT)

5.23 HT-01: Height Standards

This Height Standards (HT) section apply to the following zoning districts:



- A. **Height Requirements:** In all instances, the height of a structure shall be measured from grade level at the lowest point of the base of the structure to the highest point on the structure.
 1. *Maximum Primary Structure Height:* The maximum primary structure height shall be per each two-page layout in *Article 2: Zoning Districts*.
 2. *Maximum Accessory Structure Height:* The maximum accessory structure height shall be per each two-page layout in *Article 2: Zoning Districts*.
- B. **Cross Reference:**
 1. *Signs:* See *Sign Standards* for specific limitations for signs.
 2. *Telecommunication Tower:* See *Section 5.71: Telecommunication Facility Standards* for specific limitations for telecommunication towers.
 3. *Amateur Radio Towers:* See *Section 5.03: General Accessory Structure Standards* for specific limitations for amateur radio towers.
- C. **Exceptions:** No structure may be erected or changed so as to make its height greater than specified in the applicable zoning district, except as noted below. For the purposes of this section, the height of church steeples, chimneys, and other structures that are attached or otherwise a part of another structure shall be measured from grade level.
 1. *General Exceptions:* The following structures may exceed the permitted height regulations by two-fold (2X):
 - a. Church steeples;
 - b. Spires, belfries, and cupolas; and
 - c. Utility transmission towers and poles.
 2. *Necessary Appurtenances:* The following structures may exceed the permitted height standards for the district in which they are located by up to ten (10) feet:
 - a. Necessary mechanical appurtenances and water tanks,
 - b. Chimneys,
 - c. Fire Towers,
 - d. Stair Towers,
 - e. Elevator bulkheads.
 3. *Agricultural Structures:* All structures used in agricultural products storage and processing may exceed the permitted height standards for the district in which they are located and be erected to any height which is necessary for their operation. This exemption shall not be interpreted as applying to commercial agricultural structures, such as commercial grain terminals and similar uses.
 4. *Water Towers:* Water Towers may exceed the permitted height standards for the district in which they are located and be erected to a maximum height of 200 feet.
- D. **Airport Height Requirements:** Nothing in this Ordinance, including the exceptions listed above shall be interpreted as waiving any height regulations related to airport functions. All applicable Federal Aviation Administration (FAA) and AR-OL zoning district (see *Article 3: Overlay Districts*) height restrictions shall apply to all structures consistent with the Layout Plan for the Shelbyville Airport. Any proposal for a structure exceeding 200 feet in height shall be submitted to the FAA for review.

5.24 HB-01: Home Occupation Standards

These Home Occupation Standards (HB) apply to the following zoning districts:



A home occupation shall be permitted as accessory to any dwelling unit consistent with the *Accessory Use and Structure Standards* in *Article 5: Development Standards*. A variance shall be required for any proposed home occupations that do not comply with the following requirements.

- A. **Business Activities:** The face-to-face wholesale/retail sale of stocked inventories is not permitted, except for incidental sales that do not exceed twenty-five percent (25%) of the total home occupation sales. Manufacturing activities are not permitted. Mail-order/telephone/internet sales, as well as distribution of sold merchandise is permitted.
- B. **Equipment:** The equipment used for the home occupation shall not alter the exterior appearance of the home.
- C. **Effects of Operation:** There shall be no equipment or process used in the home occupation that creates noise, vibration, glare, smoke, fumes, odors, or electrical interference that is detectable off the premises, as determined by the Zoning Administrator. There shall be no electrical or mechanical equipment utilized in the home occupation that will create any visual or audible interference with radio or television reception.
- D. **Owner/Operator:** At least one (1) person age eighteen (18) or older, residing within the dwelling shall be the primary operator of the home occupation.
- E. **Employees:** The home occupation may not involve the on-site employment of any person other than those residing at the location of the home occupation.
- F. **Outdoor Storage/Display:** The property shall not contain any exterior storage of products, equipment, or materials that are related to the home occupation.
- G. **Business Area:** The business or service provided shall be located within the dwelling and/or an accessory building, and shall not exceed more than twenty-five percent (25%) of the total combined floor area of the primary structure and accessory structure or a total of 500 square feet of the combined floor area of the structures involved, whichever is less.
- H. **Structural Alterations:** The home occupation shall not require any structural or aesthetic alterations to the structure that change its residential character.
 - 1. **Appearance:** The dwelling shall not be altered in its appearance, and the home occupation shall not be conducted in such a manner as to differentiate the dwelling from the residential character of the area by the use of colors, materials, construction, or lighting.
 - 2. **Entrances:** The home occupation shall not require any additional entrances to the structure.
 - 3. **Utility Services:** The home occupation shall not require increasing or enhancing the size, capacity, or flow of the water, gas, septic, sewer, or electrical systems beyond what is standard for a residence.
 - 4. **Interior:** There shall be no alterations to the interior of the dwelling to accommodate the home occupation that would render the structure undesirable for residential use.
- I. **Customers/Parking:** No additional parking spaces shall be installed to accommodate the home occupation, other than those spaces required for the dwelling itself.
- J. **Deliveries:** The home occupation shall not require the regular use of commercial vehicles for pickup and deliveries other than the U.S. Postal Service or other small package carriers.
- K. **Signs:** Home occupation signs are regulated in Sign Standards, *Sections 5.58 through Section 5.68*.

5.25 IN-01: Industrial Standards

This Industrial Standards (IN) section applies to the following zoning districts:



- A. **Applicability:** All uses placed into operation after the effective date of this Ordinance shall comply with the following general standards in the interests of protecting public health, safety, and general welfare and lessening potential damage to property. No use in existence on the effective date of this Ordinance shall be altered or modified in a manner that conflicts with these standards.
- B. **Exemptions:** The industrial standards provided by this Article shall be subject to the following exemptions:
1. *Farming Operations:* Any applicable "Right to Farm" laws may supersede these standards as they pertain to farming and agricultural uses.
 2. *General Exemptions:* The following uses, activities, and circumstances shall be exempt from the standards established by this Article:
 - a. Site preparation or the construction, maintenance, repair, alteration, or improvement of structures, equipment, or other improvements on or within the lot lines of the subject property;
 - b. The operation of motor vehicles for the transportation of personnel, material, or products; and
 - c. Public safety sirens and related apparatus used solely for public purposes and/or necessary for the protection of life, limb, or property.
- C. **General Standards:**
1. *Smoke and Particulate Matter:* No use on a property should release fly ash, dust, smoke, or any other type of particulate matter which violates the air quality standards established by the Indiana Department of Environmental Management or Clean Air Act.
 2. *Electrical Disturbance:* No use on a property should cause electrical disturbance adversely affecting the operation of radios, televisions, or any other equipment on any other lot in the vicinity. All applicable regulations of the Federal Aviation Administration shall apply to all operations which may adversely affect the navigation or control of aircraft.
 3. *Fire and Explosive Hazards:* The storage, utilization, and/or manufacture of all flammable and/or explosive materials shall conform to the applicable requirements of the Indiana Department of Fire and Building Services and the prescribed standards of the National Fire Protection Association. Fire fighting equipment and prevention measures shall be subject to the approval of the Shelbyville Fire Department and shall be readily available and apparent when any activity involving the handling and storage of flammable or explosive materials is conducted.
 4. *Noise:* No use on a property should create an objectionable production or operational noise (including loud speakers and/or paging systems), or combination of noises, detectable at the boundary line of any residential or commercial zoning district.
 5. *Odor:* No use on a property should emit any odor, or combination of odors, that is detectable at the boundary line of any residential or commercial zoning district.
 6. *Vibration:* No use on a property should cause any objectionable vibrations or concussions that are detectable without the aid of instruments at the property lines of the lot on which the use is located.
 7. *Glare:* No use on a property should produce any glare that is detectable at the property lines of the lot on which the use is located. All outdoor lighting shall be exempt from these Industrial Standards, but shall comply with *Section 5.38: Lighting Standards*.
 8. *Noxious or Toxic Materials:* No noxious or toxic materials shall accumulate, discharge, or be stored outside of the building. The storage of such materials shall comply with all applicable regulations of the Shelby County Board of Health, the Indiana State Board of Health, and the Indiana Department of Environmental Management.
 9. *Waste Materials:* No use on a property shall accumulate within the lot or discharge beyond the lot lines any waste matter in violation of the applicable standards and regulations of the Shelby County Board of Health, the Indiana State Board of Health, and the Indiana Department of Environmental Management.
 10. *Water Pollutants:* No use on a property shall discharge any material, whether liquid or solid, into public waters without the required approvals of the Shelby County Board of Health, Indiana State Board of Health, Indiana Department of Environmental Management, Indiana Department of Natural Resources, the Indiana Stream Pollution Control Board, and/or the City of Shelbyville MS4 Operator.

Keeping of Animals Standards

5.26 KA-01: Single-family Residential Keeping of Household and Outdoor Pets Standards

This Keeping of Animals Standards section applies to the following zoning districts:



The following standards apply:

A. Cross References:

1. *Keeping of Animal Ordinance*: See *City Ordinance 90.01 Keeping Animals, Fowl, or Bees*.
2. *Keeping of Dangerous Animals Ordinance*: See *City Ordinance 90.06 Keeping Dangerous Reptiles and Animals*.
3. *Keeping of Vicious or Ferocious Animals*: See *City Ordinance 90.12 Vicious or Ferocious Animals*.

B. Indoor Pets: Maximum of three (3) dogs, plus three (3) of any other mammalian or reptilian indoor pet species, plus any number of fish.

C. Outdoor Pets: Outdoor pets are permitted as follows:

1. *Minimum Lot Area*: One-fifth (1/5) acre.
2. *Maximum Number of Outdoor Pets*: One (1) outdoor pet per one-fifth (1/5) acre with an absolute maximum of three (3).

D. Farm Animals: All farm animals shall be prohibited except chickens and rabbits, which are permitted as follows:

1. *Chickens*:
 - a. *Minimum Lot Area*: One-fifth (1/5) acre.
 - b. *Maximum Number of Farm Animals*: Three (3) chickens per lot.
 - c. *Permitted and Prohibited Types*: Hens shall be permitted and roosters shall be prohibited.
 - d. *Location*: A chicken coup shall be permitted, but only in the rear yard and within the setbacks applicable to a primary structure in the subject zoning district.
2. *Rabbits*:
 - a. *Minimum Lot Area*: One-fifth (1/5) acre.
 - b. *Maximum Number of Farm Animals*: Four (4) rabbits per lot.
 - c. *Location*: A rabbit hutch shall be permitted, but only in the rear yard and within the setbacks applicable to a primary structure in the subject zoning district. It shall be at least fifty (50) feet from residences on any adjoining lot.

5.27 KA-02: Multiple-family Residential Keeping of Household and Outdoor Pets Standards

This Keeping of Animals Standards section applies to the following zoning districts:



The following standards apply:

A. Cross References:

1. *City Ordinance 90.01 Keeping Animals, Fowl, or Bees*.
2. *City Ordinance 90.06 Keeping Dangerous Reptiles and Animals*.

B. Exotic Animals: Exotic animals shall not be permitted.

C. Indoor Pets: Maximum of three (3) dogs, plus three (3) of any other mammalian or reptilian indoor pet species, plus any number of fish.

D. Outdoor Pets: Outdoor pets are not permitted.

Keeping of Animals Standards

5.28 KA-03: Agricultural Keeping of Farm Animals Standards

This Keeping of Animals Standards section applies to the following zoning districts:



The following standards apply:

- A. **Indoor Pets:** Maximum of three (3) dogs, ten (10) of any other mammalian or reptilian indoor pet specie, and any number of fish.
- B. **Outdoor Pets:** Outdoor pets are permitted as follows:
 1. *Minimum Lot Area:* One-fifth (1/5) acre.
 2. *Maximum Number of Outdoor Pets:* One (1) outdoor pet per one-fifth (1/5) acre with an absolute maximum of three (3).
- C. **Farm Animals:** Farm Animals are permitted as follows:
 1. *Minimum Lot Area:* Five (5) acres for all farm animals, except chickens, which require one-fifth (1/5) acre.
 2. *Minimum Pasture Area:* Two (2) acres or all farm animals, except chickens, which require one-fifth (1/5) acre.
 3. *Maximum Animal Units:* One (1) animal unit per two (2) acres of fenced pasture, except chickens, which shall not exceed five (5) per lot when the lot area is less than five (5) acres, otherwise maximum animal units shall be according to the below chart.
 4. *Determination of Animal Units:* See table below.

Animal Type	Animals Per Animal Unit
Cattle, Buffalo, and similar	1
Horse, Mule, Donkey, Camel, and similar	1
Horse (34 inches or less at withers)	3
Swine, Ostrich, Emu, and similar	5
Goat, Sheep, Llama, Alpaca, and similar	5
Chicken, Turkey, Pheasant, and similar	20

5. **Other Animal Types:** The Zoning Administrator shall determine "animals per animal unit" for all other species.

5.29 KL-01: Commercial Kennel Standards

This Kennel Standards (KL) section applies to the following zoning district:



The following standards apply:

A. Prerequisites:

1. Minimum Lot Area: All commercial kennels shall be located on a lot with a minimum of two (2) acres.
2. Minimum Fenced Yard: As a minimum, all commercial kennels that provide services for dogs shall have a one-quarter (1/4) acre fenced area. In addition, when a kennel can accommodate more than twenty (20) dogs they shall also maintain a minimum one-eightieth (1/80) acre (i.e. 544 1/2 square feet) of outdoor fenced area for each additional dog on the premises.

B. Minimum Main Floor Area: The commercial kennel shall be a minimum of 1,000 square feet, and shall have an additional minimum of fifty (50) square feet per one (1) domestic pet over the first twenty (20).

C. Commercial Kennel Building: The building required in *Section 5.29(B): Minimum Main Floor Area* shall be mechanically air conditioned and ventilated to eliminate the need to open windows or doors during warm or hot days. Only the building used to board or predominantly keep animals shall be subject to this requirement.

D. Hours of Operation: The commercial kennel may be staffed twenty-four (24) hours per day. The use of outdoor areas shall be limited to eight (8) hours between which shall be allocated between the hours of 8:00 AM and 9:00 PM daily.

E. Setback Standards: All buildings and outdoor containment areas used by the commercial kennel shall be a minimum of 100 feet from all property lines.

F. Noise Containment: Animal noises shall not be audible at or beyond the property line.

G. Fence Enclosures: All outdoor facilities for domestic pets shall be fully fenced-in with wood, vinyl, zinc or powder coated chain link fence, or similar quality product. Invisible fences shall not constitute a sufficient barrier to keep domestic pets contained or to prevent intrusion by other animals.

H. Waste Management: The animal waste shall be managed either by composting, septic system, sanitary sewer or other method approved by the Shelby County Health Department. The commercial kennel shall submit a waste management plan to the Shelby County Health Department for consideration and determination of waste management options.

Kennel Standards (KL)

5.30 KL-02: Home Enterprise Kennel Standards

This Kennel Standards (KL) section applies to the following zoning district:



The following standards apply:

A. Prerequisites:

1. *Minimum Lot Area:* All kennels shall be located on a lot with a minimum of one (1) acre.
2. *Minimum Fenced Yard:* All kennels shall maintain a minimum one-eightieth (1/80) acre (544 1/2 square feet) of outdoor fenced area for each boarding unit for dogs on premises (i.e. the kennel's dog capacity).

B. Maximum Kennel Size: The kennel facility shall not contain more than six (6) domestic pets that are not the owner of the property. However, no more than ten (10) domestic pets shall be kept on the property.

C. Kennel Building Standards:

1. *Kennel Location:* The kennel shall be fully contained in a dedicated space within the primary structure, or in no more than one (1) accessory structure.
2. *Minimum Floor Area:* The kennel shall have a minimum floor area of fifty (50) square feet per one (1) domestic pet, with a prerequisite minimum of 200 square feet.
3. *Kennel Facility:* The kennel facility shall be mechanically air conditioned and ventilated to eliminate the need to open windows or doors during warm or hot days. Only the building used to board or predominantly keep animals shall be subject to this requirement.
4. *Noise Containment:* Animal noises shall not be audible at or beyond the property line.

D. Hours of Operation: The maximum hours of operation (i.e. hours for domestic pet owners to pick-up their animal) for the kennel shall be from 6:00 AM to 9:00 PM daily. The use of outdoor areas shall be limited to two (2) hours between 8:00 AM and 9:00 PM daily.

E. Setback Standards: All outdoor areas used by the kennel shall be a minimum of fifty (50) feet from all property lines.

F. Fence Enclosures: All outdoor facilities for domestic pets shall be fully fenced-in with wood, vinyl, zinc or powder coated chain link fence, or similar quality product. Invisible fences shall not constitute a sufficient barrier to keep domestic pets contained or to prevent intrusion by other animals.

Landscaping Standards (LA)

5.31 LA-01: General Landscaping Standards

These Landscaping Standards (LA) apply to the following districts:



The following standards apply:

- A. **Purpose:** The landscape regulations within the Unified Development Ordinance are intended to guide the development and redevelopment of the City of Shelbyville for the following purposes:
 1. *Quality of Life:* To improve the overall quality of life for all of Shelbyville's citizens by increasing the amount of living landscaping in the community.
 2. *Public Health:* To improve the public's mental and physical health by ensuring living landscapes are present throughout the urban area.
 3. *Future Vision:* To use landscaping to help implement the City of Shelbyville's Comprehensive Plan and all of its elements.
 4. *Community Character:* To use landscaping to help create a sense of place for the City, including within corridors, subdivisions, gateways and neighborhoods.
 5. *Environmental Impact:* To off-set the impacts of development and redevelopment by requiring installation of living plants to improve air quality, decrease stormwater runoff, reduce erosion and provide shade.
 6. *Preservation:* To identify and incentivize preservation of important landscapes and trees.
 7. *Aesthetics:* To preserve and enhance the scenic and natural beauty of the city's landscape.
 8. *Compatibility:* To use landscaping to increase compatibility between different land uses.
 9. *Vision Clearance Standards:* All landscape materials shall be located to avoid interference with visibility per *Section 5.77: Vision Clearance Standards*.
- B. **Cross Reference:**
 1. *Vision Clearance Standards:* All landscape materials shall be located to avoid interference with visibility per *Section 5.77: Vision Clearance Standards*.
- C. **Project Applicability:** Landscape materials consistent with the requirements of the Unified Development Ordinance shall be required when an Improvement Location Permit is obtained for a new primary structure or the expansion of an existing primary structure by fifty percent (50%) or greater.
- D. **Positioning:**
 1. *Easements:* Landscape material shall not be planted in rights-of-way or easements without permission from the City for rights-of-way or easement holder for easements. A tree canopy may project over a right-of-way or easement.
 2. *Movement:* Landscape materials shall be located to avoid interference with vehicular and pedestrian movement. Specifically, plant materials shall not project into sidewalks, pedestrian paths, and the like below a height of six (6) feet. Plant materials shall not project over street curbs or pavement within rights-of-way or access easements below a height of thirteen (13) feet six (6) inches.
 3. *Streetscape:* The unpaved portion of an adjacent right-of-way shall be fine-graded, planted and maintained with vegetative ground cover.
 4. *Setbacks from Well and Septic:* Landscaping should not interfere with or negatively impact the operations of existing or proposed septic systems and/or wells.
- E. **D. Living Plants:** The use of artificial plant material to satisfy the requirements of this ordinance is prohibited, with the exception of artificial turf grass in high-traffic areas when deemed appropriate by the Zoning Administrator.
- F. **E. Public Art:** The City of Shelbyville acknowledges the importance of public art in a community and encourages the use of sculptures and other public art as a component of the site landscaping plan.
- G. **Landscape Design:** Plantings may be clustered or staggered for variety and a natural appearance, or may be spaced in equal increments for a more formal appearance. In most circumstances, plant grouping is encouraged to provide a more naturalistic landscape appearance. The landscape design should make use of plant clusters to block undesirable views, glaring lights, etc.
- H. **Maintenance:** Plants are intended to grow, spread and mature over time. Required minimum landscape material shall be kept alive and in good health. Plants and other landscape material shall be maintained to match the approved landscape plan and shall use landscape industry best practices for trimming, mulching, fertilizing and watering and treatment against disease and pests.
 1. *Replacement Due to Natural Causes:* If a tree or shrub that has been used to meet landscape requirements dies,

- becomes diseased or is severely damaged by a severe weather event, it shall be replaced in accordance with the approved landscape plan.
2. *Replacement Due to Other Removal:* If a healthy tree or shrub that has been used to meet landscape requirements is removed, it shall be replaced as follows:
 - a. *Deciduous Tree/Shrub:* Replant the site with three (3) deciduous trees/shrubs for each one (1) deciduous tree/shrub that is removed, in accordance with a new landscape plan that has been approved by the zoning administrator. New deciduous trees/shrubs shall meet minimum ordinance size standards.
 - i. Deciduous trees must be replaced with deciduous trees, and may not be substituted with other plant types. Deciduous shrubs must be replaced with deciduous shrubs, and may not be substituted with other plant types.
 - b. *Evergreen Tree/Shrub:* Replant the site with three (3) evergreen trees/shrubs for each one (1) evergreen tree/shrub that is removed, in accordance with a new landscape plan that has been approved by the zoning administrator. New evergreen trees/shrubs shall meet minimum ordinance size standards.
 - i. Evergreen trees must be replaced with evergreen trees, and may not be substituted with other plant types. Evergreen shrubs must be replaced with evergreen shrubs, and may not be substituted with other plant types.
 3. *Pruning:* Plants used to fulfill requirements of this ordinance may not be removed, excessively pruned, or otherwise treated so as to reduce overall height or level of opacity. Excessive pruning, including “limbing-up”, “topping”, and other inhibiting measures, may only be practiced to insure the public safety or to preserve the relative health of the material involved. Pruning that results in removal of more than one-third ($\frac{1}{3}$) of the height of the plant at the time of pruning shall be considered complete removal; the pruned plant shall be removed and replaced, meeting the requirements of UDO 5.31(H)2 , Replacement Due to Other Removal. Pruning practices must follow the most recent version of ISA ANSI a300 Pruning Standards.
 4. *Maintenance Surety:* The City may, if deemed necessary, require the petitioner to post maintenance surety for the ongoing maintenance of required landscaping.
 - I. *Inspection:* A site is subject to inspection by the Zoning Administrator or their designee at the time of installation and at any time in the future, in order to confirm the accuracy of the installation, the health of plant materials, and the maintenance of the approved landscape plan.
 - J. *Plant Quality:* Plant material and ground covers shall be hardy and free of harmful insects & diseases. All plants shall comply with the most recent version of The American Standard for Nursery Stock (ANSI Z60.1) published by the American Horticulture Industry Association.
 - K. *Ground Cover Required:* Landscaped areas shall have appropriate ground cover which stabilizes soil, reduces solar heat gain, and permits infiltration. All areas not landscaped with hedges or trees shall be provided with grass or other vegetative ground cover.
 1. *Stone Prohibited:* Gravel, limestone, river rock or similar stone materials may only be used for mulching around plants or for landscaping accents, not as general ground cover.
 2. *Erosion Control:* When necessary to meet erosion control requirements, materials other than living ground cover may be used.
 - L. *Landscape Preservation Credits:* The preservation of healthy, mature, native landscape is crucial to the quality of life and the health of the environment in Shelbyville. As such, that preservation is regulated and incentivized in this section. Preservation credits shall be granted toward meeting the landscaping requirements at the following rates:
 1. *Preservation Required*
 - a. *Trees*
 - i. In Setbacks -- All existing healthy, mature, non-invasive trees above six (6) inch cal. and located within required setbacks shall be preserved.
 - [a] Waiver - The property owner may request that the required preservation of a deciduous tree be waived and the Zoning Administrator may grant said waiver if they find that the preservation of said tree will substantially interfere with future site development.
 - [b] Eligibility for Credits - Plants that are required to be preserved in setbacks shall not qualify for “Credits for Preservation” as outlined in UDO 5.31(L)4.
 - ii. Required Bufferyard-- When a “Bufferyard Type 3” is required, pursuant to UDO 5.36(H), all existing healthy, mature, non-invasive trees shall be preserved.

Landscaping Standards (LA)

2. *In Easements -- Preservation of healthy, mature non-invasive trees within easements is encouraged whenever possible, but is not required.*
3. *Other Landscape Plants -- Preservation of other healthy, mature non-invasive landscape plants is encouraged, but not required.*
4. *Credit for Preservation – A tree being preserved for credit may only satisfy landscaping requirements within the same general area. Trees being used for credits must generally be in the proximity of the UDO landscape requirement they are satisfying, and must be a non-invasive species. I.E. trees satisfying buffer yard requirements must be near property lines.*
 - a. Credits for Deciduous Trees: Preservation of healthy, mature, non-invasive deciduous trees shall constitute an in-kind credit toward meeting the landscape requirements in the Unified Development Ordinance. Due to potential for removal or interference with the current or future purpose of an easement, credits for preservation of healthy, mature non-invasive deciduous trees within easements must be approved by the Zoning Administrator. A Credit shall be granted per tree that contributes to or fulfills any landscaping standard.
 - i. For each preserved deciduous tree with caliper measurement of over four (4) inches but less than eight (8) inches, a credit for three (3) required deciduous trees shall be granted.
 - ii. For each preserved deciduous tree with caliper measurement of over eight (8) inches but less than twelve (12) inches, a credit for four (4) required deciduous trees shall be granted.
 - iii. For each preserved deciduous tree with caliper measurement of over twelve (12) inches a credit for five (5) required deciduous trees shall be granted.
 - iv. In no case shall a preserved deciduous tree be replaced by a preserved evergreen tree, shrub or other landscape material, nor shall any of those materials receive the equivalent credits for a required deciduous tree.
 - b. Credits for Evergreen Trees: Preservation of healthy, mature, non-invasive evergreen trees shall constitute an in-kind credit toward meeting the landscape requirements in the Unified Development Ordinance. Due to potential for removal or interference with the current or future purpose of an easement, credits for preservation of healthy, mature non-invasive evergreen trees within easements must be approved by the Zoning Administrator. A Credit shall be granted per tree that contributes to or fulfills any landscaping standard, excluding Bufferyard Standards (UDO 5.36(H)) when a “Bufferyard Type 3” is required.
 - i. For each preserved evergreen tree over six (6) feet tall but less than ten (10) feet tall, a credit for three (3) required evergreen trees shall be granted.
 - ii. For each preserved evergreen tree over ten (10) feet tall, a credit for four (4) required evergreen trees shall be granted.
 - c. Shrubs – Credits for preservation of healthy, mature non-invasive shrubs may be approved by the Zoning Administrator, if they determine that the existing shrub contributes to the intent of the landscape ordinance.
 - d. Native Grasses or other Unique Landscape Area -- Credits for planting and/or preservation of healthy, mature non-invasive grasses, native wildflowers, etc. may be approved by the Zoning Administrator, if they determine that the native grass or landscape area contributes to and achieves the intent of the landscape ordinance.

M. Minimum Plant Sizes:

1. *Canopy Trees:* All required canopy or deciduous trees shall be at least two (2) inch caliper at the time of planting, measured at six (6) inches above the rootball. Each tree that is four (4) inch caliper or above at the time of planting shall receive double tree credit toward the required number of deciduous trees.
2. *Evergreen Trees:* All required evergreen trees shall be at least five (5) feet in height at the time of planting, measured from the top of the rootball. Each tree that is ten (10) feet in height or above at the time of planting shall receive double tree credit toward the required number of evergreen trees.
3. *Ornamental Trees:* All required ornamental trees shall be at least one and one-quarter (1 1/4) inch caliper at the time of planting, measured at six (6) inches above the rootball. Each tree that is two (2) inch caliper or above at the time of planting shall receive double tree credit toward the required number of ornamental trees.
4. *Shrubs:* All required shrubs shall be at least two (2) feet in height at the time of planting, measured from ground level.

- N. Diversity of Plants: A mixture of plant species is encouraged to help protect against infestation or disease leading to mass die-off of plant material.

O. Use of Native Grasses and Wildflowers:

1. *Intent:* The use of native grasses, wildflowers and other native plants in managed landscape design can be economical, low-maintenance, effective in soil and water conservation, and may preclude the excessive use of pesticides, herbicides, and fertilizers. The city recognizes the desirability of permitting and encouraging managed natural vegetation within the city limits of Shelbyville while maintaining public health and safety.
2. *Credit:* Any portion of a site planted and maintained as native grasses or wildflowers shall be excluded from the calculation of required "Yard Plantings" (UDO 5.32(A)2, and 5.33(F)). Each area must be a minimum of one-half (½) acre in contiguous area size to qualify, but there shall be no maximum area limit.
3. *Managed:* The term "managed" as used in this ordinance shall mean means a planned and designed yard or landscape with the intent to control, direct, and maintain the growth of natural vegetation.
 - a. Managed natural landscapes shall not include turf-grass lawns left unattended for the purpose of returning to a natural state. In establishing a natural landscape, turf grass shall be eliminated and the native vegetation shall be planted through transplanting or seeding.
 - b. Plants in managed natural landscapes may be grown to any heights as long as the location and manner of growth do not constitute a hazard to the public health and safety, blocking traffic visibility (see Section 5.77: Vision Clearance Standards), or interfering with the use of easements.
 - c. A maintenance plan shall be part of all approved landscape plans, which stipulates that the native plant landscape area shall be cut at least once annually between April 15 and July 15, to a height no greater than ten (10) inches. As an alternative, the area may be burned, if appropriate permits are obtained through the Shelbyville Fire Department, and any other regulatory entity.
4. *Noxious Weeds Excluded:* Noxious weeds do not qualify as native grasses or wildflowers for the purpose of this ordinance.

P. Delay of Plant Installation: Installation of required landscaping may be delayed due to seasonal delays, upon written request to the Zoning Administrator. Between November 30th and May 1st, a temporary certificate of occupancy, which shall expire on May 1st, may be issued. No permanent Certificate of Occupancy shall be issued until all required landscaping is installed. Failure to install required landscaping before obtaining a permanent certificate of occupancy will result in fines for occupying a structure without a certificate of occupancy, as established by the Shelbyville Building Commission.

Q. P. Plant Lists: When the following terms are used in relation to landscaping standards, they shall refer to the corresponding lists of plant species incorporated in the Appendix B section of this Ordinance:

1. *Native wildflowers and grasses-*
2. *Shrubs (asterisk evergreen shrubs)*
3. *Submersible plantings*
4. *Ornamental trees*
5. *Evergreen trees*
6. *Canopy Trees*
7. *Street Trees*
8. *Invasive species*
9. *Noxious weeds*

5.32 LA-02: Non-Residential Landscaping Standards

These Landscaping Standards (LA) apply to the following districts:



The following standards apply:

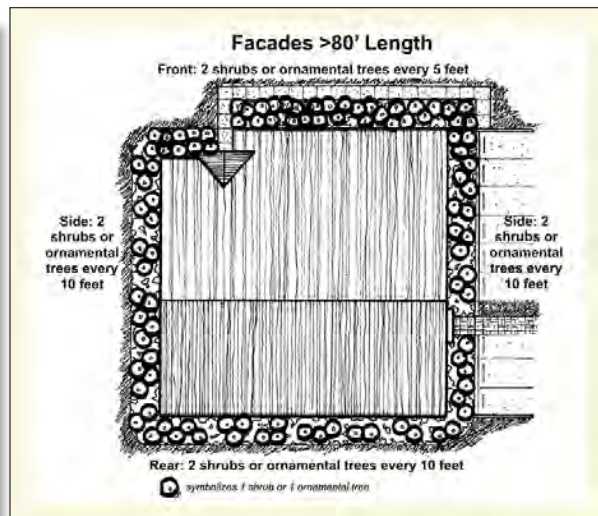
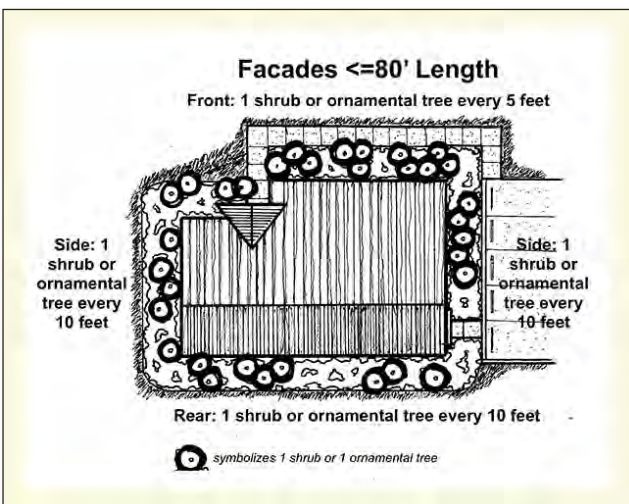
- A. **Quantity:** The quantities listed below are required in addition to landscape materials that may be required by parking lot planting and bufferyard planting specified in other parts of this Landscaping Standards section. All calculations shall be made in accordance with UDO 1.08-L, “Rounding”.
1. **Foundation Plantings:**
 - a. **Minimum Number:** The minimum number of required foundation plants is determined by Table LA-A, shown below. In addition, Table LA-B, below, shows the minimum percentage of each plant type that is required to satisfy the foundation planting requirements.
 - b. **Industrial Substitutions:** For developments within the IL - Light Industrial, IG - General Industrial, or HI - High Impact zoning districts, two (2) required foundation plantings may be substituted for one (1) yard planting, that is in addition to the number of yard plantings required by this ordinance. The areas within twenty (20) feet of the main entrance of the facility shall not be permitted to substitute these foundation plantings with yard plantings.

Table LA-A: Minimum Foundation Plantings Required

Size of Facade	Front Facades	Side & Rear Facades
Facade is eighty (80) feet or less in overall length	One (1) shrub or ornamental tree per every five (5) feet of overall length	One (1) shrub or ornamental tree per every ten (10) feet of overall length
Facade is more than eighty (80) feet in overall length	Two (2) shrubs or ornamental trees per every five (5) feet of overall length	Two (2) shrubs or ornamental tree per every ten (10) feet of overall length

Table LA-B: Minimum Percentage of Each Plant Species in Foundation Planting Areas

	Shrubs	Ornamental Trees
Buildings less than twenty-five (25) feet in height	30%	30%
Buildings twenty-five (25) feet in height, or greater	30%	50%



Landscaping Standards (LA)

2. Yard Plantings:

- Minimum Number:** The minimum number of required yard plantings is determined by Table LA-C, shown below.
- Industrial Substitutions:** If utilizing “Industrial Substitutions” (UDO 5.32(A)1(b)), these plantings will be in addition to the plantings required in Table LA-C below.
- Use of Native Grasses and Wildflowers:** Native grasses and wildflowers may be used to substitute required yard plantings, as outlined in UDO 5.31-M.

Table LA-C: Minimum Yard Plantings Required

Lot Size	Plants Required
Lots one (1) acre or less in area	Two (2) canopy trees
Lots more than one (1) acre in area	Two (2) canopy trees+ One (1) canopy tree per acre

B. Placement:

- Foundation Plantings:** Foundation plantings shall be planted along all four (4) sides of the foundation (excluding drive-throughs, loading docks, and the front door) and be located as follows.
 - Shrubs:** Within six (6) feet of the foundation.
 - Ornamental Trees:** Within ten (10) feet of the foundation.
- Yard Plantings:** Yard plantings shall be planted in the front and/or side yards, but shall not be within two (2) feet of any property line.

5.33 LA-03: Multiple-Family Residential Landscaping Standards

These Landscaping Standards (LA) apply to the following districts:



The following standards apply:

- Quantity Requirements:** The quantities listed below in Table LA-D, are required in addition to landscape materials that may be required by parking lot planting and bufferyard planting specified in other parts of this Landscaping Standards section. The following minimum number and type of plant materials shall be required.
- Applicability:** This provision does not apply to accessory structures under two-hundred (200) square feet in area.
- Types of Trees:** The trees used for “Yard Plantings” shall be a combination of evergreen and deciduous trees, with a minimum of thirty percent (30%) evergreen trees and a minimum of thirty (30%) deciduous trees.
- Use of Native Grasses and Wildflowers:** Native grasses and wildflowers may be used to substitute required yard plantings, as outlined in UDO 5.31-M.
- Minimum Foundation Plantings Required:** See table LA-D.
- Minimum Yard Plantings Required:** See table LA-D.

Table LA-D: Minimum Plantings Required

Zoning District	Foundation Plantings	Yard Plantings
RM District	Four (4) shrubs per dwelling unit	Two (2) trees per acre + One (1) additional tree for each primary structure
MP District	None	Two (2) trees per acre + One (1) additional tree for every five (5) dwelling sites

G. Placement of Landscaping:

- Trees:** Required trees shall be planted anywhere on the lot, but shall not be located within ten (10) feet of a primary structure, accessory structure, sidewalk, curb, paved surface, or driveway; nor within four (4) feet of a property line.
- Foundation Plantings:** Required shrubs shall be planted within six (6) feet of the foundation.
- Use of Native Grasses and Wildflowers:** Native grasses and wildflowers may be used to substitute required yard plantings, as outlined in UDO 5.31-M.

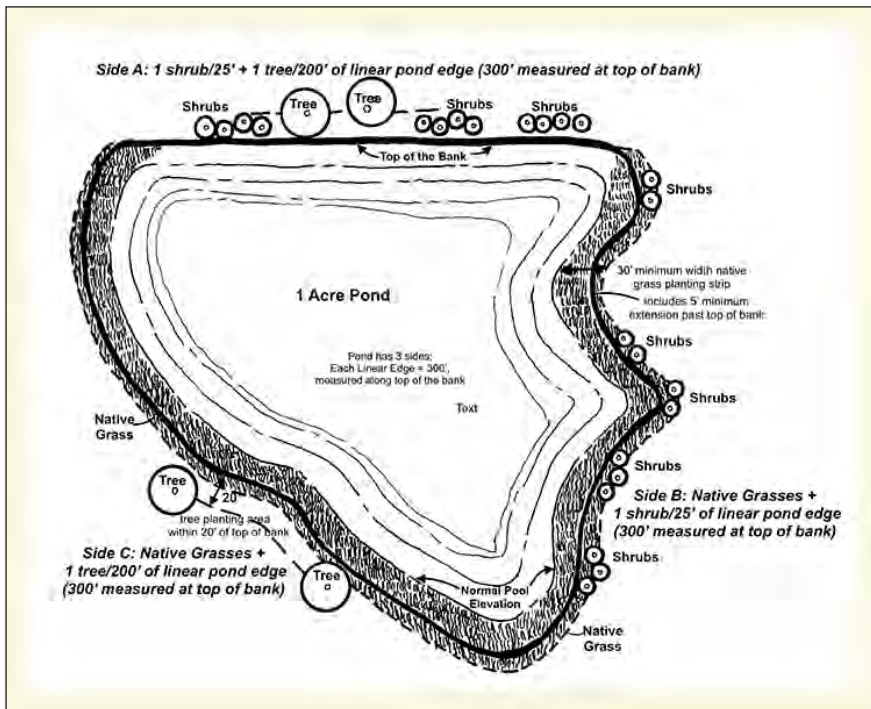
5.34 LA-04: Landscaping Around Ponds

These Landscaping Standards (LA) apply to all zoning districts:



The following standards apply:

- A. **Intent:** The purpose of these standards are to discourage Canadian Geese habitats around drainage ponds, and address public health and safety concerns. In addition, improved landscaping around ponds promotes the general welfare of the community, and preserves and enhances the environmental integrity of the community by improving the water quality of stormwater runoff.
- B. **Applicability:** When the collective acreage of all ponds in the development are half an acre ($\frac{1}{2}$) or more in size, the following requirements shall apply:
- C. **Pond Design:** To minimize goose breeding and resting areas, new ponds, lakes or retention basins shall not include islands or peninsulas.
- D. **Vegetative Buffer Strip:** There shall be a vegetative buffer around the entire perimeter of the pond. A planted buffer, whose width is described in UDO 5.34(E), shall consist of two (2) or more of the following:
 1. **Native Grasses:** Strip planted with native warm season grasses which remain approximately four (4) feet in height throughout the year.
 2. **Shrubs:** One (1) shrub per twenty-five (25) feet of linear pond-edge, measured at the top of the bank for the pond.
 3. **Trees:** One (1) tree per two-hundred (200) feet of linear pond-edge, measured at the top of the bank for the pond.
- E. **Placement:**
 1. **Native Grasses:** Required planting strip shall be a minimum of thirty (30) feet in width, located from the edge of the normal pool elevation, up the entire bank of the pond, and extending past the top of the pond bank by a minimum of five (5) feet. Native grass planting strips can include submerged plantings, if appropriate plant species are being used that naturally grow in these wet conditions.
 2. **Shrubs:** Shrubs shall be located near or at the top of the bank of the pond and shall not be located in an area that is commonly submerged. Shrubs shall not be used on dams or levees or in areas where height is a concern.
 3. **Trees:** Trees shall be located within twenty (20) feet of the top of the bank of the pond, but should not be located on the bank as the roots may compromise the structural integrity of the pond bank. Trees shall not be used on dams or levees or in areas where height is a concern.



Landscaping Standards (LA)

5.35 LA-05: Parking Lot Landscaping Standards

These Landscaping Standards (LA) apply to the following districts:



The following standards apply:

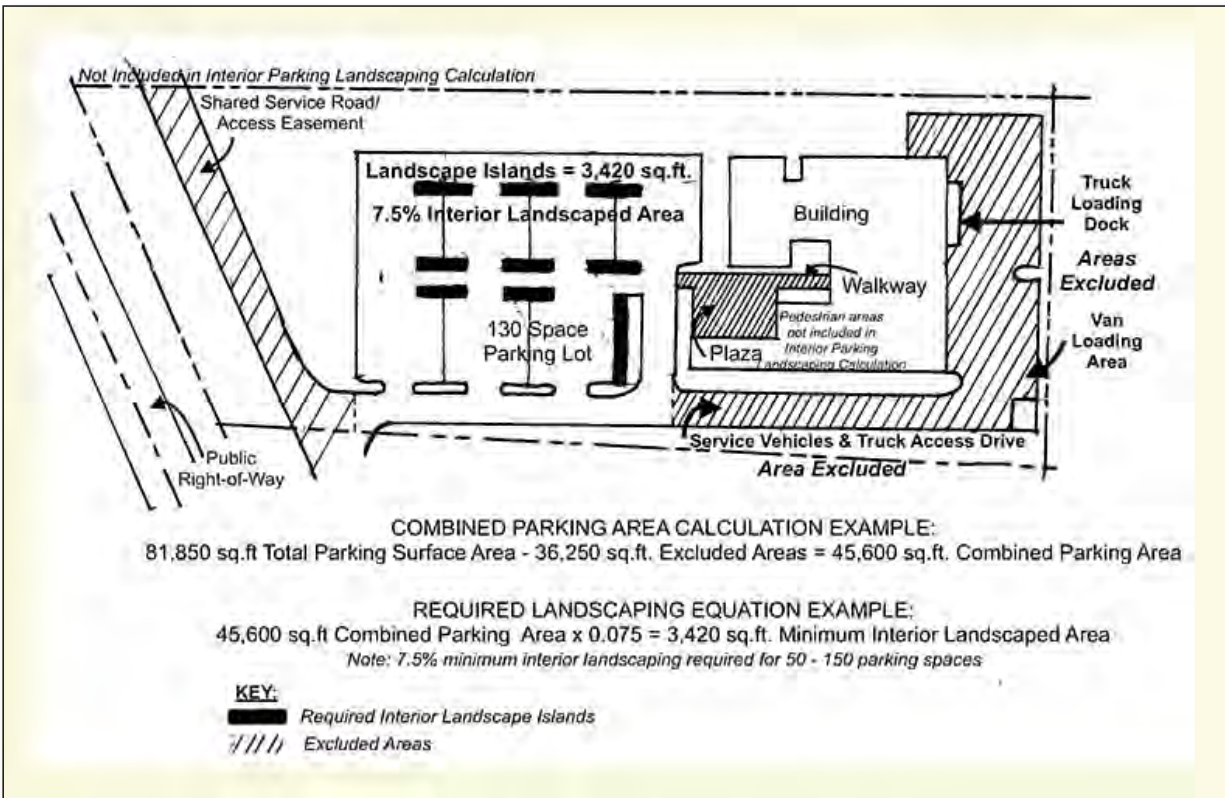
- A. **Requirements:** Landscape materials consistent with the requirements of the Unified Development Ordinance shall be required when an Improvement Location Permit is obtained for a new parking lot or cumulative the expansion of an existing parking lot by twenty-five percent (25%) or greater.
- B. **Parking Lot Perimeter Requirements:** All parking lots shall be separated from all planned public rights-of-way (consistent with the Shelbyville Official Thoroughfare Plan) by a landscaping area that is a minimum of ten (10) feet in width. Lots include parking spaces, interior drives, and loading areas. The landscape area shall be planted with either one (1), or a combination of the following options:
 1. *Option 1 - Trees & Shrubs:* A minimum of one (1) tree shall be provided for every four-hundred (400) square feet of landscaped area. The trees must be a combination of ornamental and deciduous trees, with a minimum of thirty percent (30%) of trees being ornamental and a minimum of thirty percent (30%) of trees being deciduous. In addition, one (1) shrub shall be provided for every fifty (50) square feet of landscaped area.
 2. *Option 2 - Landscape Berm:* A landscape berm that is a minimum of three (3) feet in height above the adjacent parking lot shall be established along the entire length of the landscaped area. A minimum of one (1) shrub shall be provided for every four (4) linear feet of berm, in a staggered placement. All required shrubs shall be planted on the berm, but shall be prohibited from being planted at the top of the ridge. No permanent or temporary signs or other non-landscaping objects shall be placed upon the berm.
- C. **Parking Lot Interior Requirements:** To help reduce excessive heat build-up and emissions from large areas of hard surfacing, landscape islands must be provided within parking lots.
 1. *Landscaped Areas Required:* Landscape islands with a combined surface area equal to five percent (5%) of the area of the parking lot (including all parking spaces and interior drives beyond the right-of-way, but excluding all loading docks and truck maneuvering areas) shall be provided in all parking lots with more than fifty (50) parking spaces. Minimum Required Interior Landscaping areas shall be based on a combined surface area of the parking lot, including all parking spaces and interior drives starting at the right-of-way, but excluding all loading docks and truck maneuvering areas. The minimum percentage of landscaped area required for interior landscaping shall be based on the total number of parking spaces as outlined in the table below.
 - a. Equation to determine Required Landscaping: (Combined Parking Area) * (Percentage of Landscaped Area) = Required Parking Lot Interior Area
 - b. Combined Parking Area: Based on a combined surface area of the parking lot, including all parking spaces and interior drives starting at the right-of-way, but excluding all loading docks and truck maneuvering areas
 - c. Percentage of Landscaped Area: Based on number of parking spaces
 - d. Minimum Required Interior Landscaping: See table below.

Table LA-E: Minimum Required Interior Landscaping

Number of Parking Spaces in Lot*	Percentage of Landscaped Area
1-10	0%
11-50	5%
51-150	7.5%
151+	10%
*sum of standard parking spaces and required ADA parking spaces	

2. *Landscaped Area Standards:* The required landscape areas shall meet the following requirements:
 - a. All required landscaped areas shall consist of curbed islands or peninsulas that are surrounded on at least two (2) sides by pavement. Landscaping on the perimeter of the parking lot shall not be counted toward this requirement
 - b. All landscape islands shall be a minimum of 180 square feet in area.

- c. The required landscaping areas shall generally be grouped together and coordinated for the following purposes:
 - i. Establishing an entry aisle to the property,
 - ii. Separating interior drives from parking aisles, and
 - iii. Indicating the ends of aisles of parking spaces.
- d. A minimum of one (1) tree shall be provided for every two-hundred (200) square feet of landscaped area. The required trees must be a combination of ornamental and deciduous trees, with a minimum of thirty percent (30%) of trees being ornamental and a minimum of thirty percent (30%) of trees being deciduous. In addition, one (1) shrub shall be provided for every fifty (50) square feet of landscaped area.



Landscaping Standards (LA)

5.36 LA-06: Bufferyard Landscaping Standards

These Landscaping Standards (LA) apply to the following districts:



The following standards apply:

- A. **Applicability:** Landscape materials consistent with the requirements of the Unified Development Ordinance shall be required when:
1. *Rezoned:* a lot is rezoned,
 - a. *Rezoned to a More Intense District:* The subject lot is being rezoned to an equivalently intense zoning district or higher intensity zoning district than one (1) or more of the adjacent lots, or
 2. *New Primary Structure:* The subject lot at the time of filing for an Improvement Location Permit for a new primary structure is in an equivalently intense zoning district or higher intensity zoning district than one (1) or more of the adjacent lots.
 3. *Expanded Primary Structure:* The subject lot at the time of filing for an Improvement Location Permit to expand a primary structure by twenty percent (20%) or greater is in an equivalently intense zoning district or higher intensity zoning district than one (1) or more of the adjacent lots.
- B. **Clarity of Applicability:**
1. *Previously Developed Adjacent Lot:* When the subject lot is being developed and is adjacent to a previously developed lot which has a more intense use or is in a more intense zoning district, no buffer yard is required to be installed; either on the less intensely zoned lot (subject lot) or the more intensely zoned lot.
 2. *Determining Intensity of a Zoning District:* The following chart (Table LA-F) shall be used to determine the hierarchy of intensity when compared to other districts:
 3. *Planned Development Districts:* The zoning administrator shall determine the most comparable zoning district for Planned Developments for the applicability of this standard.

Table LA-F: Zoning District Intensity Determination

The (zoning district listed below) is less intense than...	...the list of zoning districts in this column
PK (Parks and Open Space)	AG, AR, R1, R2, RM, MP, IS, BN, BC, BG, BH, IL, IG, and HI
AG (Agriculture)	AR, R1, R2, RM, MP, IS, BN, BC, BG, BH, IL, IG, and HI
AR (Agriculture / Rural Residential)	R1, R2, RM, MP, IS, BN, BC, BG, BH, IL, IG, and HI
R1 (Single-family Residential)	R2, RM, MP, IS, BN, BC, BG, BH, IL, IG, and HI
R2 (Two-family Residential)	RM, MP, IS, BN, BC, BG, BH, IL, IG, and HI
RM (Multiple-family Residential)	MP, IS, BN, BC, BG, BH, IL, IG, and HI
MP (Manufactured Home Park)	BC, BG, BH, IL, IG, and HI
IS (Institutional)	MP, BC, BG, BH, IL, IG, and HI
BN (Business Neighborhood)	MP, IS, BC, BG, BH, IL, IG, and HI
BC (Business Central)	BG, BH, IL, IG, and HI
BG (Business General)	BH, IL, IG, and HI
BH (Business Highway)	IL, IG, and HI
IL (Light Industrial)	IG, and HI
IG (General Industrial)	HI
HI (High Impact)	none

- C. **Location:** Buffer yard standards shall be located along the front property line, side property line, and rear property line when contiguous to a conflicting zoning district as indicated on *Table LA-G: Buffer Yards Required*. Buffer yards are not in addition to required setbacks.
- D. **Arrangement:** Plant material shall be installed within the buffer yard such that views between two (2) conflicting land uses are disrupted. A natural pattern or irregular row of trees is preferred in the buffer yard.
- E. **Substitution:**
1. *Unique Site Conditions:* The Zoning Administrator may lessen the requirements of the buffer yard standards by twenty percent (20%) due to unique site conditions or features that prevent appropriate and healthy installation of the trees. These site conditions or features may include existing vegetation that exceeds the buffer yard

requirements in size and quantity or topography that shields the adjacent property in a more thorough way than the buffer yard requirements.

2. *Pre-existing Trees*: The Zoning Administrator shall give credit for pre-existing trees that contribute to the intent of the buffer yard standards. Full compliance with the buffer yard standards may be granted when pre-existing trees meet all aspects of the regulations. See *Section 5.31(L): Tree Preservation Credits*.
- F. *Buffer Yard "Type 1"*: One (1) deciduous tree and one (1) ornamental or evergreen tree shall be planted for every fifty (50) feet of contiguous boundary with the adjacent lot. Each tree shall be planted within twenty (20) feet of the property line, but no closer than five (5) feet to the property line.
- G. *Buffer Yard "Type 2"*: One (1) deciduous tree and two (2) ornamental or evergreen trees shall be planted for every fifty (50) feet of contiguous boundary with the adjacent lot. Each canopy tree shall be planted within twenty (20) feet of the property line, but no closer than five (5) feet to the property line.
- H. *Buffer Yard "Type 3"*:
 1. *Canopy Deciduous Tree*: One (1) deciduous tree shall be planted for every twenty-five (25) feet of contiguous boundary with the adjacent lot. Each tree shall be planted within twenty (20) feet of the property line, but not closer than five (5) feet of the property line.
 2. *Evergreen Tree*: Four (4) ornamental or evergreen trees shall be planted for every fifty (50) feet of contiguous boundary with the adjacent lot. Each tree shall be planted within fifteen (15) feet of the property line, but not within five (5) feet of the property line.
 3. *Substitution*: A six (6) foot tall opaque fence may be installed along seventy-five percent (75%) of the contiguous lot in substitution for fifty percent (50%) of the required deciduous trees and fifty percent (50%) of the required ornamental or evergreen trees. Any fence used as a substitution shall be located at least fifteen (15) feet from the property line and the required landscaping shall be planted between the fence and the property line. Any undulating mound shall not have slopes in excess of three horizontal units to one vertical unit (3:1 slope).

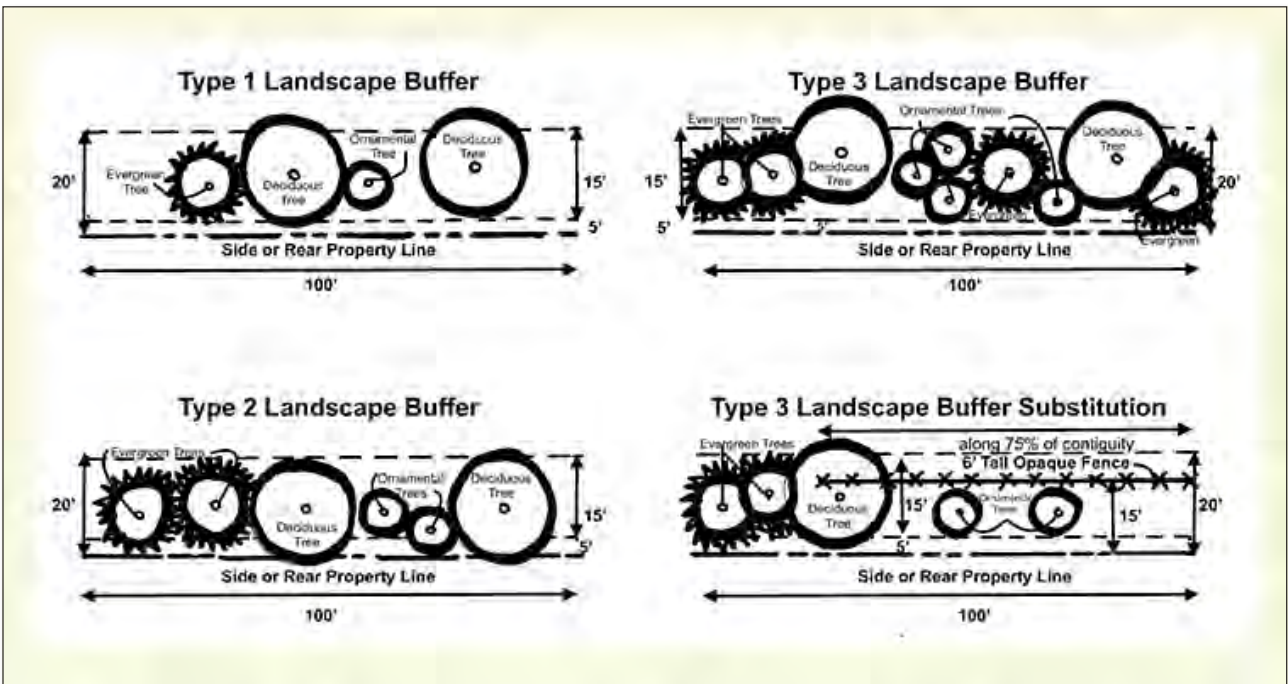


Table LA-G: Buffer Yards Required

Adjacent District	Zoning District of Subject Property															Arterial Street
	PR	AG	AR	R1	R2	RM	MP	IS	BN	BC	BG	BH	IL	IG	HI	
PR	-	1	1	1	1	1	1	1	2	2	2	2	3	3	3	3
AG	1	-	1	1	2	2	2	1	2	2	2	2	2	2	2	2
AR	1	1	-	2	2	3	3	1	3	3	3	3	3	3	3	2
R1	1	1	2	-	1	3	3	1	3	3	3	3	3	3	3	3
R2	1	2	2	1	-	2	3	1	2	2	3	3	3	3	3	3
RM	1	2	3	3	2	-	2	1	1	1	2	3	3	3	3	3
MP	1	2	3	3	3	2	-	1	1	1	2	3	3	3	3	3
IS	1	1	1	1	1	1	1	-	1	2	2	2	2	2	3	2
BN	2	2	3	3	3	1	1	1	-	2	1	2	2	3	3	2
BC	2	2	3	3	3	1	1	2	2	-	1	2	2	3	3	2
BG	2	2	3	3	3	2	2	2	1	1	-	1	1	-	3	2
BH	2	2	3	3	3	3	3	2	2	2	1	-	-	-	3	2
IL	3	2	3	3	3	3	3	2	2	2	1	-	-	-	3	3
IG	3	2	3	3	3	3	3	2	3	3	-	-	-	-	2	3
HI	3	2	3	3	3	3	3	3	3	3	3	3	2	1	1	3

Landscaping Standards (LA)

5.37 LA-07: Landscape Screening Standards

These Landscaping Standards (LA) apply to the following districts:



The following standards apply:

- A. **Ground Level Requirements:** All outdoor storage areas, dumpsters and waste container enclosures, and mechanical equipment areas located on the ground shall be screened consistent with the following requirements, regardless of whether the adjacent property is under the jurisdiction of this Ordinance:
 1. **Outdoor Storage of Inoperable Vehicles:** The outdoor storage of inoperable vehicles shall conform to the screening requirements of the *Parking Standards*.
 2. **Dumpsters and Waste Containers:** All ground level locations for dumpsters and waste containers shall meet the following standards:
 - a. **Fencing:** A six (6) foot tall, 100% opaque fence of wood, brick, or stone, or other appropriate building materials, as determined by the Zoning Administrator consistent with the exterior of the primary structure, shall completely enclose the area. Opaque, six (6) foot tall decorative gates shall be provided to access the facility. The gates shall generally remain closed, except when immediate access to the area is required.
 3. **Mechanical Equipment:** Ground level mechanical equipment in the front yard is discouraged. Locations for mechanical equipment and air conditioning compressors, that are visible from a residentially zoned area, residentially used area, or a public street, shall meet the following standards:
 - a. **Wall:** If mechanical equipment is located in a side or front yard, a one-hundred percent (100%) opaque wall consistent with the exterior of the primary structure shall be erected around the front and sides of the equipment, which is at least one (1) foot taller than the equipment. The wall shall leave access to the equipment from the rear.
 - b. **Landscape Screening:** A mix of evergreen planting shrubs, evergreen trees, and/or ornamental trees shall be provided around the area, in a planting area extending a minimum of six (6) feet in all directions from the screening wall. Landscape plantings shall leave access to the equipment from the rear. A minimum of one (1) tree shall be provided for every four-hundred (400) square feet of landscaped area. The trees must be a combination of ornamental and deciduous trees, with a minimum of thirty percent (30%) of trees being ornamental and a minimum of thirty percent (30%) of trees being deciduous. In addition, one (1) shrub shall be provided for every one-hundred (100) square feet of landscaped area.

Table LA-H: Required Mechanical Screening

Wall Height	Width of Landscaping Bed	Required Plantings
Less than or equal to five (5) feet	Six (6) feet	One (1) shrub for every twenty-five (25) square feet
Greater than five (5) feet	Ten (10) feet	One (1) tree for every two-hundred (200) square feet

Lighting Standards (LT)

5.38 LT-01: Lighting Standards

These Lighting Standards (LT) apply to the following districts:



The following standards apply:

A. Cross Reference:

1. *Sign Standards:* Lighting shall comply with the requirements in the *City of Shelbyville Sign Code*.

B. General Requirements: All exterior lighting shall conform with the following general requirements:

1. *Mounting Height Measurement:* For the purposes of this section, the mounting height of all light fixtures shall be defined as the vertical distance between the grade level of the surface being illuminated and the bottom of the lighting fixture (i.e. luminaire).
 2. *Use of Timers/Dimmers:* Wherever practicable, exterior lighting shall include timers, dimmers, and/or sensors to reduce overall energy consumption and eliminate unneeded lighting.
 3. *Electrical Service:* The electrical service to all outdoor lighting fixtures shall be underground, unless the fixtures are mounted directly on utility poles or structures.
 4. *Holiday Lighting:* Holiday lighting shall be exempt from the provisions of this section, provided that such lighting does not, in the opinion of the Zoning Administrator, create dangerous or harmful glare on adjacent streets and properties. Any such lighting shall only be placed forty-five (45) days before, and shall be removed within thirty (30) days after the holiday for which it is displayed.
 5. *Glare:* Light fixtures shall be shielded to prevent glare on streets, alleys, and adjacent properties. Any structural part of the light fixture providing this shielding shall be permanently affixed.
 6. *Light Trespass:* The maximum allowable light at any property line shall be two (2) lux or two-tenths (.2) foot-candles, with the following exceptions:
 - a. *Commercial Zoning Districts:* When the subject property is located within a commercial zoning district and the adjacent property is also located within a commercial zoning district or an industrial zoning district, then the allowable light at the property line shall be thirty (30) lux or three (3) footcandles, but only along the sides of the property that are adjacent to the specified zoning districts. However, no light shall cross an adjacent commercial or industrial property and reach a property line with a non-commercial or non-industrial district with greater than five (5) lux.
 - b. *Industrial Zoning Districts:* When the subject property is located within an industrial zoning district and the adjacent property is also located within an industrial zoning district, then the allowable light at the property line shall be thirty (30) lux or three (3) footcandles, but only along the sides of the property that are adjacent to the specified zoning district.
 - c. *Adjacent Right-of-Way:* When the subject property is located adjacent to a right-of-way, then the allowable light at the property line along the right-of-way shall be thirty (30) lux or three (3) footcandles, but only along the right-of-way line.
 - d. *Photometric Study:* When site lighting is being added or altered in a way that could increase light trespass on adjacent properties, a photometric study must be performed to ensure compliance with these standards. This study shall compare illumination levels for pre-development and proposed post-development conditions. This study shall also take into consideration the lighting that comes from adjacent street lights, site lighting from adjoining properties, and any other significant sources of light in the surrounding area.
 7. *Prohibited Lighting:*
 - a. Permanent use of spot lights, strobe lights, floodlights, and searchlights shall be prohibited.
- ### C. Site Lighting Requirements: Site lighting shall be designed to provide the minimum lighting necessary to ensure adequate vision, safety, and comfort in parking areas and throughout the site while avoiding glare and direct illumination of adjacent properties or streets.
1. *Maximum Mounting Height:* The maximum mounting height for all free standing light fixtures shall be consistent with the Site Lighting Height Requirements table, shown below.

Parking Lot Lighting Height Requirements

Zoning District	PK	RM	IS	BN	BC	BG	BH	IL	IG	HI
Maximum Mounting Height	20 ft.	20 ft.	20 ft.	5 ft.	20 ft.	30 ft.	30 ft.	35 ft.	35 ft.	35 ft.

2. *Lighting Fixtures*: All lighting fixtures providing illumination for parking lots shall be ninety degree (90°) cut-off fixtures directed downward at the parking lot surface.
- D. Gasoline Station/Convenience Store Requirements: Lighting levels on gasoline/convenience store aprons and under canopies shall be adequate to facilitate the activities taking place on the property and shall not be used for the purpose of illuminating signs.
 1. *Pump-area Lighting*: Lighting fixtures on canopies shall conform to either of the following requirements:
 - a. Option 1: all light fixtures mounted on the canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy, or
 - b. Option 2: the lighting of the canopy shall use indirect lighting through which light is beamed upward and then reflected down from the underside of the canopy by light fixtures that are shielded so that illumination is focused exclusively on the underside of the canopy.
 2. *Canopy Lighting*: Lights shall not be mounted on the top or sides of any gas station canopy and the sides of the canopy shall not be illuminated. In no instances shall this be interpreted as prohibiting the placement of signs on the canopy that are illuminated consistent with the standards for sign illumination.
- E. Lighting of Exterior Display/Sales Areas: Lighting levels on exterior display/sales areas shall be adequate to facilitate the activities taking place in such locations. Such lighting shall conform with the following requirements:
 1. *Lighting Fixtures*: All lighting fixtures used to illuminate exterior display/sales areas shall be ninety degree (90°) cut-off fixtures (luminaires) focused directly downward onto the display/sales area. Such light fixtures shall be located, mounted, aimed, and shielded so that direct light is not cast onto adjacent streets or properties.
 2. *Fixture Height*: In no case shall fixtures be mounted at a height greater than twenty-five (25) feet above grade level.
 3. *Fixture Location*: All lighting fixtures and mounting poles shall be located within the areas being illuminated.
- F. Lighting of Outdoor Athletic/Performance Facilities: Lighting for all outdoor athletic and performance facilities shall provide adequate light for the event or facility while minimizing light pollution and the illumination of adjacent streets and properties.
 1. *Play/Performance Area Lighting*: Lighting fixtures for the playing fields and/or performance areas shall be specifically mounted and aimed so that their beams fall directly within the play/performance area and its immediate surroundings and does not spill onto adjacent streets or properties.
 2. *Dual Lighting System*: Each facility shall be designed and constructed with a dual lighting system that permits the main lighting for the event (spotlighting, floodlighting, etc.) to be turned off, with an alternate low level lighting system used for clean-up, night maintenance, and other activities. All lighting shall be turned off at all other times.
- G. Security Lighting: Security lighting shall be ninety degree (90°) cut-off fixtures directed downward at the parking lot surface, loading docks, or doorways, and shall otherwise conform with the following requirements:
 1. *Non-residential Lighting Fixtures*: All security lighting in non-residential areas shall be shielded and specifically aimed so that illumination is directed only to the intended area. The light source for any security lighting shall include shields that prevent their light source or lens from being visible from adjacent properties and/or streets. The use of general floodlighting fixtures shall be prohibited. Security lighting fixtures may be mounted on poles located no farther than ten (10) feet from the perimeter of the area intended to be illuminated.
 2. *Illuminated Areas*: Any security lighting shall only illuminate vertical surfaces (walls, doors, etc.) up to a height of eight (8) feet from either grade level or the bottom of any illuminated door or entryway, whichever is greater.
 3. *Perimeter Lighting*: Security lighting intended to illuminate a perimeter, such as a fence line, shall include motion sensors and be designed to be off unless triggered by an intruder located within five (5) feet of the perimeter.
- H. Lighting of Building Facades: Building facades may be illuminated, subject to the following requirements:
 1. *Lighting Fixtures*: Lighting fixtures shall be located, aimed, and shielded so that light is directed only onto the building facade. Lighting fixtures shall not be directed toward adjacent streets, roads, or parking lots.

Loading Standards (LD)

5.39 LD-01: Loading Standards

These Loading Standards (LD) apply to the following zoning districts:



- A. **Loading Berths:** The following loading standards only apply when a project elects to install loading berths.
- B. **Commercial Districts:** The following standards only apply to commercial districts, not industrial districts.
 - 1. **Location:** All required loading berths shall be located on the same lot as the use to be served. No loading space may be located in any front yard or any required buffer yard. Shared truck courts between adjacent properties shall be permitted.
 - a. **Orientation:** All exterior loading berths shall be oriented to face the side or rear yards of the lot on which they are located. Loading docks that are completely enclosed within the structure may be accessed through drive-in doors located on any building facade.
 - b. **Screening:** Loading docks shall be located so that they are inconspicuous from public streets. If such a location is not possible, a loading dock clearly visible from a public street shall be screened by solid structure walls and/or landscape buffers.
 - c. **Surface Materials:** Loading docks shall be paved with asphalt or concrete.
 - d. **Drainage:** Loading docks shall be constructed to allow proper drainage away from the structure.
 - 2. **Access:** Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner that will not interfere with traffic movements. There shall be no maneuvering within any street right-of-way. In no case shall a loading berth be located in such a manner as to require loading/unloading vehicles to back into a public right-of-way or overhang adjacent property.
 - 3. **Space Allowed:** Space provided for use as any off-street loading berth shall not be used to satisfy any required off-street parking spaces.
 - 4. **Delivery/Loading Operations:** Delivery and loading operations should not disturb adjoining neighborhoods or other uses.
 - a. **Operation Times:** No delivery, loading, trash removal or compaction or other such operations shall be permitted between the hours of 10:00 PM and 7:00 AM unless the applicant submits evidence that sound barriers between all areas for such operations effectively reduce noise emissions to a level of 45dbA as measured at the lot line of any adjoining property.
- C. **Industrial Districts:** The following standards only apply to industrial districts, not commercial.
 - 1. **Location:** No loading berth may be located in any required buffer yard. Shared truck courts between adjacent properties shall be permitted.
 - a. **Surface Materials:** Loading berths shall be paved with asphalt or concrete.
 - b. **Drainage:** Loading berths shall be constructed to allow proper drainage away from the structure.
 - 2. **Access:** Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner that will not interfere with traffic movements. There shall be no maneuvering within any street right-of-way. In no case shall a loading berth be located in such a manner as to require loading/unloading vehicles to back into a public right-of-way or overhang adjacent property.
 - 3. **Space Allowed:** Space provided for use as any off-street loading berth shall not be used to satisfy any required off-street parking spaces.

Lot Standards (LO)

5.40 LO-01: General Lot Standards

This Lot Standards (LO) section applies to the following zoning districts:



The following standards apply:

- A. Repealed: These standards have been repealed from Article 5 and relocated to Article 6, Section 6.09.

Manufactured Home Park Standards (MH)

5.41 MH-01: Manufactured Home Park Standards

These Manufactured Home Park Standards (MH) apply to the following zoning districts:



The following standards apply:

- A. Transportation Equipment: All hitches, wheels, and other attachments to the home used to aid in transportation shall be removed or concealed beneath the skirting.
- B. Sidewalks/Pedestrian Paths:
 1. *Common*: Concrete sidewalks or paved pedestrian pathways of at least four (4) feet in width shall be provided from the front door of each primary structure to the common sidewalks adjoining the interior drives:
 - a. Adjacent to all interior drives, and
 - b. Accessing all recreational and accessory use areas.
- C. Entrances and Interior Roads: Interior manufactured home park streets shall be private streets.
 1. All private interior drives shall be:
 - a. Designed with curbs and gutters and shall be paved with either asphalt or concrete.
 - b. Constructed according to the construction standards for public streets.
 - c. Consistent with the *Entrance/Drive Standards* and any specific requirements of the City Engineer.
- D. Open Space: All manufactured home parks developed under the provisions of the MP zoning district that exceed five (5) acres in gross site area shall provide common open space in an amount equal to ten percent (10%) of the gross area of the development. The common open space shall be consistent with the following standards:
 1. *Interpretation*: In no instance shall any provision of this open space requirement be interpreted as requiring the dedication of property to the City of Shelbyville.
 2. *Location Within the Development*: Open space shall be concentrated at a minimum number of sites within each development to provide the maximum amount of usable space. This may include linear open spaces that contain pathways and/or provide linkages.
 3. *Natural Features*: Natural features present on the property, such as woodlots and wetlands should be incorporated into the open space provided.
 4. *Restrictions*: The following areas and/or features within the development may not be considered as meeting these open space requirements:
 - a. Setbacks, buffer yards or other open areas required by this Ordinance;
 - b. Street medians, rights-of-way, and required setbacks on individual home sites;
 - c. Off-street parking areas; and
 - d. In no case may an access easement be substituted for a required common open space.
 5. *Design Standards*: Common open spaces within each development shall be linked with each other, with City parks, and with existing and future open spaces in adjacent developments through the sidewalk system.
 - a. All common open spaces shall have frontage on a street that includes sidewalks.
 - b. All required open spaces shall be common areas owned and maintained by the leasing company. In no case may an access easement be substituted for a required common open space.
 6. *Maintenance Standards*: All common open spaces shall be maintained free of weeds and other noxious vegetation.

5.42 OD-01: Outdoor Dining Standards

This Outdoor Dining Standards (OD) section applies to the following districts:



The following standards apply:

- A. Prerequisite: Any establishment that wishes to have outdoor dining partially or fully within the right-of-way shall first get approval from the Shelbyville Board of Public Works and Safety. This approval is necessary because right-of-way is the exclusive jurisdiction of the Shelbyville Board of Public Works and Safety. Therefore, the Zoning Administrator, Plan Commission, or Board of Zoning Appeals cannot process an Improvement Location Permit or other petition for this use within a right-of-way without prior approval from the Shelbyville Board of Public Works and Safety.
- B. Permits: An Improvement Location Permit shall be required prior to establishing an outdoor dining area. A new permit shall not be required each year unless changes are proposed in the outdoor dining area.
- C. Operations: Generally, outdoor dining is permitted from March 31 through December 1, and from 6:00 AM until 11:00 PM Sunday through Thursday and 6:00 AM until 12:00 midnight Friday through Saturday.
- D. Design:
 - 1. *Circulation and Accessibility*:
 - a. All outdoor dining areas shall maintain a minimum five (5) foot wide pedestrian circulation area along a public sidewalk. A minimum four (4) foot wide pedestrian circulation area will be permitted, as long as the four (4) foot segment does not extend more than thirty (30) feet in length. The pedestrian circulation area shall be free of all obstacles including but not limited to tree wells, fire hydrants, street light poles, and newspaper boxes. This pedestrian circulation area shall be maintained at all times.
 - b. Outdoor dining areas shall not interfere with handicap accessibility, curbs, ramps, or driveways.
 - c. Portions of outdoor dining areas fronting a right-of-way shall have a pedestrian barrier enclosing the outdoor dining area except for ingress/egress into the establishment. The pedestrian barrier shall meet all of the following criteria:
 - i. Pedestrian barriers shall be sturdy, stable, and have sufficient weight so they cannot be blown over by wind.
 - ii. Pedestrian barriers shall not be permanently attached or bolted to the sidewalk, unless granted special permission from the Board of Public Works and Safety.
 - iii. Pedestrian barriers shall be at least thirty (30) inches in height to prevent tripping hazards.
 - iv. Pedestrian barriers shall be removed and stored during the off season, but not stored on the exterior of the building.
 - d. Outdoor dining areas that do not front a right-of-way may have a pedestrian barrier around at least seventy-five percent (75%) of the outdoor dining area. The pedestrian barrier shall meet all of the following criteria:
 - i. Pedestrian barriers shall be constructed of wood, composite wood, stone, masonry, wrought iron, decorative metal, or a combination of these materials.
 - ii. Pedestrian barriers shall be permanently attached to the ground.
 - iii. Pedestrian barriers shall be at least thirty (30) inches in height to prevent tripping hazards.
 - e. No element of the outdoor dining area shall interfere with access to any structure.
 - 2. *General*:
 - a. A sufficient number of trash containers shall be provided outdoors and be readily accessible to outdoor diners. However, full service establishments with outdoor dining areas shall not be required to provide outdoor trash containers.
 - b. There shall be no storage of food trays; carts; receptacles for dirty dishes or trays; carts for utensils; or cooking appliances in any portion of the outdoor dining area.
 - c. There shall be no service stations in any portion of the outdoor dining area on a public right-of-way.

3. *Furniture:*

- a. To maintain a high quality environment, quality materials shall be used for outdoor dining areas. Outdoor dining furniture and outdoor trash containers shall be iron, steel, aluminum, wood, or resin. Finishes on the furniture and trash containers shall be kept relatively free of fading, chips, and rust.
- b. Umbrellas are permitted, but shall be flame retardant, color-fast fabric with an anti-flyback feature.
- c. Outdoor dining furniture, trash containers, and umbrellas shall be stored during the off-season, but not stored on the exterior of the building.

Outdoor Display Area Standards (DA)

5.43 DA-01: Outdoor Display Area Standards

This Outdoor Display Area Standards (DA) section applies to the following districts:



The following standards apply:

- A. Project Applicability: Outdoor areas used on a regular basis (i.e. any outdoor display that is not permitted as a temporary use) for outdoor displays shall meet the Outdoor Display Area Standards section.
- B. Permits: An Improvement Location Permit shall be required when a new outdoor display area is proposed. Once a permit is issued for an outdoor display area, a new permit is not required each time the merchandise changes. However, a new permit shall be required if the outdoor display area changes.
- C. Cross Reference:
 1. *Parking Standards*: Outdoor display areas shall not utilize any portion of the required number of parking spaces set forth in *Section 5.47* through *Section 5.52*.
 2. *Vision Clearance Standards*: All outdoor displays shall be located to avoid interference with visibility per *Section 5.77: Vision Clearance Standards*.
- D. Location:
 1. *Accessibility*: An outdoor display area shall not block any sidewalk, accessibility ramp, or driveway.
 2. *Setbacks*:
 - a. *Front Yard*: An outdoor display area shall meet the primary structure front yard setback standard identified in the applicable zoning district in *Article 2: Zoning Districts*.
 - b. *Side and Rear Yards*: An outdoor display area shall meet the accessory structure side yard and rear yard setbacks standard as identified in the applicable zoning district in *Article 2: Zoning Districts*.
 3. *Proximity to Primary Structure*: An outdoor display area shall meet at least one (1) of the following proximity standards:
 - a. Every portion of an outdoor display area shall be twenty-five (25) feet or less from the front facade of the primary structure.
 - b. Every portion of an outdoor display area shall be sixty (60) feet or less from a side facade of the primary structure.
 - c. An outdoor display area shall meet the screen requirements in *Section 5.43(F): Screening*.
- E. Size:
 1. *Maximum Area*: The cumulative area of all outdoor display areas shall not exceed fifteen percent (15%) of the footprint of the primary structure or tenant space to which the outdoor display area is associated.
 2. *Maximum Height*:
 - a. When products are displayed within an enclosed temporary structure, the enclosed temporary structure shall not exceed fifteen (15) feet in height.
 - b. Products displayed outside shall not exceed twelve (12) feet in height when located under a canopy or in a sales yard, otherwise all other outdoor display areas shall not exceed six (6) feet.
- F. Screening: When an outdoor display area is more than twenty-five (25) feet from the front facade of the primary structure, more than sixty (60) feet from a side facade of the primary structure, or greater than 2,500 square feet in area, at least one (1) of the following screening mechanisms shall be installed.
 1. *Ornate Fence*: An ornate fence that is four (4) feet to eight (8) feet in height integrated into the design of the primary structure.
 2. *Landscaping*: A five (5) feet wide landscape buffer that consists of one (1) tree and one (1) shrub for every ten (10) feet of perimeter around the outdoor display area. The trees and shrubs shall be permanently planted and may be arranged creatively for aesthetic purposes, but shall reasonably screen the outdoor display area.

Outdoor Storage Standards (OS)

5.44 OS-01: General Outdoor Storage Standards

This Outdoor Storage Standards (OS) section applies to the following zoning districts:



The intent of Outdoor Storage Standards is to protect the health, safety, and welfare and ensure neighborliness and aesthetic quality for the residents within the City's zoning jurisdiction. The following standards apply:

- A. **Prohibited Outdoor Storage:** The outdoor storage of equipment, product, supplies, materials, machinery, building materials, waste or scrap, pallets, and similar materials shall not be permitted.
- B. **Stored Vehicles:** Stored vehicles shall not encroach into a right-of-way or block or impede an access easement, sidewalk, or driving aisle.
- C. **Parked Recreational Vehicles:**
 1. **Quantity:** No more than one (1) recreational vehicle shall be parked outdoors on a lot at any one (1) time.
 2. **Parking:**
 - a. A recreational vehicle shall be parked on a paved surface in a rear yard of a lot or on a valid parking spot (e.g. driveway) in the front yard or side yard.
 - b. A recreational vehicle shall not be parked on any street or other public way for more than twenty-four (24) hours in any thirty (30) day period of time.
 3. **Use:** At no time shall a parked recreational vehicle be occupied for living, sleeping, or home business purposes, except when parked on a lot with a valid building permit for construction or remodeling, with a maximum of ninety (90) days.

5.45 OS-02: Merchandising Outdoor Storage Standards

This Outdoor Storage Standards (OS) section applies to the following zoning district:



The following standards apply:

- A. **Vehicle Dealership:** The outdoor display, storage, and parking of vehicles for sale shall be permitted, provided that all vehicles are parked on asphalt or concrete, on a physical display (e.g. apparatus used to display a vehicle) approved by the Zoning Administrator, or enclosed within a building. All parked vehicles, vehicle parking surfaces, or physical displays shall meet the setbacks required for parking lots (see *Setback Standards*). Vehicles shall not be parked in the right-of-way, on gravel, on grass, or any other unimproved surface.
- B. **Equipment Rental:** The outdoor display and storage of equipment for rent shall be permitted, provided that all equipment is parked on asphalt or concrete, on a physical display (e.g. apparatus used to display a piece of equipment) approved by the Zoning Administrator, or enclosed within a building. All equipment, parking surfaces, or physical displays shall meet the setbacks required for parking lots (see *Setback Standards*). Equipment shall not be parked in the right-of-way, on gravel, on grass, or any other unimproved surface.

5.46 OS-03: Industrial Outdoor Storage Standards

This Outdoor Storage Standards (OS) section applies to the following zoning districts:



The following standards apply:

- A. **Industrial Outdoor Storage:** Outdoor storage of vehicles, equipment, product, supplies, materials, waste or scrap, pallets, and the like shall be permitted if all of the following conditions are met:
 1. **Location:** Outdoor storage areas shall be located in a side yard or rear yard and shall be setback thirty (30) feet from the property line, or the setback required for an accessory structure, whichever results in a greater setback.
 2. **Screening:** Outdoor storage areas shall be screened on all sides with a solid fence or wall that is six (6) feet tall, or eight (8) feet tall if what is stored is greater than six (6) feet in height.

Parking Standards (PK)

5.47 PK-01: General Parking Standards

These Parking Standards (PK) apply to the following districts:



The following standards apply:

- A. Project Applicability: The parking standards shall apply to any of the following:
 1. *New Primary Structure*: Construction of a new primary structure.
 2. *Major Change to Primary Structure Size*: Increasing or decreasing the footprint of a primary structure by twenty-five percent (25%) or more of its size.
 3. *Second Change to Primary Structure Size*: Increasing or decreasing the footprint of a primary structure which has already been expanded or decreased one (1) time per *Section 5.47(A)(2)*.
 4. *Major Change in Parking Lot Size*: Increasing or decreasing an existing parking lot by twenty-five percent (25%) or more of its existing size or number of parking spaces.
 5. *Second Change to Parking Lot Size*: Increasing or decreasing a parking lot which has already been expanded or decreased one (1) time per *Section 5.47(A)(4)*.
- B. Cross Reference:
 1. *Setback Standards*: Parking lots shall comply with the setbacks in the *Setback Standards (SB)*.
 2. *Engineering Design Standards*: Parking lots shall comply with the City of Shelbyville Construction Standards.
- C. Permits: An Improvement Location Permit shall be required for all projects described in *Section 5.47(A)*.
- D. Design:
 1. *Size of Spaces*: Each off-street parking space shall comply with the City of Shelbyville Construction Standards.
 2. *Right-of-way*: Off-street parking spaces shall not be fully or partially in a right-of-way or access easement.
 3. *Access*: All required parking aisles shall be designed to provide direct access to roadways for vehicles. In no case may areas that do not have direct access be considered as meeting the requirements of this Ordinance.
- E. Prohibited: Parking of motor vehicles shall not be permitted on yards, lawns, or similar pervious-surfaced areas on a lot.
- F. Temporary Special Event Parking: When a special event (e.g. carnival, day camp) is permitted on grounds that do not have adequate parking lots or other improved parking surface, then a parking management proposal from the event coordinator or the property owner shall be submitted to the Zoning Administrator. The parking management proposal shall include: expected attendance, expected duration of the event, expected peaks in attendance if applicable, description of the intended activities, impact of rain or inclement weather, and a site drawing. The site drawing shall include: access management from the public street, areas to be used for the special event activities, areas to be used for special event parking, areas prone to ponding or flooding, means for cars to get to parking spaces without dead-ends, and any other information requested by the Zoning Administrator. The minimum number of parking spaces shall be two (2) spaces per five (5) persons expected to attend at the peak time of the event. The Zoning Administrator has full discretion to request more or allow less parking if evidence constitutes such a decision. If expected parking cannot be properly and safely accommodated on-site, then the permit for the special event may be revoked.

Parking Standards (PK)

- G. Park Use Requirements: Off-street parking spaces for park and recreation uses located in any zoning district shall be provided consistent with the requirements for nonresidential uses located in *Table PK-A: Minimum Number Of Parking Spaces Per Use*.
- H. Inoperable Vehicle Storage Requirements: The storage of all motor vehicles shall be consistent with the following requirements:
 - 1. *Disallowed Storage*: The storage of vehicles or trailers of any type without current license plates and registration or in an inoperable condition shall be prohibited other than in completely enclosed buildings or associated with permitted auto salvage yards or auto-repair facilities.
 - 2. *Allowed Storage*: Vehicles associated with permitted auto salvage yards and/or auto-repair facilities shall be stored consistent with the following requirements:
 - a. All such vehicles, including antique vehicles, shall be stored inside a structure, within a rear yard storage area, side storage area, or in a driveway. In no case shall such vehicles be stored in any right-of-way, front yard, in front of structures, side yard, or required setback area or bufferyard.
 - b. All outdoor storage areas for such vehicles shall be completely enclosed by a minimum six (6) feet tall, 100% opaque fence constructed of wood, stone, vinyl, or masonry. Gates allowing access to the storage areas are permitted and shall be closed when not in use. The Gates shall consist of, 100% opaque wooden doors of a height matching that of the enclosure. In no instance shall any vehicles or materials stored within the enclosure exceed the height of the fence.

5.48 PK-02: Agricultural Parking Standards

These Parking Standards (PK) apply to the following districts:



The following standards apply:

A. Quantity:

- 1. *General Agriculture and Residential*: A minimum of two (2) off-street parking spaces shall be required per dwelling unit.
- 2. *Non-residential*: See *Table PK-A: Minimum Number Of Parking Spaces Per Use*

B. Location:

- 1. *Same Lot*: The required parking spaces shall be located on the same lot as the dwelling unit.
- 2. *Garages*: The required parking spaces may not include spaces within garages.

C. Materials: All off-street parking shall utilize a paved surface of concrete, asphalt, brick pavers, porous concrete, or the like. Dirt, sand, or grass shall not be permitted as parking surfaces.

5.49 PK-03: Low-density Residential Parking Standards

These Parking Standards (PK) apply to the following districts:



The following standards apply:

A. Quantity: A minimum of two (2) off-street parking spaces shall be required per dwelling unit.

B. Location:

- 1. *Same Lot*: The required parking spaces shall be located on the same lot as the dwelling unit.
- 2. *Garages*: The required parking spaces shall not include spaces within garages.

C. Materials: All off-street parking shall utilize a paved surface of concrete, asphalt, brick pavers, porous concrete, or the like. Gravel, dirt, sand, or grass shall not be permitted as parking surfaces.

Parking Standards (PK)

5.50 PK-04: High-density Residential Parking Standards

These Parking Standards (PK) apply to the following districts:



The following standards apply:

A. Quantity:

1. *Tenants*: A minimum of two (2) parking spaces shall be required per dwelling unit.
2. *Visitors*: One (1) parking space per every ten (10) dwelling units shall be required for visitors.
3. *Bicycle Parking*: Developments shall provide on-site dedicated bicycle parking spaces at a ratio of one-tenth (0.1) bicycle parking spaces per each bedroom, with a minimum of four (4) spaces being required for all developments. These required bicycle parking spaces shall be designed in accordance with Section 5.52-B-6.

B. Location:

1. *Tenants*: Tenant parking spaces shall be located on the same site as the dwelling unit. Tenant parking spaces may include spaces within garages and/or carports.
2. *Visitors*: Visitor parking spaces shall be located in a common parking area or as on street parking along internal private streets, but shall be proportionately assigned to areas within 200 feet of each multiple-family structure.

C. Materials: All off-street parking shall utilize a paved surface of concrete, asphalt, brick pavers, porous concrete, or the like. Gravel, dirt, sand, or grass shall not be permitted as parking surfaces. All parking areas shall be clearly painted to show each parking space.

D. Drainage: Parking areas shall be constructed to allow proper drainage, which shall be subject to the review and approval of the City Engineer.

E. Wheelstops or Increased Sidewalk Width: When parking spaces abut a sidewalk, one (1) of the following shall be required to prevent the encroachment of motor vehicles onto the sidewalk.

1. *Wheelstops*: Wheelstops shall be installed any parking space abutting a sidewalk.
2. *Increased Sidewalk Width*: The width of a sidewalk abutting parking spaces shall be increased by a minimum of eighteen (18) inches.

F. Lighting: Lighting for parking areas shall conform with the applicable requirements of the *Lighting Standards*.

G. Landscaping: Landscaping for parking areas shall conform with the applicable requirements of the *Landscaping Standards*.

5.51 PK-05: Manufactured Home Park Residential Parking Standards

These Parking Standards (PK) apply to the following districts:



The following standards apply:

A. Quantity:

1. *Dwelling Site*: A minimum of two (2) parking spaces shall be required per dwelling site.
2. *Visitors*: One (1) parking space per every five (5) dwelling sites shall be required for visitors.

B. Location:

1. *Dwelling Site*: The required dwelling site parking spaces shall be located on the dwelling site. The required dwelling site parking spaces may include spaces within garages and/or carports.
2. *Visitors*: Visitor parking spaces shall be located in a common parking area or as on-street parking along internal private streets, but shall be proportionately dispersed throughout the development.

C. Drainage: Parking areas shall be constructed to allow proper drainage, which shall be subject to the review and approval of the City Engineer.

D. Wheelstops or Increased Sidewalk Width: When parking spaces abut a sidewalk, one (1) of the following shall be required to prevent the encroachment of motor vehicles onto the sidewalk.

1. *Wheelstops*: Wheelstops shall be installed any parking space abutting a sidewalk.
2. *Increased Sidewalk Width*: The width of a sidewalk abutting parking spaces shall be increased by a minimum of eighteen (18) inches.

E. Lighting: Lighting for parking areas shall conform with the applicable requirements of the *Lighting Standards*.

F. Landscaping: Landscaping for parking areas shall conform with the applicable requirements of the *Landscaping Standards*.

Parking Standards (PK)

5.52 PK-06: Non-residential Parking Standards

These Parking Standards (PK) apply to the following districts:



The following standards apply:

A. Quantity:

1. *Minimum Number*:

- Off-street parking shall be required for all uses as shown in *Table PK-A: Minimum Number Of Parking Spaces Per Use*. The required numbers do not guarantee the quantity needed per use, only minimums are expressed.
- A development that combines two (2) or more uses or group of adjacent developments may provide a shared parking area if the shared lot provides a minimum of seventy-five percent (75%) of the required spaces for each use and the Zoning Administrator approves the shared parking area.
- If a use is not clearly noted in *Table PK-A: Minimum Number Of Parking Spaces Per Use*, the Zoning Administrator shall determine the minimum number of parking spaces required by utilizing the most similar use's parking requirement. Required parking spaces for unique uses that are not comparable with any uses shall be determined by the Plan Commission.
- Reduced Parking Requirements in Established Areas:** In areas where a majority of structures were constructed prior to 1990, and/or a majority of lots were platted prior to 1990, the minimum number of required off-street parking spaces may be reduced or waived entirely, as deemed appropriate by the Zoning Administrator. This determination shall be based on the existing development pattern, availability of on-street parking, access to alternative transportation options, and overall neighborhood context. When a reduction or waiver of off-street parking requirements is granted under this provision, the standards outlined in Section 5.52-B-5, "Reduced Parking Lot Area Standards," shall not apply. When a reduction or waiver of off-street parking requirements is granted, 2 bicycle parking spaces shall be provided, in addition to the requirements of Section 5.52-A-3. Based on site conditions and the context of the neighborhood, additional bicycle parking spaces may be deemed necessary by the Zoning Administrator.

- Maximum Number:** Developments that wish to have more than 130% of the minimum required number of spaces shall be required to increase the required perimeter parking lot landscaping (see *Section 5.35 Parking Lot Landscaping Standards*) by fifty percent (50%), and increase the number or size of the required parking lot landscape islands or peninsulas by fifty percent (50%). Developments that wish to have more than 160% of the minimum required number of spaces shall be required to double the required perimeter parking lot landscaping, double the size of the required parking lot landscape islands and peninsulas, and double the required plantings in those parking lot landscape islands or peninsulas.
- Bicycle Parking:** Developments shall provide bicycle parking in accordance with Table PK-B, based on their subject zoning classification. Bicycle parking shall be secure, visible, and conveniently located near building entrances. Bicycle parking shall be designed in accordance with Section 5.52-B-6. Long-term bicycle parking shall be encouraged for employees and residents, while short-term parking shall be provided for visitors and customers.

Table PK-B: Minimum Number of Bicycle Parking Spaces Per Use

Use Category	Required Number of Bicycle Parking Spaces
Dwelling, Single Family or Two Family	No Requirement
Dwelling, Multiple Family	0.1 spaces for each bedroom, minimum of 4 spaces
Senior Housing	0.1 Spaces for each unit, minimum of 4 spaces
Restaurants, Grocery Stores	1 space for each 2,000 sq ft, minimum of 4 spaces
General Retail	2 spaces for each 5,000 sq. ft, minimum of 4 spaces
Office	1 space for each 10,000 sq ft, minimum of 4 spaces
Hotel	1 space per 30 guest rooms, minimum of 4 spaces
Assembly (church, theaters, stadiums, parks, etc.)	Spaces for 2% of maximum capacity, minimum of 4 spaces

Use Category	Required Number of Bicycle Parking Spaces
Auto sales, rental, and delivery, automotive serving, repair and cleaning	1 space for each 20,000 sq ft, minimum of 2 spaces
Commercial Parking Lots	1 per 10 auto spaces, minimum of 6 spaces
Commercial Parking Garage	1 per 10 auto spaces, minimum of 6 spaces In addition to public bicycle parking, commercial parking garages shall also include water fountain(s), bicycle maintenance equipment such as a bike maintenance stand with bike tools, a tire pump, and other equipment. The location and design shall be reviewed and approved by the City Engineer.
Schools, Colleges, and Universities	1 space for each 40 students of planned capacity, minimum of 4 spaces, maximum requirement of 100 spaces
Healthcare/Hospital	1 space for each 20,000 sq ft, minimum of 4 spaces, maximum requirement of 100 spaces
Day Care or Day Nursery	1 space for each 20 students of planned capacity, minimum of 4 spaces

4. **Stacking Lanes:** The following uses shall provide minimum stacking lane space as indicated below to accommodate drop-off and pick-up.

- ATM: 3 per ATM lane.
- Banks: 4 per drive-up window lane.
- Day care center: 4.
- Dry cleaner: 2.
- Fast food restaurant: 6 unobstructed spaces to the menu board and 4 spaces from the menu board to the payment window.
- Gas station: 2 space per pump.
- Pharmacy: 3 spaces per drive-up window.
- Place of Worship: 6.
- Retail Drive-through: 3 spaces per drive-up window.
- School: 15 spaces for Elementary, 10 spaces for Middle School, or 5 spaces for High School.

B. **Design:** Parking lots and parking areas shall be designed and built according to the *Shelbyville Construction Standards*.

- Lighting:** Lighting for parking areas shall conform with the applicable requirements of the *Lighting Standards*.
- Landscaping:** Landscaping for parking areas shall conform with the applicable requirements of the *Landscaping Standards*.

Diagram 1: Bicycle Rack Type

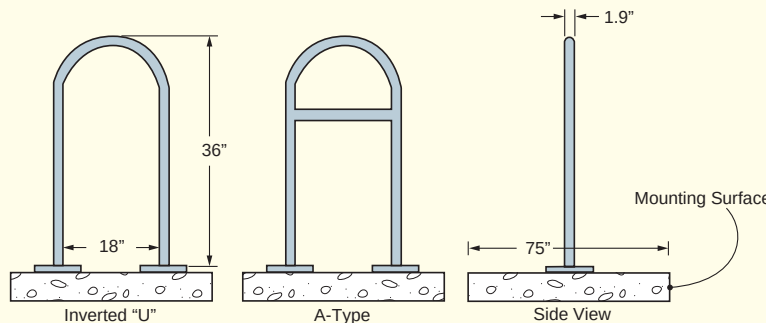
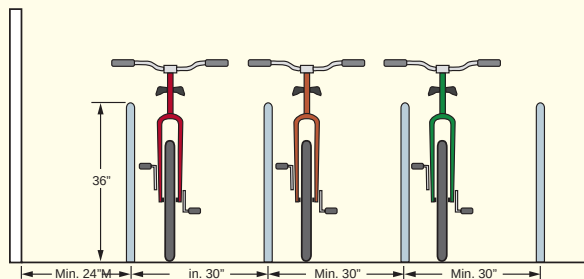
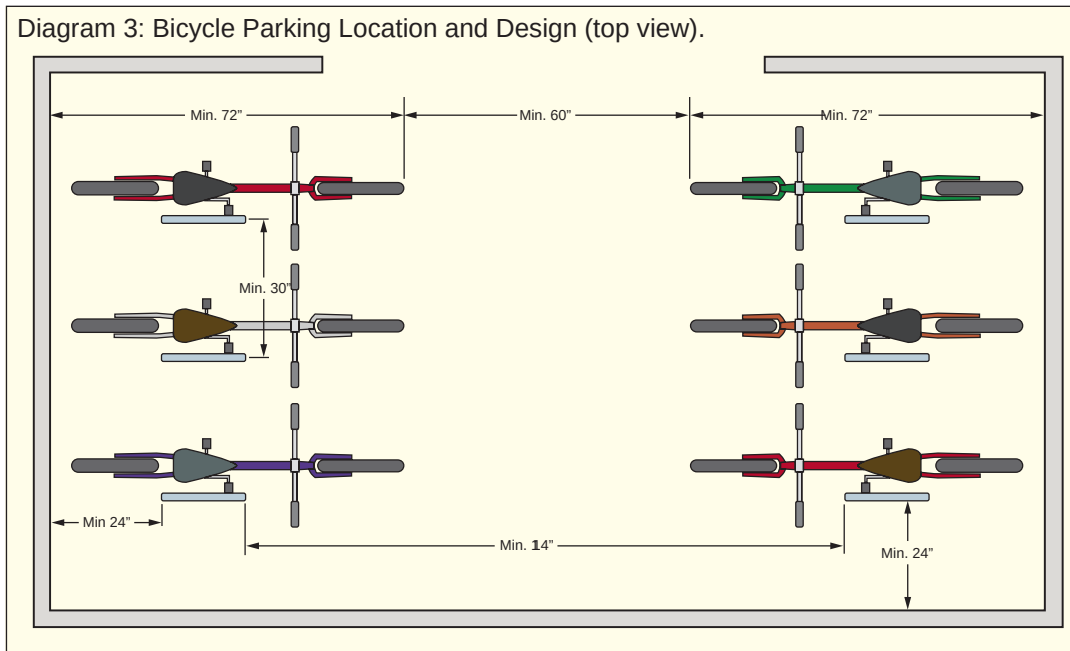


Diagram 2: Bicycle Parking Location and Design (side view)





3. *Connectivity:*
 - a. Connectivity to adjacent parking lots shall be required in at least one (1) location. This may be accomplished through an aisle connector, frontage street, access street, or stub to an adjacent lot zoned for commercial, institutional, or industrial use. The Zoning Administrator may waive this requirement when:
 - i. pre-existing development will not feasibly allow such a connection,
 - ii. topography will not feasibly allow such a connection,
 - iii. the resulting connection would create a pedestrian or vehicular hazard, or
 - iv. the neighboring use would be a conflict with the proposed use on the subject lot.
 - b. Cross-access Easements:
 - i. Where parking lots connect or are laid out to be connected, a cross-access easement shall be established.
 - ii. Cross-access easements shall be wide enough for two-way traffic as per the City of Shelbyville Standards.
4. *Cart Corrals:* Cart corrals shall be required for all retail businesses with more than 20,000 square feet of retail space that provide shopping carts or the like to customers. Cart corrals shall be maintained in good condition and shall not have commercial signs affixed to them.
 - a. Design: Cart corrals shall be made of permanent materials on all three (3) sides creating an enclosure, and shall be anchored to the parking lot surface.
 - b. Cumulative Containment: All cart corrals in combination shall be able to accommodate at least fifty percent (50%) of the fleet of shopping carts available.
 - c. Parking Spaces: Cart Corrals shall not utilize any portion of the minimum required number of parking spaces identified in *Table PK-A: Minimum Number Of Parking Spaces Per Use*.
5. *Reduced Parking Lot Area Standards:* A parking lot may be built with fewer spaces than the required minimum number of vehicular spaces identified in *Table PK-A: Minimum Number Of Parking Spaces Per Use* if the following standards are met.
 - a. Adequate and appropriate space shall be land-banked such that the full number of parking spaces required in *Table PK-A: Minimum Number Of Parking Spaces Per Use* can be built on-site at a later date, should the need arise.
 - b. The property owner shall record a site plan that clearly denotes the land-banked area, and that identifies the area as a “no-build area.” The no-build area shall only allow landscaping material and shall restrict any septic system, structure, foundation, change in topography, or any other permanent or temporary structure or alteration that would make it cost prohibitive or difficult to develop parking on that area in the future.

- c. A design for a parking lot that accommodates all the required parking spaces and that abides by the on-site drainage standards shall be submitted for review. The reduced parking lot shall be a portion of the full parking lot. The full and partial parking lot designs shall be concurrently subject to the same review process necessary to meet the applicable requirements of the Unified Development Ordinance. If both designs are approved, the smaller parking lot design may be constructed and the full parking lot design shall be recorded.
 - d. Under no circumstances may the smaller parking lot design establish less than forty percent (40%) of the required parking spaces in *Table PK-A: Minimum Number Of Parking Spaces Per Use*.
 - e. If the smaller parking lot is periodically full, the additional parking shall be required to be constructed. Evidence of employees or guests parking on the grass or on-street shall constitute a violation.
6. *Bicycle Parking Facilities*: The location and design of bicycle parking spaces shall be provided as follows:
- a. The bike rack shall be an inverted U-type or an A-type structure unless otherwise approved by the Zoning Administrator. Racks to accommodate smaller bicycles may be considered for schools. (Diagram 1: Bicycle Rack Type)
 - b. Racks requiring a user supplied locking device shall be designed to accommodate both a chain and U-type locking device and shall have the capability to support the bicycle at two locations.
 - c. All bicycle parking racks shall be coated with a black Thermoplastic powder coating, unless otherwise approved by the Zoning Administrator.
 - d. All racks shall be securely anchored to the ground to prevent the racks from unauthorized removal.
 - e. The bicycle parking areas shall have adequate separation from motor vehicle parking areas to minimize safety risk to riders; as well as to protect parked bicycles and motor vehicles from damage. The separation can come from curbs, grade differences, landscaping, poles, physical barriers or other similar features.
 - f. The bicycle parking areas shall be installed on a concrete surface that allows the bike rack to be securely fastened to the ground unless otherwise approved by the Zoning Administrator.
 - g. Bicycle parking spaces shall be a minimum of two feet by six feet (2' X 6') feet per bicycle. (Diagram 2: Bicycle Parking Location and Design - side view and Diagram 3: Bicycle Parking Location and Design - top view)
 - h. Bicycle racks shall be installed a minimum of twenty-four inches (24") from all walls or obstructions. (Diagram 2: Bicycle Parking Location and Design - side view and Diagram 3: Bicycle Parking Location and Design - top view)
 - i. Bicycle racks mounted in a row should be placed on thirty-inch (30") centers. (Diagram 2: Bicycle Parking Location and Design - side view and Diagram 3: Bicycle Parking Location and Design - top view).
 - j. Bicycle racks shall allow a minimum of five feet (5') of clearance behind a parked bicycle to allow for room to maneuver. (Diagram 3: Bicycle Parking Location and Design - top view)
 - k. The bicycle rack shall be placed within fifty (50) feet of the entrance designated as the main entrance of the building for which the racks are required. Buildings with multiple main entrances or separate tenant entrances may disperse bicycle racks for rider convenience and functionality at multiple entrances. The bicycle parking areas should be located in a clearly safe and convenient location as to not discourage their use, and located to minimize conflicts between cyclists, vehicles and pedestrians.
 - l. Bicycle parking areas shall be easily accessible from all trails, sidewalks and other alternative transportation facilities. Access to bicycle racks from these facilities shall be direct and clearly designated.
 - m. Bicycle parking can be shared by two (2) venues in the case that all of the venues' entrances are within fifty (50) feet of another.
 - n. Bicycle racks shall be placed so as to not impede the flow of pedestrian traffic, leaving a minimum pedestrian clear path of five (5) feet but still possess the ability to be visually monitored.
 - o. Bicycle parking areas shall be placed in a location that is visible from the building entrance and with proper lighting to ensure security.

Parking Standards (PK)

Table PK-A: Minimum Number Of Parking Spaces Per Use

Parking Types	
The following number of parking spaces are required...	...for every...
Employees and Business Vehicles	
-1 space	employee working on the largest shift (for multiple-shift operations ample parking spaces during shift changes shall be provided)
-1 space	business vehicle stored on-site
Assembly Uses	
-1 space	4 seats in a restaurant, auditorium, gymnasium, funeral home, grandstand, church (or other place of worship), or movie theater
-1 space	300 square feet of area in enclosed structures at a fairground
Auto-Related Uses	
-1 space	500 sq. ft. in all auto/boat/RV or farm implement sales facility show rooms
-1 space	vehicle on display at an auto/boat/RV dealership (to be used for each display vehicle)
-1 space	200 sq. ft. in any car wash, repair, or modification center
Retail and Personal Service Uses	
-1 space	400 sq. ft. of gross retail area in all hardware, home improvement, furniture, and large appliance stores
-1 space	300 sq. ft. of gross retail area in all convenience stores, banks, grocery stores, department stores, and other retail facilities (excluding any warehouse or storage space)
-1 space	250 sq. ft. in a personal service business, beauty or barber shop, or dry cleaners
Office Uses	
-1 space	200 sq. ft. of gross floor area in all medical or dental offices or clinics
-1 space	250 sq. ft. in any administrative or professional business office, library, museum, or art gallery
Recreation Uses	
-1 space	200 sq. ft. of gross floor area in any fitness center, dance academy, health spa, private lodge or club, or entertainment center
-20 spaces	nine holes at any golf course
-1 space	100 square feet of recreational area at a swimming pool, skating rink, or public lake
-1.5 spaces	possible participant field or court at a sports or recreation facility (note additional requirements for any public assembly space associated with this use)
-4 space	lane at a bowling alley
-1 space	1/4 acre of area included at a public nature area
-1 space	1 camp site or cabin at a camp ground
Educational Uses	
-2 space	classroom in an elementary or middle schools
-1 space	4 students in a high school without an auditorium or gym
-1 space	20 students in a high school with an auditorium or gym (note: plus the required parking spaces for the largest assembly space in the school)
-1 space	4 students in a community college, business, vocational, trade, or other commuter-based school
-1 space	2 on-campus residents of a resident-student based college or university
-1 space	2 persons in a boarding, fraternity, sorority, or student cooperative house
Miscellaneous Uses	
-1 space	3 patient/resident beds at a hospital, nursing home, or assisted living facility
-1 space	275 sq. ft. of gross floor area in a flex-office or commercial strip center
-1 space	20 storage units at a self-storage facility
-1 space	5 hangars or tie-down spaces at an airport or heliport
-1 space	10 inmates for which a penal or correctional institution is designed
-1 space	6 persons of permitted capacity in any day care facility
-1 space	sleeping unit in a hotel, motel, or bed and breakfast
-1 space	dwelling unit located on upper floors

- C. Access/Location Standards: All parking spaces shall be accessed and located consistent with the following standards:
1. *Parking for the Disabled*: Parking spaces reserved for disabled persons shall be provided in all parking areas consistent with the requirements of the *Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities, Article 4.1.2(5)(a)* and all applicable revisions.
 - a. The number of reserved spaces shall be based on the total number of spaces provided and shall be consistent with the Disabled Parking Spaces table.
 - b. All required parking spaces for the disabled shall be those that are the closest to the main entrance of the primary structure.

Disabled Parking Spaces

Total Number of Spaces Provided	Minimum Number of Reserved Spaces Required
1- 25	1
26- 50	2
51 - 75	3
76 - 100	4
101 - 150	5
151 - 200	6
201 - 300	7
301 - 400	8
401 - 500	9
501 - 1000	2% of the Total Number of Spaces
1001 and over	20, plus 1 for each 100 Spaces over 1000

- D. Off-site and Shared Parking Requirements: Parking spaces may either be located on the lot with the use for which they are required, or on another lot that is within 500 feet of the lot occupied by the use for which they are required.
1. *Approval Requirements*: All off-site and shared parking space arrangements are subject to the approval of the Zoning Administrator. Approvals shall be based on the determination that the use of off-site and/or shared parking will include appropriate pedestrian connections, will not result in potentiality hazardous traffic conditions, and will provide an adequate number of parking spaces and future parking area expansion options for the uses involved.
 2. *Off-site Parking*: Two (2) or more uses may provide off-site parking collectively on one (1) lot, however the total number of spaces shall not be less than the sum of the spaces required for each use (example: a group of business, industries, and/or apartments located on upper-floors over businesses may provide a common parking area).
 3. *Shared Parking*: Two (2) or more uses for which the normal hours of operation do not overlap may share parking either on or off-site (example: a church may share its parking lot with a business, or with apartments located on upper-floors of adjacent businesses).
 4. *Required Documentation*: A permanent documentation of any off-site and/or shared parking agreement shall be signed by all involved property owners. The permanent written agreement shall include, but is not limited to the following items: maintenance, snow removal, dissolving the agreement and establishing alternate parking, ownership, and liability. The agreement shall be reviewed and approved by the Zoning Administrator and the City Attorney. The agreement shall be recorded in the office of the Shelby County Recorder. A copy of the agreement shall be kept in the office of the Shelbyville Plan Commission.
- E. Public Parking: These parking requirements may be waived by the Board of Public Works and Safety if it can be demonstrated that adequate parking is provided in a city-owned public parking lot or structure on a lot that is within 1,320 feet (1/4 mile) of the lot on which the use is located.

Public Improvement Standards (PI)

5.53 PI-01: Public Improvement Standards

This Public Improvement Standards (PI) section applies to the following zoning districts:



The following standards apply:

- A. Adequate Public Facilities: Developments are permitted only if the public streets are adequate to serve the proposed development.
 1. *Public Streets*:
 - a. Developments that generate more than 500 passenger vehicle/small truck trips, 100 large trucks/farm equipment trips (e.g. box trucks), or fifty (50) semi tractor trailer trips to and from the site on average per day shall be required to finance a traffic and street impact study commissioned by the City of Shelbyville to determine the proposed development's impact to the public streets. The Plan Commission shall make a determination based on that study as to whether the public street(s) are designed to effectively and safely convey the existing and added traffic generated by the development, or whether the street will be prematurely degraded by the added traffic generated by the development. This requirement for a traffic and street impact study can be waived if deemed unnecessary by the City Engineer.
 - b. If the public street(s) is (are) determined to not be able to handle the added traffic, the Plan Commission may deny the development or allow it with mitigating conditions. Mitigating conditions, if necessary, shall be determined by the Plan Commission and Technical Advisory Committee based on engineering practices.
- B. Guarantees: When mitigating conditions are required, the developer or authorized representative may be required to provide a surety that guarantees such improvements will be completed.

Recreational Vehicle Park Standards (RV)

5.54 RV-01: Recreational Vehicle Park Standards

These Recreational Vehicle Park Standards (RV) apply to the following zoning district:

PK

- A. Entrances: Recreational vehicle parks shall have direct access to a public street and shall include sufficient entrances and exits, in the opinion of the City Engineer, to facilitate the safe movement of recreational vehicles in and out of the recreational vehicle park.
- B. Design Requirements: All recreational vehicle parks shall designate a specific location for each recreational vehicle through signs and the provision of electricity, fresh water, and sanitary sewer connections; and shall meet the following design requirements:
 - 1. *Density*: The density of the park area shall not exceed more than twenty (20) recreational vehicles per acre.
 - 2. *Minimum Lot Area*: The minimum lot area of a recreational vehicle park shall be five (5) acres.
 - 3. *Separation*: Recreational vehicles shall be separated from each other and from any building by a minimum of twenty (20) feet.
 - 4. *Setbacks*: All recreational vehicles shall be setback a minimum of fifty (50) feet from the right-of-way of all adjacent public streets.
 - 5. *Vehicular Access and Parking Pads*: All vehicle access routes shall be paved, and parking pads within the park shall either be gravel or paved.
 - 6. *Trash Disposal*: Dumpsters shall be provided and shall meet the applicable standards in *Section 5.37: Landscape Screening Standards*.
 - 7. *Sanitary Waste Disposal Stations*: One (1) recreational vehicle sanitary disposal station shall be provided for each 100 recreational vehicle sites that are not equipped with individual sewer connections.
 - 8. *Bathroom Facilities*: One (1) toilet shall be provided, plus one (1) additional toilet per each additional twenty-five (25) sites. No toilets are required if all sites serve only self contained recreational vehicles.
- C. Seasonal Use Restrictions: Recreational vehicle parks shall permit only the seasonal habitation of recreational vehicles.

5.55 SB-01: Setback Standards

This Setback Standards (SB) section applies to the following zoning districts:



The following standards apply:

- A. Applicability: If a setback standard does not appear on the two-page layout for a zoning district, then the standard does not apply to that particular zoning district.
- B. Minimum Dwelling Site Front Yard Setback:
 - 1. *Generally*: The minimum dwelling site front yard setback shall be as per the two-page layout for the Manufactured Home Park District in *Article 2: Zoning Districts*.
 - 2. *Established Setback*: Where a manufactured home park has been substantially built-out utilizing a dwelling site front setback standard less than that required by *Article 2: Zoning Districts*, an infill lot may utilize the established setback as defined in *Article 11: Definitions*, thus allowing consistent setbacks.
- C. Minimum Dwelling Site Side Yard Setback:
 - 1. *Generally*: The minimum dwelling site side yard setback shall be as per the two-page layout for the Manufactured Home Park District in *Article 2: Zoning Districts*.
 - 2. *Established Setback*: Where a manufactured home park has been substantially built-out utilizing a dwelling site side setback standard less than that required by *Article 2: Zoning Districts*, an infill lot may utilize the established setback as defined in *Article 11: Definitions*, thus allowing consistent setbacks.
- D. Minimum Dwelling Site Rear Yard Setback:
 - 1. *Generally*: The minimum dwelling site rear yard setback shall be as per the two-page layout for the Manufactured Home Park District in *Article 2: Zoning Districts*.
 - 2. *Established Setback*: Where a manufactured home park has been substantially built-out utilizing a dwelling site rear setback standard less than that required by *Article 2: Zoning Districts*, an infill lot may utilize the established setback as defined in *Article 11: Definitions*, thus allowing consistent setbacks.
- E. Minimum Front Yard Setback:
 - 1. *Generally*: The minimum front setback shall be as per each two-page layout in *Article 2: Zoning Districts*.
 - 2. *Established Setback*: Where a residential subdivision has been platted and substantially built-out utilizing a front setback standard less than that required by *Article 2: Zoning Districts*, an infill lot may utilize the established setback as defined in *Article 11: Definitions*. This provision does not apply to institutional, commercial, industrial zoned property.
 - 3. *Measurement*: All front yard setbacks shall be measured from the right-of-way line.
- F. Minimum Side Yard Setback:
 - 1. *Generally*: The minimum side setback shall be as per each two-page layout in *Article 2: Zoning Districts*.
 - 2. *Established Setback*: Where a residential subdivision has been platted and substantially built-out utilizing a side setback standard less than that required by *Article 2: Zoning Districts*, an infill lot may utilize the established setback as defined in *Article 11: Definitions*, thus allowing consistent setbacks. This provision does not apply to institutional, commercial, industrial zoned property.
 - 3. *When Six (6) Feet or Less*: When a primary structure is proposed to be six (6) feet or less from a side property line, the exterior building materials on the side elevation of the primary structure shall be comprised of at least ninety-five percent (95%) non-combustible material (e.g. brick, fiber-cement, stone, or masonry).
- G. Minimum Rear Yard Setback:
 - 1. *Generally*: The minimum rear setback shall be as per each two-page layout in *Article 2: Zoning Districts*.
 - 2. *Established Setback*: Where a residential subdivision has been platted and substantially built-out utilizing a rear setback standard less than that required by *Article 2: Zoning Districts*, an infill lot may utilize the established setback as defined in *Article 11: Definitions*. This provision does not apply to institutional, commercial, industrial zoned property.

H. Features:

1. *Natural Stream or River:* The following structures shall be set back from the water's edge of natural streams and rivers by the following distances:
 - a. Paved Parking Lots: 100 feet.
 - b. Non-residential Primary Structures: Seventy-five (75) feet.
 - c. Residential Single-family and Residential Multiple-family Primary Structures: Seventy-five (75) feet.
2. *Wetlands:* All structures shall be set back from the delineated boundary of a wetland a minimum of fifteen (15) feet.
3. *Floodplain:* All structures shall be set back from the delineated boundary of a floodplain a minimum of twenty-five (25) feet.

I. Exceptions: The following types of structures or building features are exempt or partially exempt from the setback standard as stated:

1. *Architectural Features:* Architectural features (e.g. cornice, eave, sill, awning, canopy or similar feature) may extend into a required front, side, and/or rear setback by no more than three (3) feet. However, under no circumstance shall they be closer than three (3) feet to the property line.
2. *Chimneys:* Chimneys may extend into a required setback by no more than two (2) feet. However, under no circumstance shall they be closer than three (3) feet to the property line.
3. *Fences and Walls:* Fences and walls are exempt from the setbacks in this section, but shall abide by the fence and wall standards in *Article 5: Development Standards*.
4. *Parking Lots:* In commercial, institutional, and industrial zoning districts, parking lots may encroach into the front, side, and rear yard setbacks for a primary structure by the following amounts:
 - a. Front Yards: Parking lots may project into a front yard by twenty-five percent (25%) of the minimum front yard setback.
 - b. Side Yards: Parking lots may project into a side yard by fifty percent (50%) of the minimum side yard setback.
 - c. Rear Yards: Parking lots may project into a rear yard by fifty percent (50%) of the minimum rear yard setback.
5. *Utility Poles, Lines, and Junction Boxes:* Utility poles, lines, and junction boxes are exempt from the setbacks in this section.
6. *Stairs:* Stairs or an open platform or landing used to gain access to the first floor of the primary structure may extend into a required front, side, and/or rear setback not more than five (5) feet, however, they shall never be closer than five (5) feet to a property line.
7. *Retaining Walls:* Retaining walls may extend into the required setback and be on the property line if no greater in height than four (4) feet. Retaining walls may extend into the required setback but shall be not closer to the property line than its height, except as described in the previous sentence.
8. *HVAC Equipment:* Ground mounted heating, ventilation and air conditioning equipment may extend into a required rear setback by up to three (3) feet. However, under no circumstance shall they be closer than four (4) feet to the property line.
9. *Satellite Dishes:* A facade-mounted satellite dish may extend into a required side or rear setback by up to two (2) feet. However, under no circumstance shall it be closer than four (4) feet to the property line.
10. *Open Wall Structures:* Any open wall structure (e.g. park and recreation shelters) may be located within twenty-five (25) feet of a floodplain.

Sexually Oriented Business Standards (SX)

5.56 SX-01: Sexually Oriented Business Standards

This Sexually Oriented Business Standards (SX) section applies to the following zoning districts:



The following standards apply:

A. Applicability

1. Accessory Retail Business: Any business with at least five percent (5%) but less than thirty percent (30%) of either:
 - its annual gross revenue derived from sexually oriented merchandise; or
 - its stock in trade (e.g. quantity of sexually oriented merchandise); or
 - its gross floor area devoted to the sale, rental, or display of sexually oriented merchandise shall abide by the regulations in *Section 5.56(B): Sexually Oriented Accessory Retail Business Standards*.
2. Retail Business: Any business with at least thirty percent (30%) of either:
 - its annual gross revenue derived from sexually oriented merchandise; or
 - its stock in trade (e.g. quantity of sexually oriented merchandise); or
 - its gross floor area devoted to the sale, rental, or display of sexually oriented merchandise shall abide by the regulations in *Section 5.56(C): Sexually Oriented Retail Business Standards*.
3. Entertainment Business: Any sexually oriented entertainment business shall be regulated by *Section 5.56(D): Sexually Oriented Entertainment Business Standards*.

B. Sexually Oriented Accessory Retail Business Standards: Access to any person under the age of eighteen (18) shall be restricted to the entire business or to a separate room containing all of the sexually oriented merchandise.

1. Restricting Access to the Entire Business: If restricting access to the entire business, then the business:
 - a. Age Restriction: Shall not be open to any person under the age of eighteen (18).
 - b. Warning Sign: Shall install and maintain a sign that communicates that persons under eighteen (18) are not permitted inside by law. Said sign shall be one-half (½) square foot in area and located on each entrance door or within two (2) feet of each entrance door.
 - c. Display: Shall not display sexually oriented merchandise or material in storefront windows. Any existing windows shall either:
 - i. be covered from the inside with an opaque and aesthetically neutral material, or
 - ii. be replaced with textured glass or similar to completely obscure vision into the business (e.g. bathroom glass), or
 - iii. be maintained with non-explicit displays.

Any sexually oriented merchandise or material, on display within the store, shall also be screened so they are not visible to persons looking at window displays.
2. Restricting Access to a Separate Room: If restricting access to a separate room or section, then the room or section:
 - a. Age Restriction: Shall not be open to any person under the age of eighteen (18).
 - b. Warning Sign: Shall install and maintain a sign at least one-quarter (¼) square foot in area on each door leading into the room within one (1) foot of the door knob or handle that communicates that persons under eighteen (18) are not permitted inside by law.
 - c. Physical Separation: Shall be physically and visually separated from the remainder of the business by an opaque wall made from durable material, reaching at least eight (8) feet high or to the ceiling, which ever is less. All doors leading into the room from public spaces shall be self-closing and latching doors.
 - d. Location: Shall be located so that the entrance to it is as far as reasonably practicable from media or other inventory in the store likely to be of particular interest to children.
 - e. Access Management: The business shall have access managed by electronic device, key, or other means to provide assurance that persons under age eighteen (18) or the general public will not easily or accidentally enter such a room.
 - f. Display: Shall not display sexually oriented merchandise or material in any storefront windows or area outside the separate room.

C. Sexually Oriented Retail Business Standards:

1. Location: The business shall not be located within 1,000 feet of an institutional zoning district (IS), parks and recreation district (PR), a place of worship, school (P-12), park, plaza, playground, day-care, child care institution, library, nature center, community center, public swimming pool, museum, or another sexually oriented entertainment business; or be located within 500 feet of a low density residential zoning district (R1 and R2). The distance shall be measured in a straight line from the property line of the sexually oriented retail business to the property line of the above listed land uses or zoning districts.
2. Age Restriction: The business shall not be open to any person under the age of eighteen (18).
3. Warning Sign: The business shall install and maintain a sign one-half ($\frac{1}{2}$) square foot in area on each entrance door or within two (2) feet of each entrance door that communicates that persons under eighteen (18) are not permitted inside by law.
4. Access Management: The business shall have access managed by electronic device, key, or other means to provide assurance that persons under age eighteen (18) or the general public will not easily or accidentally enter the business.
5. Display: The business shall not display sexually oriented merchandise or material in storefront windows. Any existing windows shall be covered from the inside with opaque material, or the glass shall be textured to obscure vision into the business (e.g. bathroom glass), or be maintained with non-explicit displays. If non-explicit displays are utilized, then sexually oriented merchandise or material on display within the store shall also be screened so they are not visible to persons looking at window displays.
6. Services: The business shall not offer on-site entertainment.

D. Sexually Oriented Entertainment Business Standards:

1. Location: The business shall not locate within 1,320 feet of the institutional zoning district (IS), parks and recreation district (PR), a place of worship, school (P-12), park, plaza, playground, day-care, child care institution, library, nature center, community center, public swimming pool, museum, sexually oriented retail business, or another sexually oriented entertainment business; or be located within 500 feet of a low density residential zoning district (R1 and R2). The distance shall be measured in a straight line from the property line of the sexually oriented entertainment business to the property line of the above listed land uses or zoning districts.
2. Age Restriction: The business shall not be open to any person under the age of eighteen (18).
3. Access Management: The business shall have patron access managed by personnel who check each patron's State issued identification prior to admittance, or other equally secure means to provide assurance that persons under age eighteen (18) will not enter such business.
4. Warning Sign: Shall install and maintain a sign at least one-half ($\frac{1}{2}$) square foot in area on each entrance door or within two (2) feet of each entrance door that communicates that persons under eighteen (18) are not permitted inside by law.
5. Display: Any exterior windows shall be covered from the inside with an opaque and aesthetically neutral material, or the glass shall be replaced with textured glass or similar to completely obscure vision into the business (e.g. bathroom glass).
6. Services: The business shall offer sexually oriented entertainment only in rooms or spaces with a minimum floor area of 1,000 square feet. Such rooms or spaces shall not be subdivided by temporary or permanent walls, dividers, or the like.

Sidewalk Standards (SD)

5.57 SD-01: Sidewalk Standards

These Sidewalk Standards (SD) apply to the following zoning districts:



The following standards apply:

- A. **Applicability:** A sidewalk is required to be installed when a new primary structure is constructed or when a primary structure is enlarged by twenty percent (20%) or greater. Sidewalks are also required to be installed in front of any lot created after the effective date of the Unified Development Ordinance once it has sat vacant for twenty-four (24) months (if a single lot was created), or twenty-four (24) months from the date the first certificate of occupancy was issued (if a multiple-lot subdivision) and where infrastructure exists.
- B. **Location:** Public sidewalks shall be provided along the frontage of each lot in order to promote pedestrian access and reduce vehicle traffic impacts.
- C. **Exception:** In rare situations, it is not possible and not in the public interest to require that a public sidewalk be installed on a specific parcel. If the Zoning Administrator finds that all of the following criteria exists on the subject property, they may administratively waive the requirement of this section of the ordinance:
 1. If the subject property constructed the sidewalk in accordance with this section of the ordinance, it would not connect to public sidewalks on any adjoining properties.
 2. No public sidewalks exist on the same side of the public street(s) within 1,320 feet.
 3. If located within a platted subdivision, at least 90% of the lots within the subdivision do not have public sidewalks.
 4. All streets that the subject property has frontage on must have a functional classification of “Local”.
 5. Utility infrastructure; underground, aboveground, or in the form of a drainage swale, is present and makes it impossible to construct a sidewalk near the frontage of the lot. The presence of utilities along the frontage of a lot does not solely make it impossible to construct a public sidewalk along the frontage, other contributing factors must also be present.
- D. **Written Commitment:** If the requirement for a public sidewalk is waived, in accordance with Section 5.57-C of this Ordinance, the property owner must record a written commitment against the property agreeing to install the public sidewalk if any adjoining property owner installs a public sidewalk which the subject property could connect to. This written commitment must be recorded, cross-referencing the most current deed, with the Shelby County Recorder’s Office, prior to the issuance of a Certificate of Occupancy.

Sign Standards (SI)

5.58 SI-01: General Sign Standards

This Sign Standards (SI) section applies to the following zoning districts:



The following standards apply:

- A. **Purpose:** The purpose of this ordinance is to create the legal framework for a comprehensive and balanced system of sign regulations that will preserve the right of free speech and expression, provide an easy and pleasant communication between people and their environment, and avoid the visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community-wide appearance. With these purposes in mind, it is the intent of this ordinance to authorize the use of signs that are:
 1. Compatible with their surroundings;
 2. Appropriate to the activity that displays them;
 3. Expressive of the identity of individual activities and the community as a whole;
 4. Legible in the circumstances in which they are seen; and
 5. To promote the use of signs that are aesthetically pleasing, of appropriate scale, and integrated with the surrounding buildings and landscape, in order to meet the community's express desire for quality development; as well as
 6. To preserve and protect the public health, safety, and welfare of the citizens of the City of Shelbyville.
- B. **Freedom of Expression:** As permissible by law, the following applies to noncommercial messages:
 1. Notwithstanding any other provision of this article, commercial copy may be substituted with non-commercial copy on any sign that is permissible under this article.
- C. **Traffic Hazard Signs:** A sign shall not constitute a traffic hazards as described below:
 1. **Public Right-of-Way:** No sign shall encroach into a public right-of-way, except for the following:
 - a. Projecting Signs that are allowed in the BC District (see *Section 5.65*).
 - b. Governmental and Public Signs.
 - c. Outdoor sandwich board signs that are allowed in the BC District (see *Section 5.65*).
 - d. Residential subdivision identification signs.
 - e. Non-Commercial Off-Premise Signs, as defined and regulated in *Section 5.58(S)*
 2. **Intersection:** No sign or other advertising structure, as regulated by this section, shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision, or at any location where, by reason of the intensity, position, shape, or color, it may interfere with, obstruct the view, or be confused with any traffic sign, signal or device.
 3. **Obstructs Circulation:** No sign or sign structure shall be permitted which attempts or appears to attempt to direct the movement of traffic or which interferes with or obstructs the view of, or can be confused with, imitates, or resembles any official traffic sign, signal, or device.
 4. **Misleading:** No sign, as regulated by this section, shall be erected which makes use of the words "Stop," "Look," "Danger," or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic.
 5. **Vision Clearance:** All signs shall meet the standards in *Section 5.77: Vision Clearance*.
- D. **Sign copy:**
 1. The sign copy face can be changed to a new copy as long as the frame and original size of the sign remains the same, in this case a sign permit is not needed. For legal nonconforming signs please see *Section 8.04*.
- E. **Abandoned Signs:** Signs that are either (1) associated with a commercial property which has become vacant or (2) associated with a business, project, or service which is no longer operating; otherwise known as an "abandoned sign." When a sign is "abandoned," then the sign shall lose any legal-nonconforming status and all associated development standards variances will become null-and-void if not utilized within 180 days. If removal of the sign is required due to the loss of legal-nonconforming status, the structural support of the sign, such as the pole and framework upon which the sign is placed, shall also be removed. In addition, a "Sign Blank" should be placed in any abandoned sign to replace the sign copy associated with the former business, project, service, or use within twenty-one (21) days of the sign becoming abandoned.
- F. **Signs in Easements:** Any sign that is placed in a easement that is not included in the public right-of-way shall be approved by the easement holder in addition to obtaining local approval.

- G. Signs Required By Law: Signs required by law to be a specific size, composition, or location may be permitted by the Zoning Administrator. If permit is required for this type of sign elsewhere in this section, the owner shall first receive permit before placement.
- H. Sign Maintenance:
1. Signs and supporting hardware, including temporary signs, shall be structurally safe, clean, free of visible defects, and functioning properly at all times.
 2. Repairs to signs shall be equal to or better in quality of materials and design than the original sign.
- I. Sign Materials: Painted signs shall be permitted in addition to signs made of brick, metal, or wood. All painted signs shall conform to all other requirements of the sign code for wall signs, including, but not limited to size location, illumination, lettering, style, and color. This does not include art work or murals that are not used for commercial purposes.
1. *Temporary Sign*: A sign or advertising display constructed of cloth, canvas, fabric, plastic, or other comparable materials that are designed or intended to be displayed for a short period of time as determined by the Zoning Administrator. Temporary signs are portable signs that are not permanently attached to the ground or other permanent structures, or a sign designed to be transported. Temporary signs include, but are not limited to: sandwich boards, wall and ground banners, yard cards, advertisement flags, signs on balloons and umbrellas, and reader boards (on wheels).
 2. *Permanent sign*: A sign attached to a building, structure, or the ground, and which is made of durable materials, intended for long term use. Permanent sign faces shall be made up of plastic, vinyl, metal, or other durable materials determined to be comparable by the Zoning Administrator.
- J. Limitations: No sign or sign structure shall be placed on private or public property without the express written consent of the owner or the owner's representative.
- K. Prohibited Signs: Except as otherwise specifically provided in the city code, the following signs types are strictly prohibited in all zoning districts:
1. Signs which contain obscene statements, works, or pictures.
 2. Signs which may obstruct visibility for the purpose of public safety in any direction at all intersections of streets, alleys, sidewalks, and/or driveways.
 3. Signs which advertise activities that are illegal under federal, state, city or county laws.
 4. Signs painted upon retaining walls, rocks, natural features or vegetation, unless otherwise permitted in this ordinance.
 5. Off-premise commercial signs as defined by this ordinance. This does not apply to billboards as defined herein.
 6. Signs that are not permanently attached to the ground, building, or structures are prohibited, except for when temporary signs are allowed.
 7. Signs located in the right-of-way that have not received formal approval by the City of Shelbyville Board of Public Works and Safety as described in Section 5.58 (S) of this ordinance.
 8. Signs which rotate, swing, inflate, or move as a result of wind (natural or man-made), i.e. banners, posters, pennants, ribbons, streamers, spinners, or similar devices, unless they are specifically permitted by other sections of this ordinance.
 9. Signs mounted on the roof of any structure. If a roof is considered a part of an architectural style such as a mansard style roof, signs will be reviewed on an individual basis by the Plan Commission Staff for determination of compliance with the intent of this section.
 10. Wall signs that exceed the height of the wall or facade on which they are mounted.
 11. Signs that are blocking or are placed in front of any door, window, fire escape, or opening required for ventilation in any structure.
 12. Any sign, including temporary signs, that are posted-on or attached-to any public utility pole, fence post, fence, light pole, tree, or any other publicly owned structures such as a street or stop sign.
 13. Stationary motor vehicles, trailers, and similar vehicles whose sole purpose is for advertising.

L. Exempt Signs: The following signs are permitted in any zoning district. The general provision noted in the above section shall still apply to all signs. The requirement of a sign permit shall not apply to certain signs specifically referenced in this section.

1. Flag, emblems, or insignia of any nation, state, political subdivision, school, or other non-commercial entity shall be permitted, provided the setback requirements for signs in the applicable district are met.
2. House numbers and name plates.
3. Interior signs.
4. Memorial signs or tablets.
5. Murals and works of art.
6. Official signs authorized by a government or governmental subdivision which give traffic, directional, or warning information, and signs of public service companies' indication of danger and aids to service or safety that are erected by, or on the order of, a public officer in the performance of their public duty.
7. Public notices.
8. Public information signs.

M. Measurement of Signs:

1. *Sign Area*:
 - a. "Areas" refers to the total area of the sign which would customarily be used for presenting information or attracting attention, including any border.
 - i. The area of regular geometric shapes, such as cabinet signs, shall be calculated using standard formulas (see figure).
 - ii. Where channel letters or awning signs are used, the area shall be measured as the area of the smallest polygon which will completely enclose all figures, letters, designs and tubing which are part of such sign.
 - iii. Each side of an awning or canopy shall be considered a separate face, except that the continuous signs on all sides of an awning shall be considered a single sign.
 - iv. The area of a spherical, cylindrical, and other three-dimensional sign shall be measured by calculating the area of an elevation drawing of the sign.
 - v. Double-faced (back-to-back) signs shall be regarded as a single structure if the distance between each sign face does not exceed two (2) feet at any one (1) point. Only one (1) face of a double-faced sign shall be measured when determining maximum allowable area except for off-site billboards.
 - vi. Supporting framework or bracing that is clearly incidental to the display itself shall not be computed as sign area.
2. *Sign Height*:
 - a. The height of a sign shall be measured as the vertical distance from the uppermost point used in measuring the sign to the average grade immediately below and adjoining the sign.
 - b. The average grade shall be construed to be the lower of either (1) existing grade prior to construction; or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavation solely for the purpose of location of the sign.
 - i. Earth mounding, inconsistent with the ground level of the land surrounding the sign structure, which increases the elevation of the sign, shall be included in the measurement of the sign height.
 - c. In cases where the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of the street or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower.
 - d. The linear measurement of the sign shall not exceed eighty percent (80%) of the linear frontage of the facade of the structure or tenant space.

- e. Any combination of wall signs may be utilized, as long as the total surface area of all the signs on the facade does not exceed the percentage allowed. Facades in multiple tenant buildings per tenant space is measured by the heights of the building floors and the width of the space that is occupied by the tenant.
- 3. *Ground Signs*
 - a. The sign area of a ground sign includes the entire sign structure, such as base and decorative features. Planter boxes are not considered sign structure.
 - b. The base of sign shall be a minimum of one (1) foot in height and two (2) feet in width or fifty percent (50%) of the length of the cabinet sign, whichever is greater.
 - c. When noted, ground sign face shall only measure text and graphics of sign with the method noted above; the ground sign base feature will include the entire sign structure.
- N. Landscape Standards: When landscaping is required around signs defined in this ordinance, the following standards shall apply:
 - 1. A landscape area located around the base of the ground sign shall equal .75 square feet for each square foot of ground sign area.
 - 2. The landscape area shall contain living landscape material consisting of shrubs, perennial ground cover plants, or a combination of both, placed throughout the required landscape area, having a spacing of not greater than three (3) feet on center.
 - 3. Where appropriate, the planting of required deciduous or evergreen trees, installed in a manner that frames or accents the ground sign structure is encourage.
- O. Illuminations of Signs:
 - 1. All lighting of signs from illumination shall not be of an intensity or brightness that will create a negative impact on adjoining properties in direct line of sight to the sign.
 - 2. Signs shall not have blinking, flashing, or fluttering lights.
 - 3. Colored lights shall not be used at a location or in a manner so as to be confused or construed as traffic control devices.
 - 4. Reflective type bulbs and incandescent lamps that exceed fifteen (15) watts shall not be used on the exterior surface of signs so that the face of the bulb or lamp is exposed to a public right-of-way or adjacent property.
 - 5. The following are explanations and standards on different types of sign illumination. The limits on the types allowed for each sign will be expressed in the section under each type of sign.
 - a. Non-illuminated– Signs that are not illuminated by any types of artificial light source.
 - b. Externally illuminated – illumination of a sign that is affected by an artificial source of light not contained within the sign itself.
 - i. Light source should be effectively shielded so it eliminates negative impacts on surrounding rights-of-way and properties.
 - ii. Light source should be directed and shielded to limit direct illumination of any object other than the sign.
 - c. Internally illuminated – an artificial light source that is concealed or contained with the sign and becomes visible in darkness through a translucent surface, (commonly known as *Cabinet Signs*.)
 - d. Limited Internal Illumination– an internal light sign or an EMC cannot be installed along property lines that adjoin a zoning district of R1 or R2. Light direction should not be seen from these zoning districts.
 - e. Electronic Message Center (EMC) - a sign that utilizes a computer-generated message or some other electronic means of changing the sign copy. These signs include displays using incandescent lamps, LEDs, LCDs or a Riper Matrix. *Section 5.58(P) will list EMC Standards.*
- P. Electronic Message Centers (EMCs):
 - 1. *Zoning Districts*: Electronic Message Centers, EMC, shall only be permitted via special exception by the Shelbyville Board of Zoning Appeals in the following zoning districts: IS, BC, BG, and BH.
 - 2. *Decision Criteria*: See Section 9.07 Special Exception Use, for Decision Criteria
 - 3. *Development Standards*: If a special exception is granted, the following development standards will apply:
 - a. *Quantity*: Only one (1) EMC shall be permitted per property regardless of number of tenants and buildings. The EMC can be either a wall sign, window sign, or detached sign as allowed per zoning district.
 - b. *Size*: The EMC size is included in the overall size allotment of each type of sign, stated later in each

zoning district, but the EMC shall not exceed size as follows:

- c. *Single Tenant Signs:* EMC signs shall not exceed thirty-two (32) square feet in size.
 - d. *Multiple Tenant Signs:* EMCs signs shall not exceed sixty-four (64) square feet in size, (OR 50% of the total sign area permitted on this site in article, whichever is the smallest size permitted).
4. *Message Copy:*
- a. All electronic message copy shall be a static image.
 - b. The message copy shall not change more than once every twelve (12) seconds.
 - c. Frame effects (transitional elements) Allowed: Fade in, fade out, dissolve, entire frame change. Message copy shall not scroll.
 - d. As mentioned in 98.04, All electronic message copy cannot advertise for goods, products, services, or facilities that are not at the location where the sign is installed.
5. *Illumination:*
- a. EMC Illumination Measurement Criteria: The luminance of an EMC shall be measured with a luminance meter set to measure foot-candles accurate to at least two decimals. Luminance shall be measured with the EMC off, and again with the EMC displaying a white image for a full color capable EMC, or a solid message for a single-color EMC. All measurements shall be taken perpendicular to the face of the EMC at the distance determined by the total square footage of the EMC as set forth in the accompanying Sign Area Versus Measurement Distance table.
 - b. EMC Illumination Limits: The difference between the off and solid-message measurements using the EMC Measurement Criteria shall not exceed 0.3 foot-candles.
 - c. Dimming Capabilities: All permitted EMCs shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 foot-candle measurements.
 - d. Inspections and Testing: All EMCs will be tested for illumination standards after installation of the sign by a third party inspection agency, and a report will be provided to the Zoning Administrator. Inspection should be done at least one (1) hour after sunset. The Plan Commission shall reserve the right to inspect illumination standards thereafter to ensure compliance.
6. *Default:* The "default" setting for all EMC's will be a black screen in the event of a malfunction.
7. *Contact Information:* The owner of an EMC shall provide current contact information to the Zoning Administrator so that contact can be made as needed in the event of a malfunctioning sign.
- Q. Pole and Pylon Signs:
- 1. *Zoning Districts:* Pole and Pylon Signs shall only be permitted via special exception by the Shelbyville Board of Zoning Appeals in the BH - Business Highway zoning district.
 - 2. *Decision Criteria:* See Section 9.07 Special Exception Use, for Decision Criteria
 - 3. *Development Standards:* If a special-exception is granted, the following development standards will apply:
 - a. *Quantity:* Only one (1) Pole or Pylon sign shall be permitted per property, regardless the number of tenants and buildings. This sign is included in the overall number of ground signs permitted on the property as stated later in this ordinance for each zoning district.
 - b. *Height:*
Signs Located Outside of the Interstate Corridor: Pole and Pylon Signs shall not exceed thirty-five (35) feet in height.
Signs Located within the Interstate Corridor: Pole and Pylon Signs shall not exceed one-hundred (100) feet in height.
 - c. *Area:*
Signs Located Outside of the Interstate Corridor: Pole and Pylon Signs shall not exceed one-hundred (100) square feet in area.
Signs Located within the Interstate Corridor: Pole and Pylon Signs shall not exceed two-hundred (200) square feet in area.
- R. Signs During an Election Season:
- 1. *Cross-reference:* Indiana Code 36-1-3-11

- S. Signs located in the Right-of-Way: After receiving approval from the Board of Public Works and Safety, non-commercial off-premise signs may be located within the City of Shelbyville's right-of-way. Signs located in the right-of-way must comply with the following Development Standards:
1. *Application*: An application to petition the Board of Public Works and Safety is available in the Plan Commission office, and should be submitted back to the Plan Commission once completed.
 2. *Non-commercial Message*: Signs located in the right-of-way should be non-commercial in nature.
 3. *Quantity*: Up to four (4) signs located in the right-of-way of the same message at the same time shall be permitted.
 4. *Size*: Each face shall not exceed thirty-two (32) square feet in area and may have a message on both sides.
 5. *Height*: Each sign shall not exceed eight (8) feet in height.
 6. *Location*: No sign should be located within a sight-visibility triangle as defined by this ordinance.
 7. *Duration*: No signs located in the right-of-way shall be placed more than two (2) weeks prior to the event.
 8. *Removal*: All signs located in the right-of-way shall be removed within three (3) days after the event's completion. Failure to remove the signs will be a violation of this ordinance.
 9. *Maintenance*: Signs located in the right-of-way shall be maintained in good condition throughout their placement. If a sign blows away, gets bent over, or is moved to an unapproved location (e.g. a mowing crew), the organization that placed it shall be responsible for retrieving, straightening, or relocating the unit. Failure to do so shall be a violation of this ordinance.
 10. *Cause for Denial*: Because signs located in the right-of-way are a discretionary permit, past violations may result in denial of future applications for placement.
- T. "Place-Holder" Signs:
1. After a Permanent Sign Permit has been reviewed and issued, a temporary sign of equal or lesser size may be placed in the general area of the approved permanent sign while the permanent sign is being fabricated and delivered. This specific temporary sign will not require a permit, but must be removed and replaced with the approved permanent sign within 60 days.

Permitted Signs

Sign Type	Sign Permit Required	PK - Park and Open Space	AG - Agriculture	AR - Agriculture/Rural Residential	R1 - Single-family Residential	R2 - Two-family Residential	RM - Multi-family Residential	MP - Manufactured Home Park	IS - Institutional	BN - Business Neighborhood	BC - Business Central	BG - Business General	BH - Business Highway	IL - Light Industrial	IG - General Industrial	HI - High Impact
Incidental Wall Sign	No	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Incidental Freestanding Sign	No	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Window Sign	No								P	P	P	P	P	P	P	P
Under Canopy Sign	No								P	P	P	P	P	P	P	P
Ancillary Sign	No								P	P	P	P	P			
Monument/Detached/ Ground Sign	Yes	P	P			P	P	P		P	P	P	P	P	P	P
Wall Sign	Yes	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Awning	Yes								L	L	L	L	L			
Projection	Yes								L	L	L	L	L			
Billboards	Yes												SE	SE	SE	
Small Temporary Sign	No	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Large Temporary Sign	Yes	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Electronic Message Centers(EMCs)	Yes										SE	SE	SE			
Pole and Pylon Signs	Yes												SE			
NOTE: P = Permitted L = In lieu of a wall sign SE = Special Exception Approval Required by The Shelbyville Board of Zoning Appeals																

Sign Standards (SI)

5.59 SI-06: Agriculture, Single-family Residential, and Two-family Residential Sign Standards

This Sign Standards (SI) section applies to the following zoning districts:

AG AR R1 R2

The following standards apply:

A. Cross Reference:

1. *Measurement:* See *Section 5.58(M): Measurement of Signs* for directions on how to calculate size and height of signs.
2. *Landscaping:* See *Section 5.58(N): Landscape Standards* for landscape requirements of signs.
3. *Illumination:* See *Section 5.58(O): Illumination Standards* for illumination requirements of signs.

Permanent Signs for Agriculture Commercial Uses

Sign Regulations	
Permit	Required
Type	Permanent, Ground sign, on premise
Materials	See <i>Section 5.58(I): Sign Materials</i>
Maximum Quantity	1 per property
Maximum Sign Area	32 square feet
Maximum Height	8 feet
Location	10 feet from existing or proposed right-of-way and property lines
Landscaping	Not required
Illumination	Non-illuminated or externally illuminated

Temporary Signs for Agriculture Commercial Uses

Sign Regulations	
Permit	Not required
Type	Temporary
Materials	See <i>Section 5.58(I): Sign Materials</i>
Maximum Quantity	No Limit
Maximum Sign Area	5 square feet
Maximum Height	6 feet
Location	5 feet from existing or proposed right-of-way and property lines
Landscaping	Not required
Illumination	Shall not be illuminated

Incidental Wall Sign Standards

Sign Regulations	
NOTE: For illustrative purposes only, examples may include Home Occupation Signs or Historic Place Markers	
Permit	Required
Type	Permanent, Wall sign, On Premise, Incidental
Materials	See <i>Section 5.58(I): Sign Materials</i>
Maximum Quantity	• One (1) if a Home Occupation is actively operating on the property, and; • One (1) additional wall sign will be permitted for each structure or space that maintains a "Historically Significant" or comparable status by a national, state, or local historic preservation authority
Maximum Sign Area	2 square feet
Location	On building facade, located within five (5) feet of specific areas of the site including pedestrian entrances and exits, or other similar areas as determined by the Zoning Administrator
Illumination	Shall not be illuminated

Home Occupations, Detached Sign Standards

Sign Regulations	
NOTE: Detached signs shall only be permitted if the structure is not visible from public right-of-way.	
Permit	Required
Type	Permanent, Ground sign, on premise
Materials	See <i>Section 5.58(l): Sign Materials</i>
Maximum Quantity	One (1) if a Home Occupation is actively operating on the property, and;
Maximum Sign Area	4 square feet
Maximum Height	4 feet
Location	10 feet from existing or proposed right-of-way and property lines
Landscaping	Not required
Illumination	Shall not be illuminated

Residential Subdivision/Development/Apartments

Sign Regulations	
Permit	Required
Type	Permanent, Ground sign, on premise
Materials	• Sign Copy: See <i>Section 5.58(l): Sign Materials</i> • Sign Base: Brick, block, or similar material associated with the development as determined by the Plan Commission Staff.
Maximum Quantity	• One (1) per entrance, and; • Two (2) per housing entity
Maximum Sign Area	• Sign Copy: 32 square feet • Sign Base: 64 square feet
Maximum Height	8 feet
Location	• Near subdivision entrances; shall not be placed in any clear sight triangle • If the sign is placed in an island in a public road right-of-way, the sign will need permission from the City of Shelbyville's Board of Public Works and Safety
Landscaping	Required
Illumination	Non-illuminated or externally illuminated

Small Permanent Signs for Agricultural and Institutional Uses

Sign Regulations	
NOTE: For uses permitted only in the AG and AR Districts and churches and other institutional uses excluding residential.	
Permit	Required
Type	Permanent, free standing, on-premise
Materials	See <i>Section 5.58(l): Sign Materials</i>
Maximum Quantity	5 per property
Maximum Sign Area	6 square feet
Maximum Height	3 feet
Location	• shall be near drives and parking lot • not located in right-of-way • shall be 20 feet from other directional signs
Landscaping	Not required
Illumination	Non-illuminated or externally illuminated

Small Temporary Sign

Sign Regulations

NOTE: For illustrative purposes only, examples may include Real Estate Signs, Contractor Signs, or Off-Premise Non-Commercial Temporary-Signs

Permit	Not required
Type	Temporary, Free Standing, On-Premise, Off-Premise Non-Commercial
Materials	See <i>Section 5.58(l): Sign Materials</i>
Maximum Quantity	• One (1) per property, and; • One (1) additional small temporary sign will be permitted during the sale or letting of a residential property, and shall be removed within ten (10) days after the completion of the sale or letting, and; • One (1) additional small temporary sign will be permitted for each active permit issued for the property by either the Shelbyville Building Commission or the Shelbyville City Engineer's Office, and these signs should be removed within seven (7) days of the permits being finalized.
Maximum Sign Area	6 square feet
Maximum Height	6 feet
Location	On property, not in right-of-way
Landscaping	Not required
Illumination	Shall not be illuminated
Time Limit	• 14 days with 1 week between placement; maximum of 6 times a year, and; • The additional small temporary sign shall be removed upon completion of the project, sale, or letting of the residential property within ten (10) days, and; • The additional small temporary sign shall be removed within seven (7) days of the permit being finalized with the City.

Large Temporary Sign

Sign Regulations

NOTE: For illustrative purposes only, examples may include Real Estate Signs or Off-Premise Non-Commercial Temporary-Signs

Permit	Not required
Type	Temporary, free standing, on-premise
Materials	See <i>Section 5.58(l): Sign Materials</i>
Maximum Quantity	• One (1) per property, and; • One (1) additional large temporary sign will be permitted during the sale or letting of a non-residential property, and shall be removed within ten (10) days after the completion of the sale or letting, and;
Maximum Sign Area	32 square feet
Maximum Height	4 feet
Location	On property, not in right-of-way
Landscaping	None Required
Illumination	Shall not be illuminated
Time Limit	• 14 days with 1 week between placement; maximum of 6 times a year, and; • The additional large temporary sign shall be removed upon completion of the project, sale, or letting of the non-residential property within ten (10) days, and;

Incidental Signs for Model Home

Sign Regulations

NOTES: Subdivisions that have model homes may erect the model home signs with a valid temporary location improvement permit..
If sales office and model home are the same building, only 1 free standing sign is permitted.

Sales Offices Free Standing

Permit	Required
Type	Temporary, free standing, on-premise
Materials	See <i>Section 5.58(l): Sign Materials</i>
Maximum Quantity	1
Maximum Sign Area	20 square feet
Maximum Height	8 feet
Location	At the location of the sales office lot, minimum 5 feet from right-of-way line
Landscaping	Required
Illumination	Non-illuminated or externally illuminated
Time Limit	Duration of the temporary office

Sales Offices Wall Sign

Permit	Required
Type	Temporary or Permanent, wall sign, on-premise
Materials	See <i>Section 5.58(l): Sign Materials</i>
Maximum Quantity	1 per building
Maximum Sign Area	20 square feet
Location	On building facade
Illumination	Non-illuminated or externally illuminated
Time Limit	Duration of the temporary office

Free Standing Model Home Sign

Permit	Required
Type	Temporary, free standing, on-premise
Materials	See <i>Section 5.58(l): Sign Materials</i>
Maximum Quantity	1 per model home
Maximum Sign Area	20 square feet
Maximum Height	4 feet
Location	Model home lot, minimum of 5 feet from the right-of-way line
Landscaping	Not required
Illumination	Non-illuminated or externally illuminated
Time Limit	Duration of the temporary office

Sign Standards (SI)

5.60 SI-07: Multiple-family Residential Sign Standards

This Sign Standards (SI) section applies to the following zoning districts:



The following standards apply:

A. Cross Reference:

1. *Measurement*: See *Section 5.58(M): Measurement of Signs* for directions on how to calculate size and height of signs.
2. *Landscaping*: See *Section 5.58(N): Landscape Standards* for landscape requirements of signs.
3. *Illumination*: See *Section 5.58(O): Illumination Standards* for illumination requirements of signs.

Incidental Wall Sign

Sign Regulations	
NOTE: For illustrative purposes only, examples may include Wall-Directional Signs, Home Occupation Signs, or Historic Place Markers	
Permit	Required
Type	Permanent, Wall sign, On Premise, Incidental
Materials	See <i>Section 5.58(I): Sign Materials</i>
Maximum Quantity	• One (1) if a Home Occupation is actively operating on the property, and; • One (1) additional wall sign will be permitted for each structure or space that maintains a "Historically Significant" or comparable status by a national, state, or local historic preservation authority
Maximum Sign Area	2 square feet
Location	On building facade, located within five (5) feet of specific areas of the site including pedestrian entrances and exits, parking areas, loading areas, service areas, drive-through service areas, natural landscaping areas, rain gardens, bioswales and storm water management features, hazardous materials areas, and other similar areas as determined by the Zoning Administrator
Illumination	Shall not be illuminated

Residential Subdivision/Development/Apartments

Sign Regulations	
Permit	Required
Type	Permanent, Ground sign, on premise
Materials	• Sign Copy: See <i>Section 5.58(I): Sign Materials</i> • Sign Base: Brick, block, or similar material associated with the development as determined by the Plan Commission Staff.
Maximum Quantity	• One (1) per entrance, and; • Two (2) per housing entity
Maximum Sign Area	• Sign Copy: 32 square feet • Sign Base: 64 square feet
Maximum Height	8 feet
Location	• Near subdivision entrances; shall not be placed in any clear sight triangle • If the sign is placed in an island in a public road right-of-way, the sign will need permission from the City of Shelbyville's Board of Public Works and Safety
Landscaping	Required
Illumination	Non-illuminated or externally illuminated

Single Apartment Building

Sign Regulations

NOTE: For illustrative purposes only, examples may include a sign identifying the building number or name.

Permit	Required
Type	Permanent, Wall sign, on premise
Materials	See <i>Section 5.58(I): Sign Materials</i>
Maximum Quantity	1 per building
Maximum Sign Area	12 square feet
Location	On building facade
Illumination	Non-illuminated or externally illuminated

Incidental Freestanding Sign

Sign Regulations

NOTE: For illustrative purposes only, examples may include a sign identifying directions or clubhouse rules.

Permit	Not required
Type	Permanent, free standing, on-premise
Materials	See <i>Section 5.58(I): Sign Materials</i>
Maximum Quantity	3 per property
Maximum Sign Area	6 square feet
Maximum Height	3 feet
Location	Located within five (5) feet of specific areas of the site including pedestrian entrances and exits, parking areas, loading areas, service areas, drive-through service areas, natural landscaping areas, rain gardens, bioswales and storm water management features, hazardous materials areas, and other similar areas as determined by the Zoning Administrator
Landscaping	Not required
Illumination	Non-illuminated or externally illuminated

Small Temporary Sign

Sign Regulations

NOTE: For illustrative purposes only, examples may include Real Estate Signs, Contractor Signs, or Off-Premise Non-Commercial Temporary-Signs

Permit	Not required
Type	Temporary, free standing, on-premise
Materials	See <i>Section 5.58(I): Sign Materials</i>
Maximum Quantity	• One (1) per property, and; • One (1) additional small temporary sign will be permitted during the sale or letting of a property, and shall be removed within ten (10) days after the completion of the sale or letting, and; • One (1) additional small temporary sign will be permitted for each active permit issued for the property by either the Shelbyville Building Commission or the Shelbyville City Engineer's Office, and these signs should be removed within seven (7) days of the permits being finalized.
Maximum Sign Area	6 square feet
Maximum Height	6 feet
Location	On property, not in right-of-way
Landscaping	Not required
Illumination	Shall not be illuminated
Time Limit	• 14 days with 1 week between placement; maximum of 6 times a year, and; • The additional small temporary sign shall be removed upon completion of the project, sale, or letting of the property within ten (10) days, and; • The additional small temporary sign shall be removed within seven (7) days of the permit being finalized with the City.

Sign Standards (SI)

5.61 SI-08: Central Business Sign Standards

This Sign Standards (SI) section applies to the following zoning districts:



The following standards apply:

A. Cross Reference:

1. *Measurement:* See *Section 5.58(M): Measurement of Signs* for directions on how to calculate size and height of signs.
2. *Landscaping:* See *Section 5.58(N): Landscape Standards* for landscape requirements of signs.
3. *Illumination:* See *Section 5.58(O): Illumination Standards* for illumination requirements of signs.

Window Sign

Sign Regulation

Permit	Not required
Materials	See <i>Section 5.58(I): Sign Materials</i>
Maximum Sign Area	20% of the window area
Location	Shall be applied directly to the window
Illumination	Non-illuminated, externally illuminated, internally illuminated, or limited internally illuminated

Under Canopy Sign

Sign Regulation

Permit	Not required
Minimum Clearance	8 feet minimum from the ground to the bottom of the sign
Location	Under canopy, it cannot be projected past canopies ledge. Only allowed on a ground floor canopy
Illumination	Non-illuminated or externally illuminated

Incidental Freestanding Signs

Sign Regulations

NOTE: For illustrative purposes only, examples may include a sign identifying menu items, direction, or a list of tenants.

Permit	Not required
Type	Permanent, free standing, on-premise
Materials	See <i>Section 5.58(I): Sign Materials</i>
Maximum Quantity	5 (five) per property
Maximum Sign Area	6 square feet
Maximum Height	3 feet
Location	Shall be located on or within five (5) feet of specific areas of the site including pedestrian entrances and exits, parking areas, loading areas, service areas, drive-through service areas, natural landscaping areas, rain gardens, bioswales and storm water management features, hazardous materials areas, and other similar areas as determined by the Zoning Administrator
Illumination	Non-illuminated, externally illuminated, or internally illuminated

Incidental Wall Sign

Sign Regulation

Permit	Not required
Type	Permanent, Wall Sign, On-Premise
Materials	See <i>Section 5.58(l): Sign Materials</i>
Maximum Sign Area	12 square feet
Location	Shall be located on or within five (5) feet of specific areas of the site including pedestrian entrances and exits, parking areas, loading areas, service areas, drive-through service areas, natural landscaping areas, rain gardens, bioswales and storm water management features, hazardous materials areas, and other similar areas as determined by the Zoning Administrator
Illumination	Non-illuminated, externally illuminated, internally illuminated, or limited internally illuminated

Wall Sign

Sign Regulations

Permit	Required
Type	Permanent, wall sign, on-premise, facade, Awning, and Projecting
Materials	• Shall complement the architectural style and features of the building. • See <i>Section 5.58(l): Sign Materials</i>.
Maximum Quantity	Limited by percent of front and or side facade as shown in Maximum Sign Area below
Maximum Sign Area	• Wall signs shall not exceed 15% of the area of the front facade, 10% of the area of the side facades, and 10% of the area of the rear facade. Each side shall be calculated separately. • The linear measurement of the sign shall not exceed 80% of the linear frontage of the facade of the structure or tenant space. • Any combination wall signs may be utilized, so long as the total surface area of the signs on the facade does not exceed the percentage noted above. This means there is no limit on number of wall signs. • Facades in the Business Central district are measured by the height of the first floor and width of the space that is occupied by the tenant. Multiple tenants on the same floor must share the allotment size of the facade.
Location	Signs shall be placed so that it does not cover any significant feature
Illumination	• Non-illuminated or external illuminated. • The only internally lit signs that are permitted are channel type signs. • Raceway color must match the color of the facade which the sign is placed.

Additional Standards for Projection Sign

Materials	See <i>Section 5.58(l): Sign Materials</i>
Maximum Quantity	1 per street frontage
Maximum Sign Area	Included in overall allotment of size as stated in Maximum Sign Area above
Minimum Clearance	8 feet minimum from the ground to the bottom of the sign
Maximum Projection	6 feet from the building facade

Additional Standards for Awning Sign

Maximum Sign Area	Included in overall allotment of size as stated in Maximum Sign Area above
Minimum Clearance	8 feet minimum from the ground to the bottom of the sign
Maximum Projection	6 feet from the building facade

Small Temporary Sign

Sign Regulations	
Permit	Not required
Type	Temporary, A-Frame, on-premise
Materials	See Section 5.58(l): Sign Materials
Maximum Quantity	One (1) per property
Maximum Sign Area	12 square feet
Maximum Height	4 feet
Location	• If there is not adequate free space on the owners property, the sign may be placed on the public sidewalk as long as 48 inches of clear space is maintained for pedestrian traffic. • Adequate free space includes parking lot and landscape area.
Illumination	Shall not be illuminated
Time Limit	Daily, sign shall be removed at the end of each business day.

Large Temporary Sign

Sign Regulations	
Permit	Required
Type	Temporary, Banner, free standing or on facade, on-premise
Materials	See Section 5.58(l): Sign Materials
Maximum Quantity	• One (1) per property; and, • One (1) additional large temporary sign will be permitted during the sale or letting of a non-residential property, and shall be removed within ten (10) days after the completion of the sale or letting. • One (1) additional small temporary sign will be permitted for each active permit issued for the property by either the Shelbyville Building Commission or the Shelbyville City Engineer's Office, and these signs should be removed within seven (7) days of the permits being finalized.
Maximum Sign Area	32 square feet
Maximum Height	8 feet
Location	• If there is not adequate free space on the owners property, the sign may be placed on the public sidewalk as long as 48 inches of clear space is maintained for pedestrian traffic. • Adequate free space includes parking lot and landscape area.
Illumination	Shall not be illuminated
Time Limit	• 14 days with 1 week between placement; maximum of 6 times a year, and; • The additional small temporary sign shall be removed upon completion of the project, sale, or letting of the property within ten (10) days, and; • The additional small temporary sign shall be removed within seven (7) days of the permit being finalized with the City.

Sign Standards (SI)

5.62 SI-09: Commercial Business, Institutional, and Parks & Recreational Sign Standards

This Sign Standards (SI) section applies to the following zoning districts:



The following standards apply:

A. Cross Reference:

1. *Measurement*: See *Section 5.58(M): Measurement of Signs* for directions on how to calculate size and height of signs.
2. *Landscaping*: See *Section 5.58(N): Landscape Standards* for landscape requirements of signs.
3. *Illumination*: See *Section 5.58(O): Illumination Standards* for illumination requirements of signs.

Window Sign

Sign Regulation

Permit	Not required
Materials	See <i>Section 5.58(I): Sign Materials</i>
Maximum Sign Area	20% of the window area
Location	Shall be applied directly to the window
Illumination	Non-illuminated, externally illuminated, internally illuminated, or limited internally illuminated

Under Canopy Sign

Sign Regulation

Permit	Not required
Minimum Clearance	8 feet minimum from the ground to the bottom of the sign
Location	Under canopy, it cannot be projected past canopies ledge. Only allowed on a ground floor canopy
Illumination	Non-illuminated, externally illuminated, or internally illuminated

Ancillary Sign

Sign Regulations

NOTE: For illustrative purposes only, examples may include a sign identifying menu items or a list of tenants.

Permit	Not required
Type	Permanent, Free-Standing, On-Premise
Materials	See <i>Section 5.58(I): Sign Materials</i>
Maximum Quantity	One (1) per acre of subject lot size
Maximum Sign Area	64 square feet
Maximum Height	6 feet
Location	• Minimum setback of 30 feet from the right-of-way along arterial roads • Minimum setback of 15 feet from the right-of-way along collector and local roads
Illumination	Non-illuminated, externally illuminated, internally illuminated, or limiter internally illuminated

Wall Sign

Sign Regulations	
Permit	Required
Type	Permanent, wall sign, on-premise, facade, Awning, and Projecting
Materials	See <i>Section 5.58(I): Sign Materials</i>
Maximum Quantity	Limited by percent of front and or side facade as shown in Maximum Sign Area below
Maximum Sign Area	• Front Facade: 15% percent of the front facade occupied by tenant. At least 12 square feet should be granted to each tenant space. • Side Facade: 10% percent of the side facade occupied by the tenant. Tenants that do not have an outside side facade shall not be granted side facade signs. • Wall signs shall not be permitted on rear facades. • Any combination wall signs may be utilized, so long as the total surface area of the signs on the facade does not exceed the percentage noted above. This means there is no limit on number of wall signs. • Tenants with no road frontage are allowed signs on the front facade of the building as long as the signs does not exceed size allotment noted above.
Location	Signs shall be placed so that it does not cover any significant feature
Illumination	Non-illuminated, externally illuminated, internally illuminated, or limited internally illuminated
Additional Standards for Projection Sign	
Materials	See <i>Section 5.58(I): Sign Materials</i>
Maximum Quantity	1 per street frontage
Maximum Sign Area	Included in overall allotment of size as stated in Maximum Sign Area above
Minimum Clearance	8 feet minimum from the ground to the bottom of the sign
Maximum Projection	6 feet from the building facade
Additional Standards for Awning Sign	
Maximum Sign Area	Included in overall allotment of size as stated in Maximum Sign Area above
Minimum Clearance	8 feet minimum from the ground to the bottom of the sign
Maximum Projection	6 feet from the building facade

Monument Sign

Sign Regulations

Single Tenant Monument Sign

Permit	Required
Type	Permanent, Monument, on-premise
Materials	• Sign Base: The same materials as the primary structure to which the sign is associated. • See <i>Section 5.58(I): Sign Materials</i>.
Maximum Quantity	• Lots with 1 road frontage: 1 monument sign • Lots with more than 1 road frontage: 1 monument sign per road frontage (1 per street frontage with a minimum of 150 feet between each monument sign).
Maximum Sign Area	64 square feet
Maximum Height	8 feet

Sign Regulations

Location	10 feet from existing or proposed right-of-way and property lines
Landscaping	Required
Illumination	Non-illuminated, externally illuminated, internally illuminated, or limited internally illuminated

Integrated Center Monument Sign

NOTE: Integrated Center Monument Signs are only permitted for facilities that have two (2) or more individual, unrelated, and separately operating tenants.

Permit	Required
Type	Permanent, Monument, on-premise
Materials	• Sign Base: The same materials as the primary structure to which the sign is associated. • See <i>Section 5.58(I): Sign Materials</i>.
Maximum Quantity	• All permitted signs listed above may be substituted with an "Integrated Center Monument Sign" (See: <i>Single Tenant Monument Sign: Maximum Quantity</i>)
Maximum Sign Area	125 square feet
Maximum Height	10 feet

Sign Regulations

Location	10 feet from existing or proposed right-of-way and property lines
Landscaping	Required
Illumination	Non-illuminated, externally illuminated, internally illuminated, or limited internally illuminated

Tall Monument Sign

NOTE: Tall Monument Signs are only permitted for facilities that have a combined building area of 50,000 square feet or larger (Retail Type 3 Facilities).

Permit	Required
Type	Permanent, Monument, on-premise
Materials	• Sign Base: Similar materials as the primary structure to which the sign is associated. • See <i>Section 5.58(I): Sign Materials</i>.
Maximum Quantity	• One (1) of the above-mentioned monument signs may be substituted with a "Tall Monument Sign"
Maximum Sign Area	350 square feet
Maximum Height	30 feet
Location	10 feet from existing or proposed right-of-way and property lines
Landscaping	Required
Illumination	Non-illuminated, externally illuminated, internally illuminated, or limited internally illuminated

Incidental Freestanding Signs

Sign Regulations

NOTE: For illustrative purposes only, examples may include a sign identifying direction, entrances and exits, or loading areas.

Permit	Not required
Type	Permanent, Ground Signs/Free standing, On-Premise
Materials	See Section 5.58(I): Sign Materials
Maximum Quantity	Three (3) per acre of subject lot size (Any non-whole number, shall be rounded to the next highest whole number.)
Maximum Sign Area	6 square feet
Maximum Height	3 feet
Location	Shall be located on or within five (5) feet of specific areas of the site including pedestrian entrances and exits, parking areas, loading areas, service areas, drive-through service areas, natural landscaping areas, rain gardens, bioswales and storm water management features, hazardous materials areas, and other similar areas as determined by the Zoning Administrator
Illumination	Non-illuminated, externally illuminated, internally illuminated, or limited internally illuminated

Incidental Wall Sign

Sign Regulation

Permit	Not required
Type	Permanent, Wall Sign, On-Premise
Materials	See Section 5.58(I): Sign Materials
Maximum Sign Area	3 square feet
Location	Shall be located on or within five (5) feet of specific areas of the site including pedestrian entrances and exits, parking areas, loading areas, service areas, drive-through service areas, natural landscaping areas, rain gardens, bioswales and storm water management features, hazardous materials areas, and other similar areas as determined by the Zoning Administrator
Illumination	Non-illuminated, externally illuminated, internally illuminated, or limited internally illuminated

Small Temporary Sign

Sign Regulations

Permit	Not required
Type	Temporary, Sandwich boards (A frame signs), on-premise
Materials	See Section 5.58(I): Sign Materials
Maximum Quantity	• One (1) per property • One (1) additional small temporary sign will be permitted for each active permit issued for the property by either the Shelbyville Building Commission or the Shelbyville City Engineer's Office, and these signs should be removed within seven (7) days of the permits being finalized.
Maximum Sign Area	12 square feet
Maximum Height	4 feet

Sign Regulations	
Location	On property and adjacent to tenant space.
Illumination	Shall not be illuminated
Time Limit	• 14 days with 1 week between placement; maximum of 6 times a year, and; • The additional small temporary sign shall be removed within seven (7) days of the permit being finalized with the City.

Large Temporary Sign

Sign Regulations	
Permit	Required
Type	Temporary, Banner, free standing or on facade, on-premise
Materials	See <i>Section 5.58(l): Sign Materials</i>
Maximum Quantity	• One (1) per property; and, • One (1) additional large temporary sign will be permitted during the sale or letting of a non-residential property, and shall be removed within ten (10) days after the completion of the sale or letting.
Maximum Sign Area	Buildings with a square footage of: • Less than 10,000 are permitted a sign up to 64 square feet • Between 10,000 and 50,000 are permitted a sign up to 126 square feet • Over 50,000 are permitted a sign up to 252 square feet
Maximum Height	• 8 feet for free standing signs • No limit for banner signs
Location	• On property • Signs shall be placed so that it does not cover any significant feature
Illumination	Shall not be illuminated
Time Limit	• 14 days with 1 week between placement; maximum of 6 times a year, and; • The additional small temporary sign shall be removed upon completion of the project, sale, or letting of the property within ten (10) days, and;

Signs at Gasoline Service Stations

Sign Regulations

NOTE: These standards shall apply to gasoline service stations and those convenience markets selling gasoline.

Service Area Canopy Sign

Permit	Required
Type	Permanent, wall sign, on-canopy
Materials	See <i>Section 5.58(I): Sign Materials</i>
Maximum Quantity	Limited by percent of canopy face as shown in Maximum Sign Area below
Maximum Sign Area	• 25% of the canopy face (This calculation shall not include the open area beneath the face of the service area canopy) • Maximum of two (2) faces per canopy may have signage
Location	On the canopy face
Illumination	Non-illuminated, externally illuminated, internally illuminated, limited internally illuminated, or EMC

Electronic Message Centers at Gasoline Service Areas

NOTE: Properties that sell gasoline, diesel, and/or other vehicle fuels are exempt from the requirement of receiving Special Exception approval from the Board of Zoning Appeals, as described in *Section 5.58(P)*, but must still meet the development standards listed below.

Permit	Required
Type	Permanent, On-Canopy/Monument, Monochromatic EMC
Message Copy	• All electronic message copy shall be static • All electronic message centers installed under this provision must be monochromatic displays • The message copy shall not change more than once every thirty (30) minutes
Maximum Quantity	Limited by percent of canopy face as shown in Maximum Sign Area below
Maximum Sign Area	• A maximum of 50% of sign area on a canopy face, or on a monument sign may be EMC's • Each individual EMC panel may be a maximum of 32 square feet
Location	On the canopy face, or located on the monument sign
Illumination	See <i>Section 5.58(P)(5): Illumination</i>

Pump Island Signs/Under Canopy Signs

Signs placed on canopy structures, pumps, or pump islands shall be designed for people using the services under the canopy. They shall not be designed to be readable from outside of the canopy area. Any signs that are placed outside the service canopy are subject to regulation noted previously in this section.

Sign Standards (SI)

5.63 SI-10: Industrial Sign Standards

This Sign Standards (SI) section applies to the following zoning districts:



The following standards apply:

A. Cross Reference:

1. *Measurement*: See *Section 5.58(M): Measurement of Signs* for directions on how to calculate size and height of signs.
2. *Landscaping*: See *Section 5.58(N): Landscape Standards* for landscape requirements of signs.
3. *Illumination*: See *Section 5.58(O): Illumination Standards* for illumination requirements of signs.

Wall Sign

Sign Regulations	
Permit	Required
Type	Permanent, wall sign, on-premise, facade, Awning, and Projecting
Materials	See <i>Section 5.58(I): Sign Materials</i>
Maximum Quantity	Limited by percent of front and or side facade as shown in Maximum Sign Area below
Maximum Sign Area	• Front Facade: 15% percent of the front facade occupied by tenant. At least 12 square feet should be granted to each tenant space. • Side Facade: 10% percent of the side facade occupied by the tenant. Tenants that do not have an outside side facade shall not be granted side facade signs. • Rear Facade: 10% percent of the rear facade occupied by tenant. • Any combination wall signs may be utilized, so long as the total surface area of the signs on the facade does not exceed the percentage noted above. This means there is no limit on number of wall signs. • Tenants with no road frontage are allowed signs on the front facade of the building as long as the signs does not exceed size allotment noted above.
Location	Signs shall be placed so that it does not cover any significant feature
Illumination	Non-illuminated, externally illuminated, internally illuminated, or limited internally illuminated
Additional Standards for Projection Sign	
Materials	See <i>Section 5.58(I): Sign Materials</i>
Maximum Quantity	1 per street frontage
Maximum Sign Area	Included in overall allotment of size as stated in Maximum Sign Area above
Minimum Clearance	8 feet minimum from the ground to the bottom of the sign
Maximum Projection	6 feet from the building facade
Additional Standards for Awning Sign	
Maximum Sign Area	Included in overall allotment of size as stated in Maximum Sign Area above
Minimum Clearance	8 feet minimum from the ground to the bottom of the sign
Maximum Projection	6 feet from the building facade

Window Sign

Sign Regulation	
Permit	Not required
Materials	See <i>Section 5.58(I): Sign Materials</i>
Maximum Sign Area	20% of the window area
Location	Shall be applied directly to the window
Illumination	Non-illuminated, externally illuminated, internally illuminated, or limited internally illuminated

Under Canopy Sign

Sign Regulation

Permit	Not required
Maximum Height	8 feet minimum from the ground to the bottom of the sign
Location	Under canopy, it cannot be projected past canopies ledge. Only allowed on a ground floor canopy
Illumination	Non-illuminated, externally illuminated, or internally illuminated

Monument Sign

Sign Regulations

Single Tenant Building

Permit	Required
Type	Permanent, Monument, on-premise
Materials	- Sign Base: The same materials as the primary structure to which the sign is associated. - See Section 5.58(l): Sign Materials.
Maximum Quantity	- Lots with 1 road frontage: 1 ground sign - Lots with more than 1 road frontage: 2 ground signs (1 per street frontage with a minimum of 150 feet between each ground sign).
Maximum Sign Area	64 square feet
Maximum Height	8 feet
Location	10 feet from existing or proposed right-of-way and property lines
Landscaping	Required
Illumination	Non-illuminated, externally illuminated, internally illuminated, or limited internally illuminated

Integrated Center

Permit	Required
Type	Permanent, Monument, on-premise
Materials	Sign Base: The same materials as the primary structure to which the sign is associated.
Maximum Quantity	- Lots with 1 road frontage: 1 ground sign - Lots with more than 1 road frontage: 2 ground signs (1 per street frontage with a minimum of 150 feet between each ground sign).
Maximum Sign Area	125 square feet
Maximum Height	10 feet
Location	10 feet from existing or proposed right-of-way and property lines
Landscaping	Required
Illumination	Non-illuminated, externally illuminated, internally illuminated, or limited internally illuminated

Incidental Freestanding Signs

Sign Regulations

NOTE: For illustrative purposes only, examples may include a sign identifying menu items, direction, or a list of tenants.

Permit	Not required
Type	Permanent, free standing, on-premise
Materials	See Section 5.58(l): Sign Materials
Maximum Quantity	One (1) per acre of subject lot size (Any non-whole number, shall be rounded to the next highest whole number.)
Maximum Sign Area	20 square feet
Maximum Height	10 feet
Location	Shall be located on or within five (5) feet of specific areas of the site including pedestrian entrances and exits, parking areas, loading areas, service areas, drive-through service areas, natural landscaping areas, rain gardens, bioswales and storm water management features, hazardous materials areas, and other similar areas as determined by the Zoning Administrator
Illumination	Non-illuminated, externally illuminated, or internally illuminated

Incidental Wall Sign

Sign Regulation

Permit	Not required
Type	Permanent, Wall Sign, On-Premise
Materials	See <i>Section 5.58(l): Sign Materials</i>
Maximum Sign Area	12 square feet
Location	Shall be located on or within five (5) feet of specific areas of the site including pedestrian entrances and exits, parking areas, loading areas, service areas, drive-through service areas, natural landscaping areas, rain gardens, bioswales and storm water management features, hazardous materials areas, and other similar areas as determined by the Zoning Administrator
Illumination	Non-illuminated, externally illuminated, internally illuminated, or limited internally illuminated

Small Temporary Sign

Sign Regulations

Permit	Not required
Type	Temporary, Sandwich boards (A frame signs), on-premise
Materials	See <i>Section 5.58(l): Sign Materials</i>
Maximum Quantity	1 per property
Maximum Sign Area	12 square feet
Maximum Height	4 feet
Location	On property and adjacent to tenant space.
Illumination	Shall not be illuminated
Time Limit	14 days with 1 week between placement; maximum of 12 times a year

Large Temporary Sign

Sign Regulations

Permit	Required
Type	Temporary, Banner, free standing or on facade, on-premise
Materials	See <i>Section 5.58(l): Sign Materials</i>
Maximum Quantity	• One (1) per property; and, • One (1) additional large temporary sign will be permitted during the sale or letting of a non-residential property, and shall be removed within ten (10) days after the completion of the sale or letting.
Maximum Sign Area	32 square feet
Maximum Height	8 feet
Location	On property.
Illumination	Shall not be illuminated
Time Limit	14 days with 1 week between placement; maximum of 12 times a year

Sign Standards (SI)

5.64 SI-11: Off-premise Advertising Billboards

This Sign Standards (SI) section applies to the following zoning districts:



The following standards apply:

- A. Approval Requirements: All Off-premise Advertising Billboards must receive Special Exception approval from the Board of Zoning Appeals.
- B. Location: Off-premise signs shall be allowed in the Interstate Corridor areas with zoning classifications of BH, IL, and IG.
- C. Maximum Area: The maximum size per face of an off-premise sign shall be 500 square feet, excluding structural supports and trim.
- D. Shape: The faces of the sign constructed in the form of a “V” shall not exceed forty-five degrees (45°).
- E. Maximum Height: The maximum height of an off-site sign shall be limited to the allowable maximum height of the principle structure for the zoning district in which the sign is located.
- F. Clear Space: The sign shall have a minimum clear space of ten (10) feet.
- G. Separation Requirement: Off-premise advertising billboards shall be separated by a distance of 5,280 feet (1 mile) on the same side of the road/street and shall have a 2,640 feet (1/2 mile) radius from any other off-premise sign on the opposite side of the street.
- H. Setback:
 1. *Street*: The setback from the street right-of-way shall be equal to the height of the off-premise sign.
 2. *Property Lines*: The setback from all other property lines shall be a minimum of ten (10) feet.
 3. *Residential Areas*: When a sign is adjacent to a residential area, the sign shall be set back equal to the height of the sign.
- I. Illumination: Billboards can be either non illuminate or externally illuminated.
 1. Signs which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of a street or roadway and which are of such intensity or brilliance as to cause glare and to impair the vision of the driver of any motor vehicle are prohibited.
 2. No sign shall be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device or signal.
- J. Materials: The structural support of the off-premise sign shall be constructed on a steel pole(s).
- K. Maintenance: All off-premise signs shall be maintained in a state of good repair.
- L. Permit: Before erecting any off-premise sign, a sign permit, location improvement permit, and a building permit shall be obtained through the proper offices.
- M. Violation: Whenever it shall appear that any sign has been constructed or is being maintained in violation of this section, such display shall be made to conform with all regulations herein or shall be removed at the expense of the owner within 30 days after written notification by the Zoning Administrator or Building Inspector.

5.65 SL-01: General Solar Energy System Standards

This Solar Energy Standards (SL) section applies to the following zoning districts:



- A. Project Applicability: Installation of any solar energy system shall meet the following standards:
- B. Cross Reference:
 - 1. *Accessory Use and Structure Standards(AS) (5.02)*
 - 2. *Architectural Standards(AR) (5.07)*
 - 3. *Density and Intensity Standards (DI) (5.11)*
 - 4. *Height Standards (HT) (5.23)*
 - 5. *Setback Standards (SB) (5.55)*
- C. Definitions:
 - 1. *Ground Installation*: shall include any solar energy systems that is attached directly to the ground, including all systems that are not attached or mounted on a primary or accessory structure.
 - 2. *Building Installation*: shall include any solar energy system that is attached to a primary or accessory structure, which can include systems that are not mounted directly to the roof of a structure.
- D. Accessory Structures: Any ground installation shall be considered an accessory structure as defined by this ordinance, and shall meet the applicable standards established for each zoning district, unless otherwise stated in this section.
- E. Measurement of Solar Devices:
 - 1. *Ground Installation*: The height of a solar installation shall be measured as a vertical distance from the highest natural grade below each solar panel to the uppermost point on the device.
 - 2. *Building Installation*: The height of a solar installation shall be measured as the vertical distance from the lowest horizontal plane of the system to the uppermost point of the device. Installations on roofs exceeding a 1:3 slope shall be measured as a distance from the plane of the roof, at an angle perpendicular to the roof plane.
- F. Height:
 - 1. *Ground Installation*: Any ground mounted solar installation shall not exceed twenty (20) feet in height, or the maximum accessory structure height established for that district, whichever is greater.
 - 2. *Building Installation*: Any rooftop solar installation on a flat roof or roof with a slope less than 1:3 shall not exceed ten (10) feet above the existing height of the structure, but solar installations themselves may exceed the maximum height of the structure as prescribed earlier in this ordinance. Any installation exceeding a 1:3 slope shall be installed parallel to the roof with the height not exceeding eighteen (18) inches of the existing roof height.
- G. Prohibited: Installation of solar energy systems shall not be permitted in the MP District.
- H. Permits: All solar installation types shall be required to obtain an electrical permit in accordance with procedures and requirements established by the Office of the Shelbyville Building Commissioner, and:
 - 1. *Ground Installation*: An Improvement Location Permit shall be required for any new solar energy system installation.
 - 2. *Rooftop Installation*: An Improvement Location Permit shall be required for any new solar energy system installation except for the R1, R2, AG, and AR districts which do not require an Improvement Location Permit.
- I. Abandoned Systems: A solar energy system shall be considered abandoned if its inoperable and/or not producing energy for more than six (6) months. The solar energy system shall be removed within six (6) months after being deemed abandoned by the Zoning Administrator. The Plan Commission and their staff shall utilize the “General Violations” enforcement procedures established in Article 10 of this Ordinance to address “Abandoned Systems.”
- J. Floodplain: Any solar installations located within the floodplain shall be exempt from floodplain setback standards established in *Section 5.55* of this Ordinance. Solar energy systems within a floodplain must meet all standards set by the Federal Emergency Management Agency, Indiana Department of Natural Resources, and any other applicable governmental agencies.

5.66 SL-02: Agricultural Solar Energy System Standards

This Solar Energy Standards (SL) section applies to the following zoning districts:



A. Scale:

1. *Ground Installation:* Shall be limited in scale by the Density and Intensity Standards established under Section 5.11 of this Ordinance.
2. *Building Installation:* May utilize the entire area of the structure's roof on the subject property.

B. Location:

1. *Ground Installation:* Shall meet all setback requirements set forth in Section 5.55 of this Ordinance.
2. *Building Installation:* Solar energy systems may be located on the roof, of a primary or accessory structure, but shall meet all requirements set forth in this document. Roof trusses shall have sufficient strength to accommodate the weight of solar energy systems.

Solar Energy Standards (SL)

5.67 SL-03: Residential and Park Solar Energy System Standards

This Solar Energy Standards (SL) section applies to the following zoning districts:

PK R1 R2 RM

A. Scale:

1. *Ground Installation:* Shall be limited in scale by the Density and Intensity Standards established under Section 5.11 of this Ordinance.
2. *Building Installation:* May utilize the entire area of the structure's roof on the subject property.

B. Location:

1. *Ground Installation:* Shall meet all setback requirements set forth in Section 5.55 of this Ordinance.
2. *Building Installation:* Solar energy systems may be located on the roof, of a primary or accessory structure, but shall meet all requirements set forth in this document. Roof trusses shall have sufficient strength to accommodate the weight of solar energy systems.

- C. Setback: Solar energy systems residing in the PK Zoning District shall be exempt from setback standards established in Section 5.55 of this Ordinance, and shall be permitted within any front yard or side yard.

5.68 SL-04: Commercial Solar Energy System Standards

This Solar Energy Standards (SL) section applies to the following zoning districts:



A. Scale:

1. *Ground Installation:* Shall be limited in scale by the Density and Intensity Standards established under Section 5.11 of this Ordinance.
2. *Building Installation:* May utilize the entire area of the structure’s roof on the subject property.

B. Location:

1. *Ground Installation:* Solar energy systems may be located on the ground, but shall meet all setback requirements set forth by this Ordinance.
2. *Building Installation:* Solar energy systems may be located on the roof, but shall meet all requirements set forth in this Ordinance. Roof trusses shall have sufficient strength to accommodate the weight of solar energy systems and when installed on flat-roofs or roofs with slopes of 1:1 or less, shall be considered, “mechanical equipment” and screened accordingly. A report shall be prepared by a Professional Engineer that determines that the roof truss system of the structure will safely support the proposed solar energy installation.

5.69 SL-05: Industrial Solar Energy System Standards

This Solar Energy Standards (SL) section applies to the following zoning districts:



A. Scale:

1. *Ground Installation*: Shall be limited in scale by the Density and Intensity Standards established under Section 5.11 of this Ordinance.
2. *Building Installation*: May utilize the entire area of the structure's roof on the subject property.

B. Location:

1. *Ground Installation*: Solar energy systems may be located on the ground, but shall meet all setback requirements set forth by this Ordinance.
2. *Building Installation*: Solar energy systems may be located on the roof, but shall meet all requirements set forth in this Ordinance. Roof trusses shall have sufficient strength to accommodate the weight of solar energy systems and when installed on flat-roofs or roofs with slopes of 1:1 or less, shall be considered, "mechanical equipment" and screened accordingly. A report shall be prepared by a Professional Engineer that determines that the roof truss system of the structure will safely support the proposed solar energy installation.

5.70 SL-06: Solar Farm Energy System Standards

This Solar Energy Standards (SL) section applies to the following zoning districts:



A. Scale:

1. *Ground Installation:* Shall be limited in scale by the Density and Intensity Standards established under Section 5.11 of this Ordinance.
2. *Building Installation:* May utilize the entire area of the structure's roof on the subject property.

B. Uses: A solar energy system as an accessory structure shall be permitted by-right, but a solar energy system as a primary use shall be treated as a special exception and shall only be permitted after receiving approval in accordance with *Section 9.07* of this Ordinance.

C. Location:

1. *Ground Installation:* Solar energy systems located on the ground shall only be permitted via special exception by the Shelbyville Board of Zoning Appeals.
2. *Building Installation:* Solar energy systems may be located on the roof, but shall meet all requirements set forth in this Ordinance. Roof trusses shall have sufficient strength to accommodate the weight of solar energy systems and when installed on flat-roofs or roofs with slopes of 1:1 or less, shall be considered, "mechanical equipment" and screened accordingly. A report shall be prepared by a Professional Engineer that determines that the roof truss system of the structure will safely support the proposed solar energy installation.

Special Exception Standards (SE)

5.71 SE-01: Special Exception Standards

This Special Exception Standards (SE) section applies to the following zoning districts:



The intent of the Special Exception Standards is to protect the health, safety, and welfare of the residents of the zoning jurisdiction of the City by ensuring the most appropriate development standards are applied to special exception requests. The following standards apply:

- A. Cross Reference: The approval process and criteria for Special Exceptions is in *Article 9: Processes*.
- B. Applicable Development Standards: The development standards assigned to each zoning district are considered appropriate for the permitted uses within that zoning district. However, the development standards may not be appropriate for all Special Exception uses within a zoning district. For instance, some institutional uses are allowed in residential zoning districts as Special Exceptions. In this case, residential development standards would not necessarily be applicable.
 1. *Determining Appropriate Development Standards*:
 - a. The Zoning Administrator shall determine which development standards sections within *Article 5: Development Standards* shall apply to each Special Exception application. The development standards determined to apply shall be documented in the application and approval.
 - b. If the Special Exception use is a permitted use within another zoning district, the development standards for that zoning district shall be used as a guideline. In situations where the Special Exception use is not a permitted use in any zoning district, the most stringent development standards may be assigned by the Zoning Administrator as appropriate.

Structure Standards (SR)

5.72 SR-01: Structure Standards

This Structure Standards (SR) section applies to the following zoning districts:



The following standards apply:

- A. Applicability: If a structure standard does not appear on the two-page layout for a zoning district, then the standard does not apply to that particular zoning district.
1. *Maximum Primary Structure*: The maximum number of primary structures shall be per each two-page layout in *Article 2: Zoning Districts*.

Telecommunication Facility Standards (TC)

5.73 TC-01: Telecommunication Facility Standards

These Telecommunication Facility Standards (TC) apply to the following zoning districts:



A. Purpose:

1. *Purpose:* The purpose of this section is to establish general guidelines for the siting of towers and antennas. The goals of these standards are to:
 - a. Encourage the location of towers in non-residential/non-historical areas to minimize the total number of towers throughout the communities.
 - b. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently.
 - c. Encourage strongly the joint use of new and existing tower sites.
 - d. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal.
 - e. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of towers and antennas.
2. *Antennas and Towers:* Antennas and towers may be considered either a principal or accessory uses on an industrial or commercially zoned lot. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to, setback requirements, lot size and coverage requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this section shall not be deemed to constitute the expansion of a nonconforming use or structure.
3. *Application:* Each applicant for approval of an antenna and or tower shall provide to the Zoning Administrator an inventory of its existing antennas and towers that are either within the city jurisdictional area, or within a half mile of the border thereof, including specific information about the location, height and design of each tower or antenna. Applicants are encouraged to submit an inventory of potential or future tower sites within the jurisdictional area of the city. The Zoning Administrator may share such information with other applicants applying for administrative approvals or special exceptions/variances under this section or other organizations seeking to locate towers or antennas within the jurisdiction of the governing authority; provided, however, that the Zoning Administrator is not, by sharing such information, in any way representing or warranting such sites are available or suitable.

B. Administrative Approvals: The Zoning Administrator may approve the following uses after conducting an administrative review:

1. *Existing Structure:* Installing an antenna on an existing structure other than a tower (such as a building, sign, light pole, water tower, or other free standing, non- residential structure) that is more than fifty (50) feet in height, so long as such addition does not add more than twenty (20) feet to the height of the existing structure;
2. *Non-residential Structures:* Installing an antenna on an existing non- residential structure other than a tower (such as a building, sign, light pole, water tower, utility pole or other free standing, non-residential structure) in any commercial or industrial district that is less than fifty (50) feet in height so long as such addition does not add more than twenty (20) feet to the height of the existing structure;
3. *Existing Tower:* Installing an antenna on an existing tower of any height, including a preexisting tower and further including the placement of additional buildings or other supporting equipment used in connection with the antenna, so long as the addition of the antenna adds no more than twenty (20) feet to the height of the existing tower;
 - a. *Alternative Tower Structure:* Locating any alternative tower structure in a zoning district other than industrial or commercial, that, in the judgment of the Zoning Administrator, is in conformity with the goals set forth by the *City of Shelbyville Comprehensive Plan*;

4. *Industrial or Commercial Zoning District*: Locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with the tower or antenna, in any industrial or commercial zoning district; provided, however, that such tower shall be set back from any existing off-site residence or previously platted residential lot lines a distance equal to the height of the tower. Engineering certification shall be submitted that states the structure's construction will cause the tower to crumble inward so that in the event of collapse no damage to structures on adjoining zoning lots will result. *Section 5.71(C)(1-5, 7, 9-11, and 13): Telecommunications Towers Special Use Criteria* shall be used in deciding applications for approval of new towers in commercial and industrial districts: divisions.
 5. *Replacing Tower*: Replacing an existing tower which adds no more than twenty (20) feet to the overall existing height of the existing structure.
- C. *Telecommunications Towers Special Use Criteria*: Telecommunication companies are encouraged to locate telecommunications antennae on or in structures other than a tower. Such structures may include church steeples, transmission line towers, utility/light poles, water towers, and the like. Where such facilities are not available, co-location of facilities is encouraged. When a new tower is proposed to be sited, a determination of whether the location will provide minimal level of coverage versus optimal coverage shall be taken into consideration. The following standards shall be used in the approval of the siting of new towers:
1. *Co-location*: Evidence that the applicant has investigated the possibilities for locating the proposed facilities on an existing tower, the use of stealth technology or location in another district where the tower would be permitted as an administratively approved use where a minimal level of coverage can be provided. Such evidence shall consist of:
 - a. *Notification*: Copies of letter sent to owners of all existing towers within a one (1) mile radius of the proposed site requesting the following information:
 - i. Tower height;
 - ii. Existing and planned tower uses;
 - iii. Whether the existing tower could accommodate the proposed antenna without instability or radio frequency interference; and
 - iv. If the proposed antenna cannot be accommodated on the existing tower, an assessment of whether the existing tower could be structurally strengthened or whether the antenna's transmitters and related equipment could be protected from electromagnetic interference, and a general description of the means and projected cost of shared use of the existing tower.
 - b. A copy of all responses within thirty (30) days of the mailing date of the letter required in *Section 5.71(C)(1)(a): Notification*; and
 - c. A summary explanation of why the applicant believes the proposed facility cannot be located on an existing tower.
 - d. A summary explanation of why the applicant believes that the use of an alternative tower structure is not possible.
 - e. Provision of sound engineering evidence demonstrating that location in the proposed district is necessary in the interest of the public safety or is a practical necessity.
 2. *Provisions for Co-location*: Evidence that the communications tower is structurally designed to support at least one (1) additional user, and the special use application includes a statement that the owner of the tower is willing to permit other user(s) to attach communication facilities, on a commercially reasonable basis, which do not interfere with the primary purpose of the tower. The tower owner may require that such other users agree to negotiate regarding reasonable compensation to the owner from any liability which may result from such attachment. The site plan shall indicate a location for at least one (1) equipment building in addition to that proposed for use by the applicant. Priority for co-location on the proposed tower shall be given to antennas that will serve a public safety need for the community.

3. *Buffering*: In order to provide spatial separation and create visual block from adjacent properties and streets, a buffer shall be installed around the outside of all improvements on the site, including the tower and guy anchors, any ground buildings or equipment, and security fencing. Ground buildings located in a residential district may be located outside the buffered area if they are constructed so the exterior appearance of the building has the appearance of a residential dwelling, including pitched roof and frame or brick veneer construction. The tower's guy anchors may be screened or fenced separately in order to comply with the requirements of this division.
4. *Fencing and Walls*: The base of the tower and each guy anchor shall be surrounded by a security fence or wall at least eight (8) feet in height unless the tower and all guy anchors are mounted entirely on a building over eight (8) feet in height. The tower's guy anchors may be screened separately in order to comply with the requirements of this division.
5. *Outside Storage*: No outside storage shall be allowed on any telecommunications facility site.
6. *Associated Buildings*: Associated buildings located in any residential district shall not be used as an employment center for any worker. This provision does not prohibit the periodic monitoring of equipment and instruments.
7. *FAA Standards*: The telecommunications tower shall meet all applicable Federal Aviation Administration (FAA) standards and shall not interfere with air traffic or air travel from or to any existing or proposed airport. Any lighting shall not project onto surrounding residential property.
8. *Lot Size*: The minimum lot size requirements shall be in accordance with the zoning district where the tower is proposed to be located or the setback requirements of *Section 5.71(C)(12): Setbacks*, whichever is greater.
9. *Color*: The color of the tower shall be neutral, except to the extent required by federal law, so as to minimize its visual impact.
10. *Power Levels*: In order to protect the public from unnecessary exposure to electromagnetic radiation, the tower owner shall provide documentation, such as a signed affidavit, indicating that the power density levels do not exceed levels permitted by the FCC.
11. *Commercial Advertising*: No commercial advertising shall be allowed on the tower or its related facilities.
12. *Setbacks*: Setback of the base tower from all adjacent property lines shall be one (1) foot for each foot in height. To encourage the shared use of facilities, applications for towers which will operate with more than one (1) user immediately upon completion may have a ten percent (10%) reduction in the required setbacks, but in no case shall the setback be less than those required for the underlying zoning district. Also, to encourage the construction of monopole structures, monopole towers may have a twenty percent (20%) reduction in the required setbacks. To encourage location of towers in forested areas with a minimum depth of sixty-five (65) feet, the tower may have a twenty percent (20%) reduction in the required setbacks. In no case shall the setback be less than those required for the underlying zoning district. The setback reductions shall only be allowed upon a professional engineering certification which states that the structure's construction will cause the tower to crumble inward so that in the event of a collapse no damage to structures on adjacent zoning lots will result.
13. *Out of Service Notice*: Notice shall be provided to the Zoning Administrator when the tower is placed out of service. Towers which are not used for a period of six (6) months or more shall be removed by the owner within 120 days of the receipt of notification to that effect. Should the aforementioned tower not be removed as required, the city may remove the tower and assess all reasonable costs of the removal to the owner of the property where the tower is located.
14. *Prohibited Districts*: Telecommunications towers and associated equipment and buildings shall not be allowed in any residential district or business district with the zoning of B1 or B3 as defined in this Article, without fulfilling one (1) of the following requirements:
 - a. That the proposed location is in accordance with *Section 5.71(B): Administrative Approvals*; or
 - b. A special exception is granted in accordance with *Section 9.07: Special Exception Use*.

Temporary Use and Structure Standards (TU)

5.74 TU-01: General Temporary Use and Structure Standards

This Temporary Use and Structure Standards (TU) section applies to the following zoning districts:



The following specific temporary uses and structures are permitted as described below.

A. Cross Reference:

1. *Peddlers, Solicitors, and Itinerant Merchants:* See Chapter 115: *Peddlers, Solicitors, and Itinerant Merchants* in the *Shelbyville City Code* for additional standards and permitting requirements.

B. Temporary Structure Standards: All temporary structures, such as tents, trailers, and sales stands shall conform to the following requirements.

1. *Applicable Development Standards:* Temporary structures shall meet the setback standards for primary structures and height standards for accessory structures in the applicable zoning district.
2. *Trailers as Temporary Structures:* Any trailer used as a temporary structure shall be equipped with skirting on all four (4) sides that matches the color and material of the exterior of the trailer.

C. Exemption:

1. *Local Farmers:* Temporary structures used by local farmers selling their produce shall be exempt from this section.
2. *Fairs and Festivals:* Temporary trailers and other structures associated with fairs, festivals, and other similar events are exempt from this section.

D. Temporary Use and Structure Standards: Temporary uses and structures are permitted in any zoning district provided that the use is a permitted use in that zoning district. All temporary uses and structures shall conform to the following requirements:

1. *Permit Requirements:* All temporary structures and/or uses shall obtain a temporary improvement location permit unless otherwise specified in this section. No temporary use or structure, or the signs, lighting, landscaping, or parking areas for such facilities shall be constructed, placed upon a site, or altered prior to all necessary permits being obtained.
2. *Time Limits:* No temporary use or structure may occupy a lot for more than two (2) years unless otherwise specified. Temporary uses and/or structures that seek extensions of the initial time limits established for that use or structure shall be subject to the approval of the Board of Zoning Appeals through a variance of development standards.
 - a. The Board of Zoning Appeals may impose reasonable conditions as part of its approval.
 - b. No extensions of the time limits described shall be considered for any temporary use and/or structure that is in violation of any provision in this Ordinance.
3. *Removal Conditions:* All temporary uses or structures shall be removed and the site reverted to its original condition within the duration of the permit.

Temporary Use and Structure Standards (TU)

5.75 TU-02: Residential Temporary Use and Structure Standards

This Temporary Use and Structure Standards (TU) section applies to the following zoning districts:



The following specific temporary uses and structures are permitted as described below.

- A. Permits: No permit shall be required for the below listed temporary uses and structures.
- B. Garage/Yard Sales: Garage/yard sales are permitted for a total of seven (7) days per calendar year, per lot. Garage/yard sales shall be distinguished from flea markets in that garage/yards sales are clearly accessory to residential uses, while flea markets are commercial businesses and primary uses. In no instance shall this provision be interpreted as permitting the operation of a flea market.
- C. Event Tents: One (1) or more tents used for a private party or event that are cumulatively 400 square feet or greater in covered area, are permitted on any lot for a total of seven (7) days per calendar year. (Note: Event tents may also be subject to the review of the Shelbyville Fire Department.) There is no regulation for one (1) or more tents used throughout the year that are cumulatively less than 400 square feet in covered area.
- D. Construction Trailers: A construction trailer is permitted on any lot as a temporary structure for up to twelve (12) months. A construction trailer shall not be located in a right-of-way, required setback, easement, or required buffer yard. The construction trailer shall be removed within thirty (30) days after the project receives a final inspection or within thirty (30) days after operations cease. Weather related delays shall not constitute ceasing.
- E. Dumpsters:
 - 1. *Duration*: Dumpsters in continued use for construction-related debris shall be permitted as temporary structures on any lot for up to twelve (12) months.
 - 2. *Location*: Dumpsters shall not be located in any right-of-way, required setback, easement, or buffer yard.
 - 3. *Removal*: Dumpsters shall be removed within thirty (30) days after the project receives a final inspection.
 - 4. *Restrictions*: The storage of unused dumpsters is not permitted.

Temporary Use and Structure Standards (TU)

5.76 TU-03: Home Sales Temporary Use and Structure Standards

This Temporary Use and Structure Standards (TU) section applies to the following zoning districts:



- A. Permits: A permit shall be required for temporary home sales models and trailers. A temporary home sales trailer shall be permitted in each development until a model home is built, but for a maximum of six (6) months.
- B. Temporary Home Sales Model and Trailer Time Limits: Temporary model homes shall be permitted in each development until either:
 1. *Buildout Threshold*: The building permits have been obtained for greater than ninety percent (90%) of the lots included in the preliminary plat for the development, or
 2. *Time Threshold*: Five (5) years from the date of approval of the final plat for the most recent section of the development, whichever is greater.
- C. Temporary Home Sales Model and Trailer Location: Model homes and temporary home sales trailers shall be located on a lot in the development in which the homes are for sale.
- D. Temporary Home Sales Model and Trailer Requirements: The placement of temporary model homes and sales trailers shall be consistent with the following requirements.
 1. *Location*: The facility shall be located on a lot near to the entrance of the development that is not occupied by any other structure.
 2. *Lighting*: The use of flashing lights, or other lights that would adversely affect neighboring properties and/or traffic shall be prohibited.
 3. *Parking*: Each facility shall conform with the following parking requirements:
 - a. Model homes shall provide a minimum of two (2) off-street parking spaces.
 - i. Such parking spaces shall conform to the size requirements specified in the Parking regulations.
 - ii. Off-street parking for the facility shall be located in, and not extend beyond, the driveway. The parking spaces shall not obstruct sidewalks or project into the right-of-way. Such driveway area shall be consistent in size and paving with those of the homes to be constructed in the development.
 - b. Temporary sales trailers shall provide a minimum of two (2) off-street parking spaces. These parking spaces shall be surfaced with crushed stone and shall meet the size requirements specified in the Parking regulations.
 4. *Landscaping*: Model homes shall provide landscaping consistent with that which will be provided for homes to be constructed in the development.
- E. Temporary Home Sales Model Conversion:
 1. *Certificate of Occupancy*: Temporary home sales models are issued a temporary certificate of occupancy. A final certificate of occupancy shall be obtained before the sales model is to be used as a residence.
 2. *Removal of Sales Facility Elements*: Prior to the conversion of a model home for use as a residence, all signs and sales facility lighting shall be removed and the garage area shall be returned to use for vehicle storage.
- F. Temporary Home Sales Trailer Site Conversion: Any builder using a temporary home sales trailer shall restore the temporary home sales trailer site to match neighboring lot conditions by removing the trailer and any associated signs and lighting. If the trailer is to be replaced by a model home, the trailer and all associated site features shall be removed within ten (10) days of the issuance of any certificate of occupancy for the model home.

Temporary Use and Structure Standards (TU)

5.77 TU-04: Business Temporary Use and Structure Standards

This Temporary Use and Structure Standards (TU) section applies to the following zoning districts:



The following specific temporary uses and structures are permitted.

- A. Exemption: Any outdoor public festival held on public streets, public sidewalks, public parking lots, or public property shall be exempt from the temporary use and structure standards, but shall be subject to Shelbyville Board of Public Works and Safety approval.
- B. Seasonal Sales: Outdoor sales events, sidewalk sales, or tent sales are permitted as follows.
 1. *Duration and Frequency*: Short-term seasonal sales shall be for a period of up to thirty (30) days, for up to five (5) times per calendar year, for each business on a lot. An event tent or corral may be used in a parking area. No permit shall be required for short-term seasonal sales, corrals, or event tents associated with such a use.
 2. *Location*: Seasonal sales shall be within the building envelope applicable to a primary structure, except in the BC District, where seasonal sales may be permitted on the public sidewalk after first getting permission from the Board of Public Works and Safety.
 3. *Limitations*: Under no circumstance shall seasonal sales block necessary parking, necessary driving aisles, access roads, driveways, or entrances. Nor shall seasonal sales restrict sidewalks to less than four (4) feet of clear way.
- C. Construction Trailers: Construction trailers are permitted subject to the following conditions.
 1. *Association*: The construction trailer shall be used only in conjunction with an approved construction project during actual construction work.
 2. *Duration*: The construction trailer shall be removed from the construction site upon the completion of the actual construction work or when construction has been discontinued, in the opinion of the Zoning Administrator, for a period of thirty (30) days or more.

Utility Services Standards (US)

5.78 US-01: Utility Services Standards

These Utility Services Standards (US) apply to the following districts:



- A. Electrical Service: All electrical service shall be provided to the primary structure via underground lines.
- B. Telephone Service: All telephone service shall be provided to the primary structure via underground lines.
- C. Cable Television Service: All cable television service shall be provided to the primary structure via underground lines.
- D. Wired Data Service: All wired data service shall be provided to the primary structure via underground lines.

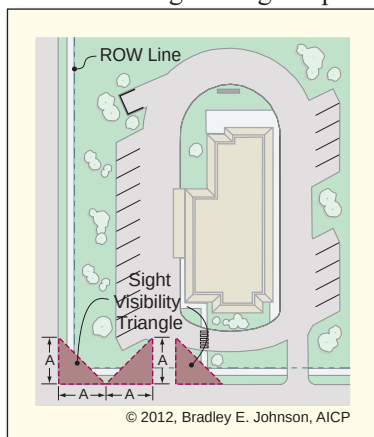
Vision Clearance Standards (VC)

5.79 VC-01: Vision Clearance Standards

These Vision Clearance Standards (VC) apply to the following districts:



- A. **Sight Visibility Requirements:** For sight visibility safety, a vision clearance triangle shall be maintained at every intersection of two (2) or more streets, intersection of a street and alley, and intersection of a street and driveway.
- B. **Horizontal Area:**
1. **Arterial Streets:** The vision clearance triangle leg lengths shall be forty (40) feet as measured along the edge of pavement (see "A" in the illustration below) when one (1) or more of the intersecting streets is an arterial street.
 2. **Collector Streets:** The vision clearance triangle leg lengths shall be thirty (30) feet as measured along the edge of pavement (see "A" in the illustration below) when one (1) or more of the intersecting streets is a collector street.
 3. **Local Streets:** The vision clearance triangle leg lengths shall be fifteen (15) feet as measured along the edge of pavement (see "A" in the illustration below) when both of the intersecting streets are local streets.
 4. **Private Entrance/Private Driveways:** The vision clearance triangle leg lengths shall be fifteen (15) feet as measured along the edge of pavement and driveway (see "A" in the illustration below).



- C. **Vertical Area:** No primary or accessory structures, landscaping, fences, walls, or signs shall be permitted to be placed or to project into the vision clearance triangle between the heights of two and one-half (2 ½) feet and nine (9) feet above the crown of the adjacent street.
- D. **Exemptions:** The following shall be exempt from the Vision Clearance Triangle Standards:
- Public street signs,
 - Utility poles,
 - Utility warning marker (e.g. buried gas line),
 - Any driveway intersections with an interior local street within a residential subdivision, and
 - A mailbox and post installed according to the postmaster's specifications; and providing the post does not exceed two (2) feet in circumference.

Wind Turbine System Standards (WT)

5.80 WT-01: Small Wind Turbine Systems

This Wind Turbine System Standards (WT) section applies to the following zoning districts:



The following standards apply to Small Wind Turbine Systems:

A. Permitted Systems:

1. *Horizontal Axis Wind Turbine:* A horizontal axis small wind turbine system shall be permitted as per the standards in this Section.
2. *Vertical Axis Wind Turbine:* A vertical axis small wind turbine system shall be permitted as per the standards in this Section.

B. Prerequisites:

1. *Energy Production Purpose:* Small wind turbine systems shall be primarily sized and installed for the purpose of generating energy for an on-site use (i.e. residence, small business, or farmstead). The small wind turbine system shall be sized to not produce more than 150% of the annual on-site electricity needs.
2. *Rated Power Limits:* A small wind turbine system shall have a maximum rated power level of twenty kilowatts (20kW).
3. *Lot Size:* A minimum one-half (½) acre lot shall be required for a small wind turbine system to be installed.
4. *Manufacturer Installation Specifications:* Any permitted small wind turbine system shall be installed according to the manufacturer's specifications unless in conflict with applicable standards in the Unified Development Ordinance. When conflicts exist, the following standards apply:
 - a. *Manufacturer Specifications are More Strict:* When the manufacturer's specifications are more strict than this ordinance, the manufacturer's specifications shall be followed.
 - b. *Zoning Standards are More Strict:* When this ordinance is more strict than the manufacturer's specifications, this ordinance shall prevail, and that particular small wind turbine system shall be considered not permitted.

C. Turbine System Limitations:

1. *Experimental Turbines:* Small wind turbine systems shall be commercially available and shall have been:
 - a. Certified by the Small Wind Certification Council (SWCC),
 - b. Certified by the American Wind Energy Association (AWEA),
 - c. Certified by an equivalent, reputable agency, or
 - d. Produced by a manufacturer that has produced and sold at least fifty (50) units of the model of interest.
 Small wind turbine systems that do not meet at least one (1) of these minimum standards shall be considered experimental and shall not be permitted.
2. *Connection to the Grid:* Any small wind turbine system that is intended to be connected to the power grid shall be IEEE 1547 compliant (Institute of Electrical and Electronics Engineers Standard for Interconnecting Distributed Resources with Electric Power Systems).

D. Supporting Structure:

1. *Tower Mounted:* A horizontal axis small wind turbine system designed by the manufacturer for tower mounting may be mounted on a monopole, pole with guy wires, lattice tower, or lattice tower with guy wires.
2. *Roof Mounted:* A horizontal or vertical axis small wind turbine system designed by the manufacturer for roof mounting may be mounted to the roof of a primary or accessory building.
3. *Ground Mounted:* A vertical axis small wind turbine system designed by the manufacturer for ground mounting shall be mounted on the ground.

E. Height Limitations:

1. *Horizontal Axis (Tower Mounted):* The maximum tower height for a horizontal axis small wind turbine system shall be eighty (80) feet for lots under five (5) acres, and 110 feet for lots five (5) acres or greater.
2. *Horizontal or Vertical Axis (Roof Mounted):* The maximum height of all components of a roof mounted small wind turbine system shall be six (6) feet above the highest point of the roof for residential buildings and ten (10) feet above the highest point on the roof for agricultural, commercial, institutional, and industrial uses.
3. *Vertical Axis (Ground Mounted):* The maximum height for all components of a vertical axis, ground mounted small wind turbine system shall be forty (40) feet.

F. Maximum Number of Turbine Systems:

1. *Small Lot:* A lot with two (2) acres or less shall be restricted to one (1) horizontal axis small wind turbine

- system and one (1) vertical axis roof mounted small wind turbine system.
2. *Large Lots:* A lot with more than two (2) acres may have:
 - a. Up to two (2) tower mounted horizontal axis or ground mounted vertical axis small wind turbine systems, and
 - b. Up to three (3) roof mounted vertical axis or horizontal axis small wind turbine systems.
- G. Wind Load: A small wind turbine system shall be engineered to survive a 100 mph wind load or greater.
- H. Rotor Diameter: The maximum rotor diameter shall be twenty (20) feet for a small wind turbine system.
- I. Location Restrictions:
1. *Setback from Property Line:* A small wind turbine system, not including guy wires, shall be a minimum of twenty-five (25) feet from the property line or 110% of the height of the tower, whichever is greater.
 2. *Setback from Buildings:* A small wind turbine system, not including guy wires, shall not be required to be setback from any on-site building.
 3. *Setback from Utilities:* A small wind turbine system, not including guy wires, shall be a minimum of fifty (50) feet from any above-ground utility line or 120% of the height of the tower, whichever is greater.
 4. *Setback for Guy Wires:* Guy wire anchors shall be at least fifteen (15) feet from all property lines.
- J. Safety:
1. *Roof Mounted Systems:* The rotors (blades) of a horizontal axis turbine mounted on a roof shall not extend horizontally beyond the roof line of the building to which it is attached.
 2. *Ground Clearance:* The rotors (blades) of a horizontal axis wind turbine mounted on a tower shall not extend vertically to within twenty (20) feet of the ground.
 3. *Overspeed Protection:* A small wind turbine system shall have a fail-safe breaking system, auto-furling system, or similar system to prevent structural failure due to excessive revolutions per minute (rpm). Overspeed protection shall be a proven industry standard.
- K. Nuisance Prevention:
1. *Noise:* A small wind turbine system shall not generate more than 45dBA L_{90} or ambient dBA $L_{90} + 5\text{dBA}$ whichever is greater when measured at the property line.
 2. *Illumination:* A small wind turbine system shall not be illuminated in any way unless required by FAA regulations.
 3. *Feeder Lines:* Feeder lines for wind turbines (i.e. electrical connection between the wind turbine and the on-site structure in which the power is utilized) shall be placed underground.
- L. Abandoned Systems: A small wind turbine system shall be considered abandoned if its use as a wind turbine system is discontinued for more than six (6) months. The small wind turbine system shall be removed within six (6) months after being abandoned.
- M. Appurtenances: A small wind turbine system shall not have any appurtenances (e.g. lighting, flags, signs, or decorations) attached to it except for meteorological measuring equipment.

Wind Turbine System Standards (WT)

5.81 WT-02: Large Wind Turbine Systems

This Wind Turbine System Standards (WT) section applies to the following zoning districts:



The following standards apply to Large Wind Turbine Systems:

A. Permitted Systems:

1. *Horizontal Axis Wind Turbine:* A horizontal axis large wind turbine system shall be permitted as per the standards in this Section.
2. *Vertical Axis Wind Turbine:* A vertical axis large wind turbine system shall be permitted as per the standards in this Section.

B. Prerequisites:

1. *Energy Production Purpose:* Large wind turbine systems shall be primarily sized and installed for the purpose of generating energy for an on-site use (e.g. a school, industry, office building). The large wind turbine system shall be sized to not produce more than 200% of the annual on-site electricity needs.
2. *Rated Power Limits:* A large wind turbine system shall have a minimum rated power of twenty-one kilowatts (21kW) and shall have a maximum rated power level of six hundred kilowatts (600kW).
3. *Lot Size:* A minimum two (2) acre lot shall be required for a large wind turbine system to be installed.
4. *Manufacturer Installation Specifications:* Any permitted large wind turbine system shall be installed according to the manufacturer's specifications unless in conflict with applicable standards in the Unified Development Ordinance. When conflicts exist, the following standards apply:
 - a. *Manufacturer Specifications are More Strict:* When the manufacturer's specifications are more strict than this ordinance, the manufacturer's specifications shall be followed.
 - b. *Zoning Standards are More Strict:* When this ordinance is more strict than the manufacturer's specifications, this ordinance shall prevail, and that particular large wind turbine system shall be considered not permitted.

C. Turbine System Limitations:

1. *Minimum Ratings:* A large wind turbine system shall be manufactured to meet all applicable industry standards for manufacturing practices and safety.
2. *Experimental Turbines:* A large wind turbine system that does not meet the applicable minimum ratings shall be considered experimental and shall not be permitted.
3. *Connection to the Grid:* A large wind turbine system that is intended to be connected to the power grid shall be IEEE 1547 compliant (Institute of Electrical and Electronics Engineers Standard for Interconnecting Distributed Resources with Electric Power Systems).

D. Supporting Structure:

1. *Tower Mounted Systems:* A horizontal axis large wind turbine system designed for tower mounting shall be mounted on a monopole. Lattice towers and towers with guy wires shall not be permitted.
2. *Roof Mounted:* A large wind turbine system shall not be permitted to be mounted on a roof.
3. *Ground Mounted Systems:* A vertical axis large wind turbine system designed for ground mounting shall be mounted on the ground.

E. Height Limitations:

1. *Horizontal Axis (Tower Mounted):* The maximum tower height for a horizontal axis large wind turbine system shall be 120 feet for lots under five (5) acres, and 150 feet for lots five (5) acres or greater.
2. *Roof Mounted:* Large wind turbine systems are not permitted to be mounted on a roof.
3. *Vertical Axis (Ground Mounted):* The maximum height of all components of a vertical axis, ground mounted large wind turbine system shall be sixty (60) feet.

F. Maximum Number of Turbine Systems:

1. *Small Lot:* A lot with fifteen (15) acres or less shall be restricted to one (1) horizontal axis or vertical axis large wind turbine system.
2. *Large Lots:* A lot with more than fifteen (15) acres may have up to two (2) horizontal axis or vertical axis large wind turbine systems.

G. Wind Load: A large wind turbine system shall be engineered to survive a 110 mph wind load or greater.

H. Rotor Diameter: The maximum rotor diameter shall be 200 feet for a large wind turbine system.

I. Location Restrictions:

1. *Setback from Property Line:* A large wind turbine system shall be a minimum of 100 feet or 200% of the hub height from the property line, whichever is greater.
2. *Setback from On-site Buildings:* A large wind turbine system shall be required to be setback 100 feet from any on-site primary building. There is no required setback from accessory structures.
3. *Setback from Off-site Land Uses:* A large wind turbine system shall be a minimum of 1,000 feet from a platted residential subdivision, multiple-family residential development, institutional use (e.g. school or church), land zoned single-family residential, land zoned multiple-residential, or land zoned institutional. These standards only apply to off-site properties and should not be construed as restricting any of the above listed types of development (e.g. school or multiple-family development) from choosing to have an on-site large wind turbine system.
4. *Setback from Airport or Heliport:* A large wind turbine system shall be a minimum of 2,500 feet from an airport or heliport.
5. *Setback from Utilities:* A large wind turbine system shall be a minimum of 200 feet or 200% of the hub height from above ground transmission lines, utility lines, or substations, whichever is greater.

J. Safety:

1. *Ground Clearance:* The rotors (i.e. blades) of a horizontal axis large wind turbine system mounted on a tower shall not extend vertically to within thirty (30) feet of the ground.
2. *Anti-icing Technology:* A large wind turbine system shall be equipped with technology able to detect icing on rotors that causes the system to shut down when experiencing a significant icing event; or shall utilize another industry accepted standard for protecting against shedding of significant pieces of ice capable of damaging nearby buildings and/or injuring persons or animals on the ground.
3. *Controls and Brakes:* A large wind turbine system shall be equipped with a redundant braking system that includes both aerodynamic overspeed controls (i.e. variable pitch, tip, and other similar systems) and mechanical brakes.

K. Nuisance Prevention:

1. *Noise:* A large wind turbine system shall not generate more than 45dBA L₉₀ or ambient dBA L₉₀ + 5dBA, whichever is greater when measured at the property line.
2. *Illumination:* A large wind turbine system shall not be illuminated in any way unless required by or Federal Aviation Administration (FAA) regulations. Federal Aviation Administration (FAA) regulations shall be demonstrated to the Zoning Administrator prior to installation. If signal lighting is required on the top of a large wind turbine system, then it shall be shielded to prevent light below the horizontal plain.
3. *Shadow Flicker:* The flickering effect caused by an Federal Aviation Administration (FAA) required signal light and the turning of the rotor shall be mitigated to the extent possible with the best known technology or practice.
4. *Color:* A large wind turbine system shall be a non-obtrusive color such as white, off-white, gray, earth tones, or similar non-reflective colors.
5. *Signs:* No large wind turbine system shall be used to display a commercial message.
6. *Signal Interference:* The owner shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television or similar signals, and shall mitigate any harm caused by the large wind turbine system.
7. *Feeder Lines:* Feeder lines for wind turbines (i.e. electrical connection between the wind turbine and the on-site structure in which the power is utilized) shall be placed underground.

L. Abandoned Systems: A large wind turbine system shall be considered abandoned if its use as a wind turbine system is discontinued for more than six (6) months. The large wind turbine system shall be removed within nine (9) months after being abandoned.

M. Appurtenances: A large wind turbine system shall not have any appurtenances (e.g. exterior lighting, wireless communication antennae, or ornamentation). Weather monitoring devices and safety equipment shall not be considered appurtenances.

Article

6

Design Standards

*City of Shelbyville
Unified Development
Ordinance*

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**Shelby
ville.**

Purpose and Use

6.01 Purpose and Use

- A. Design Standards: *Article 6: Design Standards* provides the standards for all subdivisions. Every subdivider shall be required to install these general and public improvements consistent with the requirements of this Ordinance and any other applicable regulations.
- B. Purpose: The purpose of these regulations is to:
 1. Promote the proper arrangement of streets and other infrastructure,
 2. Prevent congestion of streets and promote traffic safety,
 3. Secure adequate public spaces,
 4. Provide adequate public improvements,
 5. Insure the accurate survey and proper preparation of plats, and
 6. Protect the health, safety, and general welfare of the community.
- C. Standards: No Preliminary or Final plat of land will be approved unless it conforms with the Unified Development Ordinance.

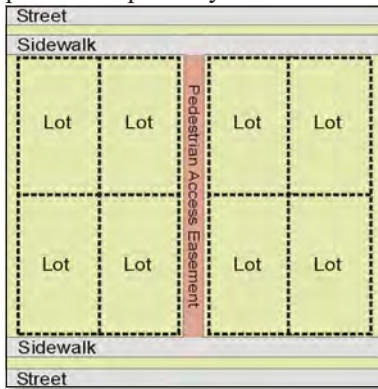
6.02 General Standards

- A. Land Suitability: No land shall be subdivided for any use if the land is considered by the Plan Commission to be unsuitable for such use by reason of flooding or improper drainage, objectionable earth or rock formations, incompatible topography, or other features harmful to the health, safety and welfare of future residents or visitors or to the community as a whole.
- B. General Welfare: The subdivision design and layout shall be such that it protects the health, safety, and general welfare of the residents of the City of Shelbyville as defined by the standards of this Ordinance.
- C. Applicable Regulations: In addition to the requirements established in the Unified Development Ordinance, all subdivision plats shall comply with the following guidelines, rules, laws, and regulations:
 1. The building code, and all other applicable laws of the City of Shelbyville and the statutory provisions of the State of Indiana.
 2. The current Comprehensive Plan, Parks and Recreation Master Plan, and any other applicable plans of the City of Shelbyville.
 3. The rules and regulations of the Indiana Department of Environmental Management, Department of Natural Resources, Board of Health, and other appropriate State agencies.
 4. The rules, regulations and standards of the Indiana Department of Transportation (if the subdivision abuts a state highway and/or affects an airport or railroad).
 5. All applicable planning and regulatory guidelines, including access control and driveway manuals, parking and traffic control ordinances, and other applicable guides published or adopted by the City of Shelbyville.
 6. The “Indiana Manual of Uniform Traffic Control Devices” and AASHTO Manual as specified by the City Engineer.
 7. The applicable specifications and requirements of the utility providers serving each subdivision.
- D. Design Requirements: All subdivisions should be designed on state plane coordinates. All Final Plats and “As-Built” drawings shall be made available to the City of Shelbyville in an electronic format as set forth in the Shelbyville Construction Standards.
- E. Historic Assets: All historically significant features (such as those listed on the National Register of Historic Places, and/or listed on the Indiana Register of Historic Sites and Structures) should be preserved through careful subdivision design.

Block Standards

6.03 Block Standards

- A. **Block Dimensions:** Block length, width, and acreage within bounding streets shall be appropriate to accommodate the size of lot required by the Unified Development Ordinance for the district in which the subdivision is to be located, and to provide convenient access, circulation control, and traffic safety.
1. **Block Width:** Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth. Exceptions to this prescribed block width shall be permitted where reverse or double frontage lots are used in blocks adjacent to Arterial or Collector streets, watercourses, or industrial or commercial areas.
 2. **Block Length:** Blocks shall not exceed 800 feet in length, nor be less than 200 feet in length. Block length shall be measured as the distance between the centerline of intersecting streets.
- B. **Pedestrian Access:** In blocks exceeding 600 feet in length, the Plan Commission may require that a common area or easement be provided through the block to accommodate utilities, drainage, or pedestrian pathways. These pedestrian pathways shall be a minimum of five (5) feet in width.



1. **Common Area/Easement Standards:** Any required common area or easement shall be a minimum of ten (10) feet in width and shall be provided near the center and entirely across the block.
2. **Construction Standards:** All required pedestrian walkways shall be constructed consistent with the sidewalk standards provided in *Section 6.14: Sidewalk and Pedestrian Path Standards*.
3. **Maintenance and Ownership:** An association of lot owners in the subdivision shall be responsible for the maintenance and upkeep of any common area and walkway.

Covenant Standards

6.04 Covenant Standards

- A. General Requirements: The Zoning Administrator and City Engineer may review any restrictive covenants to ensure that conflicts with the requirements of the Unified Development Ordinance are not created.
- B. Drainage Covenant: Each subdivision submitted for approval shall include on the Final Plat a covenant which states that: "This subdivision is subject to all drainage system design and construction standards within the Unified Development Ordinance, all other applicable adopted standards of the City of Shelbyville, and the requirements of the City Engineer that provide for the repair and maintenance of the system." All drainage easements shall run to the "City of Shelbyville."
- C. Administration: All covenants shall be administered by a lot owners association. All lots included in the Preliminary Plat of a subdivision shall be included in a single lot owner's association; in no instance shall a Preliminary Plat be divided into multiple lot owner's associations. The City of Shelbyville shall have no responsibility to enforce covenants.

Dedication of Public Improvement Standards

6.05 Dedication of Public Improvement Standards

A. Applicability:

1. **Right-of-way:** Any right-of-way shown on an approved final plat (subdivisions), approved final plan (planned developments), or on an approved development plan shall be considered dedicated upon approval by the Plan Commission.
2. **Streets and Sidewalks:** The intent of the City is to take ownership of streets and sidewalks located within a right-of-way and that has been constructed to meet or exceed the City of Shelbyville's Construction Standards. However, the City may choose not to take ownership of specialty access improvements, including but not limited to alleys, driveway aprons, driving aisles, unusual on-street parking, or eyebrows.

B. Other Facilities: Other infrastructure or facilities may, at the election of the Board of Public Works and Safety, be dedicated to the City. These facilities may include parks, open space, retention ponds, drainage facilities, utilities, street lighting, or other facilities in which the City may have interest.

Easement Standards

6.06 Easement Standards

- A. General Requirements: Adequate areas of suitable size and location shall be provided by the subdivider as easements for the conveyance of utility systems, drainage, and other infrastructure to, and within the subdivision. The location of all easements shall be reviewed by the City Engineer along with the local utility companies through the Technical Review Committee process.
- B. Utility Easements: Utility easements shall be provided consistent with the following standards and the requirements of the City Engineer.
 1. *Water Supply, Natural Gas and Other Utilities*: Easements for water supply, natural gas and other utilities shall generally be a minimum of twenty (20) feet in width, and shall be provided in the front yard adjacent to the right-of-way of the street. Where the Unified Development Ordinance provides for minimum front yard setbacks of less than twenty (20) feet, the easement shall be reduced to a minimum width of fifteen (15) feet. Water supply service may also be provided in the right-of-way, opposite the side of the street on which sanitary sewer service.
 2. *Sanitary Sewer*: Easements for sanitary sewer service shall be provided at the request of the City Engineer and/or Waste Water Superintendent.
- C. Drainage Easements: Drainage easements shall generally be a minimum of fifteen (15) feet in width, with one-half (½) the width of the easement taken from each lot. Where the Unified Development Ordinance provides for minimum side yard setbacks of less than seven and one-half (7 ½) feet, the easement shall be reduced to a minimum total width of ten (10) feet. In the case of lots extending to the boundary of the property platted and not adjoining another plat the full width of the easement shall be provided on each affected lot.
 1. *Drainage Easement Standards*: Drainage easements shall:
 - a. Provide continuity from block to block,
 - b. Be located along rear or side lot lines as necessary, and
 - c. Generally be contiguous to the street at the end of the block to connect with adjoining blocks in the shortest direct line.
 2. *Watercourses*: Where a subdivision is traversed by a watercourse, drainage way, channel, or stream the subdivider shall designate drainage easements on both sides of the watercourse, the width of which shall be determined by the City Engineer.
 3. *Access to Improvements*: Easements to permit both the City and any lot owners association access for maintenance and repair of surface and subsurface drainage improvements and watercourses, shall be provided by the subdivider. Such easements shall be a minimum of ten (10) feet in width, and shall be provided (a) around the top of bank of all water features and (b) along a convenient route between a public street and the water feature.
 4. *Off-Site Improvements*: When a proposed drainage system will carry water across private lands outside the subdivision, appropriate drainage rights must be secured by the subdivider and indicated on the all required plat and Construction Plan drawings.
- D. Cross-access Easements: When required by the City or desired by the applicant, each property owner of record shall execute a cross-access easement instrument in favor of the adjoining property owner. The cross-access easement instrument shall be signed by the owner or an authorized representative of the owner of all associated properties. The cross-access easement instrument shall include the following language:
 1. Identify the development with which the cross-access easement (CAE) is associated.
 2. The cross access easement shall grant the general public the right to utilize the easement for purpose of accessing adjoining parking lots.
 3. The cross access easement shall prohibit any person from parking vehicles within the easement.
 4. The cross access easement shall prohibit any person, including the property owner, from placing any obstruction within the easement.
 5. The cross access easement shall be binding on all heirs, successors, and assigns to the property on which the cross-access easement is located.
 6. The cross access easement shall be enforceable by the owners of each associated property, the City, and any other specially affected persons identified in the cross-access easement.
 7. The cross access easement shall provide for modification or termination in a manner specified in this Unified Development Ordinance.
 8. The cross access easement shall be cross referenced to the most recently recorded deeds of the associated properties.
 9. The cross access easement shall include a metes and bounds description of the easement.

6.07 Environmental Standards

See MS4 Standards for erosion and sedimentation control regulations.

Intensity Bonus Standards

6.08 Intensity Bonus Standards

- A. **Prerequisites:** Only subdivisions in the R1 or R2 zoning district shall qualify for the following intensity bonus.
- B. **Applicability:** A subdivision that elects to conform with *Section 5.08(D): Anti-monotony Standards*, in addition to the required design standards in *Article 6: Design Standards*, shall be eligible for an intensity bonus as described in *Section 6.08(C): Intensity Bonus*. Only applicants that are seeking intensity bonuses for their subdivisions are required to follow the regulations in this Section. These standards do not apply to a subdivision that is not seeking an intensity bonus.
- C. **Intensity Bonus:** The following development standards are hereby modified as illustrated in the table below. These intensity bonuses only apply to primary structures. The standards for accessory structures shall be per the applicable zoning district.

Intensity Bonus			
		Zoning District	
		R1	R2
Lot Standards	Min. Lot Area	6,500 sq ft	8,000 sq ft
	Min. Average Lot Area	8,000 sq ft	9,000 sq ft
	Min. Lot Width	50 ft	50 ft
	Min. Average Lot Width	65 ft	60 ft
Setback Standards	Min. Front Setback	50 ft - Arterial 30 ft - Collector 20 ft - Local	50 ft - Arterial 30 ft - Collector 20 ft - Local
	Min. Side Setback	7 ft	7 ft
	Min. Rear Setback	15 ft	15 ft
Other Standards	Max. Lot Coverage	50%	65%
	Min. Dwelling Unit Size	1,100 sq ft	1,100 sq ft
	Maximum Density	4.5 du/acre	4.0 du/acre

- D. **Anti-monotony Standards:** The minimum required standards that shall be committed to by the developer in order to receive an intensity bonus are listed below.
1. **Garages:**
 - a. **Garage Width:** The front elevation of a side-loading or front-loading garage shall not exceed forty percent (40%) of the overall width of the primary structure's front elevation.
 - b. **Garage Setback:**
 - i. **Front-loading Garage:** A front-loading garage shall not be more than six (6) feet forward of the plane that the remainder of the front facade; or if multiple front facade planes exist, then an average of those planes shall be used.
 - ii. **Side-loading Garages:** A side-loading garage shall not be more than twenty-five (25) feet forward of the plane that the remainder of the front facade; or if multiple front facade planes exist, then an average of those planes shall be used.
 2. **Perimeter Lots:**
 - a. **Rear Facade:** Any rear facade that faces a perimeter street shall be required to have one (1) of the following:
 - i. A four-season sunroom at least eleven (11) feet deep by eleven (11) feet wide;
 - ii. An all-brick functional chimney at least two (2) feet offset from the facade and at least four (4) feet in width;
 - iii. A minimum four-foot (4') offset from the rear facade over the course of forty percent (40%) of the rear facade;
 - iv. A deck at least ten (10) feet deep by sixteen (16) feet wide; or
 - v. A minimum of forty-five percent (45%) of the rear facade comprised of brick.
 - b. **Rear Facade Variation:** No single option listed above shall be utilized on more than forty percent (40%) of all perimeter lots.

- c. Windows: Eighty percent (80%) of all windows on the rear and side facades shall be required to have at least one (1) of the following window treatments, or combinations thereof:
 - i. Shutters;
 - ii. Masonry lintel or brick arch and sill (only an option for brick or stone facades);
 - iii. Decorative head (pediment-shaped, eyebrow, arch, or cornice) and projecting sill; or
 - iv. Window trim that is at least three and one-half-inch (3 ½") in width, projecting out from the plane of the siding by at least one-half inch (½").
3. *Floor Plan and Elevations:*
 - a. Minimum Number: On average, at least eight (8) significantly unique floor plans, or at least twenty (20) significantly unique architectural front and rear elevations, shall be utilized within each phase or subdistrict within the subdivision.
 - b. Adjacency: No significantly similar floor plans shall be utilized contiguous to, directly across the street from, or directly behind any given lot. Significantly similar shall include mirror images, reversed, any minor variation in wall configuration or room use, and the like.
 - c. Proximity: No significantly similar elevation shall be utilized within two (2) properties of any given lot. At least five (5) variations from the following list shall exist:
 - i. roof systems (e.g. pitch, planes, and orientation),
 - ii. mix of exterior wall materials (e.g. brick, stone, or siding),
 - iii. siding color,
 - iv. brick color,
 - v. architectural features,
 - vi. architectural accents (e.g. color and type),
 - vii. garage door features (e.g. location, design, and size),
 - viii. window treatments (e.g. trim and shutters),
 - ix. window size and design (e.g. casement and double-hung),
 - x. window quantity,
 - xi. window location, or
 - xii. reversed floor plan.
4. *Windows:*
 - a. Minimum Number: At least two (2) windows per front and rear elevation per floor, and one (1) window per side elevation per floor are required.
 - b. Minimum Area: A window shall only be counted toward this requirement if the transparent area is at least nine (9) square feet.
5. *Perimeter Landscaping:* The following standards supersede the minimum perimeter landscaping standards in Section 6.13: *Perimeter Landscaping Standards.*
 - a. Common area or a landscape easement shall be established between the perimeter street's rights-of-way and all subdivision lots. Common area or landscape easement widths shall be as follows:

Perimeter Street's Designation on Thoroughfare Plan Map	Minimum Common area or Landscape Easement Width
Interstate	100 feet
Arterial	60 feet
Collector Street	50 feet
Local Street	40 feet

- b. Trees shall be planted in the common area or landscape easement. The required quantity of trees per 100 lineal feet of common area or landscape easement along the perimeter street shall be calculated as follows:
 - i. Seven (7) small canopy trees (minimum 1 ½ inch caliper);
 - ii. One (1) large canopy tree (minimum 3 inch caliper);
 - iii. Four (4) under-story or ornamental trees (minimum 1 ¼ inch caliper); and
 - iv. Two (2) evergreen trees (minimum 4 feet in height). One (1) small canopy tree may be substituted for every one (1) evergreen tree.

- c. Required trees shall be installed in uneven intervals and clusters, but shall meet the following maximum and minimum separation:

Type of Tree	Minimum Spacing	Maximum Spacing
Canopy tree to canopy tree	20 feet	80 feet
Under-story tree to under-story tree	8 feet	N/A
Ornamental tree to ornamental tree	15 feet	N/A
Evergreen tree to evergreen tree	8 feet	N/A
Under-story tree to canopy tree	8 feet	20 feet
Ornamental tree to canopy tree	30 feet	N/A
Ornamental tree to under-story tree	25 feet	N/A
Evergreen trees to canopy trees	30 feet	N/A
Evergreen trees to under-story trees	30 feet	N/A
Evergreen trees to ornamental trees	20 feet	N/A

6. *Perimeter Lot's Rear Yard:* Perimeter lots shall have at least one (1) additional deciduous canopy tree planted in the rear yard above and beyond any other required landscaping provisions.

7. *Lot Standards:*

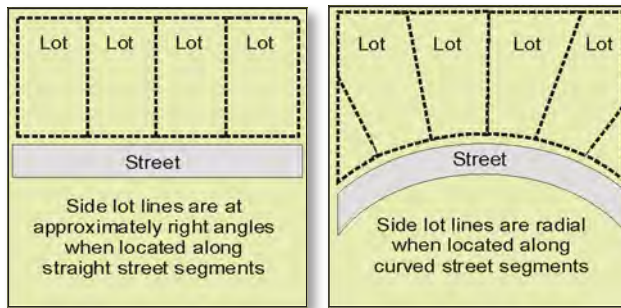
- Corner Lots: Each corner lot shall be thirty percent (30%) larger in lot area and shall have thirty percent (30%) more lot frontage than the average lot in the subdivision, or subdistrict of the subdivision.
- Lot Size in Long Stretches of Lots: When there are ten (10) or more continuous lots on a single side of a street between two intersecting streets, at least one (1) of those lot shall be twenty percent (20%) larger in lot area and have twenty percent (20%) more lot frontage than the average lot in the subdivision, or subdistrict of the subdivision. This standard shall apply on a one (1) per ten (10) basis, thus twenty (20) lots in a row shall have two (2) larger lots as described above.

8. *Setback Standards:*

- Front Setback:
 - Variation: All subdivisions shall have variation in the established front setback for primary structures to avoid a monotonous streetscape. No more than five (5) primary structures in a row shall have the same established front setback. Variations in established front setback shall be by at least two (2) feet.
 - Patterns: Irregular patterns of established front setbacks are encouraged. Additionally, front porches and side-loading garages (e.g. allowed projections into the front setback) and variations in roof lines should be used to create the illusion of variations in established front setback.
- Side Setback: If eighty percent (80%) or more of the primary structures in the development will have side-loading garages, then the development may be a zero lot line development so long as the primary structure separation is equal to the aggregate of both minimum side setbacks. For example, if the minimum side setback in the Unified Development Ordinance is ten (10) feet, then the minimum primary structure separation shall be twenty (20) feet.

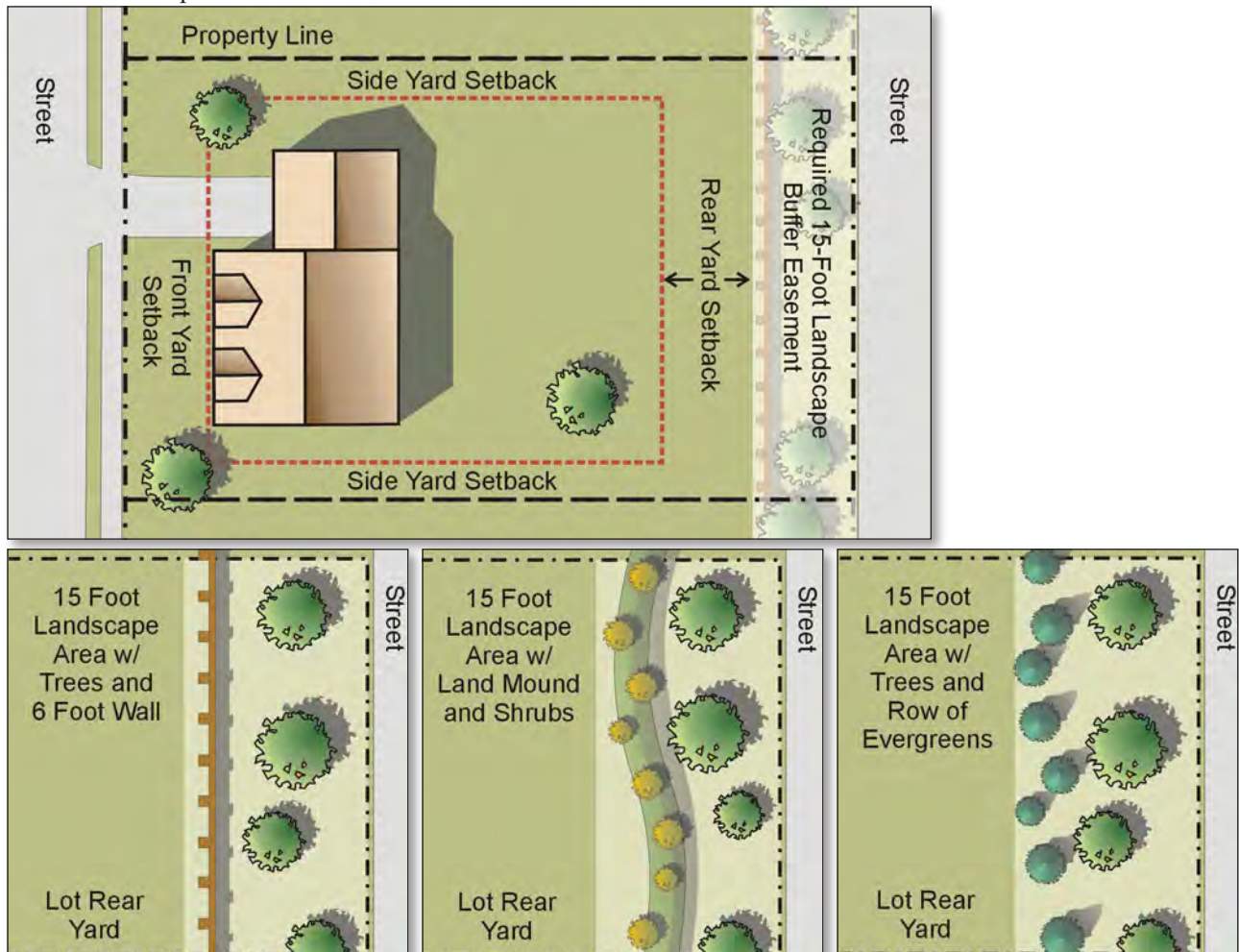
6.09 Lot Standards

- A. Health Department Compliance: When not served by a water utility and public sewer, the lot sizes and other dimensions shall also conform with any additional requirements for the adequate provision of sewage treatment and water supply as determined by the Shelby County Health Department. In cases where the provisions of the Unified Development Ordinance and requirements of the Health Department are in conflict, the more restrictive shall apply.
- B. Orientation to Streets: The lot size, width, depth, shape, grade, location, and orientation shall be in proper relation to the street and block design and to existing and proposed topographical conditions.
 1. *Side Lot Lines*: Side lines of lots shall be at approximately right angles to straight streets and on radial lines on curved streets. Some variation from this requirement is permissible, but irregular lots, such as flag lots shall be avoided.



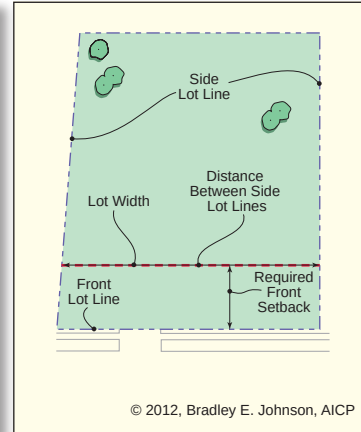
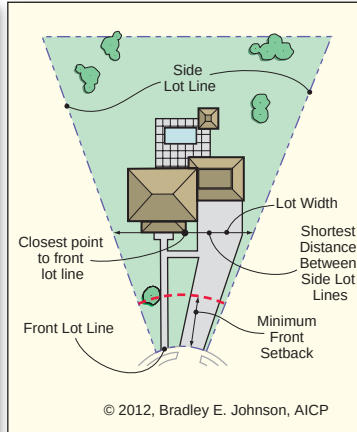
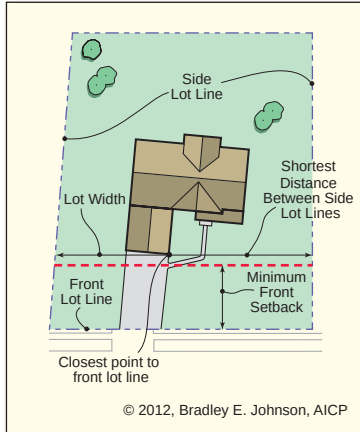
2. *Street Frontage*: Every lot shall abut a public street.
- C. Double-Frontage Lots: Double Frontage lots (also known as through lots) shall be avoided except where essential to provide separation of residential development from arterial and collector streets or to overcome specific disadvantages of topography and orientation.
 1. For all residential through lots, a landscape common area or easement shall be provided between what will be used as the rear yard of the lots and the right-of-way of the adjacent street.
 2. The landscaped area shall be a minimum of fifteen (15) feet in width and shall meet the following requirements:
 - a. The landscape area shall be in addition to the minimum lot area required by the Unified Development Ordinance and not a part of the typical sized lot.
 - b. A row of deciduous canopy trees shall be planted parallel to the adjacent street, within the common area or easement, with one tree provided for every 300 square feet of landscape area. The trees shall measure two and one-half (2 ½) inches in diameter at six (6) inches above the rootball at the time of planting.
 - c. A six (6) foot tall opaque wooden fence or brick or stone wall, a four (4) foot tall undulating mound planted with shrubs, or a row of evergreen trees shall be placed within the landscape common area between the deciduous trees and the rear yard of the lots.
 - i. If an undulating mound is used to fulfill the requirements, one (1) shrub for every five (5) feet of continuous boundary shall be planted on the mound. All required shrubs shall measure eighteen (18) inches in height, measured from grade, at the time of planting.
 - ii. If a row of evergreen trees is used to meet the requirements, one (1) tree shall be placed every ten (10) feet along the common area. Evergreens shall be a minimum of five (5) feet in height, measured from ground level, at the time of planting.

- d. An association of lot owners in the subdivision shall be responsible for the maintenance and upkeep of any landscape common area.

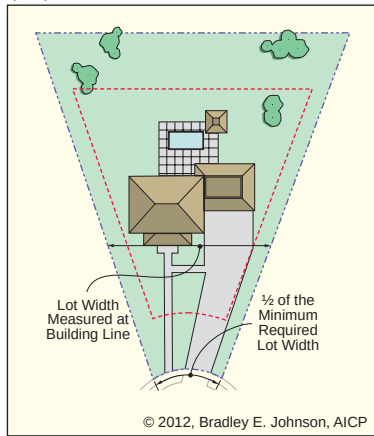


- D. Multiple Frontage Lots: Corner lots, through lots, and other lots that have frontage on more than one (1) street shall be required to provide front yard setbacks on all frontages, and shall be designed with adequate size and width to accommodate the required setbacks and to provide an adequate buildable area.
- E. Lot Numbering: Lots shall be numbered consecutively throughout the entire subdivision and shall be consistent with any phasing that may be planned for the development.
- F. Lots Abutting a Watercourse: Lots abutting a watercourse, drainage way, channel, stream, or flood plain shall have additional minimum width or depth as required to provide an adequate building site and accommodate the minimum setbacks required by the Unified Development Ordinance.
- G. Street Access: Lots should not, in general, derive access exclusively from an Arterial or Collector street. Where several adjoining lots are designed with access from an Arterial or Collector street, the Plan Commission may require the use of shared driveways for those lots. The use of shared drives is specifically encouraged where non-residential uses access an Arterial or Collector street. The street access of individual lots shall be restricted as follows:
1. Collector and Arterial Streets: Lots in all developments shall generally be designed so as to prevent vehicles from having to back into any Arterial Street.
 2. Local Streets: All non-residential lots (including multifamily residential lots) shall generally be designed so as to prevent vehicles from having to back into any public street.
- H. Area and Width Standards:
1. Minimum Lot Area: The minimum lot area shall be per each two-page layout in *Article 2: Zoning Districts*.
 2. Maximum Lot Area: The maximum lot area shall be per each two-page layout in *Article 2: Zoning Districts*.
 3. Minimum Lot Width: The minimum lot width shall be per each two-page layout in *Article 2: Zoning Districts*.

4. **Minimum Lot Frontage:** The minimum lot frontage shall be per each two-page layout in *Article 2: Zoning Districts*.
5. **Minimum Lot Depth:** The minimum lot depth shall be per each two-page layout in *Article 2: Zoning Districts*.
6. **Minimum Dwelling Site Area:** The minimum dwelling site area shall be per each two-page layout in *Article 2: Zoning Districts*.
- I. **Measurement:** The minimum lot width on a lot with a primary structure (or a vacant lot with a proposed primary structure shown on a site plan) shall be the "Shortest Distance Between Side Lot Lines" that also intersects the "Closest Point to the Front Lot Line." The minimum lot width on a lot without a primary structure shall be the "Distance Between Side Lot Lines" measured at the "Required Front Setback."



- J. **Minimum Lot Frontage:** The minimum lot frontage shall be seventy-five percent (75%) of the required minimum lot width except for cul-de-sacs which are described below.
 1. **Cul-de-sac Lots:** Lots established around a cul-de-sac bulb shall be required to be at least one-half (1/2) the required minimum lot width. However, under no circumstances shall the lot frontage be less than twenty-five (25) feet in residential districts or thirty-five (35) feet in all other districts.



Monument and Marker Standards

6.10 Monument and Marker Standards

- A. Cross Reference: See the City of Shelbyville Construction Standards.
- B. General Requirements: Monuments and markers shall be placed so that the center of the bar, or marked point, shall coincide exactly with the intersection of lines to be marked and shall be set so that the top of the monument or marker is level with the finished grade. All required monument and markers shall be in place prior to the acceptance of the public improvements by the Board of Public Works and Safety.
- C. Exterior Monuments: Permanent concrete monuments four (4) inches in diameter by thirty (30) inches deep, with one-half ($\frac{1}{2}$) inch rebar cast in the center or filled with concrete with a surveyor's cap set in the center, shall be installed at each corner or angle on the outside boundary of each section of the subdivision (or at the right-of-way where the boundary is a public street) and at all other locations necessary to clearly delineate all significant plat lines as specified by the City Engineer.
- D. Interior Markers: A marker consisting of rebar at least thirty (30) inches long and not less than three-quarter ($\frac{3}{4}$) inch in diameter shall be placed at the following locations:
 - 1. The intersection of all street right-of-way lines within the subdivision,
 - 2. The beginning and ending of all curves in street right-of-way lines,
 - 3. All angles formed by the intersection of lot lines,
 - 4. All other lot corners not established by a monument, and
 - 5. All points required to delineate the location or extent of reservations, easements, or dedications not otherwise defined, as specified by the City Engineer.

Open Space Standards

6.11 Open Space Standards

A. Required Open Space:

1. *Residential Subdivisions*: Residential subdivision shall have a minimum of fifteen percent (15%) open space.
2. *Commercial or Industrial Subdivisions*: Commercial and industrial subdivisions shall have a minimum of five percent (5%) open space.

B. Ownership: Open space areas shall remain in private ownership whether that be a single land owner or an owners' association.

C. Qualifying Areas: The following features count toward the minimum open space requirements:

1. *Conservation Areas*: Any environmental areas in permanent conservation.
2. *Man-made Water Features*: Any man-made water feature, including a retention facility, if it supports aquatic life and provides native habitat that meets the following conditions:
 - a. A surface area at normal pool elevation of at least 32,670 square feet ($\frac{3}{4}$ acre); and
 - b. A buffer area around the perimeter of the water feature that is at least fifty (50) feet in width that is open space. The buffer area shall be planted and maintained as wildlife habitat.
3. *Man-made Dry Detention Facilities*: Any man-made storm water dry detention facility that meets the following conditions:
 - a. At least 10,890 square feet ($\frac{1}{4}$ acre) of flat bottom area.
 - b. Depth of the detention facility shall not exceed four (4) feet from top of bank.
 - c. Slopes within the detention facility shall not exceed a 4:1 ratio.
 - d. A buffer area around the perimeter of the facility that is at least twenty-five (25) feet from the top of bank that is open space. The buffer area (and facility) shall be planted and maintained as usable area. This includes use of prairie grasses, native species, native ground cover, or lawn grass. Tree planting shall not be within the basin area or on the slopes of the bank.
4. *Regulated Floodplain*: The regulated floodplain of any stream, regulated drain, or river.
5. *Required Perimeter Landscaping*: Fifty percent (50%) of any perimeter landscaping in common area.
6. *Common Area*: Any other common areas set aside to meet open space requirements.

Owners' Association Standards

6.12 Owners' Association Standards

- A. Project Applicability: Any development with common area, private streets, shared parking, amenity centers, shared or private utilities, community retention pond, and the like shall meet the Owners' Association Standards.
- B. Establishment of Owners' Association:
 1. *Perpetuity*: An owners' association shall be created in perpetuity to make decisions about and to maintain all common property and/or common facilities.
 2. *Organization*: An owners' association shall be a legally incorporated entity or shall be created by other legal mechanism which provides shared ownership or shared responsibility of common property and/or common facilities. A board of directors or other means for representation in decision-making shall be established.
 3. *Recording of Legal Mechanism*: The legal mechanism binding all property owners or vested parties shall be recorded in the Office of the Shelby County Recorder, and shall be cross referenced to each applicable lot or property.
 4. *Declaration of Covenants*: The owners' association shall be responsible for the administration of any covenants utilized to further restrict improvements and uses in the development. The "Declaration of Covenants" shall be recorded in the Office of the Shelby County Recorder following final plat approval (subdivisions) or Final Development Plan approval (planned developments or development plans) and prior to selling a lot or unit.
 5. *Commitments or Conditions of Approval*: Any covenant language that resulted as a commitment or condition of approval shall be included in the covenants or other legal document, and shall be clearly denoted as non-amendable by the owners' association.
 6. *Association Fee*: An association fee or other financial mechanism shall be included in the legal mechanism and be equal to the financial needs of the owners' association to maintain common property and/or common facilities, and to accumulate a reserve account for long-term large expenditures, emergencies, and contingencies.
- C. Contractual Obligations: Prior to the transition from the developer being responsible for common property and/or common facilities to the owner's association being responsible for common property and/or common facilities, the developer shall not enter into any contractual obligation on behalf of the owners' association that exceeds one (1) year. Once the owners' association is responsible, the renewal of such a contract shall be at the discretion of the owners' association.
- D. Required Language: The following language shall required in the legal mechanism establishing the owners' association:
 1. *Retention Pond and Drainage Systems*: When a retention pond and/or other drainage systems are required or installed, the City shall not, now or in the future, be obligated to accept them as public infrastructure or to maintain those facilities. The owners' association shall bear the cost of such maintenance. In the event the owners' association fails to maintain the retention pond and/or other drainage facilities, the City may make the improvements and assess each property for the project cost plus administration costs.
 2. *Private Streets*: When private streets are installed, the City shall not, now or in the future, be obligated to accept private streets as public property. The City shall bear no financial responsibility for maintenance or replacement costs associated with private streets. The owners' association shall bear the cost of maintenance and replacement. In the event the owners' association fails to maintain private streets, the City may make the improvements and assess each property for the project cost plus administration costs.
 3. *Sidewalks*: When sidewalks are installed outside of a right-of-way, the City shall not, now or in the future, be obligated to accept the sidewalks as public property. The City shall bear no financial responsibility for maintenance or replacement costs. The owners' association shall bear the cost of maintenance and replacement. In the event the owners' association fails to maintain the sidewalks, the City may make the improvements and assess each property for the project cost plus administration costs.
 4. *Landscaping*: When landscaping installed in common areas or landscape easements, the owners' association shall be responsible for maintaining the plant material in healthy condition, removal of dead or diseased vegetation, and/or replacement of landscaping, as necessary.
 5. *Right-of-way*: Once rights-of-way are platted, the City obtains ownership of the area within the right-of-way and retains the right to reasonably remove any tree or shrub impeding necessary work to be performed by the City and/or all public utilities, or other properly authorized users, regardless if the owners association is assigned financial, maintenance, or replacement responsibility. However, City action shall not result in an unnecessary or unfair financial burden to the owners' association.
- E. Enforcement: Failure of the owners' association to maintain an effective legal mechanism or failure of the owners' association to fulfill its responsibilities within that legal mechanism shall be deemed a violation of this Unified Development Ordinances and may be subject to enforcement action.

Perimeter Landscaping Standards

6.13 Perimeter Landscaping Standards

A. Required Perimeter Landscaping:

1. *Residential Subdivisions:* Residential subdivision shall have a minimum of twenty-five (25) feet of perimeter landscaping along perimeter streets.
2. *Commercial or Industrial Subdivisions:* Commercial and industrial subdivisions shall have a minimum of twenty-five (25) feet of perimeter landscaping along perimeter streets.

B. Ownership: Perimeter landscaping areas shall retain private ownership whether that be a single land owner or an owners' association.

C. Landscaping Design:

1. *Size:* Perimeter landscape areas shall extend the entire length of the frontage.
2. *Plantings:* Trees and shrubs shall be provided at a combined rate of ten (10) per 100 lineal feet of perimeter planting. Plantings should be fifty percent (50%) evergreen, and grouping of the plantings is encouraged to imitate natural vegetation. Existing trees and vegetation, or trees planted to meet other landscaping standards shall count toward minimum perimeter landscaping requirements.
3. *Fencing or Mounding:* Fencing and/or mounding may be integrated with the required plantings if the following conditions are met:
 - a. Perimeter fences shall be high quality; constructed of masonry, stone, wood, or metal; and be at least thirty-six (36) inches in height, but not over seventy-two (72) inches in height.
 - b. Mounds may be combined with plantings and fencing. If used, mounds shall be a minimum of three (3) feet in height with a side slope not to exceed a three to one (3:1) ratio. Continuous mounds shall not be permitted (i.e. levee-like mounds).

D. Qualifying as Required Open Space: Fifty percent (50%) of the perimeter landscaping areas may count towards open space required in *Section 6.11: Open Space Standards*.

Sidewalk and Pedestrian Path Standards

6.14 Sidewalk and Pedestrian Path Standards

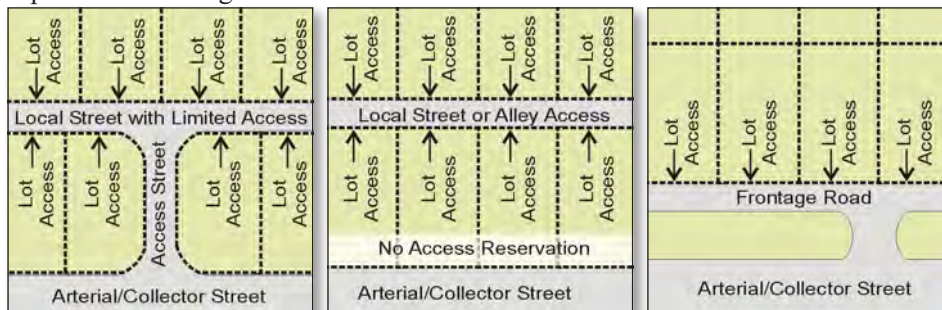
- A. Cross Reference: See the City of Shelbyville Construction Standards.
- B. Sidewalk Requirements: Sidewalks shall be provided on all streets designed with the urban cross-section and on any other street as specifically required by the Plan Commission at the time of Preliminary Plat review.
 - 1. *Location*: Where sidewalks are required, they shall be provided on both sides of the street and shall completely encircle the turn-around of any cul-de-sac.
 - 2. *Width*: Sidewalks in single-family or two-family housing developments shall be a minimum of four (4) feet in width, sidewalks in multi-family or group housing developments shall be a minimum of five (5) feet in width, sidewalks in commercial areas shall be a minimum six (6) feet in width, and sidewalks in industrial areas shall be a minimum of four (4) feet in width.
 - 3. *Pavement/Sidewalk Separation*: Sidewalks shall be separated from the back of curb of the adjacent road by a minimum width of five (5) feet. All areas between the back-of-curb and sidewalk that are not used for accessing individual properties from the street shall be planted and maintained as grass lawns.
 - 4. *Width Transitions*: Sidewalk width transitions shall occur only at street intersections. The widest required sidewalk shall be provided for the entire length of the block, regardless of the use of individual lots.
 - 5. *Slope*: The surface of any sidewalk, when completed, shall have a sufficient slope to drain adequately.
- C. Sidewalk ADA Compliance: All Sidewalks, ramps, and crosswalks shall be constructed to meet the current ADA Accessibility Guidelines and Public Rights-of-Way Accessibility Guideline Standards.
 - 1. Rolled curbs are not a substitute for wheelchair ramps and shall not be considered to meet ADA requirements.
 - 2. It is the legal responsibility of the developer to assure compliance with current ADA laws.
 - 3. The developer and/or his/her engineer may be required to certify compliance with ADA laws to the City Engineer at the time the public improvements are accepted by the City.
- D. Crosswalks: When a sidewalk or pedestrian path crosses streets within or adjacent to the subdivision, safety devices such as painted crosswalks, alternative cross-walk pavement types, crosswalk signs, traffic calming measures, or traffic control devices shall be installed. All cross-walk treatments shall be subject to the approval of the City Engineer.
- E. Use of Easements: Easements of at least ten (10) feet in width shall be provided for sidewalks that, due to topography or other site features, are not completely included in public right-of-way adjacent to a street. Sidewalks and pedestrian paths that link common areas, public sites, or natural features as part of any subdivision's open space design shall be included in the subdivision's common area or an easement on private property.

Street Arrangement Standards

6.15 Street Arrangement Standards

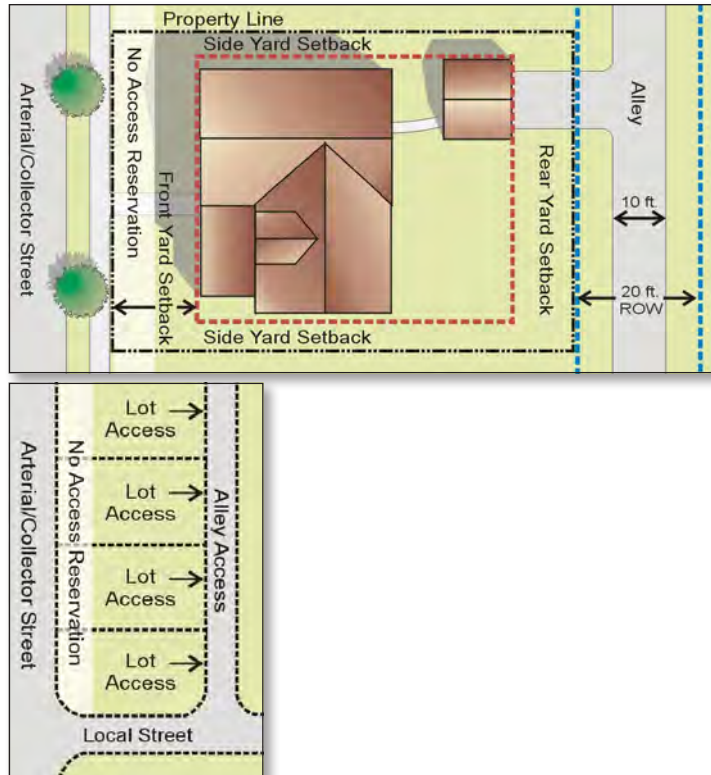
- A. General Requirements: The arrangement, character, width, grade, and location of all streets shall be consistent with existing and planned streets, existing topography, public convenience and safety, and the proposed land uses in the subdivision.
 1. *Thoroughfare Plan*: The arrangement of all streets within each subdivision shall conform to the City of Shelbyville Thoroughfare Plan. Where the Thoroughfare Plan indicates the development of street system extensions or improvements, the construction and dedication of those streets shall be incorporated into the subdivision design. Rights-of-way shall be platted by the subdivider in the location and of the width recommended by the Thoroughfare Plan.
 2. *Natural Features*: Proposed streets shall be adjusted to the contour of the land in order to produce usable lots, provide streets of reasonable gradient, and preserve the aesthetic quality and natural drainage provided by the topography and natural features of the property.
 3. *Access*: The street layout shall provide adequate vehicular access to all lots and within the subdivision, to any remaining tract, and to all adjacent undeveloped properties and stubbed street systems.
- B. Private Streets: The use of any private street is specifically discouraged.
 1. *Construction Standards*: All private streets shall comply with all City of Shelbyville standards for public street construction. This shall include, but not be limited to, sidewalks, street trees, pavement width and construction, and drainage.
 2. *Width*: All private streets shall be included in an easement of width equal to the right-of-way that would be required if the street were public. This easement shall not be counted as a part of any lot for the purpose of that lot meeting the minimum size requirements for the district in which it is located.
- C. Design Considerations: In designing and reviewing subdivision street systems, the following factors shall receive consideration:
 1. Accessibility for emergency vehicles and school buses;
 2. Safety for both vehicular and pedestrian traffic;
 3. Efficiency of service for all users;
 4. Connectivity between subdivisions and the development of complete communities; and
 5. Economy of both construction and use of land.
- D. Street Arrangement: The arrangement of street systems in all subdivisions shall promote the continuation of existing and proposed street systems, as well as the street system to be provided as a result of the subdivision construction.
 1. *Street Functions*: Local streets shall be designed and arranged to discourage their use by through traffic. Arterial and Collector streets shall be designed to promote through traffic. Collector streets shall be used to create connections between subdivisions consistent with the Shelbyville Thoroughfare Plan.
 2. *Continuation of Existing and Proposed Street Systems*: The arrangement of streets in all subdivisions shall provide for the continuation of existing and proposed streets on immediately adjacent properties and in surrounding areas consistent with the Shelbyville Thoroughfare Plan.
 3. *Continuation of Subdivision Streets*: Right-of-way of proposed streets shall be extended to the boundary lines of the proposed subdivision so that either (1) at least one connection may be made to each adjacent undeveloped property, or (2) at least one connection may be made for every 1,600 feet of property line shared between the subdivision and adjacent undeveloped property. In cases where these provisions are in conflict, that which provides the most points of connectivity shall apply.
 - a. The Plan Commission may waive this requirement in cases where the Commission deems that any such extension is not feasible due to topography or other physical conditions, or not appropriate for the development of adjacent property consistent with the Comprehensive Plan.
 - b. No subdivision shall be designed so as to create or perpetuate the land-locking of any adjacent property.

4. **Temporary Dead-End Streets:** A temporary dead-end street shall be required in any case in which a street is designed to be extended to adjacent properties in the future.
 - a. Any dead-end street that extends more than 200 feet in length shall be provided with a temporary cul-de-sac or other turn-around consistent with the requirements of the City Engineer.
 - b. Any temporary turn-around shall be included in a roadway easement that shall be vacated to the property owners at the time the street is extended or the City Engineer determines that the turn-around is no longer needed.
 - c. All temporary dead-end streets shall be provided with street signs that indicate the road as being a “temporary dead-end”. The subdivider shall assume all costs of the installation of the signs.
- E. **Traffic Separation Requirements:** Where a subdivision abuts or contains an existing or proposed Arterial or Collector street as shown in the Thoroughfare Plan, the Plan Commission may require:
 1. Marginal access streets,
 2. Double frontage lots that include a no-access reservation along the property line shared with the Arterial or Collector street,
 3. Frontage roads,
 4. Lots with rear service ways or alleys, or
 5. Any other treatments as may be necessary for adequate protection of residential properties, and/or to afford separation of through and local traffic.



- F. **Service Road Requirements:** Where a subdivision borders on, or contains an existing or proposed interstate or other limited access highway or arterial road as shown on the Thoroughfare Plan or a railroad right-of-way, the Plan Commission may require a street approximately parallel to, and on each side of the right-of-way, at a distance suitable for the appropriate use of the intervening land.
 1. Such distances shall be determined with due regard for the requirements of approach grades and future grade separations.
 2. The Plan Commission may require that the intervening land strips be dedicated to the City or to a lot owners association for the subdivision in which they are located.
- G. **Half-Streets (Single Lane Streets):** The construction and/or dedication of half-streets shall be prohibited. Whenever a half-street is adjacent to a tract to be subdivided, the other half of the street shall be platted and constructed within the tract.
- H. **Improvement of Existing Streets:** Whenever a proposed subdivision borders or includes an existing street, the Commission may require the reconstruction or widening of such street, the provision of sidewalks, and any other improvement consistent with the requirements of this Ordinance for new streets developed as a part of a subdivision.
 1. **Right-of-Way:** Additional dedication of right-of-way may be required consistent with the adopted Thoroughfare Plan.
 2. **Limitations:** This provision shall not be interpreted as requiring the acquisition and dedication of right-of-way or the completion of improvements extending onto property on the opposite side of a street adjacent to the subdivision, where such property is not included in the street right-of-way and not owned or otherwise controlled by the subdivider.

- I. **Alleys:** Alleys shall be required at the discretion of the Plan Commission.
 1. **Standards:** All alleys shall have a minimum pavement width of ten (10) feet and a minimum right-of-way width of twenty (20) feet. All alleys shall be consistent with the construction standards provided in this Ordinance for local roads and shall meet any additional requirements of the City Engineer. Dead-end alleys shall be prohibited.
 2. **Use:** The use of alleys shall be considered in the following circumstances.
 - a. **Service Access:** Alleys may be provided in order to accommodate service access and off-street parking and loading.
 - b. **Rear Access:** Where blocks are developed along an Arterial or Collector street alleys may be provided to allow vehicle access to lots fronting on that street. All such alleys shall run parallel to the Arterial or Collector street and shall not create an intersection with that street.



6.16 Street Construction Standards

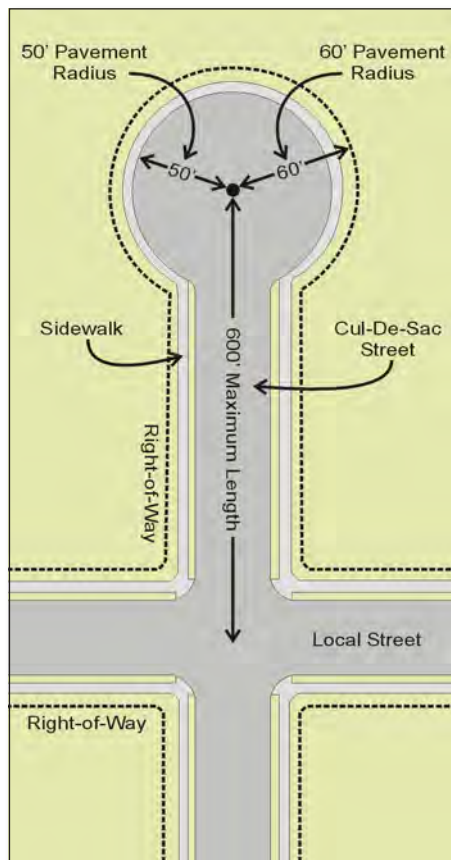
See the *Shelbyville Construction Standards* for all street standards.

Street Cul-de-Sac Standards

6.17 Street Cul-de-Sac Standards

See the *Shelbyville Construction Standards* for all other cul-de-sac standards.

- A. **General Requirements:** Cul-de-sacs streets may be permitted by the Plan Commission only in locations where one of the following conditions exist:
 1. *Natural Barriers:* the construction of a through street is not possible do to the presence of natural barriers,
 2. *Adjacent Development:* the construction of a through street is not possible do to the presence of adjacent development that provides no opportunities for connecting any through street, or
 3. *Ample Connections:* ample through streets are already provided in the area, or are otherwise proposed to be provided (in the opinion of the Plan Commission).
- B. **Design Requirements:** All cul-de-sacs streets shall meet the following design requirements:
 1. *Maximum Length:* The maximum length of all cul-de-sacs streets shall be 600 feet, measured along the centerline from its intersection with the centerline of another street to the center of the turn-around right-of-way.
 2. *Design Standards:* The minimum pavement and right-of-way radius and other design features of all cul-de-sacs shall be consistent with the Cul-de-sac Design Standards table.
 3. *Street/Turn-Around Radii:* The intersection of the cul-de-sac street segment and the cul-de-sac turn-around shall be rounded by radii of at least thirty (30) feet.
 4. *Limitations:* In no case may an Arterial or Collector road terminate in a cul-de-sac.
 5. *Parking Prohibited:* On-street parking shall be prohibited within the turn-around of the cul-de-sac.
 6. *Mailboxes:* All mailboxes for lots accessed from the bulb of the cul-de-sac shall be clustered together at a single location.
 7. *Driveways:* All driveways accessing the bulb of the cul-de-sac shall be clustered at common property lines to maximize the availability of snow storage areas.
- C. **Construction Requirements:** All cul-de-sac streets shall be constructed consistent with the local street construction standards.



Cul-de-sac Design Standards

Design Standard	Residential Street		Non-Residential Street	
	Urban	Rural	Urban	Rural
Right-of Way Radius	60 feet	60 feet	60 feet	60 feet
Pavement Radius	50 feet	50 feet	50 feet	50 feet

Street Curb and Gutter Standards

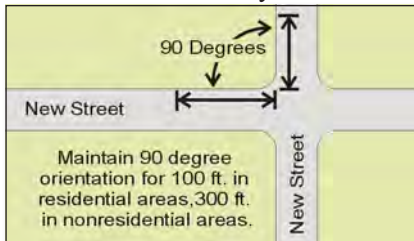
6.18 Street Curb and Gutter Standards

See the *Shelbyville Construction Standards* for all curb and gutter standards.

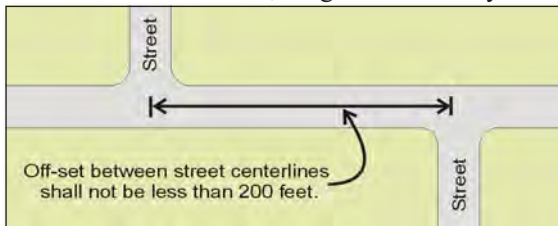
Street Geometric Standards

6.19 Street Geometric Standards

- A. **General Requirements:** The functional classification of all streets shall be defined by the Thoroughfare Plan. The Plan Commission shall assign a classification, based on the provisions of the Thoroughfare Plan, to all proposed streets at the time of Preliminary Plat review and approval.
- B. **Street Measurement:** Street width shall be measured from back of curb to back of curb or from the edge of pavement where no curbs are present.
- C. **Intersection Standards:** Street intersections shall be designed to promote the maintenance of the sight visibility triangle requirements of the Unified Development Ordinance and shall be consistent with the following additional requirements:
 1. **Intersection Angle:** Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than seventy-five (75) degrees shall not be acceptable. All streets shall intersect at ninety (90) degrees whenever possible and maintain the ninety (90) degree orientation for a minimum distance of 100 feet in residentially used and/or zoned areas and a minimum distance of 300 feet in non-residentially zoned or used areas.



2. **Maximum Intersecting Streets:** No more than two (2) streets shall intersect at any one (1) point, unless specifically required to promote efficient and safe traffic movement or in response to a recommendation of the Thoroughfare Plan.
3. **Intersection Radii:** Street intersections shall be rounded by minimum radii consistent with the Street Geometric Design Requirements table in *Section 6.20: Street Geometric Standards*. The minimum radii shall be increased as required by the City Engineer when the angle of street intersection is less than ninety (90) degrees in commercial and industrial areas and/or where necessary to accommodate a school bus or emergency vehicle.
4. **Approach Grade:** Intersections shall be designed with a positive drainage slope of a minimum of 0.60%, whenever practical. A leveling area shall be provided having not greater than a two percent (2%) grade in level terrain, and not greater than a five percent (5%) grade in hilly or rolling terrain. The leveling area shall extend for a distance of 100 feet in either direction of the intersection, measured from the center line of the intersecting street.
5. **Intersection Off-sets:** Proposed new intersections along one (1) side of an existing street shall, whenever practicable, coincide with any existing or proposed intersection on the opposite side of such street. Street jogs with center line offsets of less than 200 feet shall not be permitted. Where necessary to accommodate turning lanes and other features, longer off-sets may be required by the City Engineer.



6. **Additional Requirements:** At any intersection acceleration and deceleration lanes, passing or left turn lanes, and other traffic management features may be required by the Plan Commission and/or City Engineer.
- D. **Corner Right-of-Way:** The right-of-way shall follow the curb line on all corners in order to maintain a consistent distance between the back-of-curb and the edge of the right-of-way.
- E. **Reverse Curve Requirements:** A tangent of at least the length specified in the Street Geometric Design Requirements table in *Section 6.19: Street Geometric Standards* shall be introduced between reverse curves on all streets.

Street Geometric Standards

- F. Sight Distance Requirements: Sight distance is the measurement from a driver's eye which is assumed to be three and one-half (3 ½) feet above the pavement surface, to an object six (6) inches high on the pavement. A clear sight distance, measured along the centerline of the road shall be provided for the minimum distance established by the City Engineer based on applicable AASHTO standards and common practices.
- G. On-Street Parking Design Requirements: Street designs shall include provisions for on-street parking consistent with the Street Geometric Design Requirements table in *Section 6.19: Street Geometric Standards*. On-street parking shall be provided at the discretion of the Plan Commission, consistent with the following guidelines.
 - 1. *Residential Requirements*: On-street parking guidelines for residential areas shall be as follows:
 - a. Local Street No Parking: On-street parking should not be required in residential subdivisions where the gross density is less than one (1) dwelling/unit per acre.
 - b. Local Street 1-side Parking: On-street parking should be required on one (1) side of all local streets in residential subdivisions where the gross density is at least one (1) dwelling unit per acre but less than four (4) dwelling units per acre.
 - c. Local Street 2-side Parking: On-street parking should be required on both sides of all local streets in residential subdivisions where the gross density is four (4) dwelling units per acre or greater.
 - d. Collector Street Parking: On-street parking shall be provided on Collector streets in residential subdivisions at the discretion of the Plan Commission.
 - 2. *Non-Residential Requirements*: On-street parking shall not be required in any non-residential subdivisions, but shall be provided at the discretion of the Plan Commission.
- H. Street Geometric Design Requirements: All streets shall conform to the minimum specifications established in the Street Geometric Design Requirements table in *Section 6.19: Street Geometric Standards* based on the classification provided by the Thoroughfare Plan or otherwise assigned by the Plan Commission.
 - 1. *Urban Application*: The urban cross-section shall be preferred in Shelbyville. The urban cross-section shall be required as follows:
 - a. Residential Areas: The urban cross-section shall be required in all residential areas with one (1) or more of the following characteristics:
 - i. The gross density of the area included in the subdivision preliminary plat is greater than one (1) dwelling unit per acre;
 - ii. The subdivision will provide the continuation of any street system that is designed with an urban cross-section; or
 - iii. The minimum size of any lot is less than 30,000 square feet.
 - b. Non-Residential Areas: The urban cross-section shall be required in all non-residential areas with one (1) or more of the following characteristics:
 - i. The subdivision will provide the continuation of any street system that is designed with an urban cross-section; or
 - ii. The minimum size of any lot is less than five (5) acres.
 - 2. *Rural Application*: The rural cross section may be used for all other streets unless an urban cross-section is otherwise required by the Plan Commission.
 - 3. *Waiver Standards*: The Plan Commission shall consider waiver requests for the use of rural rather than urban street cross-sections in urban subdivisions, as defined above, where the rural street design would facilitate a unique design concept or the construction of a preferred natural storm drainage system.
- I. Bicycle Lanes: All street designs shall consider any applicable bike lane requirements. Where bike lanes are required they shall be designed consistent with AASHTO standards and the requirements of the City Engineer.
 - a. The minimum width for a 2-way path, separated from the street shall be eight (8) feet.
 - b. All bikeways along the street shall be 1-way paths, moving with the direction of traffic on the street. The minimum width for a 1-way path shall be four (4) feet.

Street Geometric Design Standards - Urban Cross-Section

Design Standard	Local Street		Collector Street		Arterial Street*
	Residential	Non-Residential	Residential	Non-Residential	
Right-of Way Width (no parking)	50 feet	52 feet	50 feet	54 feet	70 feet
Right-of Way Width (parking on 1 side)	56 feet	62 feet	60 feet	64 feet	-
Right-of Way Width (parking on 2 sides)	66 feet	70 feet	70 feet	72 feet	-
Pavement Width (no parking)	22 feet	24 feet	24 feet	26 feet	36/48 feet
Pavement Width (parking on 1 side)	31 feet	34 feet	34 feet	36 feet	-
Pavement Width (parking on 2 sides)	40 feet	44 feet	44 feet	46 feet	-
Curb Requirement	Vertical or Rolled	Vertical	Vertical	Vertical	Vertical
Pavement/Sidewalk Separation	see Shelbyville Construction Standards				
Sidewalk Width	4 feet single family 5 feet multi-family	6 feet commercial 4 feet industrial	4 feet single family 5 feet multi-family	6 feet commercial 4 feet industrial	4 industrial** 5 feet multi-family** 6 feet commercial**
Maximum Grade	see Shelbyville Construction Standards				
Minimum Grade	see Shelbyville Construction Standards				
Minimum Tangent Distance	see Shelbyville Construction Standards				
Minimum Corner Radius	see Shelbyville Construction Standards				
* 2-lane Arterial Street Standards Shown - all Other Arterial Street Designs Shall be Consistent with the Requirements of the City Engineer and INDOT.					

Street Geometric Design Standards - Rural Cross-Section

Design Standard	Local Street		Collector Street	Arterial Street*
	Residential	Non-Residential		
Right-of Way Width (no parking)	50 feet	50 feet	50 feet	70 feet
Pavement Width (no parking)	26 feet	26 feet	36 feet	32 feet
Maximum Grade	7%	5%	4%	4%
Minimum Grade	0.6%	0.6%	0.5%	0.5%
Minimum Tangent Distance	100 feet	100 feet	150 feet	200 feet
Minimum Corner Radius	25 feet	25 feet	30 feet	35 feet
* 2-lane Arterial Street Standards Shown - all other Arterial street designs shall be consistent with the requirements of the City Engineer and INDOT, based on the streets design speed				

Street Lighting Standards

6.20 Street Lighting Standards

- A. Project Applicability: Street lights shall be installed at all intersections, entrances, and along internal streets within residential developments whether approved as a subdivision, development plan, or planned development.
- B. Ownership: Unless specifically approved by the Shelbyville Board of Public Works and Safety prior to their installation, all street lights installed in relation to a development shall be owned, operated, and maintained by the developer or an owner's association. The City shall not be responsible for the ongoing maintenance and operation of street lights.
- C. Street Light System Design: The proposed street light system shall meet the following conditions:
 - 1. *Glare*: Street lights shall be shielded to prevent glare on neighboring properties.
 - 2. *Continuity*: Street lights shall be a consistent style throughout the entire development.
 - 3. *Height*: Street lights shall not exceed twenty-five (25) feet in height.
 - 4. *Intersections*: One or more street lights shall be installed at all major intersections, including entrances, and shall provide the minimum amount of light necessary for vehicular and pedestrian safety at those major intersections.
 - 5. *Between Intersections*: Street lights shall be installed between intersections at intervals no greater than every 400 feet on one side of the street.
 - 6. *Additional Lighting*: If deemed necessary by the Zoning Administrator, City Engineer, Plan Commission, and/or the Board of Public Works and Safety, additional lighting may be required to provide adequate illumination throughout the development.
 - 7. *Energy Conservation*: Street lights, if applicable, shall be turned on by a photo cell that detects darkness, preventing the lights from being turned on too early or staying on too long.

Street Tree Standards

6.21 Street Tree Standards

- A. **General Requirements:** All subdivisions shall be required to provide street trees along all streets within and adjacent to the subdivision.
1. **General Location:** Street trees may be planted either in the right-of-way or within five (5) feet of the right-of-way on adjacent property included in a street tree easement. Street trees shall be provided in the right-of-way unless, in the opinion of the City Engineer, that location would present a hazard for underground or overhead utilities or public safety.
 2. **Use of Existing Trees:** Existing trees on property located in the right-of-way of a public street may be considered as meeting the street tree requirement if such trees are in good health and are protected during the construction process.
 - a. **Determination:** The Plan Commission shall determine whether or not existing trees may be used to satisfy the street tree requirement at the time of Preliminary Plat review.
 - b. **Maintenance:** The Zoning Administrator may require the subdivider to provide maintenance bonds consistent with *Article 7: Surety* for any existing trees preserved for use as street trees.
- B. **Planting Requirements:** One street tree shall be planted for every forty (40) feet of street frontage. Trees may be evenly spaced or grouped together. Street trees shall also meet the following requirements:
1. **Tree Size:** All street trees shall be a minimum of two and one-half (2 ½) inch calliper as measured six (6) inches from the top of the rootball, at the time of planting.
 2. **Separation from Pavement:** No tree may be planted so that its center is closer than two (2) feet to a sidewalk or curb, or edge of pavement if no curbs are present.
 3. **Visual Clearance:** No tree shall be planted within twenty-five (25) feet of the intersection of two street rights-of-way, within ten (10) feet of the intersection of a street right-of-way and an entrance driveway, or within the Sight Visibility Triangle established by the Unified Development Ordinance.
 4. **Separation from Utilities:** No tree shall be planted within ten (10) feet of any fire hydrant or two (2) lateral feet of any underground utility service.
 5. **Permitted Tree Types:** Street trees shall be of one or more of the species described in the Permitted Street Trees table.
- C. **Installation:** Where required, street trees shall be installed on each lot after the structure(s) on that lot are completed. No permanent Certificate of Occupancy shall be provided for any lot (including their structures on that lot) until the approved street trees are installed.

Permitted Street Trees

Common Name	Scientific name
Hornbeam	
American Hornbeam	Carpinus Caroliniana
Upright European Hornbeam	Carpinus Betulas "Fastigiata"
Elm	
Accolade Elm	Ulmus Japonica x Wilsoniana "Morton"
Frontier Elm	Ulmus Carpinifolia x Parvifolia "Frontier"
Homestead Elm	Ulmus "Homestead" (complex hybrid)
Ginkgo (Male only)	
Fairmount Ginkgo	Ginkgo Biloba "Fairmount"
Sentry Ginkgo	Ginkgo Biloba "Sentry"
Upright Ginkgo	Ginkgo Biloba "Upright"

Common Name	Scientific name
Honeylocust	
Majestic Honeylocust	Gleditzia Triacanthos Inermis "Majestic"
Moriane Honeylocust	Gleditzia Triacanthos Inermis "Moriane"
Shademaster Honeylocust	Gleditzia Triacanthos Inermis "Shademaster"
Skyline Honeylocust	Gleditzia Triacanthos Inermis "Skyline"
Sunburst Honeylocust	Gleditzia Triacanthos Inermis "Sunburst"
Linden	
Basswood	Tilia Americana
Chancellor Linden	Tilia Cordata "Chancellor"
Greenspire Linden	Tilia Cordata "Greenspire"
Silver Linden	Tilia Cordata "Silver"
Swedish Upright Linden	Tilia Cordata "Swedish Upright"
Maple	
Armstrong Red Maple	Acer Rubrum "Autumn Flame"
Paperbark Maple	Acer Griseum
Red Sunset Red Maple	Acer Rubrum "Red Sunset"
Striped Maple	Acer Pensylvanicum
Tilford Red Maple	Acer Rubrum "Tilford"
Trident Maple	Acer Buergerianum
Oak	
Bur Oak	Quercus Macrocarpa
Chestnut Oak	Quercus Prinus
Chinkapin Oak	Quercus Muehlenbergii
English Oak	Quercus Robur
Laurel Oak	Quercus Hemisphaerica
Pin Oak	Quercus Palustris
Post Oak	Quercus Stellata
Red Oak	Quercus Borealis
Scarlet Oak	Quercus Coccinea
Shingle Oak	Quercus Inbricaria
Shumard Oak	Quercus Shumardii
White Oak	Quercus Alba
Common Alder	Alnus Glutinosa
Golden Raintree	Koelreuteria Paniculata
London PlaneTree	Platanus x Acerifolia

Subdivision and Street Name Standards

6.22 Subdivision and Street Name Standards

- A. Subdivision Name Standards: The proposed name of all subdivisions shall be provided by the subdivider at the time of Preliminary Plat application.
1. *Root Name*: The proposed root name of the development shall not duplicate, or closely approximate phonetically, the name of any other development within the zoning jurisdiction of the City or County.
 2. *Suffix Name*: Deviations in suffix names (e.g. Place, Woods, or Glen) shall not constitute a unique name (for example, if Preston Place exists, the name Preston Woods shall not be permitted).
 3. *Large Developments*: Unique subareas within a large development or separate developments within close proximity may be authorized to use the same root name by the Plan Commission.
 4. *Approval and Renaming Authority*: The Plan Commission shall have final authority to approve or rename the name of the subdivision, which shall be determined at the time of the Preliminary Plat approval.
- B. Street Name Standards: The proposed name of all subdivision streets shall be provided by the subdivider at the time of Preliminary Plat application.
1. *Duplication of Names*: Street names shall not duplicate any existing street name within the City of Shelbyville, irrespective of the use of the term street, avenue, boulevard, drive, place, court, lane, road, pike, highway, parkway, or similar suffix. Street names that are spelled differently but sound the same as existing street names shall not be used.
 2. *Street Extensions*: Streets that are designed and/or function as the extension of an existing street shall be named consistent with the existing street.
 3. *Street Terms*: The term “court” shall be reserved for cul-de-sac streets. The terms “place” and “circle” shall be reserved for circular streets that intersect with another street at two locations and cannot be divided into more than one street.
 4. *Review Authority*: All street names are subject to review and approval of the Plan Commission at Preliminary Plat review.
 5. *Approval Authority*: The Plan Commission shall have final authority to name all streets at the time of Preliminary Plat approval.

Traffic Safety and Information Sign Standards

6.23 Traffic Safety and Information Sign Standards

- A. General: All streets, public or private, shall have signs necessary to provide a safe environment for drivers and pedestrians and provide means to find development amenities.
- B. Cross Reference: The City's policies and the Indiana Manual on Uniform Traffic Control Devices for Streets and Highways (current version adopted by the Indiana Department of Transportation) shall be used to determine the type, size, height, and location of each of these signs. Each sign's location and height shall be communicated to the petitioner at the time they are received by the petitioner.
- C. Public Safety Signs: The applicant shall coordinate with the City Street Superintendent before purchasing and installing any public safety related street sign. The City Street Superintendent shall make the final determination regarding the final location and height of each sign. All public safety related street signs shall be installed prior to any street being open to the public.
- D. Street Name Signs: The applicant shall coordinate with the City Street Superintendent before purchasing and installing any street name sign. One (1) street name sign shall be required for each intersection within the development and on all perimeter intersections. The City Street Superintendent shall make the final determination regarding the final location and height of each sign. All street name signs shall be installed prior to any street being open to the public.
- E. Street Sign Installation: Street signs, including street name signs, stop signs, "no-parking" signs, and all other appropriate regulatory signs, shall be installed by the subdivider at all locations specified on the approved Preliminary Plat and Construction Plans and otherwise required by the City Engineer.
 - 1. *Sign Standards*: All street signs shall meet the standards of the City Engineer and the Street Commissioner.
 - 2. *Sign Cost*: The subdivider shall assume all costs for street sign installation.
 - 3. *Temporary Signs*: The subdivider shall be responsible for the installation of temporary street and traffic control signs until the public improvements are accepted by the Board of Public Works and Safety.

6.24 Waste Disposal Standards

- A. Sewer System General Requirements: Lots in all subdivisions, except those located in the AG and A/R zoning districts, shall be served by sanitary sewers. The appropriate sanitary sewer system shall be designed and installed by the subdivider based on the adopted specifications of the City of Shelbyville. All sanitary sewer systems (excluding laterals and other features serving individual lots) and easements shall be dedicated to the City of Shelbyville.
 - 1. *Design Specifications*: The system shall be provided with all necessary supplemental equipment or machinery (including, but not limited to, lift stations) and be in such lengths, sizes, dimensions and specifications as required by the City Engineer and Waste Water Treatment Superintendent.
 - 2. *General Location*: Sewer mains and transmission lines and structures, with the exception of any above ground structures such as lift stations or pumps, shall generally be located underground in the right-of-way provided along public streets. In all instances, the required drawings of these transmission lines shall be shown with the locations of any street trees and all other utilities to be provided.
- B. Sewer System Plans and Specifications: The plans for the installation of a sanitary sewer system shall be prepared by a professional engineer or surveyor licensed in the State of Indiana, shall be provided by the subdivider, and shall be subject to review and approval by the City Engineer and Waste Water Treatment Superintendent.
 - 1. *Additional Requirements*: All sewer systems shall be in accordance with Indiana State Board of Health and Indiana Department of Environmental Management (IDEM) regulations.
 - 2. *“As-Built” Drawings*: Upon completion of the sewer installation, the “as-built” plans shall be filed with the City Engineer in paper (hard copy) and electronic format (AutoCAD and PDF files).
- C. Individual Property Waste Disposal Systems: No individual property waste disposal systems, such as septic systems or privately owned treatment plants shall be permitted where sewer service is required by this Ordinance. Any individual waste disposal system shall meet all applicable requirements and procedures of the Indiana and Shelby County Boards of Health.

Water Supply Standards

6.25 Water Supply Standards

- A. General Requirements: Lots in all subdivisions, with the exception of those in the AG and A/R zoning districts, shall be provided with water, supplied by the appropriate utility. The appropriate water supply system shall be designed and installed by the subdivider based on the adopted specifications of the utility provider.
 - 1. *Design Specifications*: The water system shall include all necessary supplemental equipment and machinery including, but not limited, to all pipes, fire hydrants, and valves.
 - 2. *General Location*: Water supply mains and transmission lines shall be located either in the right-of-way adjacent to public streets (opposite any sanitary sewer also included in that right-of-way) or in the front yard of lots in easements immediately adjacent to the rights-of-way.
- B. Individual Property Wells: No individual property wells shall be permitted as the primary water supply for any property where water service is required by this Ordinance. Any individual well shall meet all applicable requirements and procedures of the Indiana and Shelby County Boards of Health.

Article

7

Surety Standards

*City of Shelbyville
Unified Development
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Surety Requirements

7.01 Surety Requirements

- A. **Surety Required:** At the time when the Final Plat is placed on the Board of Public Works and Safety agenda for their signatures, the petitioner shall provide appropriate surety for the public improvements related to the subdivision (including both on and off-site improvements). All surety shall be filed with the Zoning Administrator and maintained in the office of the City of Shelbyville Clerk-Treasurer.
- B. **Sectionized Plat Surety:** For plats that have been divided into sections for the purpose of a phased development, surety shall only be required to be provided for the public improvements included in the section that is the subject of the Final Plat approval request. This provision shall not be interpreted as relieving the subdivider of surety requirements for off-site improvements or those in previously recorded or future sections, that were/shall be required at the time of their respective Final Plat approval.
- C. **Surety Specifications:** All surety shall be in a format and amount consistent with the requirements of *Article 7: Surety*, including the following requirements:
 1. *Recipient:* The surety shall be drawn in favor of the “City of Shelbyville, Indiana.”
 2. *Improvements Requiring Surety:* Performance surety shall be provided for all incomplete public improvements, including but not limited to street compaction, subsurface, base, and surface; street signs; pedestrian pathways; sanitary sewers; curbs; gutters; sidewalks; surface swales; subsurface and storm drainage systems; seeding/erosion control; landscaping; required through lot buffering and screening; and any other public improvements required by this Ordinance, the Plan Commission, or other appropriate public agency.
 3. *Asphalt Surface Exception:* A developer may request permission, in writing, of the City Engineer to delay the installation of the one and one-half (1 ½) inch surface layer of asphalt until the binder layer has had a sufficient time period to prove its durability under the stress of traffic. The developer shall be required to submit a separate performance bond to cover the cost of the installation of the surface layer of asphalt.
 4. *Amount and Time Frame:* The surety shall be in an amount and time period sufficient to adequately maintain completed improvements or to install yet incomplete improvements in compliance with this Ordinance. The petitioner’s engineer or contractor shall supply an estimate of the cost of the improvements and their installation to aid the City Engineer in the determination of the amount of the surety. The petitioner’s estimate, however, shall not be binding.
 - a. *Maintenance Surety:* Maintenance surety shall be provided in an amount equal to ten percent (10%) of the cost of the public improvements and their installation and shall be provided for a period of three (3) years from the date the improvements are accepted by the Board of Public Works and Safety.
 - b. *Performance Surety:* Performance surety shall be provided in an amount equal to 125% of the cost of the yet incomplete public improvements and their installation, and shall be provided for a time period sufficient to ensure the installation of the improvements, but not less than two (2) years.
 - c. *Multiple-Use Surety:* If multiple types of improvements (such as street surface and sanitary sewers) are included on a single bond, the Board of Public Works and Safety shall be permitted to use the entire bond amount for the installation of a single improvement, regardless of any itemization that has been established.
 5. *Form of Surety:* The surety shall be provided in the form of either a bond or an irrevocable letter of credit. All forms of surety shall be securable by the “City of Shelbyville, Indiana.” Updates and extensions to any irrevocable letters of credit used shall be provided to the City Engineer annually for the duration for which the surety is required.
 6. *Applicability:* The surety shall specifically list the name of the subdivision (including phase and/or section) to which it applies, the date from which it is valid, the time period for which it is valid, the public improvements to which it applies, and whether it is “maintenance” or “performance” surety. The surety shall further comply with all statutory requirements and shall be satisfactory to the City Attorney, City Engineer, Zoning Administrator, and Clerk-Treasurer as to form, sufficiency, and manner of execution as set forth in this Ordinance.
- D. **Performance Surety Reduction:** The amount of performance surety may be reduced upon the actual dedication and acceptance of portions of the public improvements for which the surety was originally posted. A maximum of two (2) reductions are permitted during the life of any surety. Any such reduction shall be at the discretion of the Board of Public Works and Safety, based on the recommendation of the City Engineer. The reduction of performance surety shall follow the procedure for the release of performance surety provided by *Section 7.02: Release of Performance Surety*.

Release of Performance Surety

7.02 Release of Performance Surety

- A. Release Request: Upon completion of the public improvements for which performance surety has been provided, the subdivider shall make a written request to the City Engineer for the release of the surety and the acceptance of public improvements. The request shall include the following:
 1. *Description of Improvements*: a description of the public improvements that have been completed;
 2. *Engineering Report*: A report from the subdivider's engineer, who shall be licensed by the State of Indiana, certifying that the improvements were completed consistent with all applicable requirements and standards, and that the improvements are free and clear of all liens and other encumbrances; and
 3. *Maintenance Surety*: maintenance surety for the public improvements consistent with the requirements *Section 7.01: Surety Requirements*.
- B. Inspection of Improvements: The Zoning Administrator and City Engineer shall provide appropriate inspections of the public improvements.
 1. *Testing*: Before any performance surety covering a street installation is released, the Zoning Administrator or City Engineer may request that core borings of the street be done at the subdivider's expense. Cores shall be reviewed by an independent testing laboratory or registered engineer for analysis. Any requests for testing by the Zoning Administrator and/or City Engineer may be appealed by the subdivider to the Board of Public Works and Safety.
 2. *Satisfactory Findings*: If, based upon the recommendations of the Zoning Administrator and City Engineer, the Board of Public Works and Safety finds that the public improvements were completed consistent with all applicable standards and that appropriate maintenance surety is provided, it shall accept the improvements.
 3. *Unsatisfactory Findings*: If, based upon the recommendations of the Zoning Administrator and City Engineer, the Board of Public Works and Safety finds that the public improvements have not been completed in a satisfactory manner then it may deny the request for the release of the performance surety, providing a written statement of denial to the subdivider that includes a detailed list of required corrections. The applicant shall make the required corrections and reapply for the release of the surety.
- C. Decision Criteria: In reviewing requests for the release of performance surety the Board of Public Works and Safety shall consider the following:
 1. Whether or not the improvements were completed in a manner consistent with the approved Preliminary Plat, approved Construction Plans, and all applicable standards and requirements;
 2. Whether or not the report provided by the subdivider's engineer is complete and satisfactory; and
 3. Whether or not the public improvements are in good condition and appropriate for use by the public.
 - a. All streets, sidewalks, and other pedestrian pathways shall be clear of all dirt, debris, standing water, and construction equipment and/or supplies.
 - b. All drainage structures shall be clear of sedimentation, debris, or other obstructions and be adequately secured to prevent access by the public.
 - c. All erosion control measures shall be consistent with applicable standards for the limiting of erosion and sedimentation.
 - d. The areas adjacent to all sidewalks and other pedestrian pathways shall be graded and seeded.
 - e. All sanitary sewer infrastructure and facilities meet the inspection, testing, and other requirements of the Waste Water Treatment Superintendent.
- D. Default: In any case where the required public improvements have not been completed prior to the date the performance surety expires, and the Board of Public Works and Safety and the subdivider are unable to reach agreement on an extension of the time frame for the surety and the completion of the public improvements, the Board may declare the surety to be in default. The required public improvements may then be installed by the City, using the funds from the surety.

Release of Maintenance Surety

7.03 Release of Maintenance Surety

- A. Maintenance Required: The subdivider shall be required to ensure that the public improvements covered by the maintenance surety remain free of construction related defects for the term of the surety.
 1. *Inspections*: The public improvements shall be subject to periodic inspection by the City. Written notice shall be provided to the subdivider of any defects that are detected and any corrections that are required. The subdivider shall make the necessary corrections consistent with all applicable construction requirements.
 2. *Surety for Repairs*: The Board of Public Works and Safety may require that additional maintenance surety be provided for any portion of the public improvement that was subject to repair for a time period of three (3) years from the date the repair was completed.
- B. Release Request: Two months prior to the expiration of the surety, the subdivider shall make a written request to the City Engineer for the release of the surety on the expiration date. The request shall include the following:
 1. *Description of Improvements*: a description of the public improvements to which the surety applies; and
 2. *Engineering Report*: a report from the subdivider's engineer, who must be licensed by the State of Indiana, certifying that the improvements remain free of construction related defects, and that the improvements are free and clear of all liens and other encumbrances.
- C. Inspection of Improvements: The Zoning Administrator and City Engineer shall provide appropriate inspections of the public improvements, including a final on-site inspection.
 1. *Satisfactory Findings*: If, based upon the recommendations of the Zoning Administrator and City Engineer, the Board of Public Works and Safety finds that the public improvements are in satisfactory condition and free of construction related defects, it shall release the maintenance surety and assume complete responsibility for the upkeep of the improvements.
 2. *Unsatisfactory Findings*: If, based upon the recommendations of the Zoning Administrator and City Engineer, the Board of Public Works and Safety finds that the public improvements are not in satisfactory condition and do contain unresolved construction related defects then it may deny the request for the release of the maintenance surety, providing a written statement of denial to the subdivider that includes a detailed list of required corrections. The applicant shall make the required corrections and reapply for the release of the surety.
 3. *Substitution of Performance Surety*: Subject to the approval of the Board of Public Works and Safety, the subdivider may provide a performance surety for any portion of the public improvements to be corrected in lieu of the completion of the correction in order to obtain the release of the maintenance surety.
 - a. Generally, the use of performance surety in this manner shall be limited to instances when weather conditions or other features unique to the subdivision or nature of the public improvements prevent the timely completion of the required corrections.
 - b. In no case may the time period provided for the completion of the corrections and the performance surety be more than one (1) year from the date that notice of the required corrections is provided to the subdivider.
- D. Decision Criteria: In reviewing requests for the release of maintenance surety the Board of Public Works and Safety shall consider the following:
 1. Whether or not the improvements are free of construction related defects;
 2. Whether or not the report provided by the subdivider's engineer is complete and satisfactory;
 3. Whether or not the public improvements are in good condition and appropriate for use by the public.
 - a. All streets, sidewalks, and other pedestrian pathways shall be clear of all dirt, debris, standing water, and construction equipment and/or supplies.
 - b. All drainage structures shall be clear of sedimentation, debris, or other obstructions and be adequately secured to prevent access by the public.
 - c. All erosion control measures shall be effective consistent with applicable standards for the limiting of erosion and sedimentation.
 - d. The areas adjacent to all sidewalks and other pedestrian pathways shall be graded and seeded.
 - e. All sanitary sewer infrastructure and facilities meet the inspection, testing, and other requirements of the Waste Water Treatment Superintendent.
- E. Default: In any case where the public improvements are not deemed to be free of construction defects and otherwise in unsatisfactory condition prior to the date the maintenance surety will expire, and the Board of Public Works and Safety and the subdivider are unable to reach agreement on an extension of the time frame for the surety and the correction of the public improvements, the Board may declare the surety to be in default. The required corrections to the public improvements may then be made by the City, using the funds from the surety.

Article

8

Nonconformances

*City of Shelbyville
Unified Development
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Nonconforming Structures, Uses, and Lots

8.01 Intent

As new zoning regulations are adopted or zoning map changes are made, lots, structures, and uses that were previously compliant with zoning regulation are sometimes made noncompliant. *Article 8: Nonconformances* specifies the provisions that apply to these legal nonconforming by an amendment to the zoning regulations or a zoning map change.

8.02 Distinction Between Conforming, Illegal Nonconforming, and Legal Nonconforming

Each structure, use, and lot is either "conforming" or "nonconforming." Conforming is used to describe a structure, use, or lot as being in full compliance with the current Unified Development Ordinance. Nonconforming is used to describe a structure, use, or lot that is in violation of the current Unified Development Ordinance. Nonconforming structures, uses, and lots are either "illegal nonconforming" or "legal nonconforming." The following sections determine the nonconforming status of a structure, use, or lot:

A. Illegal Nonconforming:

1. *Structure*: A structure (not including signs) constructed in violation of the zoning ordinance that was in effect when the structure was constructed and which remains in violation of the current Unified Development Ordinance is an illegal nonconforming structure.
2. *Sign*: A sign (not including all other structures) constructed in violation of the zoning ordinance that was in effect when the sign was constructed and which remains in violation of the current Unified Development Ordinance is an illegal nonconforming sign.
3. *Use*: A use that was in violation of the zoning ordinance that was in effect when the use was initiated and which remains in violation of the current Unified Development Ordinance is an illegal nonconforming use. In addition, a legal nonconforming use which is abandoned as described in *Section 8.06(C)(1): Abandonment of Use* shall be considered an illegal nonconforming use.
4. *Lot*: A lot established in violation of the zoning ordinance or subdivision control ordinance that was in effect at the time of establishment and which remains in violation of the current Unified Development Ordinance is an illegal nonconforming lot.

B. Legal Nonconforming:

1. *Structure*: A structure (not including signs) that does not meet one (1) or more development standards of the Unified Development Ordinance, but was legally established prior to the effective date of this Unified Development Ordinance shall be deemed a legal nonconforming structure. Legally established includes structures approved by development standards variance or other special approval as long as they continue to conform to the terms of approval.
2. *Sign*: A sign (not including all other structures) that does not meet one (1) or more development standards of the Unified Development Ordinance, but was legally established prior to the effective date of this Unified Development Ordinance shall be deemed a legal nonconforming sign. Legally established includes signs approved by development standards variance or other special approval as long as they continue to conform to the terms of approval.
3. *Use*: The use of a structure or land (or a structure and land in combination) that was legally established and has since been continuously operated, that is no longer permitted by the Unified Development Ordinance in the zoning district in which it is located, shall be deemed a legal nonconforming use. Legally established includes uses approved by use variance, special exception, or other special approval as long as they continue to conform to the terms of approval.
4. *Lot*: A lot that does not meet one (1) or more lot standards of the Unified Development Ordinance, but was legally established and recorded prior to the effective date of this Unified Development Ordinance shall be deemed a legal nonconforming lot of record. Legally established includes lots approved by development standards variance, or other special approval as long as they continue to conform to the terms of approval.

- C. Setback Exemption: Any primary structure that was established prior to February 18, 2012 and that has an established front setback, side setback, or rear setback less than the minimum required setback in this Unified Development Ordinance shall not be considered legal non-conforming. Said primary structures shall be considered legal as they exist. Expansion of these primary structures shall be permitted as long as said expansion is in compliance with the applicable setback (i.e. the current applicable setback) standards.

8.03 Illegal Nonconforming Structures, Uses, and Lots

An illegal nonconforming structure, use, or lot is subject to the enforcement procedures and penalties of the Unified Development Ordinance. The enforcement procedures and penalties of the zoning ordinance in place at the time the violation occurred shall no longer be in effect.

Nonconforming Structures, Uses, and Lots

8.04 Legal Nonconforming Structures

The following provisions apply to legal nonconforming structures, structures associated with legal nonconforming uses, and structures associated with legal nonconforming lots. The regulations for legal nonconforming structures is divided into three (3) categories: buildings, signs, and all other structures in the below subsections.

- A. **Legal Nonconforming Building Provisions:** The provisions for legal nonconforming buildings, a subcategory of structures (see *Section 8.04(B): Legal Nonconforming Sign Provisions* for signs and *Section 8.04(C): Legal Nonconforming Structure Provisions* for all other structures), are as follows:
 1. **Building Expansion:** A legal nonconforming building shall be permitted to expand in area and height as long as the nonconformity is not increased and the expansion otherwise meets the current Unified Development Ordinance. For example, if a building is in violation of the maximum height standard, it can be expanded in area as long as the new addition does not exceed the maximum height standard and is otherwise in compliance with current Unified Development Ordinance.
 2. **Building Exterior Alteration:** The exterior walls of a building shall not be moved except as provided in the previous clause. Otherwise, the roof and exterior walls may be maintained, repaired, re-faced, and modified, resulting in the original aesthetic character or an altered exterior character, as long as the building's nonconformity is not increased and the alteration otherwise meets the current Unified Development Ordinance.
 3. **Building Interior Alteration:** Ordinary repair and replacement of interior finishes, heating systems, fixtures, electrical systems, or plumbing systems; and interior wall modifications are not regulated by the Unified Development Ordinance.
 4. **Building Relocating:** A legal nonconforming building shall not be relocated or reset unless the relocation meets the requirements of the current Unified Development Ordinance.
- B. **Legal Nonconforming Sign Provisions:** The provisions for legal nonconforming signs, a subcategory of structures (see *Section 8.04(A): Legal Nonconforming Building Provisions* for buildings and *Section 8.04(C): Legal Nonconforming Structure Provisions* for all other structures), are as follows:
 1. **Change of Copy:** A legal nonconforming sign shall be permitted to change the copy or sign face as long as the structure, framing material, and dimensions of the sign remain the same.
 2. **Sign Alteration:** A legal nonconforming sign may be altered as long as the alteration results in the sign complying with the current Unified Development Ordinance.
 3. **Sign Relocating:** A legal nonconforming sign shall not be relocated or reset unless the relocation is required by right-of-way acquisition. Any sign rendered legal nonconforming or that is located in a sight visibility triangle due to a right-of-way acquisition shall be relocated to where it meets the requirements of the current Unified Development Ordinance (e.g. setback standards).
 4. **Conversion for Longevity:** Converting a structural component of a legal nonconforming sign to a more permanent material in order to prolong legal nonconformity shall not be permitted. For example, a legal nonconforming permanent pole sign would not be permitted to replace its existing wood posts with metal posts even if dimensionally the same size.
- C. **Legal Nonconforming Structure Provisions:** The provisions for legal nonconforming structures, not including buildings or signs (see *Section 8.04(A): Legal Nonconforming Building Provisions* for buildings and *Section 8.04(B): Legal Nonconforming Sign Provisions* for signs) are as follows:
 1. **Structure Alteration:** A legal nonconforming structure shall not be permitted to be altered in height, area, or mass.
 2. **Structure Relocating:** A legal nonconforming structure shall not be relocated or reset unless the relocation meets the requirements of the current Unified Development Ordinance.
 3. **Conversion for Longevity:** Converting a structural component of a legal nonconforming structure to a more permanent material in order to prolong legal nonconformity shall not be permitted.
- D. **Loss of Legal Nonconforming Structure Status:** The following provisions apply to all types of legal nonconforming structures:
 1. **Condemned Structures:** If a legal nonconforming structure, through lack of maintenance, is declared by an authorized official to be condemned due to its physical or unsafe condition, it shall lose its legal nonconforming status and become illegal nonconforming.
 2. **Removal of Permanent Structures:** If a legal nonconforming permanent structure is fully removed or razed, it shall lose its legal nonconforming status; further, if a legal nonconforming permanent structure is partially removed or razed resulting in a loss of either seventy percent (70%) of its market value or seventy percent (70%) of its structure, the remaining permanent structure shall lose its legal nonconforming status and become illegal nonconforming.
 3. **Moved or Removal of Temporary Structures:** If a legal nonconforming temporary structure is moved or removed (e.g. moved inside, moved to a new on-site location, or taken off-site), the legal nonconforming temporary structure shall lose its legal nonconforming status and become illegal nonconforming.

Nonconforming Structures, Uses, and Lots

4. *Alterations that Result in Greater Nonconformity:* Any modification that is not specifically permitted by *Section 8.04: Legal Nonconforming Structures* and that increases the structure's nonconformity shall lose its legal nonconformity status and become illegal. For example increasing the height of a structure that was deemed legal nonconforming because it was taller than allowed in the current regulations.
5. *Acts of Nature:* If a legal nonconforming structure is damaged from an act of nature resulting in a loss of either seventy percent (70%) of its market value or seventy percent (70%) of its structure, all reconstruction shall be required to meet the current Unified Development Ordinance.
- E. *Maintenance and Repair:* Nothing in this section shall be deemed to prevent the ordinary and necessary maintenance or repair of a legal nonconforming structure to keep it in a safe, aesthetic, and functional condition. Moving or replacing interior walls, heating, fixtures, wiring, or plumbing shall be considered maintenance.

8.05 Nonconforming Lots

The following provisions apply to legal nonconforming lots:

- A. *Legal Nonconforming Lot Provisions:* A legal nonconforming lot shall be permitted to be developed and used as long as the proposed structure(s) and use(s) meets the current Unified Development Ordinance. All standards other than the minimum lot area, maximum lot area, minimum lot width, and minimum frontage shall still apply.
- B. *Loss of Legal Nonconforming Lot Status:*
 1. *Combining Lots Results in Conformity:* If a legal nonconforming lot is used in combination with an adjacent lot as a single unit for development purposes, and the two (2) lots in combination would constitute a single conforming lot, the legal nonconforming lot(s) shall lose its (their) legal nonconforming status. Thereafter, future division of the combined lot shall conform to the current Unified Development Ordinance.
 2. *Permanent Structure Across Property Lines:* If a legal nonconforming lot is owned by the same person as an adjacent lot, and the owner constructs a permanent structure across the property line of the two lots, thus permanently using the two (2) lots in combination, and the two (2) lots in combination would constitute a single conforming lot, then the legal nonconforming lot shall lose its legal nonconforming status at the time the permanent structure is constructed across the property line or at the time the Unified Development Ordinance was adopted if the improvement already existed.

8.06 Nonconforming Uses

The following provisions apply to legal nonconforming uses:

- A. *Cross Reference:*
 1. *Agricultural:* With respect to agricultural legal nonconforming uses, nothing in this section shall be interpreted in a manner that is inconsistent with *IC 36-7-4-616: Zoning Ordinance; Agricultural Nonconforming Use*.
- B. *Legal Nonconforming Use Provisions:* The provisions for legal nonconforming uses are as follows:
 1. *Utilizing Existing Buildings:* A legal nonconforming use shall be permitted to continue to occupy or use an existing building.
 2. *Utilizing Existing Structures:* A legal nonconforming use shall be permitted to continue to utilize an existing structure.
 3. *Utilizing Land:* Any legal nonconforming use shall be restricted to the area of land that was being utilized upon the effective date of the current Unified Development Ordinance. Any extension, expansion, relocation, or enlargement of the area of land that was legal nonconforming is expressly prohibited.
 4. *Increase in Nonconformity:* No legal nonconforming use shall be permitted to increase its degree of nonconformity.
- C. *Loss of Legal Nonconforming Use Status:*
 1. *Abandonment of Use:* If a legal nonconforming use is abandoned or is discontinued for one (1) year or more, except when a government action impedes access to the premises, it shall lose its legal nonconforming status. Any subsequent use shall conform to the provisions of the current Unified Development Ordinance.
 2. *Change of Use:* The right to continue a legal nonconforming use applies only to the same use that existed upon the effective date of the current Unified Development Ordinance. Further, when a legal nonconforming use is changed, altered, or evolves to be in compliance with the current Unified Development Ordinance, the legal nonconforming use status is lost and the current use cannot revert back to the original legal nonconforming use.
 - a. *Exception:* The Zoning Administrator may permit a nonconforming use to evolve to another nonconforming use if the proposed nonconforming use is within the same "category" of uses (e.g. a change from a clothing store to a shoe store) or otherwise is clearly similar in intensity and other attributes.

Article

9

Processes

City of Shelbyville Unified Development Ordinance

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Introduction to Processes

9.01 Introduction to Processes

The following process are allowed.

- A. Permanent Construction, Installation, Addition, Alteration, or Relocation of a Structure: A project that involves constructing, installing, adding onto, altering, or relocating a permanent building or structure, including primary and accessory structures, shall utilized the following applicable process for approval.
1. Improvement Location Permits: Projects that are in full compliance with the applicable regulations shall be issued an Improvement Location Permit authorizing the project to begin. See *Section 9.02: Improvement Location Permit* for details about this process. This process section applies to the following zoning districts:

 2. Site Development Plans: Projects that are in full compliance with the applicable regulations and that meet the Site Development Plan requirements as determined by the Plan Commission shall be issued an Improvement Location Permit authorizing the project to begin. See *Section 9.05: Site Development Plan* for details about this process. This process section applies to the following zoning districts:

- B. Permanent Alteration to the Land: A project that involves permanently altering the topography, drainage, floodplain, or environmental features shall have the project reviewed for compliance with the Unified Development Ordinance. Projects determined to be in full compliance with the applicable regulations will be issued an Improvement Location Permit authorizing the project to begin. See *Section 9.02: Improvement Location Permit* for details about this process. This process section applies to all zoning districts:
- C. Temporary Use of Land or Structure: A project that involves establishing a temporary use or installing a temporary structure shall have the project reviewed for compliance with the Unified Development Ordinance.
1. Residential: Projects determined to be in full compliance with the applicable regulations shall be issued an improvement location permit authorizing the project to begin. See *Section 9.03: Temporary Improvement Location Permit* for details about this process.
 2. Non-residential: Projects shall be subject to the Site Development Plan process as described in *Section 9.01(A)(2): Site Development Plans*.
- D. Special Exception Use: An application for a Special Exception Use may be filed for a land use classified as a Special Exception Use in *Article 2: Zoning Districts* for the subject zoning district. The Board of Zoning Appeals shall utilize a specific public hearing and procedural findings to determine whether the land use is appropriate for the specific parcel named in the petition. See *Section 9.07: Special Exception Use* for details about this process.
- E. Change to a Different Zoning District: An application for a Rezoning may be filed for a lot to be changed from its existing zoning district to a different zoning district. The Plan Commission shall utilize a specific public hearing to review the proposed change in zoning. The Plan Commission shall then forward a recommendation to the Shelbyville Common Council for final action. Approval or denial is the full discretion of the Shelbyville Common Council. See *Section 9.10: Zoning Map Amendment* for details about this process.
- F. Planned Development: An elective approval process for developments that include one (1) or more of the following:
1. Mixed Use: Involve vertical or horizontal mixed-use,
 2. Unique Development: Significantly unique development designs, or
 3. Unique Geological Features: For land that has significantly unique geologic features.

This process allows the developer to propose a site-specific regulatory ordinance that partially replaces the Unified Development Ordinance to allow greater design flexibility, and that rezones the lot. Applications for Planned Development are reviewed and approved by a combination of the Plan Commission and Common Council, and approval or denial is the full discretion of the Plan Commission and Common Council. See *Section 9.06: Planned Development* for details about this process. This process section only applies to the following zoning districts:



Introduction to Processes

- G. Processes for Relief from Regulations and Administrative Decisions: This process section applies to all zoning districts, except a Planned Development District:
1. Administrative Appeal: An application for Administrative Appeal of a decision, interpretation, order, determination, or action of the Zoning Administrator to be overturned or corrected shall be reviewed by the Board of Zoning Appeals. The Board of Zoning Appeals may allow the Zoning Administrator's interpretation to stand or may overturn or correct any Zoning Administrator's decision, interpretation, order, determination, or action. See *Section 9.04: Administrative Appeal* for details about this process.
 2. Variance from Development Standards: An application for a Variance from Development Standards may be filed so that an applicable development standard may be partially or fully waived by the Board of Zoning Appeals. The Board of Zoning Appeals may grant a Variance from Development Standard upon making specific findings of fact, with or without, conditions or commitments. See *Section 9.08: Development Standards Variance* for details about this process.
 3. Variance of Use: An application for a Variance of Use may be filed so that a use that is not permitted in a district be permitted by the Board of Zoning Appeals. The Board of Zoning Appeals may grant a Variance of Use upon making specific findings of fact, with or without conditions or commitments. See *Section 9.09: Use Variance* for details about this process.
 4. Administrative Interpretation: An application for an Administrative Interpretation may be filed with the Zoning Administrator requesting an interpretation of a permitted use or special exception use when a very similar land use is being proposed, but is not specifically listed as either permitted or a special exception use.
- H. Subdivision of Land: An Application for a Subdivision of Land is necessary to divide a lot into additional buildable lots shall be required to be reviewed and approved by the Plan Commission. Divisions of a lot recorded at the Office of the Shelby County Recorder without being approved by the Plan Commission shall not result in buildable lots. See *Section 9.11: Subdivision of Land* for applicability and applicable standards.
- I. Subdivision Standard Waiver: An application for a Waiver from Subdivision Standards may be filed with the Primary Plat application so that an applicable subdivision standard may be partially or fully waived by whichever body is acting upon the Primary Plat, either the Plan Commission or Plat Committee. The Plan Commission or Plat Committee may grant a waiver from a Subdivision Standard upon making specific findings of fact, with or without, conditions or commitments. See *Section 9.15: Subdivision Standard Waivers* for details about this process.

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Improvement Location Permit

9.02 Improvement Location Permit

This process applies to the following zoning districts:



The following procedure applies to Improvement Location Permit applications:

- A. **General Requirements:** No structure or major infrastructure shall be erected, moved, or added to, without an Improvement Location Permit issued by the Zoning Administrator. No Improvement Location Permit shall be issued unless the project is in conformity with the provisions of the Unified Development Ordinance and other applicable regulations of the City of Shelbyville. When applicable, consistent with *Section 9.05: Site Development Plan* review and approval shall be completed prior to the receipt of an Improvement Location Permit.
- B. **Permit Required:** The City of Shelbyville requires that an Improvement Location Permit be obtained for any of the following actions and a single Improvement Location Permit may be issued for a combination of these actions, if they occur together:
 1. Construction, removal, or placement of any structure, for any use that exceeds 200 square feet in area and/or has a permanent foundation (including structures other than buildings such as towers, storage tanks, antennas, and satellite dishes),
 2. Any temporary use of land or temporary structure,
 3. Swimming pools (in ground or above ground),
 4. Additions to all structures,
 5. Surface and sub-surface drainage work and/or grading (including land alteration) excluding agricultural uses,
 6. Adding or subtracting dwelling units or leased space in multiple-family or commercial structures,
 7. Placement or replacement of manufactured or mobile homes,
 8. Parking lot construction or alteration,
 9. Telecommunication towers, buildings, and antennas, and
 10. Any exterior construction that adds to or alters the height of an existing structure.
- C. **Exemptions:** No Improvement Location Permit shall be required for the following types of improvements. However, any such improvement shall comply with any applicable requirements of the Unified Development Ordinance and any other adopted standards of the City of Shelbyville.
 1. Fences under eight (8) feet in height, walls, and hedges placed outside of the public right-of-way,
 2. Residential driveways and sidewalks that are located entirely on private property, and
 3. Cosmetic (non-structural) changes to any structure including the replacement of windows in existing openings, re-roofing, the installation of siding material, and repainting.
- D. **Application Requirements:** All applications for an Improvement Location Permit shall be accompanied by the following:
 1. *Site Location Map:* a site location map showing the subject property and the general features of the adjacent property.
 2. *Site Plan (if applicable):* a detailed site plan, drawn to scale with the dimensions indicated showing the following:
 - a. The entire property and the features of the property including all rights-of-way, easements, property lines, required buffer yards, and setbacks;
 - b. All existing and proposed structures or other site improvements with the dimensions of such improvements;
 - c. The distances from all existing and proposed improvements to the property lines;
 - d. The location of any existing or proposed septic field;
 - e. The location of any existing or proposed driveway and/or parking areas;
 - f. Natural, physical, or hazardous conditions existing on the lot;
 - g. The location of any required landscaping, labeled according to size and species;
 - h. The location, type, and dimensions of any storm water structures, conduits, or detention/retention ponds that cross or adjoin the subject property; and
 - i. Finished floor elevations (if required by the Zoning Administrator).

Improvement Location Permit

3. *Waste Disposal Verification (if applicable)*: Either a septic permit from the Shelby County Health Department or a sewer access (tap-on) permit from the City of Shelbyville.
 4. *Driveway Approval (if applicable)*: A driveway permit from the Street Department.
 5. *Use Description*: A detailed description of the existing or proposed uses of the property and any structures.
 6. *Dwelling Units/Tenant Spaces (if applicable)*: An indication of the number of dwelling units, or tenant spaces the building is designed to accommodate.
- E. Copies: A copy of all submitted plans and application materials shall be retained by the Zoning Administrator for the permanent records of the Plan Commission.
- F. Expiration of Permits: If the work described in any Improvement Location Permit has not been completed within one (1) year for residential or two (2) years for all nonresidential projects from the date of its issuance, the permit shall expire. The City shall not be required to issue written notice to the persons affected.
1. The Zoning Administrator may grant extensions for up to one (1) year each for work completion. Requests for extensions must be received within one (1) month of the expiration.
 2. No extension shall be granted unless any appropriate fees, as defined by the adopted fee schedule, are paid to the City and the project continues to conform with all applicable requirements of the City of Shelbyville.
- G. Construction According to Permits and Permit Application: Improvement Location Permit issued on the basis of plans and applications only authorize the use, arrangement, and construction set forth in such approved plans and applications. Any other use, arrangement, or construction not authorized shall be deemed a violation of this Ordinance and subject to the provisions of *Article 10: Enforcement*.

Temporary Improvement Location Permit

9.03 Temporary Improvement Location Permit

This process applies to the following zoning districts:



- A. **Applicability:** A Temporary Improvement Location Permit shall be required prior to temporary construction, installation, addition, alteration, or relocation of a structure and prior to establishment of a temporary land use, except when the language in the ordinance clearly exempts the improvement.
- B. **Cross Reference:**
 1. **Building Permit:** A Temporary Improvement Location Permit does not indicate compliance with building codes. Concurrent to having a project reviewed for compliance with the Unified Development Ordinance some projects with a temporary structure will also have to be reviewed for compliance with the Building Code. The review for compliance with the Building Code is conducted by the Building Commissioner and is a separate process from the Improvement Location Permit.
- C. **Filing Requirements:** Application for a Temporary Improvement Location Permit shall be made on a form provided by the Zoning Administrator and shall be submitted to the Zoning Administrator during normal business hours. The applicant shall submit multiple copies of the application and materials if requested by the Zoning Administrator. Plans or illustrations filed as part of an application shall be drawn to a scale sufficient to permit a clear and precise understanding of the contents of the plans and of the proposal being made.
- D. **Permit Procedure:**
 1. **Substantially Complete Application:** An application for a Temporary Improvement Location Permit shall not be reviewed for approval until it is determined to be substantially complete by the Zoning Administrator. The Zoning Administrator shall first verify that the application form and any required supplemental information has been submitted correctly, and the applicable application fee is paid.
 2. **Review the Project's Compliance:** After the application is verified as being substantially complete, the Zoning Administrator shall review the project to determine whether it complies with the Unified Development Ordinance. The Zoning Administrator may consult with any other person, department, or group to determine if the project complies with all of the provisions of the Unified Development Ordinance. During the review process, the Zoning Administrator may:
 - a. **Request Additional Information:** During the process of rendering a decision, the Zoning Administrator may request additional information deemed necessary to determine whether the project complies with the Unified Development Ordinance.
 - b. **Exercise Discretion:** Some provisions within the Unified Development Ordinance allow the Zoning Administrator to apply discretion to a decision. If such discretion is exercised, the Zoning Administrator shall describe the decision and cite the authority for that discretion.
 - c. **Interpret the Unified Development Ordinance:** Because the Unified Development Ordinance cannot address every possible unique situation, project features, or land use, the Zoning Administrator shall interpret the intent of the Unified Development Ordinance when a situation is not specifically addressed.
 3. **Render a Decision:** The Zoning Administrator shall render a "decision to deny" or "decision to approve" based on the information submitted, project review, discretion exercised, and interpretations made.
 4. **Issuing a Temporary Improvement Location Permit:** If the proposed project complies with the Unified Development Ordinance the Zoning Administrator shall render a decision to approve, document the terms of the approval on the permit, and then issue a Temporary Improvement Location Permit. The Zoning Administrator shall also issue a placard to the applicant. The placard is to be posted in a conspicuous place on the subject property for the duration of the temporary use or structure.
 5. **Decision to Deny:** If the proposed project does not comply with the Unified Development Ordinance, the Zoning Administrator shall not issue a Temporary Improvement Location Permit. The Zoning Administrator shall document the reasons for not issuing a Temporary Improvement Location Permit and send that information to the applicant by e-mail, U.S. Mail, or telephone. If an e-mail is used to communicate denial, documentation that the e-mail was received shall be included in the file. Similarly, if a phone call is used to communicate denial, documentation of the phone call shall be included in the file. If the Zoning Administrator renders a decision to deny an Improvement Location Permit the applicant may promptly revise the application, or may promptly pursue relief from the Unified Development Ordinance.
 6. **Allowance for Revision Prior to a Decision:** Not applicable.

Temporary Improvement Location Permit

7. Allowance for Revision After a Decision to Deny: After a decision to deny, the applicant may promptly revise the site plan, application form, or attachment in order to comply with the Unified Development Ordinance without terminating the process.
 8. Pursuit of Relief: After a decision to deny, the applicant may promptly pursue an administrative appeal or Variance from Development Standards. During an appeal for relief, the application for Improvement Location Permit shall be suspended until the Board of Zoning Appeals rules on the matter.
- E. Duration: When a Temporary Improvement Location Permit is issued, the following duration standards apply:
1. Procedural Expiration: An application shall expire and be void after the applicant is notified of a decision to deny unless the applicant makes revisions to the application or files and appeal with the Board of Zoning Appeals within thirty (30) days from notification.
 2. Commencement: After a Temporary Improvement Location Permit is issued, the permit shall expire after the last approved date for the temporary use and/or structure.
 3. Permit Expiration: A Temporary Improvement Location Permit shall be issued for the dates requested by the applicant and within the ordinance limits as described. The permitted dates shall be displayed on the Temporary Improvement Location Permit and placard.
 4. Extensions: Not applicable.
- F. Modification After Issuance of a Temporary Improvement Location Permit: Not applicable.
- G. Record of Temporary Improvement Location Permit: Records of Temporary Improvement Location Permits shall be kept on file in the Plan Commission Office for the period as specified by the Indiana State Code and shall be available as public record.

Administrative Appeal

9.04 Administrative Appeal

- A. Applicability: An Administrative Appeal applies to an applicant or interested party that wants a decision, interpretation, order, determination, or action of the Zoning Administrator to be overturned or corrected by the Board of Zoning Appeals. Any decision, interpretation, order, determination, or action of the Plan Commission shall not be the subject of an Administrative Appeal.
- B. Stay of Other Actions: The filing of an appeal shall stay all proceedings in furtherance of the action being appealed.
- C. Filing Requirements: An Administrative Appeal shall be made on a form provided by the Zoning Administrator. Applicable fees shall be paid at the time the Administrative Appeal is filed.
- D. Appeal Procedure:
 1. Assignment: Once an Administrative Appeal has been submitted, the Zoning Administrator shall assign a case number and place the appeal on the agenda of the Board of Zoning Appeals. The Zoning Administrator shall inform the petitioner, in writing, of the date and time of the Board of Zoning Appeals meeting at which the appeal is to be heard.
 2. Interested Party Notice: A notice to interested parties shall be made in accordance with the Board of Zoning Appeals Rules and Procedures.
 3. Transfer of Information:
 - a. The Zoning Administrator shall provide the appellant any additional information which is being conveyed to the Board of Zoning Appeals in preparation for the meeting.
 - b. The Zoning Administrator that is the subject of the appeal shall transmit the documents, plans, and papers constituting the record regarding the case to the Board of Zoning Appeals.
 - c. The Zoning Administrator that is the subject of the appeal may provide a written report explaining the final decision or action on the case.
 4. Review: The Board of Zoning Appeals shall hear the Administrative Appeal at a regularly scheduled public meeting according to their Rules and Procedures. The Board of Zoning Appeals may consider information conveyed to them in writing and testimony during the hearing in making a decision.
 5. Decision: Following the hearing and review, the Board of Zoning Appeals may affirm or modify the decision, interpretation, order, determination, or action from which the appeal stems. The Board of Zoning Appeals may also add conditions to its decision when warranted.
 6. Appeal: Any person aggrieved by the decision of the Board of Zoning Appeals may appeal such decision to a court of jurisdiction.

Site Development Plan

9.05 Site Development Plan

- A. Intent: The intent of this Section is to provide for the adequate, consistent review of new development to ensure consistency with the *City of Shelbyville Comprehensive Plan*; accommodate traffic and utility systems; and address the unique characteristics of certain areas of development. Site Development Plan review is provided for by the *IC 36-7-4-1400* series. The site development plan review process is not intended to provide an alternative to rezoning, variance, special exception, platting, or other established procedures; but rather to allow for the administrative review of site conditions and plans for consistency with applicable requirements prior to the issuance of Improvement Location Permits.

Generally, Site Development Plan review shall involve individual lots and shall occur after rezoning and plat approvals. Site Development Plan review may occur before any necessary Board of Zoning Appeals applications based on the characteristics of each application.

- B. Applicability: Site Development Plan approval shall be required for all developments for which an Improvement Location Permit is required by this Ordinance and that are located in any of the following zoning districts:



A Site Development Plan is also required for any development in the following overlay districts:

1. *AR-OL - Airport Overlay*
 2. *RT-OL - Race Track Overlay*
- C. Exemptions: The following types of development shall be exempt from the requirements of this Article, but shall be required to obtain an Improvement Location Permit and/or any other permit or approval otherwise required by this Ordinance:
1. *Sign Installation*: The replacement or installation of any sign(s) not occurring as part of an improvement to any other aspect of the property;
 2. *Parking Lot Expansion*: The expansion of an original parking lot that does not result in a greater than twenty-five percent (25%) or 2,000 square foot (whichever is greater) increase in the surface area of the parking previously available on the property, the demolition of any structure, or the need for modifications to street accesses; or
 3. *Structural Expansion*: The expansion of the original structure or the construction of an accessory structure that does not result in a greater than twenty-five percent (25%) increase in the floor area of the structures that were previously existing on the property and does not require the provision of additional landscaping, parking, or other improvements regulated by this Ordinance.
- D. Review and Approval Authority: The Technical Review Committee, in its role as staff for the Plan Commission, shall have the authority to review Site Development Plans required by this Section.
1. *Waiver of Requirements*: Neither the Technical Review Committee nor the Plan Commission shall have the authority to waive any requirement of this Ordinance in the review of a Site Development Plan. All variances from the terms of this Ordinance shall be subject to the approval of the Board of Zoning Appeals.
 2. *Revision Process*: The procedure for the review of proposed amendments or revisions to previously approved Site Development Plans shall follow the process for the initial approval of Site Development Plans.
- E. Application:
1. *General Requirements*: All applications may be obtained from the Zoning Administrator. Fees shall be paid to the Zoning Administrator at the time the application is submitted.
 - a. *Application Forms*: All applications shall be made on forms provided by the Zoning Administrator. All applicants shall submit original applications that are completed in their entirety either in ink or typed.
 - b. *Copies Required*: All applicants shall submit copies of applications and necessary attachments as required by the adopted policies of the City and the applicable Plan Commission Rules and Procedures.
 - c. *Review Schedule*: All applications shall be assigned reference and/or docket numbers by the Zoning Administrator. Applications shall be scheduled by the Zoning Administrator for the appropriate meetings and/or public hearings based on the completeness of the application consistent with the requirements of this Article and the appropriate adopted Calendar of Filing and Meeting Dates for the Plan Commission.
 2. *Application*: The applicant shall submit an application for Site Development Plan review, an affidavit and consent of property owner (if the property owner is someone other than the applicant), a copy of the deed for the property involved, the required filing fee, and required supporting information to the Zoning Administrator.

- a. Application Material Format: All drawings shall be provided in both hard copy and electronic format in a manner specified by the Zoning Administrator (the Zoning Administrator may waive the requirement that an electronic version of any or all drawings be provided).
- b. Supporting Information: Supporting information shall include, but not be limited to, that described in *Section 9.05(E)(3): Required Materials* (the Zoning Administrator, City Engineer, Technical Review Committee, and/or Plan Commission may request additional supporting information, which shall be provided by the applicant).
3. *Required Materials*: The following materials shall be submitted with all Site Development Plan applications, unless otherwise waived by the Zoning Administrator. All material shall be submitted in paper and pdf electronic format, unless waived by the Zoning Administrator.
 - a. Summary Statement: A summary statement of the characteristics and operation of the development, including the population densities, presence of any adult uses, and number of potential employees. The statement shall include any written commitments being made regarding the Site Development Plan.
 - b. Site Description: A general description of the site and its ownership including:
 - i. The name, street address, e-mail address, and telephone number of the applicant,
 - ii. The name, street address, e-mail address, and telephone number of any land surveyors, engineers, or other professionals responsible for the Site Development Plan design,
 - iii. The name, street address, e-mail address, and telephone number of the primary contact individual for the application (it shall be indicated if the primary contact person is the applicant or a contracted design professional),
 - iv. The legal description of the subject property and common address of the site, and
 - v. The proposed name of the development (if applicable).
 - c. Vicinity Map: A vicinity map showing and clearly identifying the subject property and identifying the current zoning and use of all property within 500 feet of the subject property.
 - i. The vicinity map shall also show all property that is contiguous to the subject property that is owned and/or otherwise controlled by the owner or developer of the subject property.
 - ii. A conceptual drawing describing the future development of all contiguous holdings described above shall be provided by the applicant upon the request of the Zoning Administrator, City Engineer, Technical Review Committee, and/or Plan Commission. At a minimum the conceptual drawings shall include a description of the general street access points, general land uses, and general drainage conditions and plans.
 - d. Property Survey: A property survey, drawn to an appropriate scale, bearing the seal of a land surveyor registered in the State of Indiana, and showing the following existing features for the subject property and all land within 100 feet of the property lines of the subject property:
 - i. The boundary lines and dimensions of the subject property;
 - ii. All structures (specifically indicating any structures recognized as outstanding, notable, or contributing in the *Indiana Historic Sites and Structures Inventory - Shelby County Interim Report*; and those listed in the *National Register of Historic Places*; and/or the *Indiana Register of Historic Sites and Structures*);
 - iii. Topography interpolated from USGS sources and/or otherwise meeting the requirements of the City Engineer (topographic information shall tie into horizontal and vertical control points);
 - iv. Significant wooded areas and other isolated trees and wetlands;
 - v. 100-year floodplain and 100-year floodway boundaries (including elevations);
 - vi. Public and private streets (including street names), sidewalks and other pedestrian paths, rights-of-way, and easements;
 - vii. Required building setbacks and any build-to lines and buffer yards;
 - viii. All known drainage areas, tiles, pipes and structures;
 - ix. Utility services (including fire hydrants) and easements;
 - x. Street accesses; and
 - xi. Any other paved or otherwise improved areas.

- e. Site Plan: A site plan, drawn to an appropriate scale, bearing the seal of a professional engineer or land surveyor registered in the State of Indiana, clearly showing all proposed aspects of the property and all features relevant to the Site Development Plan, including:
 - i. All setbacks and buffer yards;
 - ii. Topography (including elevation contour lines at two-foot (2') intervals, or otherwise meeting the requirements of the City Engineer);
 - iii. Preserved wooded areas and isolated trees and wetlands;
 - iv. Structures (including buildings, fences, and walls);
 - v. All structure heights, dimensions, and floor areas;
 - vi. Areas of outdoor storage;
 - vii. Permanent dumpster and trash areas;
 - viii. Locations, dimensions, and design features (including all curb radii, tapers, and parking space dimensions) of road accesses, interior drives, parking lots, loading docks or areas, intersection sight visibility triangles, and interior sidewalks;
 - ix. Open spaces and specific landscaped areas;
 - x. Locations and capacities of public and private utilities;
 - xi. The location, width, and purpose of all easements;
 - xii. The use of each structure and the amount of parking allocated for the use(s);
 - xiii. Any public improvements including sidewalks, street trees, and right-of-way dedications; and
 - xiv. Locations for temporary uses, such as seasonal sales areas.
- f. Landscaping Plan: A landscaping plan, drawn to an appropriate scale, showing the following:
 - i. Proposed landscaping, buffer yards, and street trees;
 - ii. Topography (including elevation contour lines at two-foot (2') intervals, or otherwise meeting the requirements of the City Engineer);
 - iii. 100-year floodplain and 100-year floodway boundaries (including elevations);
 - iv. Existing and proposed public and internal sidewalks and other pedestrian ways;
 - v. The size and spacing of the plantings at the time of installation and the species proposed to be used to meet the requirements of this Ordinance; and
 - vi. All existing trees and vegetation to be preserved, and the driplines for such trees (in which no construction activity shall occur).
- g. Sign Concept Plan: A conceptual sign plan showing the approximate location, height, method of illumination (if any) and dimensions of all permanent signs and indications of approximate locations, heights, and sizes of any temporary signs. The inclusion of a Sign Concept Plan is for conceptual and review purposes only in order to assist the applicant with becoming familiar with the sign regulations. Signs require a separate permit and approval of the Site Development Plan does not constitute approval or denial of any signs contained in the Sign Concept Plan.
- h. Drainage Plan: A site drainage plan, bearing the seal of a professional engineer or registered in the State of Indiana, including all calculations required by the City Engineer. The drainage plan shall include the location of the following:
 - i. All natural streams, regulated drains, and watercourses,
 - ii. 100-year floodways and 100-year floodplains (including elevations),
 - iii. All marshes, wetlands, and wooded areas, and
 - iv. All drainage area features as described in the drainage calculations.
- i. Access Plan: A site access plan showing both internal circulation between structures/lots as well as ingress/egress to existing rights-of-way.
- j. Lighting Plan: A site lighting plan, drawn to an appropriate scale, showing the type and location of all exterior lighting fixtures with a photometric plan.

- k. Construction Plan: A site construction plan, drawn to an appropriate scale, showing:
 - i. Proposed street cross sections;
 - ii. Proposed utility cross sections and location drawings;
 - iii. Proposed erosion and sediment control measures;
 - iv. The location of any proposed construction trailer and worker parking;
 - v. The location, height, and dimensions of any temporary construction-related signs;
 - vi. Any temporary site accesses to be used during construction;
 - vii. All traffic control signs and devices (subject to the approval of the City Engineer and consistent with the Manual of Uniform Traffic Control Devices);
 - viii. Any temporary utility connections; and
 - ix. The location of any stockpiles of dirt, construction materials, and construction waste dumpsters, and storage areas.
- l. Building Elevations: Color rendered elevations showing all facades of the proposed structure:
 - i. Color Facade Elevations that illustrate all applicable architectural, commercial, and industrial standards.
- m. Traffic Studies as may be deemed necessary by the Technical Review Committee to determine the extent of public improvements required to accommodate traffic generated by the proposed development.

F. Review Process:

1. *Technical Review Committee Review:* The Technical Review Committee shall review the Site Development Plan, including all supporting information on the date established by the adopted Calendar of Meeting and Filing Dates.
 - a. Representation: The applicant and/or a representative of the applicant must be present at the meeting to present the Site Development Plan and address any questions the Committee may have.
 - b. Considerations: In reviewing the Site Development Plan, the Committee shall consider whether or not the proposed Site Development Plan is consistent with the requirements and intent of this Ordinance, any other applicable adopted requirements of the City of Shelbyville, and the standards of the local utility providers.
 - c. Action: The Committee shall review the Site Development Plan and make comments prior to consideration by the Plan Commission.
 - i. Recommend Modifications: The Committee may recommend that minor modifications be made to the Plan in order to be completely in compliance with the requirements and intent of this Ordinance. The applicant shall revise the Site Development Plan proposal consistent with the Committee comments and supply revisions for review by the Zoning Administrator prior consideration by the Plan Commission and to the release of any Improvement Location Permit.
 - ii. Additional Review: If a determination has been made by the Zoning Administrator that sufficient information has not been provided, or if the applicant or an appropriate representative of the applicant fails to appear at the Committee meeting, the Committee may require that revised plan come back before the Committee for additional review. Site Development Plan applications that require additional review shall be automatically docketed for the next Committee meeting.
 - iii. Forward to Plan Commission: The Committee shall forward Site Development Plans that are generally consistent with the requirements and intent of this Ordinance to the Plan Commission for a public hearing if the proposal:
 - [a] includes any improvement to be dedicated to the public (if that improvement has not previously been shown on a recorded plat or otherwise dedicated),
 - [b] includes proposed written commitments, or
 - [c] requires the imposition of conditions in order to be completely consistent with the considerations for approval.
2. *Plan Commission Preparation:* If Plan Commission review is required, the Site Development Plan shall be placed on the agenda for the next meeting of the Plan Commission consistent with the adopted Calendar of Meeting and Filing Dates. The applicant shall revise the Site Development Plan proposal consistent with any Committee comments prior to review by the Plan Commission and shall provide such revision for review.
3. *Public Meeting Notification (if necessary):* Notification for the scheduled public hearing regarding the Site Development Plan shall be completed consistent with the requirements of Indiana Code, the Plan Commission Rules and Procedures, and the provisions of *Section 9.13: Notice of Public Hearing*.
4. *Plan Commission Review (if necessary):* The Plan Commission shall review the Site Development Plan and any supporting information.

- a. Representation: The applicant and/or a representative of the applicant must be present at the public hearing to present the Site Development Plan and address any questions from the Plan Commission.
- b. Presentations: The Plan Commission shall consider a report from the Zoning Administrator describing the findings of the Technical Review Committee and any testimony from the applicant and any interested parties in making its decision.
- c. Possible Action: The Plan Commission shall approve, approve with modifications, deny, or continue the Site Development Plan application.
 - i. Approve: The Plan Commission shall approve the Site Development Plan if it is consistent with all applicable requirements of this Ordinance.
 - ii. Approve with Modifications: The Plan Commission shall approve the Site Development Plan with modifications if it is generally consistent with all applicable requirements of this Ordinance. The Plan Commission may impose conditions on the approval of a Site Development Plan if the conditions are necessary to satisfy the requirements and intent of this Ordinance. Any accepted conditions shall become written commitments of the applicant.
 - iii. Deny: The Plan Commission shall deny the Site Development Plan if it is not consistent with the applicable requirements of this Ordinance. Site Development Plan applications that have been denied shall not be re-filed for a period of one (1) year from the date of the denial, unless a different design, that addresses the reasons for denial, is submitted.
 - iv. Continue: The application may be continued based on a request by the Zoning Administrator, the applicant, a remonstrator, or an interested party; an indecisive vote; a determination by the Plan Commission that additional information is required prior to action being taken on the request; or if the applicant or an appropriate representative of the applicant fails to appear at the public hearing.
 - [a] Additional legal notice shall not be required unless specified by the Plan Commission.
 - [b] The continuing of all applications shall be consistent with the adopted Plan Commission Rules and Procedures.
- d. Assurance of Completion of Improvements: The Plan Commission may approve a Site Development Plan with the condition that a surety be provided that guarantees the timely completion of any proposed public improvements included in the development. The surety shall be in a form acceptable to the Plan Commission, the Zoning Administrator, the City Engineer, and the City Attorney, and consistent with *Article 7: Surety Standards*.
5. *Findings of Fact*: The Plan Commission shall make written findings concerning each decision to approve or disapprove a Site Development Plan. A Site Development Plan shall be approved by the Plan Commission only upon making written findings that the Site Development Plan:
 - a. Is consistent with the *City of Shelbyville Comprehensive Plan*;
 - b. Meets the Technical Review Committee's expectations for best practices and quality design;
 - c. Satisfies the applicable requirements of *Article 2: Zoning Districts*;
 - d. Satisfies the applicable requirements of *Article 5: Development Standards*;
 - e. Satisfies the applicable requirements of *Article 6: Design Standards*; and
 - f. Satisfies any other applicable provisions of the Unified Development Ordinance.
6. *Documenting Findings of Fact*:
 - a. Technical Review Committee: The Zoning Administrator shall prepare and sign the meeting minutes documenting the review by the Technical Review Committee.
 - b. Plan Commission: The Zoning Administrator shall prepare and sign the written findings of fact documenting the action taken by the Plan Commission (if Plan Commission review is necessary). The Zoning Administrator shall make copies of the written findings of fact available, if requested, to the applicant within five (5) business days of the date of the decision.
7. *Permits*: Prior to any construction activity, the applicant shall be required to obtain the appropriate Improvement Location Permit and any other required permits specified by this Ordinance. If required, bonds shall be in place prior to issuance of an Improvement Location Permit.
8. *Expiration of Approval*: Site Development Plan approval shall be valid for a period of two (2) years from the date of Plan Commission Approval. The applicant shall obtain an Improvement Location Permit prior to the conclusion of this two (2) year period and start construction.

- G. Written Commitments: Written Commitments: The applicant in any Site Development Plan application may make written commitments regarding the characteristics of the proposed future use of, or the resolution of outstanding issues in existence on, the subject property consistent with *IC 36-7-4-613*.
1. *Origin of Commitments*: Written commitments may be proposed by the applicant as an element of the initial submittal of application materials, as a response to comments made by the Technical Review Committee, or in response to any modifications requested by the Plan Commission.
 2. *Consideration of Commitments*: Any commitments shall be considered by the Technical Review Committee and/or the Plan Commission at the time of their review of the application.
 3. *Filing of Commitments*: Following final action being taken on the Site Development Plan application, the written commitments shall be documented by the Zoning Administrator. A copy of the commitments shall be maintained by the Zoning Administrator for the records of the Plan Commission.
 4. *Enforcement of Commitments*: The written commitments shall be considered part of the Unified Development Ordinance binding on the subject property.
 - a. *Successors in Interest*: The written commitments shall be binding on the owner of the subject property, any subsequent owners of the subject property, and any person or entity that acquires an interest in the subject property or any portion of the subject property.
 - b. *Enforcement*: The written commitments shall be enforceable by the Plan Commission as if they are a part of this Ordinance, consistent with the provisions of *Article 10: Enforcement*.
 - c. *Modification*: The written commitments may be modified by the Plan Commission only through the Site Development Plan process described by this Article.
- H. Appeals: Any applicant or interested party may appeal a determination made by the Technical Review Committee to the Plan Commission through the procedure described below.
1. *Application*: The person making the appeal shall submit to the Zoning Administrator a letter giving notice of the appeal and required supportive information within 30 days of the decision that is subject to the appeal. Supportive information shall include, but not be limited to, the following:
 - a. *Findings of Fact*: Copies of any written decisions or findings of fact that are the subject of the appeal.
 - b. *Description*: A letter describing the reasons for the appeal noting specific sections of this Ordinance, Indiana Code, or other standards applicable to the City of Shelbyville and the application upon which the appeal is based.
 2. *Public Meeting Notification*: Notification for a scheduled public hearing regarding the Site Development Plan shall be completed consistent with the requirements of *Article 9.13: Notice of Public Hearing*.
 3. *Plan Commission Meeting*: The Plan Commission will then, in a public hearing scheduled consistent with the adopted Calendar of Filing and Meeting Dates, review the appeal and supportive information.
 - a. *Representation*: Either the entity initiating the appeal or their representative must be present at the public hearing to present the appeal and address any questions from the Plan Commission.
 - b. *Presentations*: The Plan Commission shall consider a report from the Zoning Administrator, testimony from the entity making the appeal, and testimony from any interested parties at the public hearing.
 - c. *Proceedings*: The presentation of reports and testimony and all other aspects of the meeting shall be consistent with the requirements of the Plan Commission Rules and Procedures.
 - d. *Possible Actions*: Upon hearing the appeal, the Plan Commission may approve, approve with modifications, deny, or continue the Site Development Plan application consistent with the approval procedure for applications referred to the Plan Commission by the Technical Review Committee as described in *Section 9.05(F)(4)(c): Possible Action*.

Planned Development

9.06 Planned Development

- A. General: There are three (3) steps for completing a Planned Development approval process. These steps are explained in detail in the following Sections:
 1. *Section 9.06(D): Conceptual Plan*, and
 2. *Section 9.06(E): Detailed Plan and Rezoning*.
- B. Cross Reference: In addition the following process regulations, a proposed Planned Developments shall also meet the standards in *Article 4: Planned Development District*.
- C. Prerequisites:
 1. *Ownership*: Planned Developments shall be initiated by the owners of the land involved in the development or the owner's authorized agent. If an authorized agent files an application, a signed and notarized consent form from all owners shall accompany the application.
 2. *Pre-application Meeting*: Prior to submitting an application for a Planned Development, the applicant shall meet with the Zoning Administrator to review the zoning classification of the site, review regulatory ordinances and materials, review the procedures and examine the proposed use and development of the property.
- D. Conceptual Plan: A conceptual plan is required as described below and is the first step in a Planned Development. A conceptual plan is not an official regulating or governing document.
 1. *Conceptual Plan Review*: Prior to filing a Planned Development Conceptual Plan application, the applicant shall submit a Conceptual Plan to the Zoning Administrator. The Zoning Administrator shall make a cursory review of the Conceptual Plan and provide the applicant with written comments within thirty (30) days of the date of Conceptual Plan submittal. The Conceptual Plan may include any materials that relate basic information, such as location, size, and potential use of the property involved.
 2. *Conceptual Plan Application*: The applicant shall submit a Conceptual Plan review application, affidavit and consent of property owner (if the owner is someone other than the applicant), a copy of the deed(s) for the property involved, the required filing fee, the Conceptual Plan, and any other supporting information.
 3. *Conceptual Plan Data*: The Conceptual Plan may take the form of a booklet of letter and/or tabloid sized paper, a set of large scale drawing sheets, or a combination of these formats. The Conceptual Plan may include any graphics that will explain the features of the development. The following, at a minimum, shall be included in the Conceptual Plan submission.
 - a. *Cover Page and Index*: The cover sheet shall indicate that it is the Conceptual Plan for that particular development and include the date of submittal, an index identifying all sections included in the Conceptual Plan document, and references to any separate sheets of information.
 - b. *Site Description*: A description of the property and applicants involved, including:
 - i. The name, mailing address, e-mail address, and telephone number of the applicant,
 - ii. The name, mailing address, e-mail address, and telephone number of any land surveyors, engineers, or other professionals responsible for the Conceptual Plan design,
 - iii. The legal description of the subject property and common address of the site, and
 - iv. The proposed name of the development (if applicable).
 - c. *Vicinity Map*: A vicinity map showing the use and zoning of all properties within 1,320 feet (¼ mile) of the property subject to the Conceptual Plan.
 - d. *Common Holdings Map*: A map of any property adjacent to the property subject to the Conceptual Plan that is owned or otherwise controlled by any or all of the applicants. The Common Holdings Map shall be accompanied by a general description of the future development of that property and its relationship to the area included in the Conceptual Plan. The general description may be in either text or map form and shall include, at a minimum, general land uses, general street patterns and access points, and general drainage designs.

Planned Development

- e. Existing Site Conditions: A description of all existing conditions on the subject property including:
 - i. Built Features: All existing streets (including travel lanes, sidewalks, street trees, rights-of-way, etc.), established open spaces, structures, wells, utility lines and facilities, fire hydrants, and street lights;
 - ii. Easements: All existing easements and an indication of their purpose;
 - iii. Topography: A topographic survey of the area with contour lines a maximum of ten (10) feet apart;
 - iv. Natural Features: The location of natural streams, regulated drains, 100-year floodplains and floodways, water courses, wetlands (general locations as indicated by the National Wetlands Inventory), wooded areas, and isolated preservable trees (with greater than an 8 inch DCH);
 - v. Historic Features: An identification of any historic features, specifically those listed as Outstanding, Notable, or Contributing on the Indiana Historic Sites and Structures Inventory - Shelby County Interim Report or listed in the National Register of Historic Places and/or Indiana Register of Historic Sites and Structures; and
 - vi. Other Features: Any other significant feature(s) that may influence the design of the development.
- f. Proposed Development: A description of the proposed development of the property, including:
 - i. Street Systems: The general layout and description of proposed street systems (including travel lanes, street lighting, on-street parking, sidewalks, tree lawns, street trees, and curbs/swales);
 - ii. Land Uses: The general land use categories and areas within the development (including proposed densities of residential uses);
 - iii. Open Space: The general location, improvement, and use of open space (including park facilities, natural areas, trail systems, and other common areas);
 - iv. Landscaping: The general description of any landscaping, buffering, and/or screening proposed for the development;
 - v. Natural Features: A description of the general accommodation of natural streams, regulated drains, 100-year floodplains and floodways, water courses, wetlands (as indicated by the National Wetlands Inventory), wooded areas, and isolated preservable trees (with greater than an 8 inch DCH);
 - vi. Historic Features: A description of the general accommodation of historic features, specifically those listed as Outstanding, Notable, or Contributing on the Indiana Historic Sites and Structures Inventory - Shelby County Interim Report or listed in the National Register of Historic Places and/or Indiana Register of Historic Sites and Structures;
 - vii. Development Requirements: A general statement of the types of development requirements that will be made a part of the Planned Development Detailed Plan (including general lot areas, building setbacks, off-street parking requirements, lighting standards, sign standards, and landscaping requirements). The petitioner shall include a comparison (e.g. a chart) showing the Unified Development Organization regulations verses the proposed regulations;
 - viii. Written Commitments: A description of any written commitments that are being proposed as part of the development;
 - ix. Covenants: A general description of any private covenants and restrictions that will be established for the development;
 - x. Utilities: A general utilities plan (including sanitary sewer, water, electricity, natural gas, and data transmission);
 - xi. Drainage: A general drainage plan meeting the requirements of the City Engineer; and
 - xii. Project Phasing: A statement of the proposed order of development of the major elements of the project, including phasing, if applicable, and the order and content of each phase.
- g. Supplemental Information: Any other information requested by the Zoning Administrator, Technical Review Committee, or Plan Commission to aid in the review of the Conceptual Plan.
4. *Technical Review*: The application materials shall be reviewed by the Technical Review Committee in a meeting scheduled based on the adopted Calendar of Meeting and Filing Dates.
 - a. Representation: Either the applicant(s) or a representative of the applicant(s) shall be present during the review to answer questions regarding the application. If neither is present no action or discussion shall be taken on the application and it shall be rescheduled for the next meeting of the Technical Review Committee.
 - b. Revisions: Any revisions to the application materials or the proposal requested by the Committee shall either be addressed during the review meeting and/or through revised application materials submitted prior to the Plan Commission hearing.

5. *Public Hearing Notification:* Notification for the scheduled public hearing regarding the Conceptual Plan shall be completed consistent with the requirements of *Section 9.13: Notice of Public Hearing* and the Rules and Procedures of the Plan Commission.
 6. *Plan Commission Public Hearing:* The Plan Commission will, in a public hearing scheduled consistent with the adopted Calendar of Filing and Meeting dates, but no later than sixty (60) days following the receipt of the application, review the application and required supporting information.
 - a. *Representation:* Either the applicant or a representative of the applicant shall be present at the public hearing to present the application and address any questions the Plan Commission may have.
 - b. *Presentations:* The Plan Commission shall consider a report from the Zoning Administrator, describing the findings of the Technical Review Committee, and testimony from the applicant, remonstrators, and interested parties at the hearing. The presentation of reports and testimony and all other aspects at the public hearing shall be consistent with the Rules and Procedures of the Plan Commission.
 - c. *Possible Action:* Upon review, the Plan Commission shall approve, approve with modifications, deny, or continue the Conceptual Plan application.
 - i. *Approve:* The application may be approved if it is found to be consistent with all applicable requirements and the intent of this Ordinance and the Comprehensive Plan. The Plan Commission may accept or require written commitments from the applicant as part of the approval.
 - ii. *Approve with Modifications:* The application may be approved with modifications if it is generally consistent with all applicable requirements of this Ordinance and the Comprehensive Plan. The Plan Commission may impose conditions on the approval of the Conceptual Plan, which shall become written commitments of the applicant.
 - iii. *Deny:* The application may be denied if it is found to be inconsistent with any applicable requirements and/or the intent of this Ordinance and/or the Comprehensive Plan.
 - iv. *Continue:* The application may be continued based on a request by the Zoning Administrator, the applicant, a remonstrator, or an interested party. The application shall be continued in the case of an indecisive vote, a determination by the Plan Commission that additional information is required prior to action being taken on the request, or if an appropriate representative of the application fails to appear at the public hearing.
 - [a] Additional legal notice shall not be required unless specified by the Plan Commission.
 - [b] The continuing of all applications shall be consistent with the adopted Rules and Procedures of the Plan Commission.
 - d. *Re-Filing Following Denial:* If the Plan Commission denies the application, the applicant may re-file a revised Conceptual Plan within ninety (90) days of the date of denial. The revised Conceptual Plan shall be reviewed by the Technical Review Committee and the Plan Commission as if it were a new application.
 - i. The applicant shall provide notice within thirty (30) days of the Plan Commission decision of their intentions to re-file.
 - ii. Conceptual Plan applications that have been denied and not re-filed within the specified deadline shall not be re-filed for a period of one (1) year from the date of the denial.
 7. *Findings of Fact:* The Zoning Administrator shall prepare and sign written findings of fact documenting the comments of the Technical Review Committee and the action taken by the Plan Commission. Upon request, the Zoning Administrator shall make copies of the written findings of fact available to the applicant within five (5) business days.
- E. *Detailed Plan and Rezoning:*
1. *Application:* The applicant shall submit a Planned Development Detailed Plan review application, an affidavit and consent of property owner (if the owner is someone other than the applicant), a copy of the deed(s) for the property involved, the required filing fee, the Detailed Plan, and any other supporting information. The Zoning Administrator shall submit the application to the Common Council, which shall conduct a First Reading of the Planned Development district ordinance (rezoning) and forward the matter to the Plan Commission.
 2. *Time Limit:* The Detailed Plan filing shall occur within one (1) year of the date of Conceptual Plan approval. If no Detailed Plan filing has occurred within that year, the Conceptual Plan approval shall expire.

3. *Detailed Plan Data:* The Detailed Plan may take the form of a booklet of letter or legal sized paper, a set of large scale sheets, electronically in pdf format, or a combination of these formats. The following shall be included in the Detailed Plan submission:
- a. *Cover Page and Index:* The cover sheet shall indicate that it is the Detailed Plan for that particular development and include the date of submittal, an index identifying all sections included in the Detailed Plan document, and references to any separate sheets of information.
 - b. *Site Description:* A description of the property and applicants involved, including:
 - i. The name, mailing address, e-mail address, and telephone number of the applicant;
 - ii. The name, mailing address, e-mail address, and telephone number of any land surveyors, engineers, or other professionals responsible for the Detailed Plan design;
 - iii. The legal description of the subject property and common address of the site; and
 - iv. The proposed name of the development (if applicable).
 - c. *Common Holdings Map:* A map of any property adjacent to the property subject to the Detailed Plan owned or otherwise controlled by any or all of the applicants. The Common Holdings Map shall be accompanied by a general description of the future development of that property and its relationship to the area included in the Detailed Plan. The general description shall be in map form and shall include, at a minimum, general land uses, general street patterns and access points, and general drainage designs.
 - d. *Existing Site Conditions:* A description of all existing conditions on the subject property, including:
 - i. *Built Features:* All existing streets (including travel lanes, sidewalks, street trees, rights-of-way, etc.), established open spaces, structures, wells, utility lines and facilities, fire hydrants, and street lights;
 - ii. *Easements:* All existing easements and an indication of their purpose;
 - iii. *Topography:* A topographic survey of the area with contour lines a maximum of ten (10) feet apart;
 - iv. *Natural Features:* The location of natural streams, regulated drains, 100-year floodplains and floodways, water courses, wetlands (as identified by IDNR, IDEM, or an individual with a U.S. Army Corps of Engineers Regulation 4 Jurisdictional Wetland Certification), wooded areas, and isolated preservable trees (with greater than an 8 inch DCH);
 - v. *Historic Features:* An identification of any historic features, specifically those listed as Outstanding, Notable, or Contributing on the Indiana Historic Sites and Structures Inventory - Shelby County Interim Report or listed in the National Register of Historic Places and/or Indiana Register of Historic Sites and Structures; and
 - vi. *Other Features:* Any other significant feature(s) that may influence the design of the development.
 - e. *Proposed Development:* A description of the proposed development of the property including:
 - i. *Street Systems:* The layout and design of proposed street systems (including travel lanes, street lighting, on-street parking, sidewalks, tree lawns, street trees, and curbs/swales);
 - ii. *Land Uses:* The land use areas within the development (including a specific list of the individual land uses permitted in each area);
 - iii. *Open Space:* The location, improvement, design, and use of open space (including park facilities, natural areas, trail systems, and other common areas);
 - iv. *Landscaping:* The design of any landscaping, buffering, and/or screening proposed for the development;
 - v. *Natural Features:* A description of the accommodation of natural streams, regulated drains, 100-year floodplains and floodways, water courses, wetlands (as identified by IDNR, IDEM, or an individual with a U.S. Army Corps of Engineers Regulation 4 Jurisdictional Wetland Certification), wooded areas, and isolated preservable trees (with greater than an 8 inch DCH);
 - vi. *Historic Features:* A description of the accommodation of historic features, specifically those listed as Outstanding, Notable, or Contributing on the Indiana Historic Sites and Structures Inventory - Shelby County Interim Report or listed in the National Register of Historic Places and/or Indiana Register of Historic Sites and Structures;
 - vii. *Development Requirements:* Detailed text documenting the development requirements that will apply to development (including general lot size and dimensions, building setbacks, off-street parking requirements, lighting standards, sign standards, landscaping requirements, etc.) and that will serve as the replacement for *Articles 2: Zoning Districts and Article 5: Development Standards* of this Ordinance. The petitioner shall include a comparison (e.g. a chart) showing the Unified Development Organization regulations verses the proposed regulations;

- viii. Written Commitments: A description of any written commitments that are being proposed as part of the development;
 - ix. Covenants: A description of any private covenants and restrictions that will be established for the development;
 - x. Utilities: A utilities plan (including sanitary sewer, water, electricity, natural gas, and data transmission);
 - xi. Drainage: A detailed drainage plan meeting the requirements of the City Engineer; and
 - xii. Project Phasing: A statement of the proposed order of development of the major elements of the project, including phasing, if applicable, and the order and content of each phase.
 - f. Supplemental Information: Any other information requested by the Zoning Administrator, Technical Review Committee, or Plan Commission to aid in the review of the Detailed Plan.
4. *Preliminary Plat and Final Plat Requirement:* Planned Developments shall be required to comply with the subdivision control regulations within the Unified Development Ordinance (per IC 36-7-4-1513). In no instance shall the approval of a Planned Development be interpreted as waiving or modifying any subdivision control regulations requirement or processes. If a subdivision of land is required for the development, the Preliminary Plat shall be filed simultaneously as the Detailed Plan for review by the Plan Commission. The Plan Commission shall consider the requirements of the subdivision control regulations in reviewing the Preliminary Plat and Final Plat application.
5. *Technical Review:* The application materials shall be reviewed by the Technical Review Committee in a meeting scheduled based on the adopted Calendar of Meeting and Filing Dates.
- a. Representation: Either the applicant(s) or a representative of the applicant(s) shall be present during the review to answer questions regarding the application.
 - b. Revisions: Any revisions to the application materials or the proposal requested by the Technical Review Committee shall either be addressed during the review meeting and/or through revised application materials submitted prior to the Plan Commission hearing.
6. *Public Hearing Notification:* Notification for the scheduled public hearing regarding the Detailed Plan shall be completed consistent with the requirements of *Section 9.13: Notice of Public Hearing* of the Unified Development Ordinance and the Rules and Procedures of the Plan Commission.
7. *Plan Commission Public Hearing:* The Plan Commission will, in a public hearing scheduled consistent with the adopted Calendar of Filing and Meeting Dates, but no later than sixty (60) days following the receipt of the Detailed Plan application, review the application and required supporting information.
- a. Representation: Either the applicant or a representative of the applicant shall be present at the public hearing to present the application and address any questions the Plan Commission may have.
 - b. Presentations: The Plan Commission shall consider a report from the Zoning Administrator and testimony from the applicant, remonstrators, and other interested parties at the hearing. The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the Rules and Procedures of the Plan Commission.
 - c. Possible Action: The Detailed Plan shall be forwarded to the Common Council with a favorable recommendation, forwarded with an unfavorable recommendation, or continued by the Plan Commission. Per IC 36-7-4-1512 the Plan Commission may impose conditions or require written commitments from the applicant.
 - i. Favorable Recommendation: The Detailed Plan application shall be forwarded with a favorable recommendation if it is found to be consistent with the decision criteria listed in Section 9.06(E)(11): Detailed Plan Decision Criteria.
 - ii. Unfavorable Recommendation: The application shall be forwarded with an unfavorable recommendation if it is found to be inconsistent with the decision criteria listed in Section 9.06(E)(11): Detailed Plan Decision Criteria.
 - iii. Continued: The application may be continued based on a request by the Zoning Administrator, the applicant, a remonstrator, or an interested party. The application shall be continued in the case of an indecisive vote, a determination by the Plan Commission that additional information is required prior to action being taken on the request, or if an appropriate representative of the application fails to appear at the public hearing.
 - [a] Additional legal notice shall not be required unless specified by the Plan Commission.
 - [b] The continuing of all applications shall be consistent with the adopted Rules and Procedures of the Plan Commission.

- d. **Re-Filing Following an Unfavorable Recommendation:** If the Plan Commission gives an unfavorable recommendation, the applicant may re-file a revised Detailed Plan within ninety (90) days to be reviewed and reconsidered by the Technical Review Committee and the Plan Commission following the process specified beginning with *Section 9.06(E)(1): Application*.
 - i. The applicant shall provide written notice within fifteen (15) business days of the Plan Commission decision of their intentions to re-file, withdraw, or proceed with the hearing by the Common Council.
 - ii. If a Planned Development Detailed Plan has been withdrawn, there shall be no waiting period before which a new Conceptual Plan application may be filed.
 - e. **Certification of Recommendation:** The Plan Commission shall certify its recommendation by resolution to the Common Council within 5 business days of its decision. The Zoning Administrator shall forward to the Council appropriate copies of the Plan Commission resolution, the original application and all supporting information, any staff reports regarding the application, and a Planned Development district ordinance (rezoning) meeting the requirements of *IC 36-7-4-1503* for the Council's consideration.
8. **Common Council Meeting (2nd Reading):** The Common Council shall hold a meeting and vote on the proposed Planned Development district ordinance (rezoning) within ninety (90) days of its certification by the Plan Commission.
- a. **Legal Notice:** Legal Notice of action on the ordinance shall be provided consistent with Indiana law.
 - b. **Possible Action:** The Council may either approve or deny the Planned Development district ordinance (rezoning) consistent with the decision criteria provided by *Section 9.06(E)(11): Detailed Plan Decision Criteria*. Per *IC 36-7-4-1512* the Common Council may impose conditions, require written commitments from the applicant, and/or condition the release of Improvement Location Permits on the provision of adequate surety for any public improvements.
 - i. **Failure to Act:** If the Council fails to act within the ninety (90) day time frame the ordinance shall become effective or be defeated consistent with the recommendation of the Plan Commission and the provisions for rezoning applications of *IC 36-7-4-608*.
 - ii. **Denial:** If a Planned Development district ordinance (rezoning) is denied by the Common Council a 1-year waiting period shall be imposed prior to the filing of a new Conceptual Plan for the same development.
 - iii. **Approval:** If the Council approves the rezoning, the land is officially re-zoned. The Zoning Map shall be amended to reflect the change, the date of approval by the Council, and the ordinance number.
9. **Detailed Plan Signatures and Filing:** The implementation of an approved Detailed Plan shall be consistent with the following provisions:
- a. **Detailed Plan Signatures:** When approved, the Detailed Plan shall be signed by the Plan Commission President and Secretary.
 - b. **Detailed Plan Filing:** The approved Detailed Plan, including all development requirements serving as the zoning requirements on the subject property shall be filed with the Zoning Administrator by the applicant. The documents shall clearly state that the development requirements and any written commitments are enforceable by the Plan Commission.
 - c. **Covenant Recording:** Any covenants for the development shall be recorded with the Shelby County Recorder. The documents shall (a) clearly distinguish covenants for development requirements and written commitments and (b) indicate that covenants are private agreements that are not enforceable by the Plan Commission. The applicant shall provide 1 copy of the recorded documents to the Zoning Administrator for the records of the Plan Commission.
10. **Improvement Location Permit:** Detailed Plan approval is required prior to the issuance of an Improvement Location Permit. An Improvement Location Permit (consistent with *Section 9.02: Improvement Location Permits*) is required prior to any construction activity occurring on the subject property.
- a. **Plat Approval Required:** If a subdivision plat is required, plat approval consistent with the Unified Development Ordinance shall also be obtained prior to the receipt of any Improvement Location Permits.
 - b. **Supporting Information:** The Plan Commission may require any additional supporting information not already stated by this Article to be provided prior to the issuance of an Improvement Location Permit.

Planned Development

11. *Detailed Plan Decision Criteria:* In reviewing the Planned Development Detailed Plan petition, the Plan Commission and Common Council shall pay reasonable regard to the following, consistent with *IC 36-7-4-603*:
 - a. *Requirements and Intent:* The extent to which the proposal fulfills the requirements and intent of *Section 9.06: Planned Development*, and the subdivision control regulation in the Unified Development Ordinance.
 - b. *Planning Documents:* The Comprehensive Plan and any other applicable, adopted planning studies or reports;
 - c. *Characteristics:* The current conditions and the character of current structures and uses in each zoning district;
 - d. *Desired Use:* The most desirable use of which the land in each district is adapted;
 - e. *Property Values:* The conservation of collective property values throughout the City of Shelbyville's jurisdiction as a whole; and
 - f. *Growth Management:* Responsible growth and development.
- F. Written Commitments:
 The applicant in any Planned Development may make written commitments regarding the characteristics of the proposed future use of, or the resolution of outstanding issues in existence on, the subject property consistent with *IC 36-7-4-1015*. Commitments made by the applicant and conditions of approval established by the Plan Commission or Common Council shall be considered written commitments.
 1. *Commitment Proposals:* Written commitments may be proposed by the applicant as an element of the initial submittal of application materials, as a response to comments made by the Technical Review Committee, or in response to any modifications requested by the Plan Commission or Common Council.
 2. *Consideration of Commitments:* Any commitments shall be considered by the Technical Review Committee, Plan Commission, and Common Council if they have been established at the time of the review. Written Commitments shall be included as an element of the Planned Development district ordinance (rezoning) establishing the Planned Development zoning.
 3. *Enforcement of Commitments:* The written commitments shall be considered part of this Ordinance binding on the subject property.
 - a. *Applicability:* The written commitments shall be binding on the owner of the subject property, any subsequent owners of the subject property, and any person or entity that acquires an interest in any portion of the subject property.
 - b. *Enforcement:* The written commitments shall be enforceable by the Plan Commission consistent with the adopted provisions for the enforcement of the Unified Development Ordinance.
 - c. *Modification:* The recorded written commitments may be modified only through the Planned Development process described by *Section 9.06: Planned Development*.
- G. Covenants: Covenants shall be set forth in detail. The Plan Commission may review covenants that pertain to any written commitments; development requirements; and/or common areas, swales, or drainage systems. A copy of the recorded covenants shall be provided to the Zoning Administrator by the applicant for the records of the Plan Commission.
 1. *Lot Owner's Association:* Adequate provision shall be made for a private organization (i.e. Lot Owner's Association) with direct responsibility to, and control of, the lot owners involved. The lot owner's association shall provide for the operation and maintenance of all common facilities, such as any common areas and ponds, in the best possible manner. Legal assurances shall be provided that show that the private organization is self-perpetuating.
 2. *Service Access to Common Areas:* The covenants shall state that all common facilities and drainage systems not dedicated to the public shall be maintained by the private lot owner's organization in such a manner that adequate access is provided for fire, police, health, sanitation, and public utility vehicles to service them.

H. Minor Modifications:

1. *Administration:* The Zoning Administrator may from time to time approve minor modifications of the Detailed Plan without a public hearing consistent with *IC 36-7-4-1511(i)*. The modifications shall be consistent with the purpose and intent of the overall development. Such modifications shall not include any change in type of use or any alteration of the development requirements.
 - a. *Procedure:* To request a minor modification, the property owner, developer, or applicant shall provide the Zoning Administrator with a letter that identifies the Planned Development and the requested minor modification. The letter shall be accompanied by any necessary supporting drawings or other materials. The Zoning Administrator shall provide a written response within fifteen (15) business days informing the applicant if the minor modification has been approved. All materials relating to the minor modification shall be kept on file with the other Planned Development materials in the office of the Plan Commission.
 - b. *Public Notice:* No notice, in addition to that which may be required by the Rules and Procedures of the Plan Commission, shall be required for the review or approval of minor modifications.
2. *Appeal:* Any affected party may appeal any minor modification decision by the Zoning Administrator to the Plan Commission within thirty (30) days of the determination.
3. *Rules and Procedures:* The Plan Commission may, through its Rules and Procedures, establish rules governing the nature of proceedings and notice required to make a minor modification under this Section per *IC 36-7-4-1511(j)*.

I. Expiration, Abandonment, and Extensions:

1. *Expiration:* Detailed Plans shall expire two (2) years from the date of adoption of the Planned Development district ordinance (rezoning) by the Common Council if, in the opinion of the Zoning Administrator, no construction activity has begun. Any corresponding Preliminary Plat approval shall also expire at the time of Detailed Plan expiration.
2. *Abandonment:* The Planned Development may be considered officially abandoned if, in the opinion of the Zoning Administrator, the development is incomplete and no, or minimal, construction activity has occurred for a period of five (5) consecutive years. Any outstanding surety for the project may be used by the City consistent with the Unified Development Ordinance provisions for surety.
3. *Extensions:* An extension, not to exceed six (6) months, for accomplishing any processes required by this Article, or for resuming construction activity in an abandoned development, may be granted by the Plan Commission upon a written request from the applicant. All requests for extensions shall occur a minimum of 30 days prior to the applicable deadline.
4. *Plan Commission Rezoning:* The Plan Commission may initiate a rezoning for any property included in a Planned Development that has been abandoned or for which the Detailed Plan approval has expired. Any rezoning by the Plan Commission shall meet all applicable requirements for the rezoning process provided by *Section 9.10: Zoning Map Amendment (Rezoning)*.

Special Exception Use

9.07 Special Exception Use

- A. Purpose and Intent: A Special Exception Use is a use for which certain criteria shall be met before it can be established on the subject lot. The Special Exception Use shall only be permitted by the Board of Zoning Appeals.
- B. Applicability: Only uses listed as “Special Exception Use” in the two-page layouts in *Article 2: Zoning Districts* for the applicable zoning district shall be considered for approval by the Board of Zoning Appeals.
- C. Prerequisites: An application for a Special Exception Use shall be filed by the owner, the owner’s agent, or any person having a legal or equitable interest in the subject property.
- D. Limitations: An application for a denied Special Exception Use shall not be considered by the Board of Zoning Appeals within the duration of one (1) year from the date of denial, unless the applicant submits a letter to the Zoning Administrator within sixty (60) days after the denial indicating that they intend to resubmit an amended application that addresses the finding that were the cause of denial.
- E. Filing Requirements: An application for a Special Exception Use shall be made on forms provided by the Zoning Administrator. Applicable fees shall be paid at the time the application for a Special Exception Use is filed.
- F. Formal Procedure: The process for Special Exception, including filing, public notice, public hearing, and review, shall be per the Board of Zoning Appeal’s Rules and Procedures.
- G. Decision:
 1. *Special Exception Findings of Fact*: The Board of Zoning Appeals shall make findings of fact on the following criteria. Approval of findings may be in the form of a general statement. Disapproval of findings shall specify the reason for non-compliance.
 - a. Zoning District and Comprehensive Plan: The proposed Special Exception Use is consistent with the intent of the zoning district and the goals and objectives within the Comprehensive Plan.
 - b. General Welfare: The proposed Special Exception Use will not be injurious to the public health, safety, morals and general welfare of the community.
 - c. Compatibility: The proposed Special Exception Use is in harmony with adjacent land uses.
 - d. Character: The proposed Special Exception Use will not adversely alter the character of the district.
 - e. Impact to Adjacent Area: The use and property value of the area adjacent to the subject property seeking a Special Exception will not be affected in a substantially adverse manner.
 2. *Final Action*:
 - a. If the Board of Zoning Appeals finds all of the findings of fact in the affirmative, it shall approve or approve with conditions and/or commitments the application for a Special Exception Use.
 - b. If the Board of Zoning Appeals does not find all of the findings of fact in the affirmative, it shall deny the application for a Special Exception Use.
 3. *Commitments and Conditions*:
 - a. The Board of Zoning Appeals may require the owner to make a written commitment. Any such commitment shall be recorded in the Shelby County Recorder's Office. A copy of any recorded commitments shall be provided to the Zoning Administrator for inclusion in the application file prior to the issuance of any Improvement Location Permit. No Improvement Location Permit shall be issued for permit application which does not comply with the written commitments.
 - b. Conditions: The Board of Zoning Appeals may impose reasonable conditions upon its approval as deemed necessary to assure compliance with *Section 9.07(G)(1)*. No Improvement Location Permit shall be issued for permit application which does not comply with the required conditions.
- H. Duration:
 1. *Special Exception*: The granting of a Special Exception Use authorizes the use to run with the land until such time as the use conforms with the Unified Development Ordinance; unless a condition or commitment to the contrary is associated with the approval.
 2. *Commitment or Condition*: A commitment or condition shall be binding on the owner of the land, any subsequent owner of the land, and any person who acquires interest in the land.
- I. Special Exception Use Expansion: A structure or the area on a lot approved to be used by the special exception use shall not be expanded, extended, or enlarged unless reauthorized by the Board of Zoning Appeals under the procedures set forth in *Section 9.07: Special Exception Use* for granting a special exception.
- J. Expiration of Special Exception: If special exception use has not been established within two (2) years from the date the Special Exception Use was granted by the Board of Zoning Appeals, the approval shall be null and void.

Special Exception Use

- K. Termination: A Special Exception Use may be terminated by the Board of Zoning Appeals under the following procedure:
1. *Notice to Affected Party and Public Hearing*: Upon determination by the Zoning Administrator that possible grounds for termination exist, the matter shall be placed on the Board of Zoning Appeals agenda for a public hearing. The Zoning Administrator shall notify the affected party of the hearing via Certified Mail a minimum of ten (10) days prior to the public hearing at which the case will be heard.
 2. *Grounds for Termination*: At the public hearing the Special Exception Use shall be revoked if a finding is made by the Board of Zoning Appeals that one (1) or more of the following is true:
 - a. The execution of the approval is not consistent with any requirement of Unified Development Ordinance,
 - b. The execution of the approval is not consistent with a condition of approval,
 - c. The execution of the approval is not consistent with a written commitment, or
 - d. The approved was the result of fraud or the misrepresentation of facts.

Development Standards Variance

9.08 Development Standards Variance

- A. Purpose and Intent: The Board of Zoning Appeals may grant a waiver from the development standards within the Unified Development Ordinance for projects that meet the criteria set forth in this section. A Development Standards Variance can grant relief from a required standard such as height, bulk, or area.
- B. Prerequisites:
 - 1. Eligible Applicants: An application for a Development Standards Variance may be filed by the owner, his agent, or any person having a legal or equitable interest in the subject property.
 - 2. Pre-application Meeting: Prior to submitting an application for a Development Standards Variance, the applicant may meet with the Zoning Administrator to review the zoning classification of the site, ordinance provisions, the application packet, and the procedure involved.
- C. Limitations: An application for a denied Development Standards Variance shall not be considered by the Board of Zoning Appeals within the duration of one (1) year from the date of denial, unless the applicant submits a letter to the Zoning Administrator within sixty (60) days after the denial indicating that they intend to resubmit an amended application that addresses the finding that were the cause of denial.
- D. Filing Requirements: An application for a Development Standards Variance shall be made on a form provided by the Zoning Administrator. Applicable fees shall be paid at the time the application for a Development Standards Variance is filed.
- E. Formal Procedure: The process for a variance, including filing, public notice, public hearing, and review, shall be per the Board of Zoning Appeal's Rules and Procedures.
- F. Decision:
 - 1. *Development Standards Variance Findings of Fact*: The Board of Zoning Appeals shall make findings of fact for a Development Standards Variance on the following criteria:
 - a. General Welfare: The approval of the Development Standards Variance will not be injurious to the public health, safety, morals and general welfare of the community.
 - b. Impact to Adjacent Area: The use and value of the area adjacent to the subject property seeking a Development Standards Variance will not be affected in a substantially adverse manner.
 - c. Practical Difficulty: The strict application of the terms of the ordinance will result in practical difficulties in the use of the property. The practical difficulty shall not be self-imposed, nor based on a perceived reduction of, or restriction on, economic gain.
 - 2. *Final Action*:
 - a. If the Board of Zoning Appeals finds all of the findings of fact in the affirmative, it shall approve or approve with conditions and/or commitments the application for a Development Standards Variance.
 - b. If the Board of Zoning Appeals does not find all of the findings of fact in the affirmative, it shall deny the application for a Development Standards Variance.
 - 3. *Commitments and Conditions*:
 - a. Commitments: The Board of Zoning Appeals may require the owner to make a written commitment. Any such commitment shall be recorded in the Shelby County Recorder's Office. A copy of any recorded commitments shall be provided to the Zoning Administrator for inclusion in the application file prior to the issuance of any Improvement Location Permit. No Improvement Location Permit shall be issued for permit application which does not comply with the written commitments.
 - b. Conditions: The Board of Zoning Appeals may impose reasonable conditions upon its approval as deemed necessary to assure compliance with *Section 9.08(F)(1)*. No Improvement Location Permit shall be issued for permit application which does not comply with the required conditions.
- G. Duration:
 - 1. *Development Standards Variance*: A Development Standards Variance granted by the Board of Zoning Appeals shall run with the land until such time as the property conforms with the Unified Development Ordinance.
 - 2. *Commitment or Condition*: A commitment or condition shall be binding on the owner of the land, any subsequent owner of the land, and any person who acquires interest in the land.
- H. Expiration of Development Standards Variance: If a building permit, Improvement Location Permit, or approved improvement has not commenced within three (3) years from the date the Development Standards Variance was granted by the Board of Zoning Appeals, the approval shall be null and void.

Use Variance

9.09 Use Variance

- A. Purpose and Intent: The Board of Zoning Appeals may grant a waiver from the development standards within the Unified Development Ordinance for projects that meet the criteria set forth in this section. A Use Variance can allow a use that is not specifically listed as either a permitted or special exception use in the applicable zoning district.
- B. Prerequisites:
 - 1. *Eligible Applicants*: An application for a Use Variance may be filed by the owner, his agent, or any person having a legal or equitable interest in the subject property.
 - 2. *Pre-application Meeting*: Prior to submitting an application for a Use Variance, the applicant may meet with the Zoning Administrator to review the zoning classification of the site, ordinance provisions, the application packet, and the procedure involved.
- C. Limitations: An application for a denied Use Variance shall not be considered by the Board of Zoning Appeals within the duration of one (1) year from the date of denial, unless the applicant submits a letter to the Zoning Administrator within sixty (60) days after the denial indicating that they intend to resubmit an amended application that addresses the finding that were the cause of denial.
- D. Filing Requirements: An application for a Use Variance shall be made on a form provided by the Zoning Administrator. Applicable fees shall be paid at the time the application for a Use Variance is filed.
- E. Formal Procedure: The process for a variance, including filing, public notice, public hearing, and review, shall be per the Board of Zoning Appeal's Rules and Procedures.
- F. Decision:
 - 1. *Use Variance Findings of Fact*: The Board of Zoning Appeals shall make findings of fact for a Use Variance on the following criteria:
 - a. *General Welfare*: The approval of the Use Variance will not be injurious to the public health, safety, morals and general welfare of the community.
 - b. *Impact to Adjacent Area*: The use and value of the area adjacent to the property included in the Use Variance will not be affected in a substantially adverse manner.
 - c. *Unique Condition*: That the need for the Use Variance arises from some condition peculiar to the property involved.
 - d. *Hardship*: The strict application of the terms of the ordinance will constitute an unnecessary hardship if applied to the property for which the Use Variance is sought.
 - e. *Comprehensive Plan*: The approval does not interfere or contradict substantially with the Comprehensive Plan.
 - 2. *Final Action*:
 - a. If the Board of Zoning Appeals finds all of the findings of fact in the affirmative, it shall approve or approve with conditions and/or commitments the application for a Use Variance.
 - b. If the Board of Zoning Appeals does not find all of the findings of fact in the affirmative, it shall deny the application for a Use Variance.
 - 3. *Commitments and Conditions*:
 - a. *Commitments*: The Board of Zoning Appeals may require the owner to make a written commitment. Any such commitment shall be recorded in the Shelby County Recorder's Office. A copy of any recorded commitments shall be provided to the Zoning Administrator for inclusion in the application file prior to the issuance of any Improvement Location Permit. No Improvement Location Permit shall be issued for permit application which does not comply with the written commitments.
 - b. *Conditions*: The Board of Zoning Appeals may impose reasonable conditions upon its approval as deemed necessary to assure compliance with *Section 9.09(F)(1)*. No Improvement Location Permit shall be issued for permit application which does not comply with the required conditions.
- G. Duration:
 - 1. *Use Variance*: A Use Variance granted by the Board of Zoning Appeals shall run with the land is a condition or commitment to the contrary has not been imposed, accepted, or required by the Board of Zoning Appeals.
 - 2. *Commitment or Condition*: A commitment or condition shall be binding on the owner of the land, any subsequent owner of the land, and any person who acquires interest in the land.
- H. Expiration of Use Variance: If approved use has not been established within three (3) years from the date the Use Variance was granted by the Board of Zoning Appeals, the approval shall be null and void.

Use Variance

- I. Termination: A Use Variance may be terminated by the Board of Zoning Appeals under the following procedure:
 1. *Notice to Affected Party and Public Hearing*: Upon determination by the Zoning Administrator that possible grounds for termination exist, the matter shall be placed on the Board of Zoning Appeals agenda for a public hearing. The Zoning Administrator shall notify the affected party of the hearing via Certified Mail a minimum of ten (10) days prior to the public hearing at which the case will be heard.
 2. *Grounds for Termination*: At the public hearing the Use Variance shall be revoked if a finding is made by the Board of Zoning Appeals that one (1) or more of the following is true:
 - a. The execution of the approval is not consistent with any requirement of Unified Development Ordinance,
 - b. The execution of the approval is not consistent with a condition of approval,
 - c. The execution of the approval is not consistent with a written commitment, or
 - d. The approved was the result of fraud or the misrepresentation of facts.

Zoning Map Amendment (Rezoning)

9.10 Zoning Map Amendment (Rezoning)

- A. Purpose and Intent: It may become necessary to change the zoning district of an area or a lot, thereby amending the Official Zoning Map. The Plan Commission has the authority to hear a proposal to amend the Official Zoning Map. This process is typically known as a “rezoning”. The Plan Commission shall make a recommendation to the Shelbyville Common Council concerning a proposal to amend the Official Zoning Map. The Common Council has the power to approve or deny a proposal to amend the Official Zoning Map.
- B. Applicability:
 1. *Previously Denied Applications*: The Zoning Administrator shall refuse to accept an application for a Rezoning that has been denied by the Shelbyville Common Council within the last twelve (12) months. However, the Zoning Administrator shall have the authority and discretion to determine that an application for a Rezoning containing major changes may justify re-filing within the aforementioned twelve (12) month period.
- C. Prerequisites:
 1. *Eligible Applicants*: An application for a Rezoning may be filed by the owner, his agent, or any person having a legal or equitable interest in the subject property. Also, the Plan Commission or Common Council may act as an applicant and initiate a zoning map amendment.
 2. *Pre-application Meeting*: Prior to submitting an application for a Rezoning the applicant may meet with the Zoning Administrator to review the current zoning district, the proposed zoning district, adjacent zoning districts and land uses, applicable ordinance provisions, the application packet, and the procedure involved.
- D. Application Initiation: Proposals for Zoning Map Amendments may be initiated by either the Plan Commission, the Common Council, or by the property owner(s) of the land involved.
 1. *City Initiation*: The Plan Commission shall prepare the application for zoning map amendment if either the Plan Commission or the Common Council has initiated the application. The Zoning Administrator shall serve as the representative of the applicant for such proposals.
 2. *Property Owner Initiation*: The property owner(s) requesting a zoning map amendment shall be the applicant(s) and assume responsibility for preparing application materials.
- E. Application: The applicant shall submit a rezoning application, affidavit and consent of property owner (if the owner is someone other than the applicant, and the City is not the applicant), a copy of the deed for the property involved, the required filing fee, and required supporting information. Supporting information shall include, but not be limited to the following:
 1. *Site Plan*: A site plan drawn to scale showing, at a minimum, all existing and proposed structures, setbacks, easements, rights-of-way, and any other feature relevant to the application.
 2. *Vicinity Map*: A vicinity map showing the use and zoning of all properties within 500 feet of the property subject to the rezoning request.
 3. *Letter of Intent*: A letter of intent to the Plan Commission stating the reasons for the rezoning, including a detailed description of any proposed development for which the rezoning is sought. The letter should include any written commitments being made by the applicant.
- F. Common Council First Reading: The Common Council will review the Zoning Map Amendment application and required supportive information. The Common Council will then forward the Zoning Map Amendment application to the Plan Commission for review and recommendation.
- G. Notification: Notification for the scheduled Plan Commission public hearing regarding the Zoning Map Amendment request shall be completed consistent with the requirements of *Section 9.13: Notice of Public Hearing* and the Plan Commission Rules and Procedures.
- H. Plan Commission Public Hearing: The Plan Commission will then, in a public hearing scheduled consistent with the adopted calendar of filing and meeting dates, but no later than sixty (60) days following the receipt of the application per *IC 36-7-4-608*, review the Zoning Map Amendment application and required supportive information.
 1. *Representation*: The applicant and/or any representative of the applicant shall be present at the public hearing to present the application and address any questions the Plan Commission might have.
 2. *Testimony*: The Plan Commission shall consider a report from the Zoning Administrator and testimony from the applicant, remonstrators, the public, and interested parties at the hearing.
 3. *Procedures*: The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the requirements of the Plan Commission Rules and Procedures.

4. *Possible Action:* The Plan Commission shall either forward the application to the Common Council with a favorable recommendation, an unfavorable recommendation, or no recommendation; or continue the request to a future meeting.
 - a. *Favorable Recommendation:* The Zoning Map Amendment application shall be forwarded with a favorable recommendation if it is found to be consistent with the decision criteria listed in *Section 9.10(K): Decision Criteria*. The recommendation may include commitments requested by the Plan Commission.
 - b. *Unfavorable Recommendation:* The Zoning Map Amendment application shall be forwarded with an unfavorable recommendation if it is found to be inconsistent with the decision criteria listed in *Section 9.10(K): Decision Criteria*.
 - c. *No Recommendation:* The Zoning Map Amendment application may be forwarded with no recommendation if, by a majority vote of the Plan Commission, it is determined that the application includes aspects that the Plan Commission is not able to evaluate.
 - d. *Continued:* The Zoning Map Amendment application may be continued by the Plan Commission based on a request by the Zoning Administrator, applicant, remonstrator, or interested party; an indecisive vote; or a determination by the Plan Commission that additional information is required prior to action being taken on the request.
 - i. Additional legal notice shall not be required unless specified by the Plan Commission.
 - ii. The continuing of all applications shall be consistent with the adopted Plan Commission Rules and Procedures.
- I. Certification: The Plan Commission shall certify its recommendation by resolution to the Common Council within ten (10) business days of its determination (per *IC 36-7-4-608*). The Plan Commission staff shall forward to the Common Council appropriate copies of the Plan Commission resolution, the original application and all supporting information, any staff reports regarding the application, and an ordinance for the Common Council's consideration.
- J. Common Council Second Reading: The Common Council shall vote on the proposed Zoning Map Amendment ordinance within ninety (90) days of its certification by the Plan Commission (per *IC 36-7-4-608*).
 1. *Notification:* The Common Council shall provide notification of action on the ordinance consistent with Indiana Code.
 2. *Possible Action:* The Common Council may either approve or deny the ordinance. If the Common Council fails to act within the ninety (90) day time frame specified above the Zoning Map Amendment ordinance shall become effective or be defeated consistent with the provisions of *IC 36-7-4-608*. The Common Council may also seek modifications or additions to any written commitments as described in *Section 9.10(L): Written Commitments*.
- K. Decision Criteria: In reviewing the Zoning Map Amendment application, the Plan Commission and Common Council shall pay reasonable regard to the following:
 1. *Comprehensive Plan:* The Comprehensive Plan and any other applicable, adopted planning studies or reports;
 2. *Current Conditions:* The current conditions and the character of current structures and uses in each district;
 3. *Desired Use:* The most desirable use for which the land in each district is adapted;
 4. *Property Values:* The conservation of property values throughout the City of Shelbyville's planning jurisdiction; and
 5. *Responsible Growth:* Responsible growth and development.
- L. Written Commitments: The applicant in any Zoning Map Amendment application may make written commitments regarding the characteristics of the proposed future use of, or the resolution of outstanding issues in existence on, the subject property consistent with *IC 36-7-4-1015*.
 1. *Origin of Commitments:* Written commitments may be proposed by the applicant as an element of the initial submittal of application materials or in response to any modifications requested by the Plan Commission or Common Council.
 2. *Consideration of Commitments:* All commitments shall be considered by the Plan Commission and the Common Council in the review of the application.
 - a. Commitments shall be included as an element of the Zoning Map Amendment ordinance prepared by the Plan Commission following action taken at the public hearing.

- b. Any deletion, addition, or alteration of the written commitments proposed by the Common Council may be referred back to the Plan Commission for consideration and included in a revised or affirmed recommendation regarding the application.
- 3. *Recording of Commitments:* Following final action being taken on the Zoning Map Amendment application, the Zoning Map Amendment ordinance, with any written commitments included, may be recorded in the office of the Shelby County Recorder. A copy of any recorded commitments shall be provided to the Zoning Administrator for inclusion in the application file prior to the issuance of any Improvement Location Permit. No Improvement Location Permit shall be issued for a permit application that does not comply with the written commitments.
- 4. *Enforcement of Commitments:* The written commitments shall be considered part of the Unified Development Ordinance binding on the subject property.
 - a. The written commitments shall be binding on the owner of the subject property, any subsequent owners of the subject property, and any person or entity that acquires an interest in the subject property or portion thereof.
 - b. The written commitments shall be enforceable by the Zoning Administrator consistent with the adopted provisions for the enforcement of any other aspect of the Unified Development Ordinance, as described in *Article 10: Enforcement*.
 - c. The written commitments may be modified only through the Zoning Map Amendment process.
- M. Effective Date: A rezoning shall be effective from the date of its final approval by the Shelbyville Common Council.
- N. Modification: Modification to an approved Zoning Map Amendment shall not be permitted. The only means to modify a Zoning Map Amendment is through a new application for Zoning Map Amendment.

Subdivision of Land

9.11 Subdivision of Land

- A. Classification of Subdivisions: This Ordinance addresses three (3) different classifications of land divisions. In order to determine which class of subdivision a proposed land division best fits, the applicant or their representative is required to discuss with the Zoning Administrator the nature of the land division being proposed, prior to submitting any of the materials required by this Ordinance. Based upon the information provided at this conference, which may be held in-person, electronically, or by telephone, the Zoning Administrator will provide the applicant a preliminary opinion as to the classification of the subdivision and which application and review procedure applies to that type of subdivision. Failure to provide complete and accurate information to the Zoning Administrator at this stage may cause delays in formal consideration of the subdivision. All land to be divided within Shelbyville, Indiana shall be categorized into one of three types of subdivisions:
1. *Administrative Subdivision*: Any subdivision that includes one or more of the following:
 - a. The removal of interior lot lines, with the outside perimeter of the property remaining unchanged, resulting in fewer parcels than were contained in the original parcels, with the parcels all being under common ownership;
 - b. The removal or relocation of easements on the property, after written release of the easement has been given from all easement owners;
 - c. The changing of notations written on a previously approved plat or correction of errors thereon, excluding conditions and commitments previously imposed by the Plan Commission, Plat Committee, Board of Zoning Appeals, Common Council, or other body authorized to impose conditions;
 - d. A division of land pursuant to an allocation of land by court decree;
 - e. To correct errors in an existing legal description or previously approved plat, provided that no additional building lots are created;
 - f. A division of land for the sale, exchange, or transfer of tracts between adjoining land owners, provided that no additional building sites are created; or
 - g. A division or resubdivision of land for the acquisition by any unit of government or by a utility for right-of-way or easement.
 2. *Minor Subdivision*: Before determining that a subdivision is eligible to be considered as a Minor Subdivision, the Zoning Administrator shall find that all of the following criteria are satisfied:
 - a. **Lots**: Contains no more than 3 buildable lots, as required by the applicable zoning district, and the parent tract of land from which any part of the lots are platted shall not have been a part of 2 or more previous minor subdivision platting requests.
 - b. **Access**: All parcels in the subdivision and adjacent land will have adequate ingress and egress without the construction of any new streets or substantial improvement to existing streets.
 - i. Frontage on limited access streets on which driveways cannot open shall not constitute legal access.
 - ii. If by reason of topography, natural or man-made features, or other conditions relating to the property requested for subdivision, better access can be provided through construction of a new street, the petition shall be considered as a major subdivision.
 - iii. For the purposes of this subsection, any subdivision that involves the cumulative creation of no more than 3 new buildable lots, excluding any that are permitted through an administrative subdivision process, shall not require road improvements or the construction of new streets. Such subdivisions shall be considered as having been provided with the best possible access through individual driveways, provided that driveway locations are available that meet all applicable requirements of this Ordinance, and the City Engineer. In no instance shall this be interpreted as waiving the required dedication of right-of-way along the frontage of any new lots created.
 - iv. The use of an access easement, consistent with Article 6.06 of this Ordinance shall not be considered as the extension or construction of a private street and shall constitute adequate access for a minor subdivision. This private street shall still be subject to all applicable standards of this Ordinance and the City's Construction Standards.
 - v. All lots will have driveway locations which will provide for adequate sight distance and will be properly spaced according to City standards.
 - vi. Land adjacent to the property involved in the subdivision will also have adequate access through a private driveway according to the criteria contained in this Ordinance.

- vii. The proposed subdivision does not necessitate the extension of public improvements, including utility extensions, but excluding sidewalks;
 - c. Orderly Development: The subdivision will not impede orderly development of land or the provision of public services and improvements.
 - i. The subdivision will not interfere with the implementation of the Comprehensive Plan.
 - ii. The subdivision will not interfere with the provision of streets to provide access to adjoining or nearby property in the event that such property is developed in the future.
 - iii. All parcels in the subdivision will have adequate utilities and drainage.
 - [a] All lots shall be served by a sanitary sewer system approved by the Indiana Department of Health, Indiana Department of Environmental Management, the Shelby County Health Department, and the City of Shelbyville's applicable Codes and Ordinances. Any subdivision of land which requires the extension of existing sewers or the construction of new treatment facilities shall be considered as a major subdivision. If extension of sewer service is found to be a feasible alternative and is desirable because of soil conditions, topography, lot sizes, or other factors, the petition shall be considered as a major subdivision.
 - [i] All lots shall be served by a public water system which complies with all requirements of the Indiana Department of Health, the Shelby County Health Department, and the City of Shelbyville's applicable Codes and Ordinances.
 - [ii] All lots shall be provided with drainage improvements as necessary to comply with the requirements of the Stormwater Management Standards and Procedures, established in the City of Shelbyville's Code of Ordinances.
 - d. Endangerment: The subdivision will not be detrimental to nor endanger the public health, safety, or general welfare.
 - e. Replats: A replat of a previously approved subdivision that does not increase or decrease the total number of lots by more than three percent (3%), and does not significantly alter the layout of streets, lots, utility systems, topography, or other proposed subdivision features.
 - 3. *Major Subdivision*: All subdivisions not classified as an Administrative Subdivisions or Minor Subdivisions, as outlined in this Ordinance, shall be considered a Major Subdivision.
- B. Appeal of Decision: The Zoning Administrator's decisions in regard to determining the classification of a subdivision under this section may be appealed to the Plan Commission.
- C. Application and Review Process: Applicants for subdivision approval shall follow the procedure contained in this section of the Ordinance for the type of subdivision for which approval is sought.
 - 1. *General*:
 - a. Application & Fees: An application for the applicable type of subdivision shall be filed with the Zoning Administrator on forms specified by the Plan Commission, be typed or completed in ink, and be signed by the owner and subdivider. The fee as set by the Plan Commission shall be paid at the time of the filing.
 - b. Processing Standards: All applicants shall submit complete applications, copies and all necessary attachments as required by this ordinance, the adopted policies of the Zoning Administrator and the applicable Rules and Procedures of the Plan Commission. No application shall be processed, and no docket number shall be assigned, until the application is filled out correctly, and all required attachments, including the fee, are presented to the Zoning Administrator. If the application is found incomplete by the Zoning Administrator, it shall not be accepted and the applicant shall be notified of the rejection of the application.
 - c. Meeting Dates Established: In accordance with IC 36-7-4-705, the Zoning Administrator shall announce the date of a hearing before the Plan Commission or a meeting before the Plat Committee within thirty (30) days after receipt of a final and complete application. The dates of all hearings and meetings regarding the application for a Preliminary Plat for a Major or Minor Subdivision shall be based on the adopted Calendar of Meeting and Filing Dates and the date on which the completed Preliminary Plat application is filed with the Zoning Administrator. No regular meeting dates are required for Administrative Subdivisions.
 - d. Schedule: All complete applications shall be assigned reference and/or docket numbers by the Zoning Administrator. Applications shall be scheduled by the Zoning Administrator for the appropriate subdivision process step based on having a complete application consistent with the requirements of Section 9.11: Subdivision of Land and the adopted Calendar of Filing and Meeting dates for the Plan Commission.
 - 2. *Administrative Subdivision Review Process*: Those subdivisions meeting the definition of "Administrative

Subdivision,” may be considered under the provisions of this Section. Once the Zoning Administrator has determined that the requested subdivision satisfies the requirements of an “Administrative Subdivision,” as outlined in 9.11(A) (1), the petition shall follow the process outlined below with the Plan Commission Staff.

- a. Administrative Review: The Zoning Administrator will review the application for compliance with this Ordinance.
- b. Submission Materials: In addition to the application form, required copies and fees, the application for a Preliminary Plat for an Administrative Subdivision shall include the following documents, prepared and certified by a land surveyor or professional engineer registered in the State of Indiana, at an appropriate scale, prepared with electronic media:
 - i. Property Name:
 - [a] The name of the subdivision (if the subject property is within a previously platted subdivision); or
 - [b] A proposed name (if the property is not within a previously platted subdivision). The proposed name shall not duplicate the name of any subdivision in Shelby County which has been previously recorded.
 - ii. Property Description:
 - [a] A written description of the location of the property, including current zoning, street address, and a legal description. The legal description shall state the total area included in the subdivision in acres.
 - [b] A dimensioned drawing of the parcel(s) of land that is being subdivided, including any remaining tract. The drawing shall show the subdivision boundary with benchmarks, the legal description point of beginning, and all dimensions, including the size of all existing properties included in the proposed subdivision, in acres. If any properties to be included in the subdivision are less than one (1) acre, they shall also be described in terms of square footage.
 - iii. Property Ownership:
 - [a] The name, street address, e-mail address, and telephone number of the legal property owner and the developer of the property or their agent. The ownership information shall include the citation of the last instrument conveying titles to each parcel of property involved in the proposed subdivision, giving grantee, date, and book and page or instrument number reference.
 - [b] An indication of any existing covenants, rights-of-way, or easements affecting the property.
 - [c] The name, street address, e-mail address, and phone number of the professional person(s) responsible for the Preliminary Plat application materials.
 - iv. Preliminary Plat Drawing:
 - [a] A legend and notes, including a graphic scale, north arrow, and date.
 - [b] The location of existing burial grounds, watercourses, 100-year floodplains and floodways (including elevations), wooded areas, wetlands (certified by a professional possessing a U.S. Army Corps of Engineers Regulation 4 Jurisdictional Wetland Certification), and other natural features.
 - [c] The location(s) of any existing structure(s) on the site and a description of their future demolition or incorporation into the proposed subdivision.
 - [d] Topographic contours consistent with the requirements of the City Engineer, referenced to sea level and an established benchmark.
 - [e] The location, area (indicated in square feet and acres), and dimensions of each lot. The location of all monuments and the buildable area of each lot per applicable zoning district setback requirements and any other regulatory or natural limitations, shall also be indicated.
 - [f] All existing and proposed easements, including the location, width, and purpose of each.
 - [g] All existing and proposed street systems adjoining the site of the proposed subdivision showing the proposed names, functional classifications, right-of-way widths, approximate gradients, types and widths of pavements, curbs, sidewalks, on-street parking areas, street signs, street trees, and streetlights.
 - [h] All proposed sidewalks, trails and/or pedestrian pathways.
 - [i] Any parcels of land proposed to be dedicated or reserved for common areas, natural areas, schools, parks, playgrounds, or other public, semi-public, or community purposes (including common areas and linear open space surrounding pedestrian paths).
 - [j] The location, size, slope, and invert elevation of utilities— existing and proposed – adjacent to and on the site, including storm and sanitary sewers; water mains (including fire hydrants); electrical, telephone, and cable television lines.
 - [k] The location of any temporary stakes to enable the Zoning Administrator and City Engineer to find and appraise features of the Preliminary Plat by visiting the property.
 - [l] All proposed connections to utilities.

- v. Vicinity Map: On a separate sheet, at an appropriate scale, a vicinity map shall be submitted that includes the following information:
 - [a] Property Location: The location of the proposed subdivision within the City, referencing surrounding streets and subdivisions.
 - [b] Adjacent Property Owners: Existing subdivisions and lots adjacent to or within 250 feet of the proposed subdivision. The owners of each of these properties shall be identified on the drawing with the date and book and page (or instrument number) of the last conveyance of ownership.
 - [c] Related Facilities: Existing schools, parks, playgrounds, neighborhood commercial businesses, or other similar facilities that will serve the proposed subdivision.
 - [d] Utilities: Location and size of all utilities adjacent to or within 250 feet of the subdivision site, including sanitary and storm sewers, gas lines, electric lines, telephone lines, water mains, fire hydrants, and cable television lines.
 - [e] Thoroughfares: All public thoroughfares/rights-of-way adjacent to or within 250 feet of the site.
 - [f] Street and Pedestrian Systems: Existing streets and rights-of-way on and adjoining the site of the proposed subdivision showing the names, functional classifications, roadway widths, surface types, widths of pavement, and presence of curbs, street trees, sidewalks, on-street parking, and street lights.
 - [g] Boundaries: Any municipal, fire district, school district, utility service, or other boundaries lying within or contiguous to the subdivision property.
- vi. Contiguous Holdings Map: Whenever the Preliminary Plat covers only a part of an applicant's contiguous property holdings, the applicant shall also submit a map of all contiguous holdings, drawn at an appropriate scale. The map shall include a sketch of the proposed subdivision area, with its proposed street and drainage system, and indication of the likely future street and drainage system serving the remaining portion of the property. When appropriate, it can be combined with the "Adjacent Property Owners" map.
- vii. Subdivision Covenants: Any protective covenants applicable to the subdivision shall be prepared by the applicant and be legally sound. Either the covenants, or a reference to the covenants shall be incorporated on the plat. All covenants shall be in accordance with the requirements of Section 6.04: Covenant Standards.
 - [a] Drainage Maintenance: At a minimum, covenants or other plat documentation shall provide a means for the maintenance and upkeep of drainage swales and other drainage facilities and any common areas or entry features. The covenants shall specifically provide that the maintenance of drainage swales and other drainage features be the responsibility of a lot owner's association and that the proper function and maintenance of the drainage system may be enforced by the Board of Public Works and Safety and the City Engineer.
 - [b] Conflicts with Ordinance: In no case shall covenants supersede the standards in the Unified Development Ordinance.
 - [c] Enforcement: Excepting enforcement of drainage maintenance by the Board of Public Works and Safety, the City shall not be responsible for enforcement of any subdivision covenants.
- viii. Access Plan: A site access plan showing both internal circulation between structures/lots as well as ingress/egress to existing rights-of-way.
- ix. Other studies and reports as required by the City Engineer or Plan Commission office
- c. Site Inspection: The Zoning Administrator and their representatives, at their discretion, may visit the site at any time during the review process.
- d. Compliance: All standards of the applicable zoning district(s) shall apply.
- e. Consultation: The Zoning Administrator shall consult with any other persons and agencies necessary to make an accurate determination of the compliance of the application with the terms of this Ordinance. In the event of any uncertainty by the Zoning Administrator as to compliance or proper classification of any subdivision, the petition shall be docketed with the Plan Commission for final action.
- f. Written Notice: After the Zoning Administrator has made a determination on the application's compliance with the criteria for an administrative subdivision, notice will be given to the applicant within 10 business days.
- g. Signature: After the Zoning Administrator has determined that the administrative subdivision complies with the criteria for such subdivision, the Zoning Administrator shall sign the plat and affix the Plan Commission Seal, on a signature block consistent with Appendix C.
- h. Recording of an Administrative Subdivision: The approved plat must be recorded in the Shelby County Recorder's office within one year of the date of approval or the approval will be null and void. A Mylar copy of the recorded plat must be returned to the Plan Commission office before permits can be issued within the

subdivision.

3. *Minor Subdivision Review Process:* Those subdivisions meeting the definition of “Minor Subdivision,” as defined by this Ordinance, may be considered under the provisions of this Section. Replats that satisfy the requirements, shall also be considered as a Minor Subdivision. After a subdivision request has been filed, the Zoning Administrator shall determine whether the petition may be considered as a Minor Subdivision. If so, the Minor Subdivision shall follow the process outlined below with the Plat Committee or the Plan Commission.
 - a. There are four (4) components in the Minor Subdivision Process. These steps are:
 - i. Section 9.11(C): Sketch Plan,
 - ii. Section 9.11(D): Preliminary Plat,
 - iii. Section 9.11(E): Final Plat and Construction Plans, and
 - iv. Section 9.11(F): Construction of Public Improvements.
 - b. Sketch Plan
 - i. Sketch Plan: The Sketch Plan review is a process that provides early guidance and recommendations to the applicant. Sketch Plan review is especially encouraged for those applicants that are unfamiliar with the Shelbyville subdivision processes and procedures.
 - [a] Sketch Plan Contents: The applicant should provide a sketch of the proposed Minor Subdivision and the parcel(s) involved. Sketch Plan application materials shall be prepared at an appropriate scale in pen, pencil, or electronic media. Materials shall provide meaningful details about the proposed Minor Subdivision, and typically includes the following documents:
 - [i] Property Name:
 - [A] The name of the subdivision (if the subject property is within a previously platted subdivision); or
 - [B] A proposed name (if the property is not within a previously platted subdivision). The proposed name shall not duplicate the name of any subdivision in Shelby County that has previously been recorded; or
 - [C] The common name of the property if no subdivision name has been chosen (the name by which the property is locally known).
 - [ii] Property Description:
 - [A] A written description of the location of the property, including both street address and legal description. The legal description shall state the total area of the subdivision in acres.
 - [B] The size of all existing properties included in the proposed subdivision in acres. If any properties to be included in the subdivision are less than one (1) acre, they shall also be described in terms of square footage.
 - [iii] Property Ownership:
 - [A] The name, street address, e-mail address, and telephone number of the legal property owner and the developer of the property or their agent.
 - [B] An indication of any existing covenants, rights-of-way, and/or easements affecting the property.
 - [C] The name, street address, e-mail address, and telephone number of any professional person(s) responsible for the Sketch Plan application materials.
 - [iv] Subdivision Drawing:
 - [A] The location of any existing property lines, structures, streets, easements, and rights-of-way within or immediately adjacent to the property.
 - [B] A description of the topography of the property, including streams, suspected wetlands (based on the National Wetlands Inventory), wooded areas, and 100-year floodplains and floodways. The topographic details may be based on USGS data, a field survey, and/or other suitable data sources (as determined by the Zoning Administrator).
 - [C] The current zoning of the property.
 - [D] The general layout of sidewalks and any other pedestrian pathways.
 - [E] Preliminary proposals for connections to all utilities.
 - [F] A general description of the size, dimensions, and number of lots to be created in the subdivision.
 - [v] Contiguous Holdings: Whenever the Sketch Plan covers only a part of an applicant’s contiguous property holdings, the applicant shall also disclose to the Zoning Administrator all other contiguous land holdings. The applicant shall also disclose preliminary intentions for future street and drainage

systems serving the remaining portion of the property.

- [b] Sketch Plan Review: The applicant shall meet with the Zoning Administrator to discuss the proposed major subdivision.
 - [i] The Zoning Administrator shall provide the applicant with comments regarding the proposed subdivision.
 - [ii] The Zoning Administrator may invite the City Engineer, Street Commissioner, or other persons to also comment on the Sketch Plan.
 - [iii] The Zoning Administrator shall advise the applicant to contact any other officials or agencies that shall approve certain aspects of the subdivision and communicate to them the review procedure, schedule, and standards that shall apply to the subdivision.
 - [iv] Due to the fact that Sketch Plans are not a formal review and are not binding, a Sketch Plan does not result in vesting or begin a formal Minor Subdivision application process. By its nature a Sketch Plan review is limited to only the material submitted for consideration.

c. Preliminary Plat

- i. Application Process Begins: In order to begin the Minor Subdivision process the applicant shall file an application for Preliminary Plat Review with the Zoning Administrator.
- ii. Submission Materials: In addition to the application form, required copies and fees, the application for a Preliminary Plat for a Minor Subdivision shall include the following documents, prepared and certified by a land surveyor or professional engineer registered in the State of Indiana, at an appropriate scale, prepared with electronic media:
 - [a] Preliminary Plat Submission Materials
 - [i] Preliminary Plat Submission must include two (2) Mylar copies, three (3) bond copies, and one (1) digital copy. These will be signed and stamped as recorded.
 - [b] Property Name:
 - [i] The name of the subdivision (if the subject property is within a previously platted subdivision); or
 - [ii] A proposed name (if the property is not within a previously platted subdivision). The proposed name shall not duplicate the name of any subdivision in Shelby County which has been previously recorded.
 - [c] Property Description:
 - [i] A written description of the location of the property, including current zoning, street address, and a legal description. The legal description shall state the total area included in the subdivision in acres.
 - [ii] A dimensioned drawing of the parcel(s) of land that is being subdivided, including any remaining tract. The drawing shall show the subdivision boundary with benchmarks, the legal description point of beginning, and all dimensions, including the size of all existing properties included in the proposed subdivision, in acres. If any properties to be included in the subdivision are less than one (1) acre, they shall also be described in terms of square footage.
 - [d] Property Ownership:
 - [i] The name, street address, e-mail address, and telephone number of the legal property owner and the developer of the property or their agent. The ownership information shall include the citation of the last instrument conveying titles to each parcel of property involved in the proposed subdivision, giving grantee, date, and book and page or instrument number reference.
 - [ii] An indication of any existing covenants, rights-of-way, or easements affecting the property.
 - [iii] The name, street address, e-mail address, and phone number of the professional person(s) responsible for the Preliminary Plat application materials.
 - [e] Preliminary Plat Drawing:
 - [i] A legend and notes, including a graphic scale, north arrow, and date.
 - [ii] The location of existing burial grounds, watercourses, 100-year floodplains and floodways (including elevations), wooded areas, wetlands (certified by a professional possessing a U.S. Army Corps of Engineers Regulation 4 Jurisdictional Wetland Certification), and other natural features.
 - [iii] The location(s) of any existing structure(s) on the site and a description of their future demolition or incorporation into the proposed subdivision.
 - [iv] Topographic contours consistent with the requirements of the City Engineer, referenced to sea level and an established benchmark.
 - [v] The location, area (indicated in square feet and acres), and dimensions of each lot. The location

- of all monuments and the buildable area of each lot per applicable zoning district setback requirements and any other regulatory or natural limitations, shall also be indicated.
- [vi] All existing and proposed easements, including the location, width, and purpose of each. All existing and proposed street systems adjoining the site of the proposed subdivision showing the proposed names, functional classifications, right-of-way widths, approximate gradients, types and widths of pavements, curbs, sidewalks, on-street parking areas, street signs, street trees, and streetlights.
 - [vii] All proposed sidewalks, trails and/or pedestrian pathways.
 - [viii] Any parcels of land proposed to be dedicated or reserved for common areas, natural areas, schools, parks, playgrounds, or other public, semi-public, or community purposes (including common areas and linear open space surrounding pedestrian paths).
 - [ix] The location, size, slope, and invert elevation of utilities— existing and proposed – adjacent to and on the site, including storm and sanitary sewers; water mains (including fire hydrants); electrical, telephone, and cable television lines.
 - [x] The location of any temporary stakes to enable the Zoning Administrator and City Engineer to find and appraise features of the Preliminary Plat by visiting the property.
 - [xi] All proposed connections to utilities.
 - [xii] A form indicating the approval of the Plat and providing a place for the signature of the Plan Commission President and Secretary and the date of Preliminary Plat approval.
- [f] Vicinity Map: On a separate sheet, at an appropriate scale, a vicinity map shall be submitted that includes the following information:
- [i] Property Location: The location of the proposed subdivision within the City, referencing surrounding streets and subdivisions.
 - [ii] Adjacent Property Owners: Existing subdivisions and lots adjacent to or within 250 feet of the proposed subdivision. The owners of each of these properties shall be identified on the drawing with the date and book and page (or instrument number) of the last conveyance of ownership.
 - [iii] Related Facilities: Existing schools, parks, playgrounds, neighborhood commercial businesses, or other similar facilities that will serve the proposed subdivision.
 - [iv] Utilities: Location and size of all utilities adjacent to or within 250 feet of the subdivision site, including sanitary and storm sewers, gas lines, electric lines, telephone lines, water mains, fire hydrants, and cable television lines.
 - [v] Thoroughfares: All public thoroughfares/rights-of-way adjacent to or within 250 feet of the site.
 - [vi] Street and Pedestrian Systems: Existing streets and rights-of-way on and adjoining the site of the proposed subdivision showing the names, functional classifications, roadway widths, surface types, widths of pavement, and presence of curbs, street trees, sidewalks, on-street parking, and street lights.
 - [vii] Boundaries: Any municipal, fire district, school district, utility service, or other boundaries lying within or contiguous to the subdivision property.
- [g] Contiguous Holdings Map: Whenever the Preliminary Plat covers only a part of an applicant's contiguous property holdings, the applicant shall also submit a map of all contiguous holdings, drawn at an appropriate scale. The map shall include a sketch of the proposed subdivision area, with its proposed street and drainage system, and indication of the likely future street and drainage system serving the remaining portion of the property. When appropriate, it can be combined with the "Adjacent Property Owners" map.
- [h] Subdivision Covenants: Any protective covenants applicable to the subdivision shall be prepared by the applicant and be legally sound. Either the covenants, or a reference to the covenants shall be incorporated on the plat. All covenants shall be in accordance with the requirements of Section 6.04: Covenant Standards.
- [i] Drainage Maintenance: At a minimum, covenants or other plat documentation shall provide a means for the maintenance and upkeep of drainage swales and other drainage facilities and any common areas or entry features. The covenants shall specifically provide that the maintenance of drainage swales and other drainage features be the responsibility of a lot owner's association and that the proper function and maintenance of the drainage system may be enforced by the Board of Public Works and Safety and the City Engineer.

- [ii] Conflicts with Ordinance: In no case shall covenants supersede the standards in the Unified Development Ordinance.
 - [iii] Enforcement: Excepting enforcement of drainage maintenance by the Board of Public Works and Safety, the City shall not be responsible for enforcement of any subdivision covenants.
 - [i] Access Plan: A site access plan showing both internal circulation between structures/lots as well as ingress/egress to existing rights-of-way.
 - [j] Drainage Plan and Report: The subdivider shall provide a drainage report describing the existing and proposed drainage conditions and evaluating the ability of the proposed water courses, channels, drainage tiles, farm tiles, storm sewers, culverts, and other improvements to accommodate the additional run-off generated by the proposed subdivision.
 - [i] Drainage Report: A professional engineer registered in the State of Indiana shall prepare the report, which shall include:
 - [A] The conditions of the watershed that may affect run-off, such as subsoil type, positive drainage, and obstructions.
 - [B] The location of all subsurface drainage tiles and a plan to preserve or relocate the tiles.
 - [C] Estimates of the water entering the subdivision.
 - [D] A description of minor and major drainage systems. The minor drainage system shall consist of storm sewers, drainage ditches, grassed swales, and storm inlets or infiltration structures. The major system shall consist of roadways, culverts, bridges, and drainage flow-ways.
 - [ii] Watershed Map: On a separate sheet, a watershed map complementing the Drainage Report using USGS contour information shall be provided, showing:
 - [A] The delineation of the drainage area in which the subdivision is located.
 - [B] The location of drainage courses and the existing direction of surface water flow within the drainage area.
 - [iii] Drainage Plan Description: On a separate sheet in the same scale and media as the Preliminary Plat, a description of drainage/topography/natural environment complementing the Drainage Report shall be provided that includes the following information:
 - [A] The location of natural streams, regulated drains, 100-year floodplains and floodways (including elevations).
 - [B] The location of any existing or proposed subsurface drain tile, structures, culverts, or swales.
 - [C] A map noting significant physical and topographical features of the tract. This map shall also show the proposed direction of the flow of surface water runoff from the site.
 - [D] A preliminary drainage plan showing the proposed storm water drainage system to an improved outlet. The plan shall include surface drainage system, storm sewer systems, subsurface drainage systems, and storm water detention facilities. Arrows designating the general drainage of all streets and lots shall be included.
 - [iv] Engineering Capacity Report: A report prepared by a professional engineer registered in the State of Indiana covering sewage, street, and drainage facilities for the subdivision shall be provided which includes, but is not limited to, the following:
 - [A] Utility Systems: A description of the feasibility of connecting to existing storm and sanitary sewers. This portion of the report shall include the distance from the nearest public sewer and the capacity of the existing system intended to handle the additional waste load.
 - [B] Street Construction: A preliminary report on the anticipated street construction based on the specifications provided by this Ordinance and any additional requirements of the City Engineer.
 - [v] Traffic studies may be deemed necessary by the Technical Review Committee to determine the extent of public improvements required to accommodate traffic generated by the proposed development.
- iii. Agency Coordination: The applicant corresponds with all applicable regulatory agencies for all other necessary approvals. These may include, but are not limited to the following:
- [a] The Indiana Department of Transportation;
 - [b] The Indiana Department of Environmental Management;
 - [c] The Indiana Department of Natural Resources; and,
 - [d] The Shelby County Drainage Board
- iv. Technical Review: The Zoning Administrator shall place the application for Preliminary Plat review on the

agenda of the Technical Review Committee.

- [a] Review Criteria: In reviewing the application, the Technical Review Committee shall consider the provisions of the Unified Development Ordinance, and other applicable requirements.
 - [b] Possible Action: The Committee shall make comments regarding the application. Based on those comments, the Zoning Administrator may either forward the application to the Plat Committee, or recommend further review.
 - [i] Forward to Plat Committee: The Zoning Administrator shall forward the application for Preliminary Plat review to the Plat Committee if addressing the committee comments will not require the applicant to significantly alter the layout of streets, lots, utility systems, topography, or other proposed subdivision features. The applicant shall revise the preliminary plat consistent with the comments received from the committee and supply revised application materials to the Zoning Administrator in preparation for the Plat Committee meeting.
 - [ii] Recommend Re-submittal: The Zoning Administrator may recommend further review of the Preliminary Plat application if addressing the comments will require significant alterations to the layout of streets, lots, utility systems, topography, drainage ways, or other proposed subdivision features.
 - [A] If the applicant agrees to further review, the application shall be placed on the agenda for the next Technical Review Committee meeting. The applicant shall revise the Preliminary Plat consistent with the comments received from the Committee and supply revised application materials to the Zoning Administrator in preparation for review by the Technical Review Committee.
 - [B] If the applicant declines further review, the application shall be placed on the agenda for the next Plan Commission meeting. The applicant shall revise the Preliminary Plat consistent with the comments received from the committee and supply revised application materials to the Zoning Administrator in preparation for the Plan Commission hearing.
 - [C] No additional fees shall be required for the re-submittal.
- v. Minor Primary Approval Procedure before the Plat Committee:
- [a] Placement on the Plat Committee Agenda: Those minor subdivisions not recommended for re-submittal to the Technical Review Committee will be docketed for consideration before the Plat Committee. If the Zoning Administrator believes that the City would be better served by full Plan Commission review, the Zoning Administrator shall instead place such subdivision on the agenda of the Plan Commission for consideration.
 - [b] Site Inspection: The Zoning Administrator, their representatives, and individual members of the Plat Committee may visit the site any time during the review process.
 - [c] Compliance: All standards of the applicable zoning district(s) shall still apply.
 - [d] Consultation: The Plat Committee shall consult with any other persons and agencies necessary to make an accurate determination of the compliance of the application with the terms of this Ordinance, including the Technical Review Committee.
 - [e] Review: The Plat Committee shall review the plat for compliance with this ordinance. If after that review the Plat Committee, by a majority vote, agrees that the City would be better served by full Plan Commission review, the Plat Committee may forward the subdivision to the Plan Commission for consideration.
 - [f] Decision Criteria: In reviewing applications for Preliminary Plat approval, the Plat Committee shall consider the following criteria.
 - [i] Unified Development Ordinance Requirements: The proposed Preliminary Plat shall be consistent with the subdivision control regulations and the development standards for the applicable zoning district; and
 - [ii] Other Requirements: The consistency of the proposed Preliminary Plat with any other applicable standards.
 - [g] Possible Action: The Plat Committee will make a decision regarding the application. Action by the Plat Committee shall be by a majority vote of the full Committee membership. The Committee shall make findings of fact as to the compliance of the subdivision request with the terms of this Ordinance. The Committee's possible actions are as follows.
 - [i] Approve: The Plat Committee shall approve the Preliminary Plat if it is found to be completely consistent with the decision criteria listed in Section 9.11(D)(6)(b): Decision Criteria.
 - [ii] Approve with Conditions or Commitments: The Plat Committee shall approve the Preliminary Plat

with conditions or written commitments if it is generally consistent with the decision criteria, but specific minor modifications are required to meet all of the applicable requirements.

[iii] Continue: The application may be continued based on a request by the Zoning Administrator, the applicant, a remonstrator, or an interested party. The application shall be continued in the case of an indecisive vote or a determination by the Plat Committee that additional information is required prior to action being taken on the request.

[iv] Deny: The Plat Committee shall deny the Preliminary Plat if it is found to be inconsistent with the decision criteria and requires modifications that would result in significant changes to the characteristics of the subdivision.

[A] If the Committee denies the request, it shall make written findings that set forth its reasons.

The decision shall be signed by the Zoning Administrator, who shall provide the applicant with a copy.

[B] If the Preliminary Plat application is denied, the applicant may not resubmit the same application for one (1) year from the date of denial. Resubmissions of denied Preliminary Plats shall be considered a new and separate petition.

[h] Written Record: The Zoning Administrator shall maintain one (1) file copy of the proposed Preliminary Plat, all application materials, and the signed and dated written Findings of Fact letter.

[i] Public Notification: In accordance with IC 36-7-4-701(d), approval may be granted by the Plat Committee without prior notice of public hearing. Within ten (10) days after “Approval” or “Approval with Conditions or Commitments”, notification shall be provided in accordance with Section 9.13 of this Ordinance.

[j] Appeal Period: A notice of appeal must be filed with the Zoning Administrator within ten (10) days after a copy of notice is postmarked in accordance with IC 36-7-4-708. After the Appeal Period has expired, with no appeals properly filed, the applicant may apply for Final Minor Plat Approval.

[k] Appeals: Appeals of the Plat Committee’s decision shall be governed in accordance with the following:

[i] Appeals of the Plat Committee’s decision shall be governed in accordance with IC 36-7-4-708.

[ii] An Appeal of Plat Committee Decision shall be made on a form provided by the Zoning Administrator.

[iii] When an appeal is properly filed within the ten (10) day Appeal Period, the plat shall be docketed for the next Plan Commission meeting. A properly filed appeal shall consist of the following:

[A] A completed form for “Appeal of Plat Committee Decision”

[B] Filing of said appeal before the expiration of the “Appeal Period”

[iv] Notice shall be given for the public hearing with the Plan Commission, in accordance with Section 9.13 of this Ordinance.

[v] No fee shall be required for filing an Appeal of Plat Committee Decision.

[vi] The Plan Commission shall consider the subject Preliminary Plat in accordance with Section 9.11(C)(3)(c)(VII)(b): Decision Criteria.

[l] Sectionalized Plats Prohibited: Preliminary Plats for Minor Subdivisions shall not be divided into sections for the purpose of phased construction.

[m] Expiration of Approval: The approval of the Preliminary Plat shall expire one (1) year from the date of the Plat Committee’s decision if the applicant has not proceeded with the development by applying to the Zoning Administrator for Final Plat review.

[i] Extensions: Extensions of time may be granted by the Plat Committee upon the request of the applicant.

vi. Minor Primary Approval Procedure before the Plan Commission

[a] Applicability: The following section shall only be required if there is a proper appeal filed in accordance with UDO 9.11C(3)(c)(V)(k) or if the Zoning Administrator and/or the Plat Committee make the determination that the City would be better served by full Plan Commission review. All other Minor Plats shall follow the procedures outlined in UDO 9.11C(3)(c)(V).

[b] Staff Report: Prior to the meeting, the Zoning Administrator will send a copy of the staff report of the proposal to the Plan Commission and the applicant prior to the public hearing.

[c] Site Inspection: The Zoning Administrator, their representatives, and individual members of the Plan Commission may visit the site any time during the review process.

[d] Compliance: All standards of the applicable zoning district(s) shall still apply.

[e] Consultation: The Plan Commission shall consult with any other persons and agencies necessary to make an accurate determination of the compliance of the application with the terms of this Ordinance,

- including the Technical Review Committee.
- [f] Public Hearing Notification: The Plan Commission shall hold a public hearing on the primary approval of the Minor Subdivision. Public notice for the meeting shall be required, consistent with the requirements of Section 9.13: Notice of Public Hearing.
 - vii. Plan Commission Hearing: The Plan Commission shall hold a public hearing on the application, considering the Preliminary Plat application materials, a report from the Zoning Administrator, and testimony from the applicant and any interested parties.
 - [a] Possible Action: At the public hearing, the Plan Commission shall approve, approve with conditions, continue, or deny the Preliminary Plat.
 - [i] Approve: The Plan Commission shall approve the Preliminary Plat if it is found to be completely consistent with the decision criteria listed in Section 9.11(C)(3)(c)(VII)(b): Decision Criteria. If approved, the applicant may then file for Minor Final Plat Approval.
 - [ii] Approve with Conditions or Commitments: The Plan Commission shall approve the Preliminary Plat with conditions or written commitments if it is generally consistent with the decision criteria, but specific minor modifications are required to meet all of the applicable requirements. If approved with conditions, the applicant may then file for Minor Final Plat Approval.
 - [iii] Continue: The application may be continued based on a request by the Zoning Administrator, the applicant, a remonstrator, or an interested party. The application shall be continued in the case of an indecisive vote, a determination by the Plan Commission that additional information is required prior to action being taken on the request, or if an appropriate representative of the application fails to appear at the public hearing.
 - [A] Additional legal notice shall not be required unless specified by the Plan Commission.
 - [B] The continuing of all applications shall be consistent with the Rules and Procedures of the Plan Commission.
 - [iv] Deny: The Plan Commission shall deny the Preliminary Plat if it is found to be inconsistent with the decision criteria and requires modifications that would result in significant changes to the characteristics of the subdivision. If the Preliminary Plat application is denied, the applicant may not resubmit the same application for one (1) year from the date of denial. Resubmissions of denied Preliminary Plats shall be considered a new and separate petition.
 - [b] Decision Criteria: In reviewing applications for Preliminary Plat approval, the Plan Commission shall consider the following criteria.
 - [i] Unified Development Ordinance Requirements: The proposed Preliminary Plat shall be consistent with the subdivision control regulations and the development standards for the applicable zoning district; and
 - [ii] Other Requirements: The consistency of the proposed Preliminary Plat with any other applicable standards.
 - [c] Documentation of Findings: The Plan Commission shall make written findings documenting its decision. These written findings shall be signed by the Plan Commission President and Secretary. The Zoning Administrator shall provide the applicant with a signed copy of the written findings of the Plan Commission that indicate the date of the Plan Commission's decision within ten (10) business days of the decision. The Zoning Administrator shall maintain one (1) file copy of the proposed Preliminary Plat, all application materials, and the signed and dated findings letter.
 - viii. Sectionalized Plats Prohibited: Preliminary Plats for Minor Subdivisions shall not be divided into sections for the purpose of phased construction.
 - ix. Expiration of Approval: The approval of the Preliminary Plat shall expire one (1) year from the date of the Plan Commission's decision if the applicant has not proceeded with the development by applying to the Zoning Administrator for Final Plat review.
 - [a] Extensions: Extensions of time may be granted by the Plan Commission upon the request of the applicant.
 - d. Final Plat
 - i. Minor Final Plat Approval Procedure
 - [a] Primary Approval Met: After all conditions of primary approval have been met, the applicant may request final approval. The applicant shall submit any supporting documents required by the Zoning Administrator to provide sufficient evidence that all conditions of primary approval have been met.
 - ii. Minor Final Plat Submission Materials:

- [a] Final Plat Submission must include two (2) Mylar copies, three (3) bond copies, and one (1) digital copy. These will be signed and stamped as recorded.
 - iii. Determination of Conformance: The Zoning Administrator will review the request for final approval and make a timely determination on its compliance with the primary approval and conditions. The Zoning Administrator may consult with the Technical Review Committee before issuing Final Plat approval for all Minor Subdivisions
 - iv. Changes After Primary Approval: If a minor subdivision plat deviates in any way except for corrective details from the one receiving primary approval with the approved conditions, the subdivision will not receive final approval. Any changes in the approved plans must be submitted to the Plan Commission or Plat Committee, unless such changes qualify under the definition of Administrative Subdivision.
 - v. Board of Works Approval: If there are any Minor Subdivisions involving public improvements or dedication of land to the public, action is required by the Shelbyville Board of Public Works and Safety. All public improvements and/or sureties shall be provided in accordance with UDO 9.11F
 - vi. Signature and Seal: After the Zoning Administrator has determined that the Final Minor Plat complies with the conditions of approval of the Plan Commission, and the Board of Public Works and Safety has accepted any public dedications, improvements, and/or financial guarantees of performance, final approval shall be given by the Zoning Administrator and the Plan Commission seal affixed to the Final Minor Plat.
 - vii. Recording: The Final Minor Plat and any approved written commitments must be recorded in the Shelby County Recorder's office within thirty (30) days of the date of signature by the Zoning Administrator.
4. *Major Subdivision Review Process:* Those subdivisions not meeting the definitions of "Administrative Subdivision" or "Minor Subdivision" shall be considered under the provisions of this Section. After a subdivision request has been filed, the Zoning Administrator shall determine whether the petition shall be considered as a major subdivision. If so, the Major Subdivision shall follow the process outlined below with the Plan Commission.
- a. There are four (4) components in the Major Subdivision Process. These steps are:
 - i. Section 9.11(C): Sketch Plan,
 - ii. Section 9.11(D): Preliminary Plat,
 - iii. Section 9.11(E): Final Plat and Construction Plans, and
 - iv. Section 9.11(F): Construction of Public Improvements.
 - b. Sketch Plan:
 - i. Sketch Plan: The Sketch Plan review is a process that provides early guidance and recommendations to the applicant. Sketch Plan review is especially encouraged for those applicants that are unfamiliar with the Shelbyville subdivision processes and procedures.
 - ii. Sketch Plan Contents: The applicant should provide a sketch of the proposed major subdivision and the parcel(s) involved. Sketch Plan application materials shall be prepared at an appropriate scale in pen, pencil, or electronic media. Materials shall provide meaningful details about the proposed Major Subdivision, and typically includes the following documents:
 - [a] Property Name:
 - [i] The name of the subdivision (if the subject property is within a previously platted subdivision); or
 - [ii] A proposed name (if the property is not within a previously platted subdivision). The proposed name shall not duplicate the name of any subdivision in Shelby County that has been previously been recorded; or
 - [iii] The common name of the property if no subdivision name has been chosen (the name by which the property is locally known).
 - [b] Property Description:
 - [i] A written description of the location of the property, including both street address and legal description. The legal description shall state the total area of the subdivision in acres.
 - [ii] The size of all existing properties included in the proposed subdivision in acres. If any properties to be included in the subdivision are less than one (1) acre, they shall also be described in terms of square footage.
 - [c] Property Ownership:
 - [i] The name, street address, e-mail address, and telephone number of the legal property owner and the developer of the property or their agent.
 - [ii] An indication of any existing covenants, rights-of-way, and/or easements affecting the property.

- [iii] The name, street address, e-mail address, and telephone number of any professional person(s) responsible for the Sketch Plan application materials.
 - [d] Subdivision Drawing:
 - [i] The location of any existing property lines, structures, streets, easements, and rights-of-way within or immediately adjacent to the property.
 - [ii] A description of the topography of the property, including streams, suspected wetlands (based on the National Wetlands Inventory), wooded areas, and 100-year floodplains and floodways. The topographic details may be based on USGS data, a field survey, and/or other suitable data sources (as determined by the Zoning Administrator).
 - [iii] The current zoning of the property.
 - [iv] The general layout of sidewalks and any other pedestrian pathways.
 - [v] Preliminary proposals for connections to all utilities.
 - [vi] A general description of the size, dimensions, and number of lots to be created in the subdivision.
 - [e] Contiguous Holdings Map: Whenever the Sketch Plan covers only a part of an applicant's contiguous property holdings, the applicant shall also disclose to the Zoning Administrator all other contiguous land holdings. The applicant shall also disclose preliminary intentions for future street and drainage systems serving the remaining portion of the property.
 - iii. Sketch Plan Review: The applicant shall meet with the Zoning Administrator to discuss the proposed major subdivision.
 - [a] The Zoning Administrator shall provide the applicant with comments regarding the proposed subdivision.
 - [b] The Zoning Administrator may invite the City Engineer, Street Commissioner, or other persons to also comment on the Sketch Plan.
 - [c] The Zoning Administrator shall advise the applicant to contact any other officials or agencies that shall approve certain aspects of the subdivision and communicate to them the review procedure, schedule, and standards that shall apply to the subdivision.
 - [d] Due to the fact that Sketch Plans are not a formal review and are not binding, a Sketch Plan does not result in vesting or begin a formal Major Subdivision application process. By its nature a Sketch Plan review is limited to only the material submitted for consideration.
- c. Preliminary Plat
 - i. Application Requirements: In order to begin the Major Subdivision process the applicant shall file an application for Preliminary Plat Review with the Zoning Administrator.
 - ii. Application Materials: In addition to the application form and required copies and fees, the application for a Preliminary Plat for a Major Subdivision shall include the following documents, prepared and certified by a land surveyor or professional engineer registered in the State of Indiana, at an appropriate scale, prepared in pen or electronic media:
 - [a] Preliminary Plat Submission Materials
 - [i] Preliminary Plat Submission must include two (2) Mylar copies, three (3) bond copies, and one (1) digital copy. These will be signed and stamped as recorded.
 - [b] Property Name:
 - [i] The name of the subdivision (if the subject property is within a previously platted subdivision); or
 - [ii] A proposed name (if the property is not within a previously platted subdivision). The proposed name shall not duplicate the name of any subdivision in Shelby County which has been previously recorded.
 - [c] Property Description:
 - [i] A written description of the location of the property, including current zoning, street address and a legal description. The legal description shall state the total area included in the subdivision in acres.
 - [ii] A dimensioned drawing of the parcel of land that is being subdivided, including any remaining tract. The drawing shall show the subdivision boundary with benchmarks, the legal description point of beginning, and all dimensions, including the size of all existing properties included in the proposed subdivision, in acres. If any properties to be included in the subdivision are less than one (1) acre, they shall also be described in terms of square footage.
 - [d] Property Ownership:
 - [i] The name, street address, e-mail address, and telephone number of the legal property owner and the developer of the property or their agent. The ownership information shall include the citation of

the last instrument conveying titles to each parcel of property involved in the proposed subdivision, giving grantee, date, and book and page or instrument number reference.

- [ii] An indication of any existing covenants, rights-of-way, or easements affecting the property.
- [iii] The name, street address, e-mail address, and phone number of the professional person(s) responsible for the Preliminary Plat application materials.
- [e] Preliminary Plat Drawing:
 - [i] A legend and notes, including a graphic scale, north arrow, and date.
 - [ii] The location of existing burial grounds, watercourses, 100-year floodplains and floodways (including elevations), wooded areas, wetlands (certified by a professional possessing a U.S. Army Corps of Engineers Regulation 4 Jurisdictional Wetland Certification), and other natural features.
 - [iii] The location(s) of any existing structure(s) on the site and a description of their future demolition or incorporation into the proposed subdivision.
 - [iv] Topographic contours consistent with the requirements of the City Engineer, referenced to sea level and an established benchmark.
 - [v] The location, area (indicated in square feet and acres), and dimensions of each lot. The location of all monuments and the buildable area of each lot per applicable zoning district setback requirements and any other regulatory or natural limitations, shall also be indicated.
 - [vi] All existing and proposed easements and rights-of-way, including the location, width, and purpose of each.
 - [vii] All existing and proposed street systems on and adjoining the site of the proposed subdivision showing the proposed names, functional classifications, right-of-way widths, approximate gradients, types and widths of pavements, curbs, sidewalks, on-street parking areas, street signs, street trees, and streetlights.
 - [viii] All proposed sidewalks and/or pedestrian pathways.
 - [ix] Any parcels of land proposed to be dedicated or reserved for common areas, natural areas, schools, parks, playgrounds, or other public, semi-public, or community purposes (including common areas and linear open space surrounding pedestrian paths).
 - [x] The location, size, slope, and invert elevation of utilities existing and proposed adjacent to and on the site, including storm and sanitary sewers; water mains (including fire hydrants); electrical, telephone, and cable television lines.
 - [xi] The location of any temporary stakes to enable the Zoning Administrator and City Engineer to find and appraise features of the Preliminary Plat by visiting the property.
 - [xii] All proposed connections to utilities.
 - [xiii] A form indicating the approval of the Plat and providing a place for the signature of the Plan Commission President and Secretary and the date of Preliminary Plat approval.
- [f] Vicinity Map: On a separate sheet, at a convenient scale, a vicinity map shall be submitted that includes the following information:
 - [i] Property Location: The location of the proposed subdivision within the City, referencing surrounding streets and subdivisions.
 - [ii] Adjacent Property Owners: Existing subdivisions and lots adjacent to or within 250 feet of the proposed subdivision. The owners of each of these properties shall be identified on the drawing with the date and book and page (or instrument number) of the last conveyance of ownership.
 - [iii] Related Facilities: Existing schools, parks, playgrounds, neighborhood commercial businesses, or other similar facilities that will serve the proposed subdivision.
 - [iv] Utilities: Location and size of all utilities adjacent to or within 250 feet of the subdivision site, including sanitary and storm sewers, gas lines, electric lines, telephone lines, water mains, fire hydrants, and cable television lines.
 - [v] Thoroughfares: All public thoroughfares/rights-of-way adjacent to or within 250 feet of the site.
 - [vi] Street and Pedestrian Systems: Existing streets and rights-of-way on and adjoining the site of the proposed subdivision showing the names, functional classifications, roadway widths, surface types, widths of pavement, and presence of curbs, street trees, sidewalks, on-street parking, and street lights.
 - [vii] Boundaries: Any municipal, fire district, school district, utility service, or other boundaries lying within or contiguous to the subdivision property.
- [g] Contiguous Holdings Map: Whenever the Preliminary Plat covers only a part of an applicant's contiguous property holdings, the applicant shall also submit a map of all contiguous holdings, drawn at

an appropriate convenient scale. The map shall include a sketch of the proposed subdivision area, with its proposed street and drainage system, and indication of the likely future street and drainage system serving the remaining portion of the property.

- [h] Subdivision Phasing Description: If the Preliminary Plat is to be divided into sections for the phasing of development, the preliminary boundaries and numbers of such sections shall be shown.
- [i] Subdivision Covenants: Any protective covenants applicable to the subdivision shall be prepared by the applicant and be legally sound. Either the covenants, or a reference to the covenants shall be incorporated on the plat.
 - [i] Drainage Maintenance: At a minimum, covenants or other plat documentation shall provide a means for the maintenance and upkeep of drainage swales and other drainage facilities and any common areas or entry features. The covenants shall specifically provide that the maintenance of drainage swales and other drainage features be the responsibility of a lot owner's association and that the proper function and maintenance of the drainage system may be enforced by the Board of Public Works and Safety and the City Engineer.
 - [ii] Consistency: All covenants shall be consistent between all subdivision phases that result from a single Preliminary Plat.
- [j] Access Plan: A site access plan showing both internal circulation between structures/lots as well as ingress/egress to existing rights-of-way.
- [k] Drainage Plan and Report: The subdivider shall provide a drainage report describing the existing and proposed drainage conditions and evaluating the ability of the proposed water courses, channels, drainage tiles, farm tiles, storm sewers, culverts, and other improvements to accommodate the additional run-off generated by the proposed subdivision.
 - [i] Drainage Report: A professional engineer registered in the State of Indiana shall prepare the report, which shall include:
 - [A] The conditions of the watershed that may affect run-off, such as subsoil type, positive drainage, and obstructions.
 - [B] The location of all subsurface drainage tiles and a plan to preserve or relocate the tiles. [c] Estimates of the water entering the subdivision. [d] A description of minor and major drainage systems. The minor drainage system shall consist of storm sewers, drainage ditches, grassed swales, and storm inlets or infiltration structures. The major system shall consist of roadways, culverts, bridges, and drainage flow-ways.
 - [ii] Watershed Map: On a separate sheet, a watershed map complementing the Drainage Report using USGS contour information shall be provided, showing:
 - [A] The delineation of the drainage area in which the subdivision is located.
 - [B] The location of drainage courses and the existing direction of surface water flow within the drainage area.
 - [iii] Drainage Plan Description: On a separate sheet in the same scale and media as the Preliminary Plat, a description of drainage/topography/natural environment complementing the Drainage Report shall be provided that includes the following information:
 - [A] The location of natural streams, regulated drains, 100-year floodplains and floodways (including elevations).
 - [B] The location of any existing or proposed subsurface drain tile, structures, culverts, or swales.
 - [C] A map noting significant physical and topographical features of the tract. This map shall also show the proposed direction of the flow of surface water runoff from the site.
 - [D] A preliminary drainage plan showing the proposed storm water drainage system to an improved outlet. The plan shall include surface drainage system, storm sewer systems, subsurface drainage systems, and storm water detention facilities. Arrows designating the general drainage of all streets and lots shall be included.
 - [iv] Engineering Capacity Report: A report prepared by a professional engineer registered in the State of Indiana covering sewage, street, and drainage facilities for the subdivision shall be provided which includes, but is not limited to, the following:
 - [A] Utility Systems: A description of the feasibility of connecting to existing storm and sanitary sewers. This portion of the report shall include the distance from the nearest public sewer and the capacity of the existing system intended to handle the additional waste load.
 - [B] Street Construction: A preliminary report on the anticipated street construction based on the specifications provided by this Ordinance and any additional requirements of the City

Engineer.

- [v] Traffic Studies may be deemed necessary by the Technical Review Committee to determine the extent of public improvements required to accommodate traffic generated by the proposed development.
- iii. Agency Coordination: The applicant corresponds with all applicable regulatory agencies for all other necessary approvals. These may include, but are not limited to the following:
 - [a] The Indiana Department of Transportation;
 - [b] The Indiana Department of Environmental Management;
 - [c] The Indiana Department of Natural Resources; and
 - [d] The Shelby County Drainage Board
- iv. Technical Review: The Zoning Administrator shall place the application for Preliminary Plat review on the agenda of the Technical Review Committee.
 - [a] Review Criteria: In reviewing the application, the Technical Review Committee shall consider the provisions of the Unified Development Ordinance, and other applicable requirements.
 - [b] Possible Action: The Committee shall make comments regarding the application. Based on those comments, the Zoning Administrator may either forward the application to the Plan Commission or recommend further review.
 - [i] Forward to Plan Commission: The Zoning Administrator shall forward the application for Preliminary Plat review to the Plan Commission if addressing the Committee comments will not require the applicant to significantly alter the layout of streets, lots, utility systems, topography, or other proposed subdivision features. The applicant shall revise the Preliminary Plat consistent with the comments received from the Committee and supply revised application materials to the Zoning Administrator in preparation for the Plan Commission hearing.
 - [ii] Recommend Re-submittal: The Zoning Administrator may recommend further review of the Preliminary Plat application if addressing the comments will require significant alterations to the layout of streets, lots, utility systems, topography, drainage ways, or other proposed subdivision features. If the applicant agrees to further review, the application shall be placed on the agenda for the next Technical Review Committee meeting. The applicant shall revise the Preliminary Plat consistent with the comments received from the Committee and supply revised application materials to the Zoning Administrator in preparation for either review by the Technical Review Committee, or the Plan Commission hearing.
 - [A] No additional fees shall be required for the re-submittal; however, the Zoning Administrator shall announce an updated Plan Commission hearing date.
 - [B] There shall be no limit to the number of times the Zoning Administrator may recommend the re-submittal of any application.
- v. Public Hearing: Notice of Public Hearing shall be given in accordance with the requirements of Section 9.13: Notice of Public Hearing prior to the Plan Commission meeting when the Preliminary Plat application is to be heard.
- vi. Plan Commission Hearing: The Plan Commission shall hold a public hearing on the application, considering the Preliminary Plat application materials, a report from the Zoning Administrator, and testimony from the applicant and any interested parties.
 - [a] Possible Action: At the public hearing, the Plan Commission shall approve, approve with conditions, continue, or deny the Preliminary Plat.
 - [i] Approve: The Plan Commission shall approve the Preliminary Plat if it is found to be completely consistent with the decision criteria listed in Section 9.11(D)(6)(b): Decision Criteria.
 - [ii] Approve with Conditions: The Plan Commission shall approve the Preliminary Plat with conditions if it is generally consistent with the decision criteria, but specific minor modifications are required to meet all of the applicable requirements.
 - [iii] Continue: The application may be continued based on a request by the Zoning Administrator, the applicant, a remonstrator, or an interested party. The application shall be continued in the case of an indecisive vote, a determination by the Plan Commission that additional information is required prior to action being taken on the request, or if an appropriate representative of the application fails to appear at the public hearing.
 - [A] Additional legal notice shall not be required unless specified by the Plan Commission.
 - [B] The continuing of all applications shall be consistent with the Rules and Procedures of the Plan

Commission.

- [iv] Deny: The Plan Commission shall deny the Preliminary Plat if it is found to be inconsistent with the decision criteria and requires modifications that would result in significant changes to the characteristics of the subdivision. If the Preliminary Plat application is denied, the applicant may not resubmit the same application for one (1) year from the date of disapproval. Fees and procedures for a resubmitted Preliminary Plat application shall be the same as if it were an original submittal.
- [b] Decision Criteria: In reviewing applications for Preliminary Plat approval, the Plan Commission shall consider the following criteria.
 - [i] Unified Development Ordinance Requirements: The proposed Preliminary Plat shall be consistent with the subdivision control regulations and the development standards for the applicable zoning district; and
 - [ii] Other Requirements: The consistency of the proposed Preliminary Plat with any other applicable standards.
- [c] Documentation of Findings: The Plan Commission shall make written findings documenting its decision. These written findings shall be signed by the Plan Commission President and Secretary. The Zoning Administrator shall provide the applicant with a signed copy of the written findings of the Plan Commission that indicate the date of the Plan Commission's decision within ten (10) business days of the decision. The Zoning Administrator shall maintain one (1) file copy of the proposed Preliminary Plat, all application materials, and the signed and dated findings letter.
- vii. Sectionalized Plats: For the purpose of phased construction, Preliminary Plats may be divided into sections. Construction Plans and Final Plats may be developed based on these sections. In no case shall any one (1) section of a residential Preliminary Plat contain less than ten percent (10%) of the total number of lots approved on that plat.
- viii. Expiration of Approval: The approval of the Preliminary Plat shall expire one (1) year from the date of the Plan Commission's decision if the applicant has not proceeded with the development by applying to the Zoning Administrator for Construction Plan and Final Plat review.
 - [a] Sectionalized Preliminary Plats: In the case of Preliminary Plats that are divided into sections for the purpose of a phased construction, the Preliminary Plat shall expire five (5) years after the date of approval of the Construction Plans and Final Plat for the most recently developed section if Construction Plans and Final Plat for the subsequent section have not been approved and the installation of public improvements in that section commenced.
 - [b] Extensions: Extensions of time may be granted by the Plan Commission upon the request of the applicant.
- d. Final Plat and Construction Plans
 - i. Eligibility for Final Plat Approval: After all conditions of primary approval have been met, the applicant may request Final Plat Approval. The applicant shall submit any supporting documents required by the Zoning Administrator to provide sufficient evidence that all conditions of primary approval have been met.
 - ii. Final Plat Submission Materials
 - [a] Final Plat Submission must include two (2) Mylar copies, three (3) bond copies, and one (1) digital copy. These will be signed and stamped as recorded.
 - iii. Determination of Conformance: The Zoning Administrator will review the request for Final Plat approval and make a timely determination on its compliance with the primary approval and conditions. The Zoning Administrator shall consult with the Technical Review Committee before issuing Final Plat approval for all Major Subdivisions.
 - iv. Changes After Primary Approval: If a major subdivision plat deviates from the one receiving primary approval with the approved conditions, the subdivision will not receive Final Plat approval. Any Changes in the approved plans must be submitted to the Plan Commission, unless such changes qualify for administrative approval under the definition of Administrative Subdivision. If a subdivision plat deviates in any way except for corrective details or minor adjustments from the plat which received primary approval with the approved conditions, the subdivision will not receive secondary approval. Corrective Details and Minor Adjustments shall include:
 - [a] Street Name Changes
 - [b] A reduction in the total number of lots, not more than ten percent (10%)

- [c] An increase in the total number of lots, not more than two percent (2%)
- [d] Lot line adjustments to correct technical issues
- [e] Easement adjustments to correct technical issues
- [f] Other similar items, as deemed appropriate by the Zoning Administrator
- [g] Any change which would otherwise be considered an “Administrative Subdivision”
- v. Corrective Details and Minor Adjustments shall not be construed to include:
 - [a] New streets or roads
 - [b] A change in street configuration or arrangement
 - [c] A reduction in the common area by 10 percent (10%) or greater
- vi. Application Requirements: It shall be the responsibility of the applicant to prepare and have certified, by a land surveyor or professional engineer licensed in the State of Indiana, a Final Plat and a complete set of Construction Plans, including profiles, cross-sections, specifications, and other supporting data for all required public streets, utilities, and other subdivision facilities. These materials shall either be prepared for the entire area included in the Preliminary Plat or for each section of that plat. The applicant shall file an application for Final Plat and Construction Plan review with the Zoning Administrator. This application shall:
 - [a] Application Form: Be made on forms available at the Plan Commission office, be completed in ink or typed, and be signed by the owner and developer;
 - [b] Document Copies: Be accompanied by the required copies of the Final Plat and Construction Plans meeting the requirements provided by *Section 9.11(E)(2): Final Plat Drawing* and *Section 9.11(E)(3): Construction Plan Documents*.
 - [c] Electronic Data: Be accompanied by a computer disk containing an electronic version of the documents (if available) in a format specified by the Zoning Administrator.
 - [d] Fee: Be accompanied by a fee in the amount established by the adopted City Fee Schedule.
- vii. Final Plat Drawing: All Final Plats shall substantially comply with the Preliminary Plat and Construction Plans for the subdivision. The Final Plat shall be prepared by a land surveyor or engineer registered in the State of Indiana, shall be shown at an appropriate scale, shall be drawn on reproducible mylar, and shall include the following information on a sheet meeting the size and clarity requirements of the Shelby County Recorder:
 - [a] Property Name: The name of the subdivision followed by the words “Subdivision Final Plat” (the name shall not duplicate the name of any subdivision in Shelby County that has previously been recorded).
 - [b] Property Description:
 - [i] Legal Description: An accurate metes and bounds description of the property boundary.
 - [ii] Boundary Lines: An accurate property boundary line expressed in feet and hundredths of a foot, with dimensions and angles, and the bearings of all lines to a minimum of one-half (½) minute.
 - [iii] Benchmark: Accurate distances and directions to the nearest official monument, including reference corners.
 - [c] Property Ownership:
 - [i] Owner/Developer: The name, street address, e-mail address, and telephone number of the legal property owner and the developer of the property or his/her agent. The ownership information shall include the citation of the last instrument conveying titles to each parcel of property involved in the proposed subdivision, giving grantee, date, and book and page or instrument number reference.
 - [ii] Professionals Involved: The name, address, and telephone number of the professional land surveyor or engineer responsible for the Final Plat.
 - [d] Subdivision Description:
 - [i] Legend and Notes: A complete legend and notes, including north arrow, graphic scale, and date.
 - [ii] Existing Features: Accurate locations of all preexisting easements, rights-of-way, and other pertinent features on the property and/or intersecting the boundaries of the tract; including a description of their future use or abandonment.
 - [iii] Public Ways: The location, width, and other dimensions of the existing and proposed rights-of-way and easements for all streets, alleys, and pedestrian pathways. Street rights-of-way

- shall include street names and setbacks or build-to lines.
- [iv] Curve Table: A complete curve table for all curves included in the plat.
 - [v] Lots: The location, dimensions (expressed in feet and hundredths of a foot), area (expressed in acres and square feet), and the bearing of all lines to one-half ($\frac{1}{2}$) minute for every lot and/or block created by the subdivision, including any remaining tract. All lots shall be consecutively numbered and all blocks shall be lettered in alphabetical order, consistent with the Preliminary Plat.
 - [vi] Easements: Accurate locations, widths, and other dimensions of all easements, including a description of their use.
 - [vii] Monuments: The location, type, material, and size of all existing and proposed monuments and markers included in the subdivision.
 - [viii] Set-Aside Areas: Accurate locations and dimensions for any property to be dedicated or reserved for public, semi-public, or community use, including any common areas and linear open space surrounding pedestrian pathways.
 - [ix] Setbacks: All building lines and setback locations and dimensions throughout the subdivision.
 - [x] Covenants and Restrictions: The text of, or references to, any restrictions that will run with the land and become covenants in the deeds for the lots.
 - [xi] Explanations: An explanation of all easements and reservations.
 - [xii] References: Sufficient data acceptable to the City Engineer to readily determine the location, bearing, and length of all lines for the reproduction of such lines on the property.
 - [xiii] Endorsement: A statement signed and dated by the property owner(s) endorsing the Final Plat.
 - [xiv] Land Surveyor Certification: Certification by a registered land surveyor.
 - [xv] Plan Commission Approval Statement: A form indicating the approval of the Final Plat and providing a place for the signature of the Plan Commission President and Secretary and the date of Preliminary Plat approval.
 - [xvi] Other Endorsements and Signatures: Forms providing the necessary statements, signatures, and dates for the recording of the Final Plat in the Shelby County Recorder's Office.
- viii. Construction Plan Documents: The Construction Plans shall be based on the approved Preliminary Plat and shall be consistent with the Final Plat. Construction plans shall be prepared for all required improvements, and shall be designed on state plane coordinates. The Construction Plans shall include the following:
- [a] Topographical Features Map: A map noting significant physical and topographical features of the property. For plats containing more than two (2) lots, a topographical map at typical contour intervals, meeting the requirements of the City Engineer, that extends 100 feet beyond the boundary lines of the proposed tract shall be submitted. This map shall also show the direction of the flow of surface water runoff to and from the site.
 - [b] Street Profiles: Profiles showing existing and proposed elevations along center lines of all streets. Where a proposed street intersects an existing street or streets, the elevation along the center line of the existing street or streets within 100 feet of the intersection shall be shown. Radii of all curves, lengths of tangents, central angles on all streets, and intersection details shall be shown.
 - [c] Street Cross-Sections: Plans and profiles showing the location and typical cross-section of streets including curbs, gutters, rights-of-way, drainage facilities and easements, manholes, and catch basins.
 - [i] Street Systems: Plans shall also identify each street's functional classification (consistent with the Shelbyville Thoroughfare Plan) and show the location of all street trees, street lights, street signs, sidewalks and/or pedestrian pathways, and permitted on-street parking areas.
 - [ii] Utility Systems: Plans shall also show the location, size, and invert elevations of existing and proposed sanitary sewers, stormwater drains, water lines, gas lines, and fire hydrants. They shall show systems, connections to any existing or proposed utility systems, and the exact location and size of all underground utilities and structures.
 - [d] Grading Plan: A site grading plan for the entire subdivision.
 - [e] Significant Features: Location, size, elevation, and other appropriate descriptions of any other existing physical and natural features or facilities including 100-year floodplains and floodways, water bodies, trees, the points of connection to proposed facilities and utilities, and the approximate high- and low-water elevations of all ponds, lakes, and streams.

- [f] Other Approvals: Copies of any necessary approvals from other agencies, such as any required approvals from the U.S. Army Corps of Engineers, Indiana Department of Environmental Management, Indiana Department of Transportation, or Indiana Department of Natural Resources regarding modifications to wetlands or the regulatory floodplain.
 - [g] Other Features: Any other construction details required to be shown by the Zoning Administrator, City Engineer, or Technical Review Committee.
 - ix. Technical Review: The Zoning Administrator shall place the application for Final Plat and Construction Plan review on the agenda for the applicable meeting of the Technical Review Committee and distribute copies of the submittals to the Committee members.
 - [a] Other Approvals: The applicant shall be responsible for obtaining the necessary reviews from any utility providers and other county, state, or Federal agencies not represented on the Technical Review Committee.
 - [b] Possible Action: The Committee shall make comments regarding the application and either recommend modifications, state that the application meets their expectations, or request that the Final Plat and Construction Plans be resubmitted with modifications for further review and consideration.
 - [i] Meets Expectations: The Committee shall state that the Final Plat and Construction Plans meet their expectations if they are consistent with the approved Preliminary Plat, applicable provisions of this Ordinance, and other applicable standards.
 - [ii] Recommend Modifications: The Committee shall recommend modifications to the Final Plat and Construction Plans if minor modifications are required for the plans to be completely consistent with the approved Preliminary Plat, applicable provisions of this Ordinance, and other applicable standards. Minor modifications are those that can be adequately agreed upon by the Committee and the applicant at the meeting and that do not impact other aspects of the subdivision's construction in a way that would require subsequent review. The requested modifications shall be completed by the applicant, and revised Final Plat and Construction Plan materials shall be provided to the Zoning Administrator within ninety (90) days of the Committee's statement.
 - [iii] Continue: The Committee may continue the application in order for the applicant to make modifications or provide additional information which will then be reviewed at an upcoming meeting. The application shall be placed on the agenda for the next appropriate Technical Review Committee meeting. The applicant shall provide the required revised Final Plat and Construction Plan materials to the Zoning Administrator prior to that meeting consistent with the adopted Calendar of Meeting and Filing Dates.
 - x. Documentation: The Zoning Administrator shall include the Committee's final comments in the staff report. The Zoning Administrator shall provide the applicant with a signed copy of the staff report upon request. The Zoning Administrator shall maintain one (1) file copy of the proposed Final Plat and Construction Plans, all application materials.
- e. Construction of Public Improvements
 - i. Surety or Construction Options: Prior to final approval of the Final Plat and Construction Plans the applicant has two (2) procedural options for completing the required improvements. The applicant may select either of the following procedures:
 - [a] Performance Surety: The applicant may submit performance surety for the required improvements as described by *Section 9.11(F)(2): Performance Surety Option*.
 - [b] Construction of Improvements: The applicant may construct all required improvements as described by *Section 9.11(F)(3): Construction of Improvements Option*.
 - ii. Performance Surety Option: If the applicant chooses to submit performance surety prior to constructing the required improvements, the following process shall be followed:
 - [a] Final Plat and Performance Surety Submittal: The applicant shall submit the following to the Zoning Administrator:
 - [i] Final Plat and Construction Plans: The Final Plat and Construction Plans with all required modifications. The Final Plat shall be shown at an appropriate scale, shall be drawn on reproducible mylar, and shall be on a sheet meeting the size and clarity requirements of the Shelby County Recorder.
 - [ii] Electronic Data (if available): A computer disk containing an electronic version of the Final

- Plat in a form specified by the Zoning Administrator.
- [iii] Surety: Performance surety for all required subdivision improvements. The surety shall meet all requirements of *Article 7: Surety*.
 - [b] Final Plat Review: The Zoning Administrator shall review the Final Plat submittal and associated materials to verify its consistency with all previous approvals and to verify that all required modifications have been made to the plat.
 - [i] Plan Commission Endorsement: The Final Plat shall be certified on behalf of the Plan Commission by the President and Secretary who shall affix their signatures to the Final Plat original.
 - [ii] Board of Public Works and Safety Endorsement: If the Final Plat includes public streets or infrastructure, the applicant shall contact the Board of Public Works and Safety to have the Final Plat scheduled for review at the next available Board meeting. At that meeting, the Board shall review the Final Plat's public dedications and other improvements, as well as the submitted performance surety for the construction of those improvements. If deemed acceptable, the Board of Public Works and Safety shall sign the Final Plat.
 - [c] Final Plat Recording: It shall be the responsibility of the applicant to file the approved and signed Final Plat with the Shelby County Recorder within thirty (30) days of the date of signature by Board of Public Works and Safety.
 - [i] Other Documents: Simultaneously with the filing of the Final Plat, the applicant shall record any agreements of dedication, covenants, and commitments together with any other legal documents that are required to be recorded. The filing and recording of a plat is without legal effect unless signed by the Plan Commission's President and Secretary and the Board of Public Works and Safety.
 - [ii] Final Copy Provided: The applicant shall be required to submit a copy of the recorded Final Plat to the Zoning Administrator for the records of the Plan Commission.
 - [d] Construction of Improvements: The applicant shall obtain from the Zoning Administrator information regarding the current Shelbyville policies for the installation and inspection of public improvements. The applicant shall construct the subdivision consistent with the approved Construction Plans and the policies and procedures of the appropriate inspecting agencies. No site work or earthwork shall be allowed until the Improvement Location Permit signifying the approval of the Construction Plans and recording of the Final Plat has been issued by the Zoning Administrator.
 - [i] Improvements Required: All required improvements shall be made by the applicant, at his/her expense, without reimbursement by the local government or any other improvement district. Prior to the acceptance of the public improvements by the Board of Public Works and Safety, all applicants shall complete all of the required improvements for subdivision construction as depicted on the approved Construction Plans.
 - [ii] Certified Compliance: The applicant shall be required to maintain at his/her expense a licensed civil engineer who shall certify that the subdivision construction is in compliance with the approved Construction Plans at the time the acceptance of public improvements request is submitted to the Board of Public Works and Safety.
 - [iii] Correction of Errors: If the Zoning Administrator or City Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the approved Construction Plans, the applicant shall be responsible for correcting any errors in construction and completing the improvements consistent with the approved plans.
 - [e] Acceptance of Public Improvements: Following the completion of the public improvements and their certification the applicant shall request that the matter be placed on the agenda of the Board of Public Works and Safety.
 - [i] Materials Required: The following materials shall be required for the acceptance of public improvements:
 - [A] Copies of "as-built" drawings and all other material as required by the *Shelbyville Construction Standards*.
 - [B] Maintenance surety meeting the requirements of *Article 7: Surety*.
 - [ii] Review Materials: The Board of Public Works and Safety shall review the condition of the public improvements and surety. The Board shall consider input from the City Attorney, Zoning Administrator, City Engineer, and the city departments responsible for the maintenance of the

improvements.

[iii] Approval: If the condition of the public improvements and the surety are deemed to be acceptable, the Board shall accept the improvements.

iii. Construction of Improvements Option: If the applicant chooses to construct all required improvements prior to the recording of the Final Plat this process is followed. Upon Technical Review Committee review of the Final Plat and Construction Plans, the applicant shall submit to the Zoning Administrator the Final Plat and Construction Plans with all required modifications. An Improvement Location Permit for the construction of the subdivision improvements shall then be issued.

[a] Construction of Improvements: The applicant shall obtain from the Zoning Administrator information regarding the current Shelbyville policies for the installation and inspection of public improvements. The applicant shall construct the subdivision consistent with the Construction Plans and the policies and procedures of the appropriate inspecting agencies. No site work or earthwork shall be allowed until the Improvement Location Permit signifying the approval of the Construction Plans and Final Plat has been issued by the Zoning Administrator.

[i] Improvements Required: All required improvements shall be made by the applicant, at his/her expense, without reimbursement by the local government or any other improvement district. Prior to the acceptance of the public improvements by the Board of Public Works and Safety, all applicants shall complete all of the required improvements for subdivision construction as depicted on the approved Final Plat and Construction Plans.

[ii] Certified Compliance: The applicant shall be required to maintain at his/her expense a licensed civil engineer who shall certify that the subdivision construction is in compliance with the approved Construction Plans at the time the acceptance of public improvements request is submitted to the Board of Public Works and Safety.

[iii] Correction of Errors: If the Zoning Administrator or City Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the approved Construction Plans, the applicant shall be responsible for correcting any errors in construction and completing the improvements consistent with the approved plans.

[b] Final Plat Submittal: Upon completion of the public improvements, the applicant shall submit the following with the Zoning Administrator:

[i] Final Plat: An approved Final Plat shown at an appropriate scale, drawn on reproducible mylar, and on a sheet meeting the size and clarity requirements of the Shelby County Recorder.

[ii] Electronic Data (if available): A computer disk containing an electronic version of the Final Plat in a form specified by the Zoning Administrator.

[c] Final Plat Review: The Zoning Administrator shall review the Final Plat submittal and associated materials to verify its consistency with all previous approvals. The review of the Final Plat by the Technical Review Committee shall be certified on behalf of the Plan Commission by the President and Secretary who shall affix their signatures to the Final Plat original.

[d] Acceptance of Public Improvements: Following the completion of the public improvements, their certification, and the signing of the Final Plat by the Plan Commission President and Secretary, the applicant shall request that the matter be placed on the agenda of the Board of Public Works and Safety.

[i] Materials Required: The following materials shall be required for the Final Plat approval and acceptance of public improvements:

[A] A copy of the Final Plat signed by the Plan Commission President and Secretary

[B] Copies of “as-built” drawings showing the location, dimensions, and materials used to construct all public improvements within the subdivision.

[C] A computer disk containing an electronic version (if available) of the Final Plat and “as-built” drawings in a format specified by the Zoning Administrator.

[D] Maintenance surety meeting the requirements of *Article 7: Surety*.

[ii] Review Materials: The Board of Public Works and Safety shall review the Final Plat’s public dedications and other improvements, submitted maintenance surety for those improvements, and the condition of the constructed public improvements. The Board of Public Works and Safety shall consider input from the City Attorney, City Engineer, Zoning Administrator, and the city departments responsible for the maintenance of the improvements.

[iii] Approval: If the Final Plat, completed public improvements, and maintenance surety are

- deemed to be acceptable, the Board shall sign the Final Plat.
- [e] Final Plat Recording: It shall be the responsibility of the applicant to file the approved and signed Final Plat with the Shelby County Recorder within thirty (30) days of the date of signature by the Board of Public Works and Safety.
 - [i] Other Documents: Simultaneously with the filing of the Final Plat, the applicant shall record any agreements of dedication, covenants, and commitments together with any other legal documents that are required to be recorded. The filing and recording of a plat is without legal effect unless signed by the Plan Commission's President and Secretary and the Board of Public Works and Safety.
 - [ii] Final Copy Provided: The applicant shall be required to submit a mylar copy of the recorded Final Plat to the Zoning Administrator for the records of the Plan Commission.
 - iv. Permit Restrictions: No Improvement Location Permit shall be issued by the Zoning Administrator for any subdivision improvements or for any structure on any subdivision lot prior to the receipt of a copy of the recorded Final Plat for the records of the Plan Commission, except in the following instances:
 - [a] Temporary Structures: The Zoning Administrator may issue Improvement Location Permits for temporary structures, such as construction trailers, signs, and home sales trailers subject to the following conditions.
 - [i] The structure shall be provided with adequate access from a public street.
 - [ii] The structure shall be provided with adequate sewage disposal and utility facilities.
 - [iii] The location and placement of the temporary structure shall not cause a hazard to the welfare of any members of the public as a result of the construction activities on the site.
 - [b] Model Homes: The Zoning Administrator may issue Improvement Location Permits for model homes subject to the following conditions:
 - [i] The home shall be provided with adequate access from a public street.
 - [ii] The home shall be provided with adequate sewage disposal and utility facilities.
 - [iii] The location and placement of the home shall not cause a hazard to the welfare of any members of the public as a result of the construction activities on the site.
 - [iv] Appropriate grading and drainage shall be completed for the model home site prior to the model's placement or construction.
 - [v] No more than one (1) home may be located on any existing parcel or property. Example: If the subdivision is occurring on one parcel of property then only one model home may be constructed prior to the recording of the Final Plat and the legal establishment of additional lots. Additional model homes are permitted following the recording of the Final Plat.
 - v. Occupancy Restrictions: No permanent Certificate of Occupancy shall be issued for any structure until all required public improvements have been completed and accepted by the Board of Public Works and Safety for the lot that the structure occupies. In no instance shall this provision be interpreted as preventing the issuance of a temporary Certificate of Occupancy allowing the use of structures prior to the acceptance of public improvements.

9.12 Unified Development Ordinance Text Amendment

- A. Purpose and Intent: It may become necessary to amend the text of the Unified Development Ordinance from time to time. The Plan Commission has the authority to hear a proposal to amend the text of the Unified Development Ordinance. The Plan Commission shall make a recommendation to the Shelbyville Common Council concerning a proposal to amend the text of the Unified Development Ordinance. The Common Council has the power to approve or reject a proposal to amend the text of the Unified Development Ordinance.
- B. Project Applicability: Any proposal to add, remove, or alter a provision of the Unified Development Ordinance (i.e. Text Amendment) shall follow the process outlined in this section.
- C. Prerequisites:
 - 1. Eligible Applicants: Members of the Shelbyville Common Council or members of the Plan Commission shall initiate a proposal to amend the text of the Unified Development Ordinance. Persons who wish to propose an amendment to the text of the Unified Development Ordinance and who are not members of the Shelbyville Common Council or Plan Commission shall find a sponsor among the Shelbyville Common Council or the Plan Commission to introduce the proposal.
- D. Filing Requirements:
 - 1. Proposal: A proposal for an amendment to the text of the Unified Development Ordinance shall be prepared by the Zoning Administrator upon the direction of either the Shelbyville Common Council or the Plan Commission.
- E. Formal Procedure: The process for a Unified Development Ordinance Text Amendment, including public notice, public hearing, and review, shall be per the Plan Commission's Rules and Procedures.
 - 1. Effective Date: Unless an amendment to the text of the Unified Development Ordinance provides for a later effective date, the amendment shall be effective when it is adopted under *IC 36-7-4-607*.

Notice of Public Hearing

9.13 Notice of Public Hearing

For all public hearings, the notice shall be provided to the public consistent with the requirements of this Section and the Board of Zoning Appeals Rules and Procedures and Plan Commission Rules and Procedures. Required public notice shall include:

- A. Legal Notice: The zoning administrator shall prepare and post a legal notice consistent with the requirements of *IC 5-3-1* for publication in the local newspaper. In addition to the requirements of IC 36-7-4-706 and IC 36-7-4-701(d), legal notices shall include each of the following:
 1. *Property Location*: The location of the subject property, including its common address and , when the zoning administrator deems it necessary, a legal description of the included land,
 2. *Available Plans*: That the project plans are available for examination at the office of the Plan Commission,
 3. *Hearing Information*: That a public hearing will be held, giving the date, place, and hour of the hearing, and
 4. *Written Comments*: That written comments on the application will be accepted prior to the public hearing and may be submitted to the Zoning Administrator.
- B. Notice to Interested Parties: The applicant shall prepare and distribute written notice of the application to all interested parties as defined by the Plan Commission Rules and Procedures and Board of Zoning Appeals Rules and Procedures. In no instances shall streets, alleys, streams, or other features be considered boundaries for precluding notification.
 1. *Notice Information*: The notice shall contain the same information as the legal notice that is published in the newspaper as outlined in *Section 9.13(A): Legal Notice*.
 2. *Responsibility*: The distribution and cost of the notice shall be the responsibility of the applicant.
 3. *Ownership Information*: The applicant shall obtain the names and mailing addresses of those to be notified from the Zoning Administrator.
 4. *Notification Requirements*: Property owners shall be notified at least one (1) time in one (1) of the following ways:
 - a. Via a Certificate of Mailing through the U.S. Postal Service, postmarked a minimum of ten (10) days before the date of the public hearing, or when applicable, postmarked no more than 10 days after the Plat Committee's decision, in accordance with IC 36-7-4-701(d).
 - b. Via Certified Mail through the U.S. Postal Service, postmarked a minimum of ten (10) days before the date of the public hearing, or when applicable, postmarked no more than 10 days after the Plat Committee's decision, in accordance with IC 36-7-4-701(d).
 - c. Via hand delivered notice in accordance with the Plan Commission Rules and Procedures.
 5. *Notification Certification*: A copy of the materials provided to each property owner, the completed mailing and/or delivery forms, and a completed Affidavit of Notice certifying the correctness of the mailing list shall be provided to the Zoning Administrator by the applicant a minimum of two (2) business days prior to the date of the public hearing.

Certificate of Occupancy

9.14 Certificate of Occupancy

The following procedure applies to Certificates of Occupancy:

- A. Certificate Requirements: It shall be unlawful and in violation of this Ordinance for any builder or property owner to allow any new or significantly remodeled (as determined by the Zoning Administrator) structure to become occupied or utilized prior to:
 1. Legally obtaining an Improvement Location Permit;
 2. Completing all required inspections, including the final inspection; and
 3. Receiving a Certificate of Occupancy from the Zoning Administrator.
- B. Inspection: Upon the completion of the work approved through an Improvement Location Permit, the permit holder shall contact the Zoning Administrator and schedule a final inspection to verify the installation of improvements consistent with the requirements of this Ordinance. The City Engineer, Building Official, any other municipal official, and any other person requested by the Zoning Administrator may also take part in the inspection.
- C. Certificate Issuance: The Zoning Administrator shall issue the Certificate of Occupancy if the improvements comply with all applicable requirements of the City of Shelbyville, including the Unified Development Ordinance and all applicable building codes as verified by the Building Official. The Zoning Administrator may also issue a limited or temporary Certificate of Occupancy at their discretion.

Subdivision Standards Waiver

9.15 Subdivision Standards Waiver

- A. Purpose and Intent: The Plan Commission or Plat Committee may grant a waiver from the subdivision standards within the Unified Development Ordinance for subdivisions which they are acting on during the Primary Plat stage that meet the criteria set forth in this section. Waivers from Subdivision Standards are intended for consideration when practical difficulty would result from strict compliance with Article 6: Design Standards and/or when the purposes of these regulations may be served to a greater extent by an alternative proposal. A Subdivision Standards Waiver shall not have the effect of subverting the intent and purpose of these regulations.
- B. Prerequisites:
1. *Eligible Applicants*: An application for a Subdivision Standards Waiver may be filed by the owner, their agent, or any person having a legal or equitable interest in the subject property.
 2. *Pre-application Meeting*: Prior to submitting an application for a Subdivision Standards Waiver, the applicant may meet with the Zoning Administrator to review the ordinance provisions, the application packet, and the procedure involved.
 3. *Primary Plat Application*: The applicant shall only file a Subdivision Standards Waiver application in conjunction with a Primary Plat or Replat application.
 4. *Design Standards*: The waiver must be in regard to Article 6: Design Standards and shall not be a request for relief from Article 5: Development Standards. Any relief request from Article 5: Development Standards shall be subject to the Development Standards Variance procedure with the Board of Zoning Appeals, outlined in Section 9.08 of this Ordinance.
- C. Resubmittal: If an application for a Subdivision Standards Waiver is denied, the applicant may not resubmit the same application for one (1) year from the date of disapproval, unless the applicant submits a letter to the Zoning Administrator within sixty (60) days after the denial indicating that they intend to resubmit an amended application that addresses the finding that caused denial.. Fees and procedures for a resubmitted Subdivision Standards Waiver shall be the same as if it were an original submittal. The Zoning Administrator shall have the authority and discretion to determine whether the application has in fact been revised to address the finding(s) that caused denial, and may refuse an application that does not meet this standard.
- D. Filing Requirements: An application for a Subdivision Standards Waiver shall be made on a form provided by the Zoning Administrator. Applicable fees shall be paid at the time the application for a Subdivision Standards Waiver is filed.
1. *Point of Filing*: The applicant shall apply for a Subdivision Standards Waiver in conjunction with the applicant's Primary Plat application.
 2. *Supportive Information*: The application shall include the necessary documentation as identified on the application form and/or as determined by the Planning Director based on specific circumstances of the particular project. The application shall include, but not be limited to, the following documents:
 - a. The application shall identify the exact Subdivision Standards provision(s) that is being requested to be waived or reduced and the justification for the request based on the criteria contained in Section 9.15 (H), below.
 - b. *Additional Information*: Additional information may be required by the Zoning Administrator when necessary to evaluate the requested Subdivision Standards Waiver.
- E. Formal Process: The process for a waiver, including filing, public notice, public hearing, and review, shall be per the Plan Commission's Rules and Procedures.
- F. Administrative Review:
1. *Review Submittal*: Once the Zoning Administrator has determined that the applicant has made a complete submittal, the Zoning Administrator shall:
 - a. *Docket*: Assign the item a docket number, separate from the associated plat;
 - b. *Agenda*: Place the item on the agenda of the Plan Commission or Plat Committee with the associated Primary Plat or Replat;
 - c. *Notification*: Inform the applicant of the time, date, and place of the meeting.
 - d. *Inspection*: The Zoning Administrator may inspect the site and any structure thereon if it relates to the requested Subdivision Standard Waiver application.
 2. *Technical Review Committee*: The Zoning Administrator shall bring the requested Subdivision Standards Waiver to the Technical Review Committee for review and comment at the same time that the Preliminary Plat is being heard and considered by the Technical Review Committee.

3. *Staff Report*: The Zoning Administrator shall prepare a staff report with recommended findings of Section 9.15(H) with respect to the Subdivision Standard Waiver request.
- G. Plan Commission or Plat Committee Hearing: Notification for the scheduled public hearing regarding the Subdivision Standards Waiver shall be completed consistent with the requirements of Indiana Code, the Plan Commission Rules and Procedures, and the provisions of Section 9.13: Notice of Public Hearing.
- H. Decision Criteria and Findings of Fact:
 1. *Criteria*: The Plan Commission or Plat Committee shall not approve a Subdivision Standards Waiver unless it makes favorable findings that all criteria are met, based upon the evidence presented to it for each requested waiver in each specific case. Specifically, the findings shall include the following criteria:
 - a. *General Welfare*: The approval of the Subdivision Standards Waiver will not be injurious to the public health, safety, morals, and general welfare of the community;
 - b. *Not Subvert Subdivision Standards*: The Subdivision Standards Waiver will not subvert or diminish the intent and purpose of the subdivision type or any applicable Subdivision Standards;
 - c. *Unique Conditions*: That the need for the Subdivision Standards Waiver arises from some condition peculiar to the property involved.
 - d. *Practical Difficulty*: The strict application of the terms of the ordinance will result in practical difficulties in the use of the property. The practical difficulty shall not be self-imposed, nor based on a perceived reduction of, or restriction on, economic gain.
 - e. *Impact to Adjacent Area*: The use and value of the area adjacent to the subject property seeking a Subdivision Standards Waiver will not be affected in a substantially adverse manner; and
 - f. *Not Subvert other Regulations & Policies* -- The Subdivision Standards Waiver shall not in any manner subvert the provisions of Article 5: Development Standards, the Comprehensive Plan or any of its components, including the Bicycle and Pedestrian Master Plan or the Thoroughfare Plan, or any other applicable standards imposed by the City of Shelbyville.
 2. *Findings*:
 - a. *Signed*: The findings document, whether finding in the affirmative or not, shall be signed by the Presiding Officer of the Plan Commission or Plat Committee and filed with the Primary Plat.
- I. Actions:
 1. If the Plan Commission finds all of the findings of fact in the affirmative, it shall approve or approve with conditions and/or commitments the application for a Subdivision Standards Waiver.
 2. If the Plan Commission does not find all of the findings of fact in the affirmative, it shall deny the application for a Subdivision Standards Waiver.
- J. Commitments and Conditions:
 1. *Acceptance*: In conjunction with the approval of a Subdivision Standards Waiver, the Plan Commission or Plat Committee may permit or require the applicant to make written commitments.
 2. *Commitments*: The Plan Commission may require the owner to make a written commitment. Any such commitment shall be recorded in the Shelby County Recorder's Office. A copy of any recorded commitments shall be provided to the Zoning Administrator for inclusion in the application prior to the issuance of any Improvement Location Permit. No Improvement Location Permit shall be issued for permit application which does not comply with the written commitments.
 3. *Conditions*: The Plan Commission may impose reasonable conditions upon its approval as deemed necessary. No Improvement Location Permit shall be issued for permit application which does not comply with the required conditions.
 4. *Form*: The applicant shall prepare the commitment instrument, if applicable, in a form approved by the City Attorney. The applicant and the President of the Plan Commission or Plat Committee shall sign the commitment instrument.
 5. *Recording*: The applicant shall record the commitment instrument in the Shelby County Recorder's office with the Final Plat. The applicant shall deliver receipt and a copy of the recorded commitment instrument to the Plan Commission Office within 30 days from recording the plat and commitment.
 6. *Improvement Location Permit*: A copy of any recorded commitments shall be included in the application file for an Improvement Location Permit, prior to the issuance of any Improvement Location Permit. No Improvement Location Permit shall be issued for permit application which does not comply with the written

commitments.

7. *Modification or Termination:* A written commitment made under this section may be modified or terminated only by a decision of the Plan Commission or Plat Committee, whichever granted the waiver and made at a public hearing. Notification for the scheduled public hearing regarding the Subdivision Standards Waiver shall be completed consistent with the requirements of Indiana Code, the Plan Commission Rules and Procedures, and the provisions of Section 9.13: Notice of Public Hearing. The applicant shall prepare and record a commitment modification instrument or commitment termination instrument in the same manner required for a commitment instrument. A modified commitment shall be enforced in the same manner as any other commitment.
 8. *Enforcement:* The City may enforce, in accordance with Section 10.01: Actionable Violations, any commitment the Plan Commission or Plat Committee has accepted as if the commitment were a standard of the Unified Development Ordinance.
- K. Duration:
1. *Subdivision Standards Waiver:* A Subdivision Standards Waiver granted by the Plan Commission or Plat Committee shall run with the land until such time as the property conforms with the Unified Development Ordinance.
 2. *Commitment or Condition:* A commitment or condition associated with a Subdivision Standards Waiver shall be binding on the owner of the land, any subsequent owner of the land, and any person who acquires interest in the land.
- L. Expiration of Subdivision Standards Waiver: If the applicant has not applied for Construction Plan and Final Plat review for the associated subdivision plat within one (1) year from the date of the Plat Committee or Plan Commission's decision was granted, the approval of any associated waivers shall automatically be considered be null and void. Any extensions of time for the subdivision plat granted by the Plan Commission or Plat Committee shall be considered to also concurrently extend the associated subdivision standards waiver. The failure to file the associated final plat with the Shelby County Recorder in compliance with this ordinance shall also cause any waivers to automatically be considered null and void.

Article

10

Enforcement

*City of Shelbyville
Unified Development
Ordinance*

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**Shelby
ville.**

Enforcement

10.01 Actionable Violations

It shall be an actionable violation of this Unified Development Ordinance to:

- A. Non-permitted Structures: Construct, place, or modify a structure in a manner that is not expressly permitted by this Unified Development Ordinance;
- B. Permitted Structures: Construct, place, or modify a structure in a manner permitted by this Unified Development Ordinance without first being issued all permits and/or other approvals required by this Unified Development Ordinance;
- C. Exempt Permitted Structures: For structures that are exempt from needing a permit; construct, place, or modify a structure in a manner that is not expressly permitted by this Unified Development Ordinance;
- D. Non-permitted Uses: Utilize a property for a use that is not expressly permitted by this Unified Development Ordinance in the applicable zoning district; or by a use variance or other approval allowed under this Unified Development Ordinance;
- E. Permitted Uses: Utilize a property for a use expressly permitted by this Unified Development Ordinance without first being issued a permit and/or other approvals required by this Unified Development Ordinance;
- F. Non-compliance with Approvals: Fail to fully comply with procedural requirements, payment of fees, conditions, enforceable covenants, or commitments associated with any approval; or
- G. Other Violations: Otherwise fail to comply with any component of this Unified Development Ordinance.

10.02 Authority

Enforcement of this Unified Development Ordinance may be conducted by the Plan Commission, Board of Zoning Appeals, Building Commissioner, Mayor, Common Council, Board of Public Works and Safety, City Attorney, City Engineer, and/or the Zoning Administrator (including their staff and/or designees), hereafter referred to as an "enforcement official" or "Zoning Administrator." When a type of enforcement action or role is assigned to a specific board, body or individual by Indiana Code or applicable rules and procedures, then that board, body, or individual shall participate as specified.

10.03 Discovery of Violations

Any authorized person may survey the jurisdiction for violations or may investigate reported alleged violations in order to discover whether a violation occurred or exists.

10.04 Inspection of Property

- A. Standard Inspections: Inspections of property or structures may be conducted by the enforcement official at the property where the violation or alleged violation is located with permission from the owner or possessor at the time of the inspection; from a public right-of-way, from an adjacent body of water, or from an adjacent property with permission from its property owner. If requested, the enforcement official shall present identification and describe the purpose of the inspection.
- B. Denial of Access to Property: In the event the enforcement official is denied entry to a property or structure where there is a violation or alleged violation, the enforcement official may apply to a court of jurisdiction to secure a search warrant authorizing inspection of the property or structure.
- C. Granting of Right to Deny Access: A property owner shall grant an enforcement official access to his property or structure upon filing for any approval. Granting the right to access shall commence upon filing and shall cease upon the Zoning Administrator issuing a zoning compliance certificate or other required final inspection.

10.05 Responsibility for Violations

The owner or possessor (e.g. tenant or occupant) of the structure, land, and/or premises shall be liable for violations of this Unified Development Ordinance. If the possessor of the property or structure is determined to be liable for the violation, but fails to comply or otherwise cannot be sufficiently pursued, the owner shall be held liable for the violation.

Enforcement

10.06 Attorney's Fees

If the City of Shelbyville utilizes the services of the city's attorney or any other attorney in investigating an alleged violation of this Unified Development Ordinance, or enforcing the provisions of the Unified Development Ordinance before any board, commission, or court (including appeals), and the investigation results in a determination that a violation has occurred; or if the Board of Zoning Appeals, Plan Commission, or City is successful in its enforcement of the Unified Development Ordinance by way of suit, appeal, or other appropriate proceeding; the owner, respondent, defendant, or party investigated for a violation shall pay the city's reasonable attorney's fees and all costs related to the investigation of the violation and/or the enforcement of the Unified Development Ordinance.

10.07 New Permits at Location Where a Violation Exists

When a violation or alleged violation of this Unified Development Ordinance has been identified on a property and notice of the violation or alleged violation has been conveyed in writing to the owner, any new filing for any approval concerning the same property shall be held by the Zoning Administrator until the violation or alleged violation is resolved.

10.08 Enforcement Options

When a violation or alleged violation exists and when it is determined that enforcement is necessary, the type of enforcement action will be at the discretion of the enforcement official and generally should reflect what is warranted by the evidence, severity of the violation or alleged violation, and history of violations on the same property or by the same violator. The following sections, may be used to enforce this Unified Development Ordinance:

- Construction Process Violation;
- Immediate Public Risk Violation; and
- General Violations.

10.09 Construction Process Violations

- A. Stop Work Orders: The Zoning Administrator may place a Stop Work Order on any land or property improvement process.
 1. *Procedure*: Stop Work Orders shall be issued by written letter or form that shall describe the violation and state that the work or other illegal activity must stop immediately until the matter is resolved. This letter or form shall be posted in a conspicuous place and a copy shall be delivered or mailed to the property owner.
 2. *Reasons*: Reasons for a Stop Work Order include, but shall not be limited to:
 - a. Not complying with development standards or any other regulations of the Unified Development Ordinance.
 - b. Not obtaining an Improvement Location Permit or any other required permit or approval prior to the construction or installation of any improvement for which an approval or permit is required by the Unified Development Ordinance.
 - c. Not constructing structures or completing other improvements consistent with any approved Improvement Location Permit, variance, special exception, or other approval.
 - d. Not meeting the conditions or commitments of a special exception, variance, rezoning, or other approval.
 - e. Not meeting the conditions of a Site Development Plan, Planned Unit Development Detailed Plan, or written commitment.
 - f. Illegal use or expansion of use of structures, or structures and land in combination.
- B. Memorandum of Agreement: The Zoning Administrator shall meet or correspond with the person(s) served the Stop Work Order notice to discuss a remedy. A Memorandum of Agreement shall be drafted stating the conditions by which construction or action may be resumed. This Memorandum of Agreement shall be signed by the Zoning Administrator and the property owner that is responsible for the violation. If a Memorandum of Agreement can not be agreed upon and the owner wishes to seek a variance or administrative appeal, the Stop Work Order shall stay in place until the matter is resolved by the Board of Zoning Appeals or by the courts.
- C. Appeals: Any Stop Work Order issued as a result of the enforcement of the Unified Development Ordinance, as specified in this section, may be appealed to the Board of Zoning Appeals. This appeal shall follow the provisions established for Administrative Appeals in *Section 9.04: Administrative Appeal*. The Stop Work Order shall stay in place until the matter is resolved by the Board of Zoning Appeals.
- D. Resumption of Construction Activity: The Stop Work Order shall be lifted and construction activity may resume upon either the resolution of the violation(s), the issuance of a variance, or the completion of the Memorandum of Agreement.

10.10 Immediate Public Risk Violations

Any violation of the Unified Development Ordinance that presents an immediate risk to the health, safety, or welfare of the public or to property within the community may be corrected by the Zoning Administrator, or a person, firm, or organization selected by the Zoning Administrator without prior notice to the property owner or other person responsible for the violation.

- A. Immediate Public Risk Violation Defined: Immediate Public Risk violations shall include:
1. *Obstructions*: Signs, structures, landscaping or other materials placed in a public right-of-way, easement, or sight visibility triangle in violation of the Unified Development Ordinance;
 2. *Distractions*: Any sign, structure, landscaping, or other material located on private property that serves to distract or inhibit operators of motor vehicles on adjacent public streets, pedestrians, or other members of the general public; and
 3. *Other Threats*: Any other immediate threat to public welfare as determined by a municipal entity, such as the Board of Public Works and Safety or Board of Zoning Appeals based on the advice and recommendation of the Zoning Administrator.
- B. Seizure of Materials: Any sign, structure, landscaping or other material that constitutes an immediate public risk violation may be seized by the Zoning Administrator in a manner that results in the most minimal damage to the material and the property on which it is located.
- C. Notice of Violation: The Zoning Administrator shall provide notice to the owner of the property upon which the violation was located, or any discernible appropriate owner of materials placed within the right-of-way in violation of the Unified Development Ordinance, by placing a notice in a conspicuous place on the property and by providing a letter to that property owner.
1. *Notice Time Requirements*: All notice letters shall be sent to the property owner via certified mail within twenty-four (24) hours of the seizure. All notice that is posted on the property shall be posted at the time the material is seized.
 2. *Notice Contents*: The letter or posted notice shall include the following:
 - a. A description of the materials seized,
 - b. A citation of the sections of the Ordinance that were violated and the characteristics of the violation that posed an immediate threat to public welfare,
 - c. The address and phone number of the Zoning Administrator and the name of the person to be contacted by the property owner to discuss the violation and request the return of the seized item(s),
 - d. A fine amount, if applicable, and
 - e. Instructions describing how, where, and when the seized items may be claimed.
- D. Storage and Retrieval of Seized Materials: The Zoning Administrator shall store any sign, structure, landscape materials or other items seized in a secure location for a period of no less than thirty (30) days from the date notice was provided to the property owner. The property owner may claim the seized property at any time following its seizure upon the payment of the fine specified on the fee schedule and the establishment of a Memorandum of Agreement between the property owner and Zoning Administrator regarding the future use of the item in a manner consistent with the Unified Development Ordinance.
- E. Liability: Neither the Zoning Administrator, the City of Shelbyville, or any other official or entity involved in the seizure shall be liable for any damage to the seized materials or the property from which they were taken.

Enforcement

10.11 General Violations

- A. General Procedures: There shall be a minimum of a three (3) step procedure for the enforcement of violations. Intermediate steps, including additional notices of violation and extensions of time limits for compliance may be used by the Zoning Administrator at their discretion. However, the general procedure for all violations shall be consistent. The minimum steps are as follows:
1. *Notice of Violation*: The Zoning Administrator shall issue a Notice of Violation to the property owner. The Notice of Violation is a warning to the property owner that a violation has been determined and that it shall be corrected within a specified time frame from the date of the mailing.
 2. *Notice of Fines for Violation*: The Zoning Administrator shall issue a Notice of Fines for Violation to the property owner. The Notice of Fines for Violations is a citation that states the fines for the violation. The Notice of Fines for Violation shall be mailed via certified mail, return receipt. The property owner will have a specified number of days from the date of the mailing to pay all applicable fines in no less than thirty (30) days, and shall correct the violation within the time period specified by the Zoning Administrator or face additional fines.
 3. *Legal Action*: If the property owner refuses to pay the fines and/or to correct the violation within the time frame specified by the Notice of Fines for Violation, the Zoning Administrator may refer the violation to the Board of Public Works and Safety, Board of Zoning Appeals, or to the Plan Commission attorney in order to pursue court action through a court of jurisdiction. The Board of Public Works and Safety or Board of Zoning Appeals may subsequently attempt to remedy the violation or may forward the matter to the Plan Commission attorney for legal action. Additional fines and liens against the property may also be pursued until the matter is resolved.
- B. Monetary Fines: Monetary fines may be imposed at the discretion of the Zoning Administrator with the Notice of Fines for Violations.
1. *Multiple Violations*: Each violation shall constitute a separate offense.
 2. *Fine Amount*: Each separate offense shall be subject to a maximum fine specified by the adopted fee schedule issued on a per day basis from the date of compliance requested by the Zoning Administrator in the Notice of Violation.
 - a. In addition to any fine imposed, any person who initiates any activity that requires an Improvement Location Permit without first obtaining a permit may be required to pay up to three times (3X) the normal amount of the permit consistent with the adopted fee schedule.
 - b. The amount of any fine shall be at the discretion of the Zoning Administrator.
 3. *Admission*: A violator may admit the violation before the violation clerk of Shelbyville Ordinance Violations Bureau, located in the offices of the Clerk-Treasurer and at that time pay in cash or cashier's check.
- C. Appeals: Any person receiving a Notice of Violation and/or Notice of Fines for Violation may appeal the violation and/or fine to the Board of Zoning Appeals.
1. *Fines*: No additional fines shall accrue from the date of the appeal until the Board of Zoning Appeals or court of jurisdiction has made a ruling as to the violation and/or fine.
 2. *Additional Notices*: No additional notices will be issued by the Zoning Administrator if the property owner has submitted an appeal or notice of court review regarding the same violation.
- D. Legal Remedies: The Zoning Administrator via the Plan Commission attorney may invoke any legal, equitable, or special remedy, for the enforcement of any ordinance or regulation created under IC 36-7-4, and its subsequent amendments.
1. *Enforcement*: This enforcement includes but is not limited to the following:
 - a. The Unified Development Ordinance, and any other requirements adopted separately by the Common Council or adopted by their reference in the Unified Development Ordinance;
 - b. All agreements with the Plan Commission or its designees that have been established as written commitments;
 - c. All commitments made in accordance with IC 36-7-4 *et al*; and
 - d. All conditions imposed in accordance with IC 36-7-4 *et al*.
 2. *Restraint*: The Zoning Administrator may bring action in the Circuit or Superior Court of Shelby County to restrain a person violating IC 36-7-4 *et al* or any ordinance adopted under IC 36-7-4 *et al*.

3. *Removal of Structures:* The Zoning Administrator may also bring an action in the Circuit or Superior Court of the County for a mandatory injunction, directing the property owner to remove a structure erected in violation of this Unified Development Ordinance.
4. *Responsibility for Costs:* If the court finds in favor of the Zoning Administrator, the respondent shall bear all costs of their action, including the costs of any required remedy, any fines, and the costs of enforcement (including any attorneys fees, hours worked, photocopying charges, mileage, and other costs incurred directly or indirectly by the City).
 - a. *Documentation:* Only those costs of enforcement that are clearly documented by the Zoning Administrator, and that clearly have a relationship to the enforcement action shall be paid by the respondent.
 - b. *Determination:* In all instances the dollar amount to be paid by the respondent shall be determined by the court of jurisdiction.
5. *Other Parties Eligible to Seek Enforcement:* An action to enforce a written commitment made in accordance with *IC 36-7-4 et al* may be brought in the Circuit or Superior Court of the County by:
 - a. *Rules and Procedures Provisions:* Any person who is entitled to enforce a commitment made in accordance with *IC 36-7-4 et al* under the Plan Commission Rules and Procedures or the Board of Zoning Appeals Rules and Procedures in force at the time the commitment was made; or
 - b. *Specified Parties:* Any other specially affected person who was designated in the written commitment.

Article

11

Definitions

*City of Shelbyville
Unified Development
Ordinance*

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**Shelby
ville.**

Definitions - Abandonment

11.01 General

Words used in a special sense in this Ordinance are defined in this Article. The general meaning of all other terms not specifically defined by this Ordinance shall be generally consistent with the definitions provided by "Glossary of Zoning, Development, and Planning Terms" published by the American Planning Association as PAS Report #521/522 (2004) and any subsequent amendments. All other words, terms, and/or phrases not specifically defined by this Ordinance and not generally defined by the glossary noted above shall have the meaning inferred from their context in this Ordinance or their ordinarily accepted definitions.

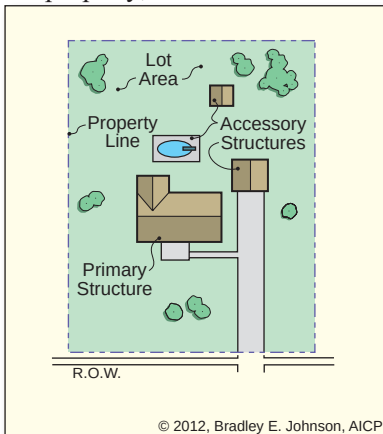
11.02 Definitions

Abandonment: To intentionally stop the use or development of a property for a continuous period of time.

Abutting: Having a common border, including being separated from such a common border by a right-of-way, street, alley, easement, body of water, or other feature. In some cases, where specified by this Ordinance, abutting also includes lots or other features within a specific vicinity.

Access Point: A driveway or other means of physical connection for the movement of vehicles or persons between a property and an adjacent property or street.

Accessory Structure: A structure that is subordinate to a primary structure in area, intent, and/or purpose; contributes to the comfort, convenience, or necessity of occupants of the primary structure; does not alter or change the character of the property; and is located on the same lot as the primary structure.



Accessory Structure (appurtenant structure): A structure that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns and hay sheds.

Accessory Use: A use which is to a primary use in area, intent, and/or purpose; contributes to the comfort, convenience, or necessity of occupants of the primary use; does not alter or change the character of the property; and is located on the same lot as the primary use.

Acre: A land area equal to 43,560 square feet.

Acreage, Gross: The total area within a parcel of land.

Addition: Any construction that increases the size of a structure in terms of site coverage, floor area, and/or height.

Addition (to an existing structure): Any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

Address: The number or other designation assigned to a housing unit, business establishment, other structure, or lot for the purposes of mail delivery, emergency services, and general identification.

Adjacent: See "Abutting."

Adjoining: See "Abutting."

Administrator: The individual or group responsible for the implementation and enforcement of this Ordinance. The Zoning Administrator shall be the administrator of the this Ordinance.

Adult Book/Video Store: An establishment having as a substantial or significant portion of its stock in trade, books, magazines, periodicals, videos, and related merchandise which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specific anatomical areas.

Adult Cabaret: A cabaret which features topless dancers or waitresses, go-go dancers, exotic dancers, male or female impersonators, or similar entertainment.

Adult Entertainment Use: Any adult bookstore, adult motion picture theatre, adult mini-motion picture theater adult cabaret, or adult motel.

Adult Mini-motion Picture Theater: An enclosed building or open air theater with a capacity of less than 50 persons used for presenting material distinguished or characterized by emphasis on material depicting, describing, or related to specified sexual activities or specified anatomical areas.

Adult Motel: A hotel, motel, or similar commercial establishment that:

- Offers accommodations to the public for any form of consideration; provides patrons with closed circuit televisions, films, motion pictures, video cassettes, slides or other photographic reproductions that depict or describe specified sexual activities or "Specified Anatomical Areas" as one (1) of its principal business purposes.
- Offers a sleeping room for rent for a period of time that is less than ten (10) hours.
- Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

Adult Motion Picture Theater: An enclosed building or open air theater with the capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis depicting, describing, or relating to specific sexual activities or specific anatomical areas.

Advertising Structure (Off-premise Sign): Any sign or structure functioning to direct attention to an establishment or business that is not located on the same legal parcel as the advertising sign or structure.

Advisory Plan Commission: A plan commission serving a single local government jurisdiction established as defined under the IC 36-7-1-2 as amended. The City of Shelbyville Plan Commission is the advisory plan commission referred to in this Ordinance.

Agricultural Products Sales, Distribution, and Storage: A primary use engaged in the sale or rental of farm tools and equipment, grain, tack, animal care products, and farm supplies. This excludes the sale of large farm implements, such as tractor and combines, but does include food sales and farm machinery repair services that are incidental to the primary use.

Agricultural Products Terminal: A commercial facility for the transfer, pickup, storage, or discharge of agricultural goods.

Agricultural Zoning Districts: The AG, Agriculture and AR, Agriculture/Rural Residential zoning districts.

Agriculture: Farming, including dairying, pasturage, apiculture, agriculture, horticulture, floriculture, viticulture, forestry and animal and poultry husbandry, and the necessary incidental uses, all of which are directly related to the production of food. The operation of any incidental uses shall be secondary to that of the normal agricultural activities. Agriculture shall not include stock yards, the commercial feeding of garbage or offal to swine or other animals, or the raising of animals for medical tests or other experiments.

Agriculture Structure: A structure located on a farm and designed and constructed to house farm implements, livestock, hay, grain, fruit, and/or other agricultural products, supplies, and equipment used by the operators of the farm. An agriculture structure shall not include dwellings or structures used for the processing, treating, or packaging of agricultural products, or by the public.

Airport: A facility which is primarily used for the departure and arrival of aircraft, including helicopters. An airport shall include at least one (1) paved runway. An airport may also include navigational equipment, communication equipment, navigational lighting, control tower, taxiways, loading ramp, aircraft tie-down areas, hangers, terminal, management office, aircraft maintenance facility, freight handling facilities, fuel storage, and a fueling depot. A public airport may also include ancillary uses that are clearly subordinate to the primary use, including: a cafe, pilot training operation, skydiving show, air show, pilot lounge, aviation related retail, and passenger related retail.

Alley: A public right-of-way, other than a street, road, crosswalk, or easement that provides secondary access for the abutting property.

Alteration: Any change, addition, or modification in construction or use of an existing structure or property.

Amateur Radio Tower: A freestanding or building-mounted structure, including any base, tower or pole, antenna and appurtenances, intended for airway communication purposes by a person holding a valid amateur radio license from the Federal Communications Commission.

Amend or Amendment: Any repeal, modification, or addition to a regulation; or any new regulation.

Animal: Any live vertebrate creature, domestic or wild, excluding human beings.

Animal and Animal Products Processing: The processing or treatment of animals and animal material as a raw resource for refinement as food and non-edible products.

Definitions - Animal Boarding

Animal Boarding: The housing and care of animals generally including shelters and pasture areas. Also, the use of any structure and/or land for the lodging, breeding, or care of dogs, cats, pets, fowl, horses, or other domestic animals for profit, excluding animals used for agricultural purposes.

Animal, Domestic: An animal that has been adopted by human beings to live and breed in a tame condition.

Animal, Exotic: An animal raised and bred healthy and humanely for a unique pet or entertainment, or an animal rescued from the wild or from a zoo. An exotic animal is primarily securely caged. An exotic animal does not include an outdoor pet, household pet, or farm animal. Examples of an exotic animal include: a lion, tiger, wolf, coyote, and elephant.

Animal, Farm: Animals commonly used for transportation, food, skins, and other by-products. Farm animals include, but are not limited to: horses, cattle, pigs, sheep, goats, mules, donkeys, miniature horses, miniature donkeys, camels, emu, ostrich, llamas, alpacas, rabbits, mink, fox, buffalo, chickens, turkeys, quail, pheasants, and other animals or fowl of similar characteristics.

Animal, Non-farm: See "Pets, Household" and "Pets, Outdoor."

Antenna: Any system of wires, poles, rods, reflecting discs, or similar devices used for the purpose of receiving and or transmitting signals, images, sounds, or information of any nature by radio, visual, or electromagnetic waves, including but not limited to directional or omnidirectional antennas, panels, and microwave or satellite dishes external to or attached to the exterior of any building.

Apartment: A dwelling unit in a structure, arranged, intended, designed, or occupied on a rental basis for the housing of a single family, an individual, group of individuals, or other single housekeeping unit.

Apartment Complex: A group of structures containing apartments located on a single property and organized around a system of interior drives. An apartment complex may include recreation facilities and other similar accessory uses.

Apartment House: A single structure containing apartments that is accessed only by public streets and does not include any recreational facilities or other similar accessory uses.

Applicant: The owner(s), developer, subdivider, or other legal representative of real estate who makes application for action affecting the property.

Application: The completed form or forms, together with any other required materials, exhibits, and fees required of an applicant consistent with the procedures established by this Ordinance.

Appurtenance: A minor element of a larger structure, such as a bay window, stairs, light post, etc.

Arborist: An individual trained in arboriculture, forestry, landscape architecture, horticulture, or related fields and experienced in the conservation and preservation of trees.

Arcade: A building or part of a building containing four (4) or more video, pinball, or similar player-operated amusement devices, in any combination, for commercial use.

Archery Range: A facility designed and/or used for target practice with bows and arrows.

Arterial Road: See "Street, Arterial."

Arterial Street: See "Street, Arterial."

Assembly Hall: A building or portion of a building in which facilities are provided for group civic, educational, political, professional, religious, cultural, or social functions.

Assisted Living Facility: A facility providing services that assist residents with daily activities, such as dressing, grooming, bathing, etc.

Athletic Field: A wide stretch of open land used for outdoor games such as baseball, basketball, football, or soccer.

Attached Building: A building that is structurally connected to another building by a foundation, wall, or roof line.

Attention Attracting Device: Any flashing or moving beacon, animation, banner, clock or other object mounted onto or in a sign designed to attract the attention of the public.

Auction Facility: A building or property used for the storage of goods and materials that are to be sold on the premises by public auction, and for the sale of the said goods and materials by public action on an occasional basis only.

Auto-oriented Uses, Large Scale: Uses such as sales and service of automobiles, motorcycles and/or recreational vehicles.

Auto-oriented Uses, Medium Scale: Uses such as auto repair and body work, vehicle detailing/auto accessory sales and installation, and oil change/lube shops.

Auto-oriented Uses, Small Scale: Uses such as gas stations, and car washes.

Automobile Parts Sales: The use of any structure and/or property for the display and sale of new or used parts for motor vehicles. This does not include any salvage yard or the storage of inoperable vehicles.

Definitions - Billiard Room (Pool Hall)

Automobile Repair: The use of a structure or property for the repair of motor vehicles, including noncommercial trucks, motorcycles, recreational vehicles and boats; including, but not limited to, the sale installation and servicing of equipment and parts. Automobile repair includes muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, body and fender shops, and similar repair and service activities, but excludes dismantling or salvage.

Automobile Sales and Service: The storage and display for sale of more than two (2) motor vehicles where repair work, body work, and parts sales is incidental to the operation of the new or used vehicle sales.

Awning: A roof-like cover, often of fabric, metal, or glass designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, or door. Awnings include those which may be retracted, folded, or collapsed against the face of a supporting building.

Bakery (commercial): A place for preparing, cooking, baking, and wholesale selling of products intended for off-site distribution and retail sales.

Bakery (retail): An establishment primarily engaged in the retail sale of baked products for consumption off-site. The products may either be prepared on or off-site.

Balcony: A platform that projects from the wall of a building and is surrounded by a railing or parapet.

Bank: A facility for the custody, loan, or exchange of products, typically money. Also included is the extension of credit and facilitating the transmission of funds.

Banner: Any cloth, bunting, plastic, paper, or similar non rigid material used for advertising purposes attached to any structure, staff, pole, line, framing, or vehicle that is easily detached.

Banquet Hall: See "Assembly Hall."

Bar: A facility or area used primarily for the serving of alcoholic beverages, and in which the serving of food is only incidental to the consumption of alcohol.

Barber Shop: Any establishment or place of business within which the practice of cutting hair is engaged in or carried on by one (1) or more employees.

Base Flood Elevation: The elevation, expressed in feet above mean sea level, to which flooding can be expected to occur on a frequency of once every 100 years, or which is subject to a one percent (1%) or greater chance of flooding in any given year.

Basement: The portion of a building located below the first level, a majority of the height of which is located below the average finished grade of the building perimeter.

Batching Plant: A facility for the manufacture or mixing of concrete, cement, and concrete and cement products, including any apparatus, equipment, and uses incidental to such operations.

Beauty Salon: Any commercial establishment where cosmetology is offered or practiced on a regular basis for compensation.

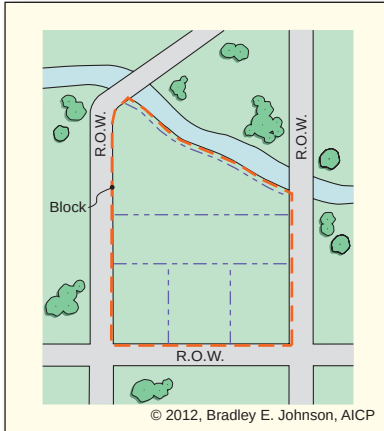
Bed and Breakfast Facility: A private, owner occupied residence which provides temporary overnight sleeping accommodations and meals to the general public in ten (10) or fewer guest rooms for periods not to exceed three (3) consecutive weeks.

Berm: A man-made mound of earth of definite height and width used for landscaping and obscuring purposes.

Billboard: See "Sign, Off-premise."

Billiard Room (Pool Hall): A business establishment containing more than two (2) pool or billiard tables for the use by patrons.

Block: Property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets (either crossing or terminating), railroad right-of-way, lake, river, stream, or other physical boundary.



Board: See "Board of Zoning Appeals."

Board of Public Works and Safety: The Shelbyville Board of Public Works and Safety as established by and consistent with Indiana Code

Board of Zoning Appeals: The Shelbyville Board of Zoning Appeals as established by and consistent with IC 36-7-4-900 series.

Boarding House: A building or part of a building that contains accommodation facilities for lodging for definite periods of time, typically with meals served from a single kitchen. Boarding houses do not include bed and breakfasts, multiple-family dwellings, hotels, or motels.

Boat Storage Facility: A structure or area designed for the storage of watercraft and marine equipment.

Bond: See "Surety."

Bookstore: A retail establishment that, as its primary business, engages in the sale, rental, or other charge-for-use of books, magazines, newspapers, greeting cards, postcards, videotapes, computer software and/or any other printed or electronically conveyed media.

Bottle Gas Storage and Distribution: The storage and distribution of bottle gasses including propane, carbon dioxide, helium, and other commercially used gases.

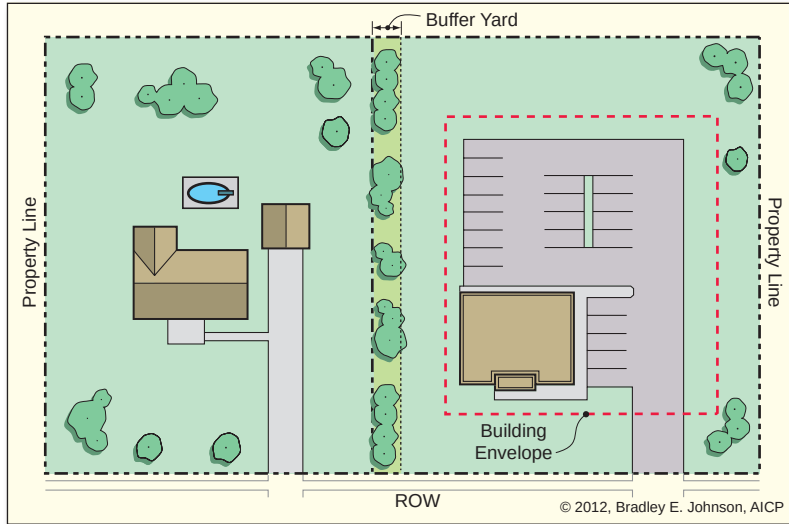
Bowling Alley: An establishment that devotes a majority of its gross floor area to bowling lanes, equipment, and playing areas. A bowling alley may include other incidental uses, such as other recreation activities, a restaurant, or a bar.

Buffer: A strip of land, a fence, and/or area of landscaping between one (1) use or feature and another, designed and intended to separate those uses or features.

Buffer Landscaping: Any trees, shrubs, walls, fences, berms, or related landscaping features required by this Ordinance as part of a buffer.

Definitions - Business

Buffer Yards: An area adjacent to front, side and/or rear property lines, measured perpendicularly from adjacent property lines and/or right-of-way lines, intended to screen incompatible uses from each other. Buffer yards are also used to help maintain existing trees or natural vegetation; to block or reduce noise, glare or other emissions; and to maintain privacy.



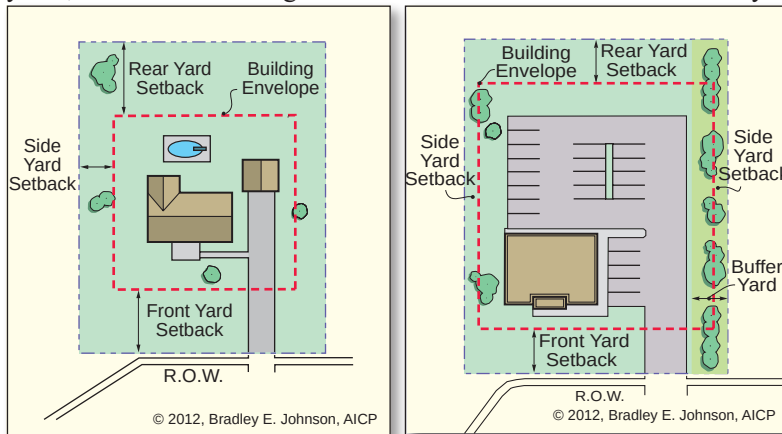
Buildable Area: See "Building Envelope."

Building: A structure having a roof, supported by columns or walls, for the shelter, support, or enclosure of persons, property, or animals. When separated by division walls from the ground up and without openings, each portion of such building may be deemed as a separate building. See also "Structure."

Building Code: The locally adopted Indiana Building Code establishing and controlling the standards for constructing mechanical equipment, all forms of permanent structures, and related matters within Shelbyville. Also referred to in this Ordinance as the Shelbyville Building Code.

Building, Detached: See "Detached Building."

Building Envelope: The three-dimensional portion of a lot, remaining after applying all required setbacks, buffer yards, and maximum height standards within which a structure may be built or installed.



Building Height: See "Structure Height."

Building Official: The person responsible for the enforcement of the Shelbyville Building Code.

Building Permit: An official certification issued by the Building Official authorizing the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving, or repair of a building or other structure.

Built-to Line: A line parallel to the front property line indicating the distance from the front property line at which primary structures must be built. A built-to line is neither a minimum or a maximum, but rather a specific requirement.

Bus/Mass Transit Terminal: A centralized and/or primary community facility for the transient housing or parking of motor driven buses, and the loading and unloading of passengers.

Business: A commercial endeavor to engage in the purchase, sale, lease, barter, or exchange of goods, wares, merchandise, and/or the provision of services.

Definitions - Business District

Business District: A geographic area used for commerce and the operation of a business or businesses.

Business Zoning Districts: Refers to the BN, Business Neighborhood; BC, Business Central; BG, Business General; and BH, Business Highway zoning districts.

Business/Financial Services Office: Any office where the primary occupation is concerned with such federal or state-regulated businesses as banking, savings and loans, loan companies, and investment companies.

BZA: See "Board of Zoning Appeals."

Cabaret: Any place wherein any type of alcoholic beverage is sold (or given away) to be consumed on the premises and the operator thereof holds a license from the state to sell such beverages.

Caliper: A tree trunk diameter measured in inches at a height of four and one-half (4 1/2) feet above the ground. If a tree splits into multiple trunks below four and one-half (4 1/2) feet, the trunk is measured at its most narrow point beneath the split.

Call Center: An establishment that acts as a central place where customer telephone calls are handled in person and/or through computer automation. Call centers generally act as support for telemarketing companies, mail order companies, computer product services, and other similar businesses.

Campground: Any site, lot, field, or tract of land designed with facilities for short term and/or seasonal occupancy by recreational vehicles and other camping equipment, but not including mobile homes.

Campus: An area of land constituting and making up the grounds of an institution, such as a college or university, a business complex, or a manufacturing park.

Canopy Tree: See "Tree, Canopy."

Car Wash: The use of a property for the washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

Carport: A permanent structure, which includes a roof and roof supports but not enclosed by walls, which is used as an accessory to a dwelling unit for the purpose of providing shelter to one (1) or more vehicles.

Cemetery: Land used or dedicated to the burial of the dead, including crematoriums and mausoleums.

Certificate of Occupancy, Permanent: A certificate issued by the Zoning Administrator certifying that a newly constructed or modified structure and/or property is completed in its entirety and is in complete compliance with all applicable regulations of the City of Shelbyville, and therefore may be occupied.

Certificate of Occupancy, Temporary: A certificate issued by the Zoning Administrator certifying that a newly constructed or modified structure and/or property is sufficiently completed and is in general compliance with all applicable regulations of the City of Shelbyville, and therefore may be temporarily occupied pending the completion of remaining tasks required to bring the location into complete compliance.

Channel Letters: Individually illuminated letters and graphics. In addition, they may be fabricated or formed three-dimensional letters that may accommodate a light source. The use of a raceway must match the color of the facade which the sign is placed.

Child Care Institution: As defined by *IC 12-7-2-29* and for the purposes of the Unified Development Ordinance: (1) a residential facility that provides child care on a 24-hour basis for more than ten (10) children; or (2) a residential facility with a capacity of not more than ten (10) children that does not meet the residential structure requirements of a group home; or (3) operates under a license issued under *IC 12-17.4*; provides for delivery of mental health services that are appropriate to the needs of the individual; and complies with the rules adopted under *IC 4-22-2* by the Indiana Division of Family and Children.

Child Day Care Center: A business operated by a person, society, agency, corporation, institution, or any other group for the purpose of providing care, protection, and guidance for children during only part of a 24-hour day. This term includes nursery schools, preschools and other similar facilities including educational facilities and those offering care for a full 24-hour period.

Child Day Care Home: As defined by *IC 12-7-2-28.6* and for the purposes of the Unified Development Ordinance, an establishment providing non-overnight care, supervision, and protection of children in private residences which is incidental to the primary residential use. A Child Day Care Home includes at least six (6) and no more than sixteen (16) children (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative; or those which are at least age seven (7) who, at any time, receive child care from a provider: (1) while unattended by a parent, legal guardian or custodian; (2) for regular compensation; and (3) for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays. The term includes Class I child care homes and Class II child care homes as defined in by *IC 12-7-2-33.7* and *IC 12-7-2-33.8*.

Church: See "Place of Worship."

Definitions - Covenants

Circus or Carnival: A temporary outdoor amusement center, bazaar, or fair, either involving use of special purpose equipment or conducted by professional operators, or both, and where activities include such things as rides, exhibitions, food service, sales, or small-scale games.

City: The City of Shelbyville, Indiana.

Clinic: An facility in which human patients are admitted for medical or dental study or treatment on an outpatient only basis, and in which the services of at least two (2) physicians or dentists are provided.

Collector Road: See "Street, Collector."

Collector Street: See "Street, Collector."

College: See "University."

Commercial District: See "Business District."

Commercial Zoning Districts: See "Business Zoning Districts."

Commission: See "Advisory Plan Commission."

Common Area: Land within a development which is not individually owned or dedicated to the public, but which is designed and intended for the use, enjoyment, and maintenance of the property owners within that development or other specific area. The common area may include complimentary structures and/or other improvements.

Common Council: The Common Council of the City of Shelbyville, Indiana.

Common Ownership: Ownership by the same person, corporation, firm, entity, partnership, or incorporated association, including ownership by different corporations, firms, partnerships, entities, or unincorporated associations with at least one (1) common stockholder, partner, or associate.

Communications Service Exchange: A telecommunications facility that houses one (1) or more computer systems and related equipment dedicated to building, maintaining, and/or processing data. Such a facility would likely include a telephone service exchange, a data center, and a server farm.

Community Center: A meeting place where people living in the same community and their guests may carry on cultural, recreational, or social activities.

Compatible: Having harmony and consistency in design, function, and/or appearance.

Comprehensive Plan: The *City of Shelbyville Comprehensive Plan* is the comprehensive plan referred to by this Ordinance. A document, consistent with the requirements of the Indiana Code, that is a compilation of policy statements, goals and objectives, standards, maps, and statistical data for the physical, social, and economic development of the community.

Concrete/Asphalt Production Facility: A facility where raw materials are processed into concrete or asphalt for sale and/or immediate use. Facilities typically include all necessary equipment for both transport and application of the finished product.

Condition of Approval: Stipulations or provisions set forth as a prerequisite for approval of an application.

Condominium: Real estate lawfully subject to the *IC 32-25 series*, the Horizontal Property Law, by the recording of condominium instruments, in which undivided interests in the common areas and facilities are vested in the condominium unit owners.

Conference Center: A facility used for service organizations, business and professional conferences, and seminars limited to accommodations for conference attendees. The accommodations can include sleeping, eating, and recreation. A conference center is not designed to be only utilized by the general public for overnight purposes.

Construction Plans: Subdivision drawings that include utilities, streets, and other improvements.

Contiguous: See "Abutting."

Contractor's Warehouse/Storage Yard: An unenclosed portion of a lot or parcel upon which a construction contractor maintains a facility for the storage of construction equipment and other materials customarily used in the trade carried on by the contractor.

Convenience Store: A small retail establishment that offers for sale a limited line of groceries, convenience goods, tobacco products, periodicals, and other household products. A convenience store may also sell gasoline.

Copy: Words, letters, numbers, figures, designs, or other symbolic representations incorporated into a sign.

Council: See "Common Council."

County: Shelby County, Indiana.

Covenants: Private and legal restrictions of various kinds on the usage of lots, typically within a subdivision and applied by the subdivider, that are recorded with the plat and deed. Covenants are enforceable in civil court by interested or affected parties.

Definitions - Craft/Fabric Store

Craft/Fabric Store: Any business that produces on the premises articles for sale of artistic quality or handmade workmanship, or businesses that primarily sell items and materials used in the creation of crafts and other such handiwork.

Crop Processing and Storage: The processing of harvested crops, as well as the storage of both the raw and processed crops. Processing includes any or all of the following or similar activities as they relate to crop produce: cleaning, shelling, drying, cooking, and packaging.

Crop Production: The production and management of agricultural crops, including planting, cultivation, and harvesting.

CRS: See "Community Rating System."

Cul-de-sac: See "Street, Cul-de-sac."

Curb: A concrete boundary marking the edge of a street or other paved area and providing for a change in grade between the street surface and the adjacent unpaved portions of the street right-of-way.

Curb Cut: The providing of vehicular ingress and/or egress between property and an abutting public street.

Curb Radius: The curved edge of a street, driveway, or other paved area at an intersection with another street, driveway, or other paved area.

Dance/Martial Arts Studio: An establishment where patrons learn and/or practice dance or martial arts.

Data Center: A facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer or network equipment, systems, servers, appliances and other associated components related to digital data operations. The facility may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support sustained operations at the Data Center.

Data Processing and Entry Center: Facilities where electronic data is processed by employees, including data entry storage, conversion, or analysis; subscription and credit card transaction processing; telephone sales and order collection; mail order and catalogue sales; and mailing list processing.

Day Care Center: See "Child Day Care Center."

Day Care Home: See "Child Day Care Home."

Deciduous Tree: See "Tree, Deciduous."

Deck: A platform, either freestanding or attached to building that is supported by pillars or posts.

Dedication: The intentional setting apart of land or interests in land for use by the City of Shelbyville.

Defective Landscaping: Dead or dying plant material, damaged berms, walls, fences, and/or other landscaping elements.

Deli (Delicatessen): An establishment where food is sold for consumption either on or off premises, excluding groceries and supermarkets.

Density: The number of dwelling units per acre.

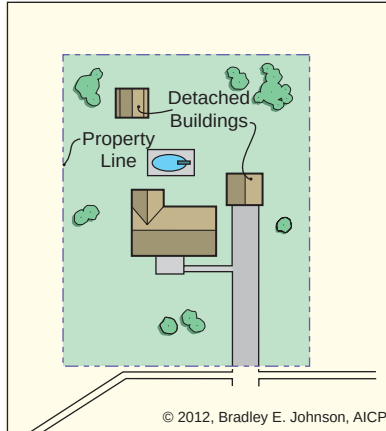
Density, Gross: The numerical value obtained by dividing the total number of dwelling units in a development or area by the gross size of the area (in acres), including all non-residential land uses, rights-of-way, streets, and other features included in the area.

Density, Net: The numerical value obtained by dividing the total number of dwelling units in a development or area by the gross size of the actual tract of land (in acres) upon which the dwelling units are to be located, including common open space and excluding non-residential uses, rights-of-way, and streets.

Department Store: A business conducted under a single name that directly exhibits and sells a variety of unrelated merchandise and services to customers (includes discount stores).

Definitions - Drive, Private

Detached Building: A building that has no structural connection with the primary structure and that is located on the same lot as that primary structure.



Detention Area: An area that is designed to capture specific quantities of stormwater and to gradually release the stormwater at a sufficiently slow rate to avert flooding.

Developer: An individual, partnership, corporation (or agent thereof), or other entity that undertakes the responsibility for land development, particularly the designing of a subdivision plat or site development plan showing the layout of the land and the public improvements involved therein. In as much as the subdivision plat is merely a necessary means to an end of assuring a satisfactory development, the term “developer” is intended to include the term “subdivider”, even though the personnel involved in successive stages of the project may differ.

Development: Any man-made change to improved or unimproved real estate including but not limited to:

1. Construction, reconstruction, or placement of a structure or any addition to a structure;
2. Installing a manufactured home on a site, preparing a site for a manufactured home or installing recreational vehicle on a site for more than 180 days;
3. Installing utilities, erection of walls and fences, construction of roads, or similar projects;
4. Construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;
5. Mining, dredging, filling, grading, excavation, or drilling operations;
6. Construction and/or reconstruction of bridges or culverts;
7. Storage of materials; or
8. Any other activity that might change the direction, height, or velocity of flood or surface waters.

“Development” does not include activities such as the maintenance of existing structures and facilities such as painting, reroofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent structures.

Development Standards: Regulations provided by this Ordinance that provide specific conditions for the development and use of buildings and property.

Development Standards Variance: See "Variance, Development Standards."

Distribution Facility: A use where goods are received and/or stored for delivery to the final consumer or destination.

District: An area with common social, physical, economic, or land use characteristics.

Domestic Pets: Animals commonly used as household pets, protection, companions, and for the assistance of disabled persons. Domestic pets shall include animals that are cared for and treated in a manner acceptable for pet dogs, cats, and birds. Domestic pets shall include, but not be limited to, dogs, cats, parakeets, parrots, finches, spiders, guinea pigs, hamsters, gerbils, rats, mice, rabbits, aquarium fish, pot belly pigs, ferrets, and snakes if cared for in the manner described above.

Dormitory: A structure specifically designed to provide sleeping and living quarters for long-term stay by students of a college, university, or other institution. A common kitchen and common gathering rooms may also be provided.

Double Frontage Lot: See “Lot, Through.”

Drainage: The outflow of water or other fluids from a site through either natural or artificial means.

Drainage System: All facilities, channels, and areas which serve to convey, filter, store, and/or receive stormwater, either on a temporary or permanent basis.

Drip Line: An imaginary vertical line that extends from the outermost branches of a tree's canopy to the ground.

Drive, Private: See "Street, Private."

Definitions - Drive-thru Service

Drive-thru Service: An opening or openings in the wall of a building or structure designed and intended to be used to provide for sales and/or service to patrons, who remain in their vehicles, products that are used or consumed off-site.

Drive-thru/Drive-up facility: A small scale establishment developed so that its retail or service character is dependant on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle, rather than within a building or structure.

Driveway: A private roadway providing access for vehicles to a parking space, garage, dwelling, or other structure.

Driveway, Common: An access that is shared by one (1) or more abutting property owners.

Driving Range: An area equipped with distance markers, clubs, balls, and tees for practicing golf drives and putting, which may or may not include a snack bar and pro shop, but does exclude golf courses and miniature golf courses.

Dry Cleaners (Commercial): A large scale establishment that cleans fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation in volatile solvents, and all related processes. Commercial cleaners serve businesses and clean uniforms, generally with the cleaners picking up and delivering the clothing to its business clients.

Dry Cleaners (Retail): An establishment that cleans fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation in volatile solvents, and all related processes. Retail cleaners serve individuals on a walk in basis, generally with patrons dropping off, and picking up their clothing.

Dumpster: A trash receptacle larger than ninety-six (96) gallons in volume used primarily by commercial, institutional, and industrial uses, and construction projects for collection of trash. Dumpsters are generally constructed of durable metal in box shaped vessels and designed to be easily transported off-site or emptied.

Duplex: See "Dwelling, Two-family."

Dwelling: A building or structure or portion thereof, designed for the residential purposes of a family or other single housekeeping unit.

Dwelling, Accessory: A separate and complete secondary dwelling unit established in conjunction with and clearly subordinate to another dwelling that which serves as the primary use and/or structure on the property.

Dwelling, Farm: See "Farmstead."

Dwelling, Manufactured Home: Single family detached dwelling units that are factory built to the National Manufactured Construction and Safety Standards Act in a transportable section or sections. Manufactured homes are divided into three (3) categories, type I, II, and III, as defined by this Ordinance. A manufactured home is transportable in one (1) or more sections, built on a permanent chassis, and designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Dwelling, Mobile Home: A transportable dwelling unit that is a minimum of eight (8) feet in width and is built on a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained therein, and which was manufactured either: Prior to June 15, 1976 and bears a seal attached under Indiana Public Law 135, 1971, certifying that it was built in compliance with the standards established by the Indiana Administrative Building Council; or, Subsequent to or on June 15, 1976 and bears a seal, certifying that it was built in compliance with the Federal Mobile Home Construction and Safety Standards.

Dwelling, Multiple-family: A structure designed for, and occupied by, three (3) or more families or other single units of housekeeping, with the number of families and housekeeping units in residence not exceeding the number of dwelling units provided.

Dwelling, Single-family: A structure designed for and occupancy by one (1) family or other single unit of housekeeping and therefore including no more than one (1) dwelling unit.

Dwelling Site: A site within a manufactured home park and/or mobile home park that is leased for the placement of a manufactured home and/or mobile home.

Dwelling, Two-family: A structure designed for occupancy by two (2) families or other single units of housekeeping and therefore including no more than two (2) dwelling units.

Dwelling Unit: Any structure or portion thereof designed for or used for residential purposes as a self-sufficient, individual unit by one (1) family or other similar social association of persons as a single housekeeping unit, and having permanently installed sleeping, cooking, and sanitary facilities.

Easement: A grant by a property owner to a specific person, the general public, corporations, utilities, or others, for the purpose of providing services or access to the property.

Egress: An exit.

Emergency Program: The first phase under which a community participates in the NFIP. It is intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.

Employment Service: An establishment that seeks and identifies available jobs for patrons seeking employment.

Definitions - Fairgrounds

Equipment Sales and Rental: Establishments primarily engaged in the sale or rental of tools, trucks, construction equipment, agricultural implements, and similar industrial equipment.

Erosion: The detachment, movement, and wearing away of soil and rock fragments by flowing surface or subsurface water or by wind.

Established Setback: See "Setback, Established."

Evergreen Tree: See "Tree, Evergreen."

Existing Construction: Any structure for which the "start of construction" commenced before the effective date of the community's first floodplain ordinance.

Existing Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this Ordinance.

Expansion of an Existing Manufactured Home Park or Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Explosive Manufacturing and Storage: The manufacture and storage of any chemical compound, mixture, or device of which the primary and common purpose is to function by explosion with substantially simultaneous release of gas and heat, the resulting pressure being capable of producing destructive effects.

FAA: See "Federal Aviation Administration."

Fabrication Facility: An establishment where employees and machinery are used to assemble product components created off-site.

Facade of Building: The portion of any exterior elevation on a building, extending from grade level to the top of the parapet, wall, or eaves for the entire width of the building.

Facade of Building, Front: The vertical face of any building that either faces an adjacent public street or the primary parking lot used for the building; and that has architectural features that distinguish it as the principal facade. A building on a corner lot or through lot may be determined to have two (2) front facades if the second facade is architecturally equal to the first facade and also faces a public street or the primary parking lot used for the building.

Facade of Building, Rear: The vertical face of any building that faces a rear lot line.

Facade of Building, Side: The vertical face of any building that faces a side lot line.

Fair Housing Facility (large): To prevent the discrimination of mentally or physically disabled persons, these facilities have been identified as types of housing that are permitted in certain districts, but still must meet "nondiscriminatory" health, fire, safety and building regulations. These facilities include:

- Group homes for children in need of service under *IC 31-34-1* or children who have committed a delinquent act under *IC 31-37-2-2*, *IC 31-37-2-3*, or *IC 31-37-2-5*; and specifically a facility that houses more than ten (10) children;
- Residential Facility for the Developmentally Disabled which provides residential services for more than eight (8) developmentally disabled individuals as described in *IC 12-28-4*.

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

- Group homes for children in need of service under *IC 31-34-1* or children who have committed a delinquent act under *IC 31-37-2-2*, *IC 31-37-2-3*, or *IC 31-37-2-5*; and specifically a facility that houses not more than ten (10) children.
- Residential Facility for the Developmentally Disabled which provides residential services for eight (8) developmentally disabled individuals or less as described in *IC 12-28-4*.
- Residential Facility for the Mentally Ill which provides residential services for mentally ill individuals as described in *IC 12-28-4*. No two (2) Residential Facilities for the Mentally Ill shall be within 3,000 feet of one another in the planning jurisdiction as stated in Indiana Code.

Fairgrounds: An area of land used for agricultural related office buildings, animal shows and judging, carnivals, circuses, community meeting and recreational facilities, concerts, food booths and stands, games, rides, rodeos, sales and auctions, storage, and theaters.

Definitions - Family

Family: One (1) or more persons occupying a dwelling unit as a single housekeeping unit and therefore using common facilities for cooking, sanitation, and gathering. A family does not include any society, club, fraternity, sorority; or group living in a boarding house, hotel, motel, bed and breakfast facility, lodging house, rooming house, or club; any group of individuals whose association with each other seasonal or any individuals who are in a group living arrangement as a result of criminal activity.

Farm Animals: See "Animal, Farm."

Farm Dwelling: See "Dwelling, Farm."

Farm Equipment Sales and Service: An establishment that services farm implements, as well as offers for sale new and used farm implements.

Farm, General: An area that is used for agriculture (such as the production and storage of vegetables, fruit trees, or grain, as well as the raising of farm animals, such as poultry or cattle, on a limited basis). A farm shall include all related structures and the storage of equipment and materials used on-site for the farm operation. A farm shall not include the commercial raising of animals, confined feeding, or the commercial feeding of garbage or offal to swine or other animals.

Farmer's Market: The seasonal selling at retail of homegrown vegetables or produce, occurring in a pre-designated area, where the vendors are the same individuals who have raised the products for sale.

Farmstead: A single-family dwelling unit that is located on, and used in connection with, a farm.

FCC: See "Federal Communications Commission."

Federal Aviation Administration (FAA): The agency that regulates civil aviation and is a part of the Department of Transportation.

Federal Communications Commission (FCC): The federal agency that regulates interstate and international communications by radio, television, wire, satellite, an cable.

Fence: Any structure, solid or otherwise, which is a barrier and is used as a boundary or means of protection, confinement, or concealment.

Fence, Barbed-wire: One (1) or more strands of wire or other material having intermittent sharp points of wire or metal that may puncture, cut, tear, or snag persons, clothing, or animals.

Fence, Stockade: A fence constructed of vertical wood strips, with no intervening spaces, providing a complete visual barrier.

Fertilizer Sales, Distribution, and Storage: An establishment that stores, distributes, and sells fertilizers primarily for agricultural crop production use.

Final Plat: See "Plat, Final."

Financial Institution: Any establishment wherein the primary use is concerned with such federal or state-regulated business as banking, savings and loans, loan companies, and investment companies.

Finished Floor Area: See "Floor Area, Finished."

Fireworks Sales: The primary business is the retail sale of devices defined as fireworks by the State of Indiana.

Fitness Center: A place or building where passive or active exercises and related activities are performed for the purpose of physical fitness, improved circulation or flexibility, and/or weight control.

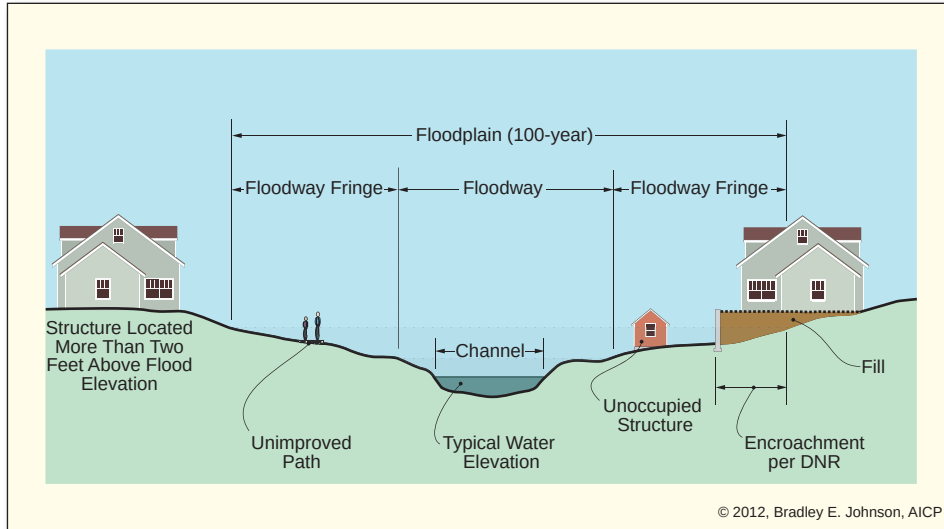
Flea Market: An occasional or periodic market held in an open area or structure where goods are offered for sale to the general public by individual sellers from open or semi-open facilities or temporary structures. Flea market shall not include informal garage or yard sales.

Flood: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

Floodlight: Reflector type light fixture that produces unshielded and undirected illumination.

Definitions - Frontage

Floodplain: The relatively flat area or low land adjoining the channel of a river or stream that has been or may be covered by flood water. The flood plain includes the channel, floodway, and floodway fringe. Floodplain boundaries are to be determined using the Floodway-Flood Boundary Maps of the Federal Insurance Administration and Federal Emergency Management Administration (FEMA).



Floodway: The channel of a river or stream and those portions of the flood plains adjoining the channel that are reasonably required to efficiently carry and discharge peak flow of the regulatory flood of any river or stream, including the area covered by floodwaters in significant downstream motion or covered by significant volumes of stored water during the occurrence of the regulatory flood.

Floodway Fringe: Those portions of the floodplain lying outside the floodway. The floodway fringe is not necessary for carrying and discharging peak flood flow, but is subject to flooding.

Floor Area: The sum of all horizontal surface areas of all floors of all roofed portions of a building enclosed by and within the surrounding exterior walls or roofs, or to the centerline(s) of party walls separating such buildings or portions thereof. Floor area of a building shall exclude exterior open balconies and open porches.

Floor Area, Finished: That portion of floor area constructed, completed, and usable for living purposes with normal living facilities which includes sleeping, dining, cooking, working, entertainment, common space linking rooms, areas for personal hygiene, or combination thereof. Floor area or portion thereof used only for storage purposes and not equipped for the facilities mentioned above shall not be considered Finished Floor Area. The Finished Floor Area of a primary structure does not include a garage, carport, deck, unfinished storage, patio, or open porch.

Floor Area, Ground: That portion of Finished Floor Area located on the first (or nearest ground level) floor of the dwelling unit.

Flower Shop: An indoor or outdoor facility that primarily sells flowers that are not grown on site, bulbs, and seeds for planting by patrons. Flower shops can include greenhouse operations, and incidental sales of small gardening equipment and accessories.

Food and Beverage Production: The large scale processing of raw ingredients and materials to create finished or unfinished foods and beverages.

Foundation: The supporting member of a wall or structure.

Fraternity: A club or social activity officially associated with and recognized and supervised by an institution for higher education whose membership is limited exclusively to students of the institution.

Front Facade: See "Facade of Building, Front."

Front Line: With respect to a building, the foundation line that is nearest the front lot line.

Front Lot Line: For an interior or through lot, the line marking the boundary between the lot and the abutting street right-of-way. For a corner lot, the line marking the boundary between the lot and each of the abutting street rights-of-way.

Front Yard: See "Yard, Front."

Frontage: See "Lot Frontage."

Definitions - Functionally Dependent Facility

Functionally Dependent Facility: A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

Funeral Home: A facility used for the preparation of the deceased for display and burial and the conducting of rituals and religious programs associated with burial. See also "Mortuary."

Garage: An attached or detached structure whose principal use is to house motor vehicles or personal property for the accommodation of related dwelling units or related business establishments.

Garage Sale: The sale or offering for sale to the general public items of personal property on any portion of a lot in a residential zoning district, either within or outside of a structure.

Garden Shop: A retail establishment that primarily sells garden implements, plants, landscaping materials, and related accessories.

Gas Station: Any building, structure, or area of land used for the retail sale of automobile fuels, oils, and accessories, without any repair service.

General Industrial Production: Industrial production involving manufacturing, fabrication, and related processes.

Gift Shop: An establishment that primarily sells keepsakes, trinkets, jewelry, cards, stationary, and other small gift related items.

Glare: The reflection of harsh, bright light producing an effect that causes annoyance, discomfort, or loss of visual performance and visibility.

Golf Course: A tract of land laid out with at least nine (9) holes improved with tees, greens, fairways, and hazards for playing a game of golf, including any associated clubhouse or shelters and excluding miniature golf courses, and other similar commercial enterprises.

Golf Course, Miniature: A theme-oriented recreational facility composed of a series of putting greens where patrons pay a fee to move in consecutive order from one (1) green to the next.

Government Facility: A building, group of buildings, and/or piece of property operated or occupied by a governmental agency to provide a governmental service to the public. Government facilities also include the storage and service of government vehicles, equipment, and supplies.

Government Office: An office occupied by a governmental agency that provides a governmental service to the public.

Grade: The finished surface of the ground adjacent to the exterior walls of a building.

Grade, Existing: The vertical elevation of the ground prior to any excavation, filling, or other construction activity.

Grade, Finished: The final elevation of the ground surface after man-made alterations have been completed.

Grading Plan: The drawing and supporting documents, meeting the requirements of this Ordinance and the City Engineer, that describe the process and result of the excavating, filling, or leveling of a property by mechanical or other artificial methods.

Grandfathered: A description of the a status of certain properties, uses, activities, and conditions that were legally existing prior to the effective date of this Ordinance. See also "Legal Nonconforming."

Granny Flat: See "Dwelling, Accessory."

Grazing and Pasture Land: A fenced area used for the feeding and upkeep of livestock.

Greenhouse: A building or structure constructed primarily of translucent materials which is devoted to the protection or cultivation of flowers and other tender plants.

Greenhouse, Commercial: A building used for the growing of plants, all or some of which are sold at retail or wholesale either on or off-site.

Grocery Store: See "Supermarket."

Ground Floor Area: See "Floor Area, Ground."

Gymnastics Center: An establishment where patrons learn and practice gymnastics, generally in a gymnasium.

Hard Surface: See "Paved Surface."

Hardship: With regard to a variance of use or variance of development standards, a difficulty with one's ability to improve land stemming from the application of the requirements of this Ordinance, which may or may not be subject to relief by means of variance. In and of themselves, self-imposed situations and claims based on a perceived reduction of, or restriction on, economic gain shall not be considered hardships.

Hardware Store: A small or medium-scale facility primarily engaged in the retail sale of various basic hardware lines, such as tools, builder's hardware, plumbing and electrical supplies, paint and glass, housewares and household appliances, and garden supplies and cutlery. A lumberyard may be included as an incidental use to the hardware retail sales.

Definitions - Incidental Sales

Hazardous Material: Any substances or materials that by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental to the health of any person handling or otherwise coming into contact with such material or substance.

Hazardous Material Storage/Processing Facility: All structures, other appurtenances, and any improvement to the land used for treating, storing, processing, or disposing of hazardous materials.

Health Spa: A place or building where active exercise and related activities are performed utilizing weight control or muscle building equipment or apparatus for the purpose of physical fitness. Also a place or building that provides massage, exercise, and related activities with or without such equipment or apparatus.

Hedge: A row of closely planted shrubs, bushes, or any other kind of plant used as a compact, dense, living barrier that protects, shields, separates, or demarcates an area.

Height: The vertical distance to the highest point of any roof for structures which have roofs, and the vertical distance to the highest point of all other structures, measured from grade level.

Heliport: An area used for the landing and take-off of helicopters, including any structures, buildings, and equipment associated with that use.

High Density Residential Zoning Districts: The RM Multiple-family Residential and the MP Manufactured Home Park Zoning Districts.

High Intensity Color: A color that is brighter than usual to draw attention, such as neon or metallic colors.

Highest Adjacent Grade: The highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

Historic Site: All structures and other features identified as contributing, notable, or outstanding by the Indiana Historic Sites and Structures Inventory - Shelby County Interim Report, or listed in the National Register of Historic Places or the Indiana Register of Historic Sites and Structures, as well as any subsequent amendments and/or additions to any of these publications.

Historic Structure: Any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

Home Electronics/Appliance Store: An establishment that primarily sells home appliances, electronics, and related accessories.

Home Occupation: An occupation carried on in a dwelling unit by a resident thereof which is limited in extent, and incidental and secondary to the use of the dwelling unit for residential purposes, and therefore does not change its residential character.

Hospital: An institution where sick or injured persons are given medical care and, during the course of that treatment, are housed overnight, fed, and provided nursing and related services. Related services include diagnostic facilities, laboratories, hospices, outpatient facilities, treatment facilities, and training facilities. Hospital does include institutions operating for the treatment of insane persons and persons suffering addictions, but does not include nursing homes, retirement facilities, shelters, or boarding houses.

Hotel: A building in which lodging is provided and offered to the public for compensation, and in which egress and ingress from all rooms is made through an inside lobby or office.

Housekeeping Unit: A group of individuals functioning as a single household, making common use of a single kitchen and other family quarters. See also "Family."

Ice Cream Shop: Any establishment that primarily offers ice cream and frozen desserts to be eaten on or off premises.

IDEM: The Indiana Department of Environmental Management.

IDNR: The Indiana Department of Natural Resources.

ILP: See "Improvement Location Permit."

Impervious Surface: Any hard-surfaced, man-made area that prevents absorption of stormwater into the ground.

Improvement: Any building, structure, bridge, work of art, area, parking facility, public facility, fence, gate, wall, landscaping, or other object constituting a physical addition to real property.

Improvement Location Permit (ILP): A permit allowing a person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any structure; alter the condition of the land; change the use or occupancy of a property; or otherwise cause any change to occur that is subject to the requirements of the Unified Development Ordinance.

Incidental: A minor occurrence or condition that is customarily associated with a permitted use and is likely to ensue from normal operations.

Incidental Sales: See "Sales, Incidental."

Definitions - Incinerator

Incinerator: A facility that uses thermal combustion processes to destroy or alter the character or composition of medical waste, sludge, soil, or municipal solid waste (not including animal or human remains).

Indecisive Vote: A vote which fails to receive a majority, either in favor or opposed.

Industrial District: The use of a property or area for the manufacture, fabrication, processing, reduction, or destruction of any article, substance, or commodity, including related storage facilities and warehouses.

Industrial Zoning Districts: The IL Light Industrial and IG General Industrial zoning districts.

Infrastructure: Facilities and services needed to sustain industry, residential, commercial, and all other land use activities, including utilities and streets.

Inoperable Vehicle Storage: The outdoor storage of motor driven vehicles and their parts, that can not be operated in their current state.

Institutional Facility for the Developmentally Disabled: An institutional facility that provides care, supervision, and protection for persons with developmental disabilities consistent with the provisions of Indiana Code. See also "Residential Facility for the Developmentally Disabled."

Institutional Facility for the Mentally Ill: An institutional facility that provides care, supervision, and protection for mentally ill persons consistent with the provisions of Indiana Code. See also "Residential Facility for the Mentally Ill."

Interested Party: Those persons, groups, property owners, or other entities that are considered or consider themselves to be affected by a change in land use or the results of an application to change land use.

Interstate Corridor: The area 1,000 feet in either direction from I-74.

Investment Firm: Any office where the primary occupation is concerned with businesses that buy and sell stocks, bonds, and other notes of purchase.

Jewelry Store: A store that primarily sells new jewelry, with some sales of used merchandise.

Junk: Scrap or waste material of any kind.

Junk Yard: A place where junk, including inoperable vehicles, appliances, wood, paper, rags, garbage, tires, shattered glass, and any other worn-out, cast-off, or discarded items have been collected for resale, disposal, or storage.

Jurisdiction: Any area over which a unit of government exercises power and authority.

Kennel: Any premises, except where incidental to an agricultural use, where domestic animals are boarded, trained, or bred.

Land Use: The occupation or use of land for any human activity or purpose.

Landscaping: The improvement of a lot with grass, shrubs, trees, and other vegetation and/or ornamental objects. Landscaping may include pedestrian walks, flower beds, berms, fountains and other similar natural and man-made objects.

Landscape Materials: Any material used in or derived from the landscape or improvements to the landscape of real property

Legal Nonconforming Lot: Any lot which has been legally established and recorded prior to the effective date of this Ordinance, or its subsequent amendments, that no longer meets the lot-specific development standards.

Legal Nonconforming Use: Any continuous, lawful use of structures, land, or structures and land in combination established prior to the effective date of this Ordinance, or its subsequent amendments, that is no longer a permitted use in the zoning district in which it is located.

Library: A public facility for the use, but not sale, of literary, musical, artistic, or reference materials.

Light Industrial Processing and Distribution: Processing and distribution of materials and products from processed or previously manufactured materials. Light industry is capable of operation in such a manner as to control the external effects of processing such as smoke, noise, odor, etc.

Linear Park: A park or other green, open space that forms a corridor, or is a part of a corridor along a body of water, street, or pedestrian/bicycle trail.

Liquor Store: A store that offers retail and/or wholesale liquor, including wine and beer.

Livestock Auction/Sales Facility: A commercial establishment where livestock is collected and auctioned and/or sold. Livestock at the facility are there on a temporary basis, for immediate sale only, and not housed long term.

Livestock Raising and Breeding: The production and upkeep of livestock for the purposes of sale, including the feeding, sheltering, grazing, and shipping of livestock, including the storage of all necessary materials and equipment.

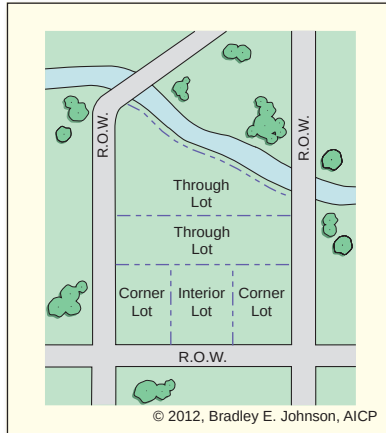
Loading Berth: A space within a building or on the premises providing for the loading and unloading of merchandise and materials.

Local Street: See "Street, Local."

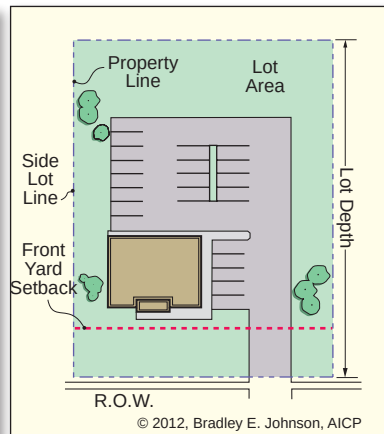
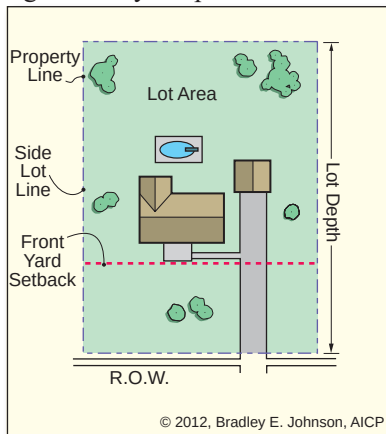
Definitions - Lot Owners Association

Lodge or Private Club: A membership organization that holds regular meetings and that may, subject to other regulations controlling such uses, maintain dining facilities, serve alcohol, or engage professional entertainment for the enjoyment of dues paying members and their guests. There are no sleeping facilities.

Lot: A contiguous area of land separated from other areas of land by a separate description (including a recorded deed, a subdivision plat or record of survey map, or by metes and bounds) for purpose of sale, lease, transfer of ownership, or separate use.



Lot Area: The area of a horizontal plane bounded by the front, side, and rear lot lines, excepting any easement or right-of-way for public streets.



Lot Depth: The horizontal distance between the front and rear lot lines. (See Graphics for "Lot Area")

Lot, Double Frontage: See "Lot, Through."

Lot Frontage: The horizontal distance between two (2) points along a street right-of-way or easement that are farthest from one another. A measurement of how many lineal feet of a lot abut a public or private street.

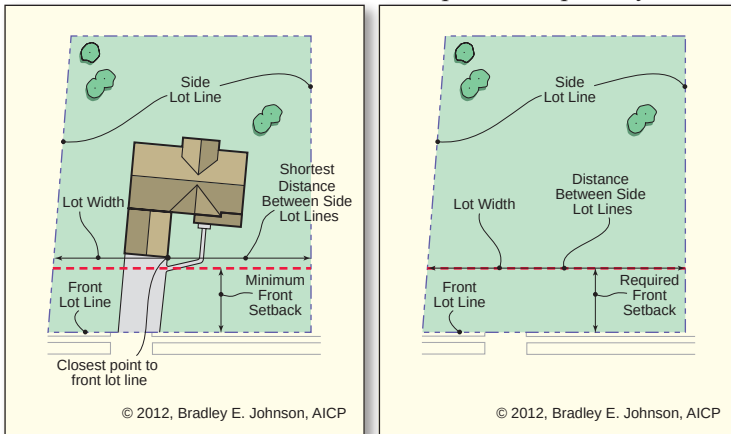
Lot, Irregular: A lot that is characterized by elongations, angles, shapes, and/or configuration that is inconsistent with the topography, street systems, other lots, and other features of the area in which it is located.

Lot Line: The property lines which define the lot.

Lot of Record: A lot which is recorded in the office of the Shelby County Recorder as a part of a subdivision plat or a parcel described by metes and bounds.

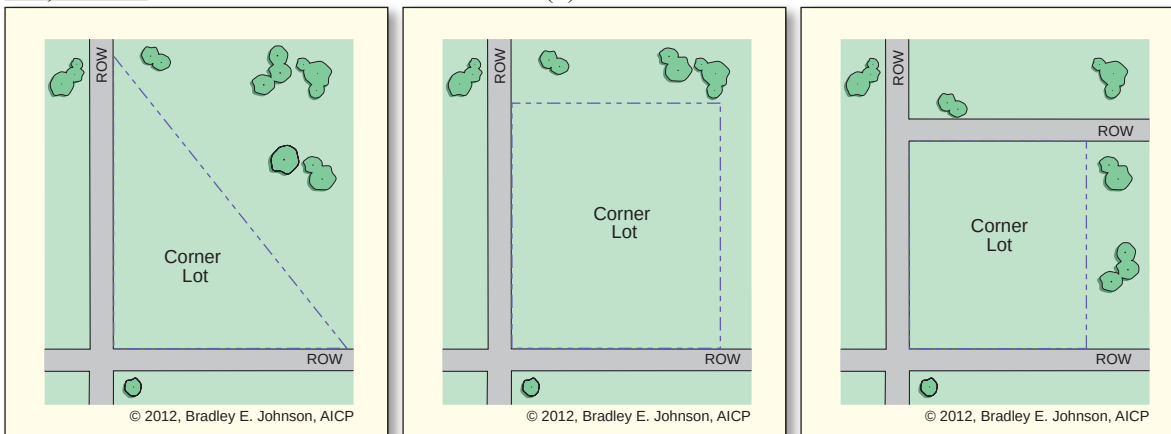
Lot Owners Association: An incorporated non-profit organization operating under recorded land agreements through which each lot owner is automatically a member and each lot is automatically subject to a proportionate share of the expenses for the organization's activities, such as maintaining common property.

Lot Width: The horizontal distance between side lot lines measured at the required minimum front setback line on lots without a structure; or measured at the point on a primary structure closest to the front property line.



Lot, Buildable: Any lot upon which improvements are permitted to be constructed, or which is otherwise allowed to be occupied and used consistent with all applicable requirements of this Ordinance.

Lot, Corner: A lot located at the corner of two (2) or more streets.

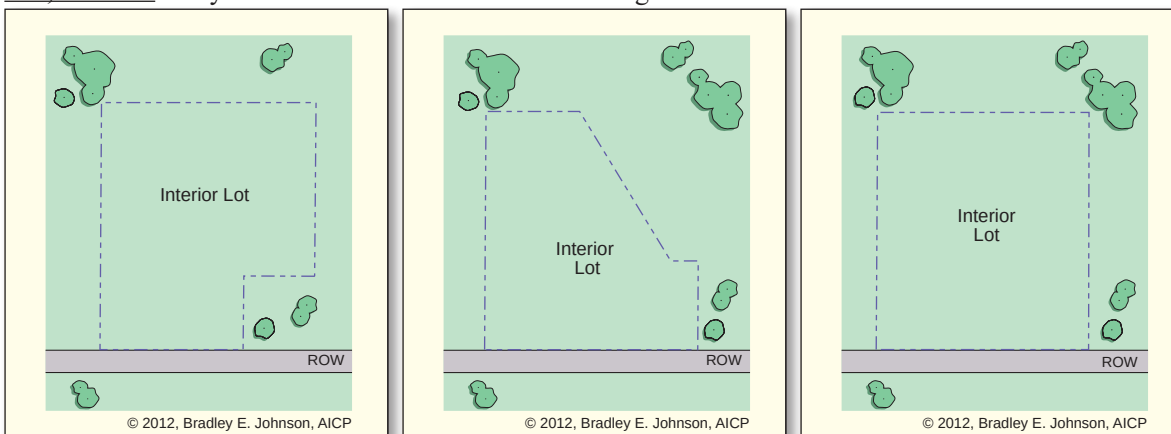


Lot, Developed: A lot upon which improvements have been made or is otherwise being used for human purposes.

Lot, Double Frontage: See "Lot, Through."

Lot, Improved: See "Lot, Developed."

Lot, Interior: Any lot which is not a corner lot or through lot.

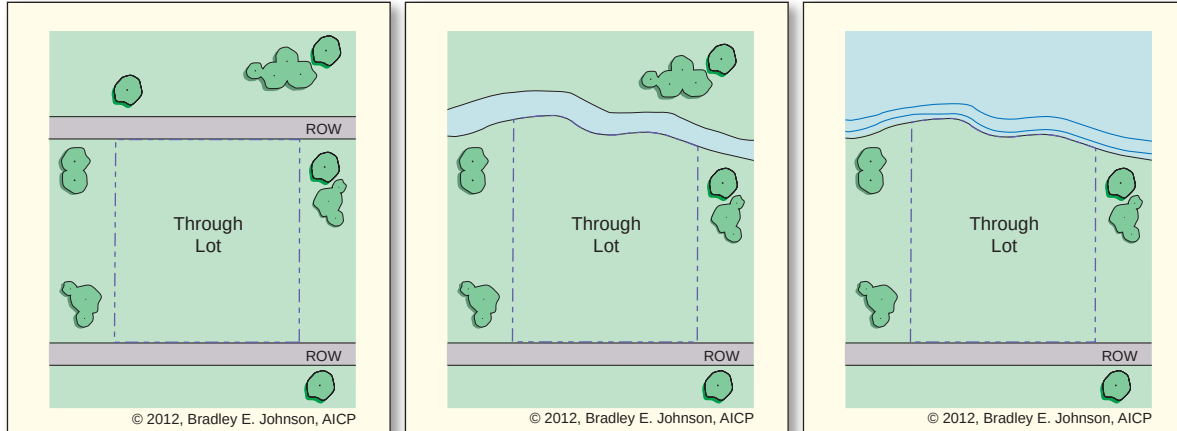


Lot, Legal Nonconforming: See "Legal Nonconforming Lot."

Lot, Recorded: See "Lot of Record."

Definitions - Manufacturing Facility

Lot, Though: A lot having frontage on two (2) or more non-intersecting streets.



Lot, Undeveloped: A lot of record upon which no improvements exist.

Low Density Residential Zoning Districts: The R1 Single Family Residential and R2 Two-family Residential Zoning Districts.

Lowest Adjacent Grade: The lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

Lumber Yard: An area used primarily for the storage, distribution, and sale of finished or rough-cut lumber and lumber products.

Luminaire: A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

Luminaire, Cut-off Type: A luminaire with elements such as shields, reflectors, or refractor angles that direct and cut-off light.

Maneuvering Space: An open space in a parking area which is immediately adjacent to a parking space and is used for and/or is necessary for turning, backing, or driving a motor vehicle into the parking space, but is not used for the parking of or storage of motor vehicles.

Manufactured Home: See "Dwelling, Manufactured Home."

Manufactured Home Park: A parcel of land containing two (2) or more dwelling sites, with required improvements and utilities, that are leased for long term placement of Mobile Home Dwellings and/or Manufactured Home Dwellings. A Manufactured Home Park does not involve sales of Mobile Home Dwellings or Manufactured Home Dwellings in which unoccupied units are parked for inspection or sale.

Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

Manufactured Home Park or Subdivision, Existing: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the community's first floodplain ordinance.

Manufactured Home Park or Subdivision, New: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the community's first floodplain ordinance.

Manufactured Home Sales: The sale and incidental storage of single-family detached housing that includes mobile homes and manufactured homes Type I, II, and III.

Manufactured Home Type I: See "Dwelling, Manufactured Home Type I."

Manufactured Home Type II: See "Dwelling, Manufactured Home Type II."

Manufactured Home Type III: See "Dwelling, Manufactured Home Type III."

Manufacturing Facility: A facility for the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors.

Definitions - Map Amendment

Map Amendment: A change to an effective NFIP map that results in the exclusion from the SFHA of an individual structure or a legally described parcel of land that has been inadvertently included in the SFHA (i.e., no alterations of topography have occurred since the date of the first NFIP map that showed the structure or parcel to be within the SFHA).

Marker (survey): A stake or any other object which is intended to mark a point on a lot or within a subdivision.

Market Value: The building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value), or adjusted assessed values.

Master Plan: See "Comprehensive Plan."

Meat Market (Butcher): A market that primarily offers retail and/or wholesale meats, but may also sell related incidental products.

Medical Office: A building, other than a hospital, used by one (1) or more licensed physicians for the purpose of receiving and treating patients.

Medical or Health Clinic: A building, other than a hospital, used by two (2) or more licensed physicians for the purpose of receiving and treating patients.

Metes and Bounds: A description of land prepared by a state-registered land surveyor providing measured distances and courses from known or established points on the surface of the earth.

Micro-brewery (Brewpub): A facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail, or wholesale, on or off premise, with a capacity of not more than 15,000 barrels per year. The development may include other uses such as a standard restaurant, bar or live entertainment.

Mineral Extraction: The extraction of metallic and nonmetallic minerals or materials from the earth for use off-site, including incidental uses and facilities such as rock crushing, screening, and the necessary storage and use of explosives.

Miniature Golf Course: See "Golf Course, Miniature."

Mini-storage Facility: A storage structure containing separate storage spaces of varying sizes, each for individual purchase or rental for the storage of household goods.

Mitigation: sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is two-fold: to protect people and structures, and to minimize the cost of disaster response and recovery.

Mixed-use Development: An area, parcel of land, or structure developed for two (2) or more different land uses.

Mobile Home: See "Dwelling, Mobile Home."

Mobile Home Park: See "Manufactured Home Park."

Monument (survey): A permanent physical structure which marks the location of a corner or other survey point.

Mortuary: A facility for the storage and preparation of human dead prior to burial, including the conducting of funeral services.

Motel: An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single lot, and designed for use by transient automobile tourists. A motel furnishes customary services such as maid service and laundering of linen, telephone, secretarial, or desk service, and the use and upkeep of furniture. See also "Hotel."

Motor Home: See "Recreational Vehicle."

Motor Vehicle: Any passenger vehicle, truck, tractor, tractor-trailer, truck-trailer, trailer, or semitrailer propelled or drawn by mechanical power.

Motor Vehicle, Inoperable: See "Vehicle, Inoperable."

MS4: The Municipal Separate Storm Sewer System program designed to reduce water pollution from stormwater runoff.

MS4 Operator: The individual designated to oversee the local Municipal Separate Storm Sewer System program.

Multiple-family Dwelling: See "Dwelling, Multiple-family."

Multiple Tenant: See "Tenant, Multiple."

Museum: A building having public significance by reason of its architecture or former use or occupancy, or a building housing a specific collection of natural, scientific, or literary materials, objects of interest, or works of art, and designed to be used by the public with or without an admission charge. It may include as an accessory use the sale of goods to the public.

Natural Condition: The condition that arises from, or is found in nature unmodified by human intervention.

Definitions - Ornamental Tree

Natural Drainage: Drainage channels, routes, and ways formed over time in the surface topography of the earth prior to any modifications or improvements made by unnatural causes and/or human intervention.

Natural Features: The physical characteristics of a property or area that are not man-made, such as soil types, geology, slopes, vegetation, and drainage patterns.

Nature Preserve/Center: An area in which plants, animals, and topographic features are protected in their current, natural condition.

Net Density: See "Density, Net."

New Construction: Any structure for which the "start of construction" commenced after the effective date of the community's first floodplain ordinance.

Night Club: A commercial establishment operated as a place of entertainment featuring live, recorded, or televised musical, comedy, or magic performances; dancing; and/or the serving of alcoholic beverages.

No-access Reservation: A restriction placed on a lot, typically shown as a line labeled as such on preliminary and final subdivision plats, that prohibits vehicular access from the affected lot(s) to an adjacent street.

Nonconforming Lot: A lot that does not conform to the regulations of the zoning district in which it is located.

Nonconforming Sign: A sign or portion thereof, which was designed, erected, or structurally altered such that it does not conform to the regulations of the district in which it is located.

Nonconforming Structure: A building or other structure that does not conform to the regulations of the zoning district in which it is located.

Nonconforming Use: A use of land that does not conform to the regulations of the zoning district in which it is located.

Non-Invasive: Species that do not naturally occur in the area, and/or species that have been identified by a state or federal regulatory agency as being invasive species to the area

Nuisance: An interference with the enjoyment and use of property as defined by the Nuisance Ordinances of the City of Shelbyville Municipal Code.

Nursing Home: A private home for the 24-hour per day care of the aged, infirm, or any other person in need of nursing care which does not contain equipment for surgical care or for treatment of disease or injury, and is not primarily designed for mental patients or alcoholics. Nursing home does include physical therapy equipment used in an on-going basis for the rehabilitation of patients.

Objectionable Odor: Odors that are nauseating, noxious, or generally recognized as unpleasant.

Obstruction: Includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

Occupancy: The use of any land or structure.

Office Supply Store: A large establishment that offers retail and wholesale office supplies including items such as paper, writing utensils, computer equipment, and office furniture.

Office Use: Administrative, executive, professional, research, or similar organizations, and laboratories having only limited contact with the public, with no merchandise or merchandising services sold on the premises.

Official Zoning Map: A map of the City of Shelbyville, Indiana and its vicinity, that legally denotes the boundaries of zoning districts as they apply to the properties within the Plan Commission's jurisdiction.

Off-Site Improvement: An improvement related to new development that occurs, or is constructed on property that is outside of the parcel or tract that is being developed. Off-site improvements typically include, but are not limited to drainage, public water systems, public sewer systems, and streets.

Oil Change Shop: A facility that provides lubrication, checking, changing, and the addition of those fluids and filters needed for automobile maintenance. Generally such services are provided while the customer waits.

Open Space: An area of land not covered by structures or accessory uses except for those related to recreation. Open space may include nature areas; streams and flood plains; meadows or open fields containing baseball, football, and soccer fields, golf courses, swimming pools, bicycle paths, etc. Open space does not include street rights-of-way, platted lot area, private yards, patio areas, or land scheduled for future development.

Ornamental Tree: See "Tree, Ornamental."

Definitions - Outdoor Display

Outdoor Display: An outdoor area used to display merchandise that can be picked and purchased or viewed and rented by customers. Outdoor display areas include areas partially or fully enclosed by walls and/or fences, and open sided areas with a canopy or roof structure, and the like. Outdoor display areas do not include merchandise stored outdoors when located in an area that is not accessible to customers, or that is packaged or stacked in a manner that makes it difficult or dangerous for customers to pick the product, or that is packaged or stacked in a manner consistent with warehousing.

Outdoor Storage: An outdoor area used to store merchandise, equipment, construction material, raw materials used for manufacturing, supplies used for assembly, fleet vehicles, vehicles in stages of repair, rental equipment, and other similar materials, vehicles, or equipment. Outdoor storage includes areas partially or fully enclosed by walls and/or fences, and open sided areas with a canopy or roof structure, and the like. Outdoor storage does not include merchandise that meets the definition for Outdoor Display Area.

Outdoor Display, Seasonal: A subset of Outdoor Display that, by its nature, displays merchandise during peak seasons, such as Christmas trees, pumpkins, lawn accessories, and bedding plants.

Outlot: A lot platted as part of a larger development that is intended for the development of uses and structures which are complimentary too but of a smaller-scale than the primary use or structure in the development.

Overlay Zoning District: A zoning district that extends across one (1) or more other zoning districts which is intended to provide additional or alternate regulations for a specific critical feature or resource.

Owner: Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to, or sufficient proprietary interest in the land, or their legal representative.

Owners Association: See "Lot Owners Association."

Packaging Facility: A facility that packages supplies and products that are manufactured off site.

Parapet: The portion of a wall which extends above the roof line.

Parcel: See "Lot."

Park, Private: A place available to the members, owners, or other non-public entity for passive (e.g. trails, open fields, community gardens, and nature areas) and/or active recreation (e.g. playground, swimming pool, and sports fields), and that is maintained by a private or not-for-profit organization; and including any accessory or primary structures.

Park, Public: A place available to the general public for passive (e.g. trails, open fields, community gardens, and nature areas) and/or active recreation (e.g. playground, public swimming pool, and sports fields/courts), and that is maintained by a not-for-profit organization, city, county, state or the federal government; and including any accessory or primary structures used to provide park and recreation services.

Park Zoning District: Refers to the PK Park Zoning District.

Parking Lot: An open off-street area to be used for the storage of motor vehicles for limited periods of time. A parking lot includes all parking spaces, interior drives, and maneuvering areas. Outdoor areas at facilities where motor vehicles, including uninstalled mobile and manufactured homes, are sold that are intended for the storage of such vehicles are also considered a parking lot.

Parking Space: A space within a public or private parking area for the storage of one (1) motor vehicle.

Parking, Off-street: A storage space for an automobile located outside of a street right-of-way.

Parking, On-street: A storage space for an automobile that is located within the right-of-way of a street.

Parking, Shared: A parking space or lot used jointly by two (2) or more uses or structures.

Pathway: A designated route for travel by pedestrians, bicycles, and other non-motorized methods of personal transportation and recreation which is surfaced with crushed rock, concrete, or asphalt and separated from streets by distance or striping.

Paved Surface: A durable surface for parking, driving, riding or similar activities that utilizes asphalt, concrete, brick, paving blocks or similar material. Crushed gravel, stone, rock, or dirt, sand or grass are not a paved surface.

Pedestrian Path: A designated route for travel by pedestrians, bicycles, and other non-motorized methods of personal transportation and recreation that is with concrete, crushed rock, or asphalt and separated from streets by distance or striping.

Penal (Correctional) Institution: Publicly or privately operated facilities housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense.

Permanent Foundation: A structural system for transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

Person: A person, corporation, firm, partnership, association, trust, organization, unit of government, or any other entity that acts as a unit, including all members of any group.

Definitions - Preliminary Plat

Personal Service Uses: An establishment or place of business primarily engaged in the provision of frequent and recurrent services of a personal nature, such as a beauty or barber shop, shoe repair shop, alterations, tailoring, or tanning salon.

Pervious Pavement: A highly durable paving material that has high porosity which allows water to pass through, thus reducing runoff.

Pet Store: A retail sales facility primarily involved in the sale of domestic animals, such as cats, dogs, fish, birds, and reptiles as well as domestic pet accessories. A pet shop does not include the retail sale of exotic or farm animals.

Petitioner: See "Applicant."

Petroleum Processing and Storage: An establishment that processes and stores petroleum and its raw ingredients.

Pets, Household: Domestic pets maintained within the confines of the dwelling unit. Household pets includes hobby breeding of domestic animals as long as the frequency of breeding is limited to one (1) litter per year per household. Household pets do not include outdoor pets (as defined), farm animals (as defined), pigmy goats, potbelly pigs, or rabbits. Examples of household pets include: dogs, cats, mice, snakes, hamsters, ferrets, and birds.

Pets, Outdoor: Domestic pets maintained within the confines of a lot. Outdoor pets includes hobby breeding of domestic animals as long as the frequency of breeding is limited to one (1) litter per year per household. Outdoor pets do not include household pets (as defined), farm animals (as defined), rabbits, mice, snakes, hamsters, ferrets, or birds. Examples of outdoor pets include: dogs and cats.

Pharmacy: A place where drugs and medicines are prepared and dispensed. Pharmacy also includes the incidental retail sale of medical accessories and convenience goods and services.

Photographic Studio: A facility engaged in on-site photography, processing, and development, including limited retail sale, lease and service of photography equipment and supplies.

Place of Worship: The use of a building and/or property by a non-profit group for the purpose of religious worship together with all incidental uses commonly associated with such a facility. Places of worship include synagogues, temples, mosques or any other facility used for worship and religious activities.

Plan: See "Comprehensive Plan."

Plan Commission: See "Advisory Plan Commission."

Planned Development: A large-scale unified development meeting the requirements of this Ordinance. Generally a Planned Unit Development consists of a parcel or parcels of land, controlled by a single person, to be developed as a single entity.

Planning Jurisdiction: The area over which a municipality has planning authority as drawn by each community in compliance with *IC 36-7-4 et al.*

Planting Season: The spring and fall time periods during which new plant material which is installed is most likely to survive the planting process. Generally these periods are from April 15 to June 15 in the spring and from October 15 to November 15 in the fall.

Plat: A map or chart that shows a division of land and is intended to be or has been filed for record.

Plat, Final: The Final Plat, pursuant to *IC 36-7-4-700 series*, is the plat document in recordable form.

Plat, Preliminary: The preliminary plat, pursuant to *IC 36-7-4-700 series*, is the plat and plans upon which the approval of a proposed subdivision is based.

Playground: A recreational area for use primarily by children.

PMR: See "Physical Map Revision."

Police, Fire, or Rescue Station: An outpost station that serves as an office of operation for police, fire, and/or rescue services. Such stations include personnel, equipment, vehicles, and training facilities.

Porch: A covered, but otherwise unenclosed structure projecting out from the wall or walls of a main structure.

Post Office: A facility operated by the United States Postal Service that houses service windows for mailing packages and letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.

Practical Difficulty: A difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is a situation where the owner could comply with the regulations within the Zoning Ordinance, but would like a variance from the Development Standards to improve their site in a practical manner. For instance, a person may request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the Development Standards for a new garage location.

Preliminary Plat: See "Plat, Preliminary."

Definitions - Primary Structure

Primary Structure: The building or structure in which the primary use of the lot or premises is located or conducted, with respect to residential uses, the primary building or structure shall be the main dwelling. For agricultural uses, the primary structure may be a barn or other agricultural structure.

Primary Use: See "Use, Primary."

Print Shop (Copy Center): A facility for the custom reproduction of written or graphic materials on a custom order basis for individuals or businesses. Typical processes include, but are not limited to, photocopying, blueprint, and facsimile sending and receiving, and including offset printing.

Printing Facility: Any facility that prints publications including books, magazines, and newspapers for the purposes of sale and/or distribution.

Private Street: See "Street, Private."

Prohibited Tree: See "Tree, Prohibited."

Property Owner: The person(s) identified as the property owner on the most recent list prepared and maintained by the Shelby County Auditor's Office. See also "Owner."

Public Hearing: A formal meeting, announced and advertised in advance consistent with the requirements of this Ordinance, which is open to the public, and at which members of the public have an opportunity to participate.

Public Improvement: Any improvement, facility, or service which provides transportation, drainage, public utilities, or similar essential services which are typically or specifically required to be provided by a unit of government.

Public Safety Nuisance: Anything which is injurious to the safety or health of an entire community, neighborhood or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Public Street: See "Street, Public."

Publishing Facility: Any facility that prints and/or assembles publications including books, magazines, and newspapers for the purposes of sale and/or distribution.

Quarry: A lot or any part of a lot used for the extracting of stone, sand, gravel, or any other minerals. See also "Mineral Extraction."

Racetrack: Any measured venue for the sport of racing where animals or machines are entered in competition against on another or against time. A racetrack may or may not have areas for spectators. Racetrack includes, but is not limited to oval track racing, drag racing, motocross, tractor pulling, go-cart racing, remote control airplane flying, and similar uses.

Radio Station: An establishment that broadcasts radio signal programming.

Rear Yard: See "Yard, Rear."

Record: The written documentation of the actions and expressions of a public body, such as the Plan Commission or Board of Zoning Appeals.

Record Shop (CD Shop): An establishment that primarily deals with new and used audio recordings in an array of media formats. Some shops also include the sales of new and used video recordings as well.

Recreational Use, Large Scale: Recreational uses that tend to serve a regional area and include establishments such as riding stables, and seasonal hunting and fishing facilities.

Recreational Use, Medium Scale: Recreational uses that tend to serve a community-wide area and include establishments such as bowling alleys, theaters, assembly halls, miniature golf courses, indoor shooting ranges, swimming pools, and skating rinks.

Recreational Use, Small Scale: Recreational uses that tend to serve a local area and include establishments such as billiard rooms, arcades, nightclubs, brewpubs, and bars.

Recreational Vehicle: Any building, structure, or vehicle designed and/or used for seasonal living or sleeping and/or recreational purposes and equipped with wheels to facilitate movement from place to place (either under its own power or towed by another vehicle). Recreational vehicles are built on a single chassis and measure 400 square feet or less, including the largest horizontal projections. Recreational vehicles include automobiles when used for living or sleeping purposes, pick-up truck coaches, motorized homes, boats, travel trailers, snow mobiles, and camping trailers not meeting the definition of a manufactured or mobile home.

Recreational Vehicle Park: Any site, lot, field, or tract designed with facilities for the temporary use of recreational vehicles.

Recreational Vehicle Sales: The sale and incidental storage of recreational vehicles.

Refuse Dump: A facility designated to receive and hold municipal solid waste and other waste matters. Waste at a refuse dump is not compacted or covered as it is in a sanitary landfill.

Definitions - Retail Uses

Registered Land Surveyor: A land surveyor properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

Registered Professional Engineer: An engineer properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

Regulatory Flood: The flood having a one percent (1%) probability of being equaled or exceeded in any given year, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission and the Federal Emergency Management Agency. The "Regulatory Flood" is also known by the term "Base Flood" or "100-year Flood."

Regulatory Floodway: See "Floodway."

Repair Services: Establishments that provide repair services to individuals and households, rather than businesses, not including automotive and equipment repair. Typically such services include the repair of appliances, watches, jewelry, and musical instruments.

Replat: Any change in a Final Plat of an approved or recorded subdivision.

Research Laboratory: A structure or group of structures used primarily for applied and developmental research where product testing is an integral part of the operation and goods or products used in the testing may be manufactured and stored.

Residence: See "Dwelling."

Residential District: An area used primarily for dwellings.

Residential Treatment Center: Any facility licensed by the Indiana Department of Health, public or private, which regularly provides one (1) or more people with 24-hour a day substitute care, food, lodging, training, education, supervision, habilitation, rehabilitation and treatment they need, but which for any reason can not be furnished in the person's own home.

Residential Zoning Districts, High-density: Refers to the RM Multiple-family Dwelling, and MP Manufactured Home Park zoning districts.

Residential Zoning Districts, Low-density: Refers to the R1 Single-family Dwelling and R2 Two-family Dwelling zoning districts.

Restaurant: A structure in which the principal use is the preparation and sale of food and beverages.

Restaurant, Drive-in: A facility, including a building and adjoining parking area, the primary function of which is selling food to the public by order from and service to passengers in vehicles parked outside of the structure. Drive-in restaurants may also provide seating inside of the building.

Retail Uses: Commercial enterprises that provide goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the business.

Definitions - Retail (Type 1) Low Intensity

Retail (Type 1) Low Intensity: A low intensity retail business that provides products to all or portions of the general public and that meets the applicable characteristics listed in Table 11-A: Limits of Retail Uses below. A low intensity retail business also includes ancillary uses, customarily associated with the primary retail business. A low intensity retail business shall not include business-to-business wholesale operations.

Retail (Type 2) Medium Intensity: A medium intensity retail business that provides products to all or portions of the general public and that meets the applicable characteristics listed in Table 11-A: Limits of Retail Uses below. A medium intensity retail business also includes ancillary uses, customarily associated with the primary retail business. A medium intensity retail business shall not include business-to-business wholesale operations.

Retail (Type 3) High Intensity: A high intensity retail business that provides products to all or portions of the general public and that meets the applicable characteristics listed in Table 11-A: Limits of Retail Uses below. A high intensity retail business also includes ancillary uses, customarily associated with the primary retail business. A high intensity retail business shall not include business-to-business wholesale operations.

Table 11-A: Limits of Retail Uses

Retail Types	Characteristics						
	Max. Vehicle per Day	Max. Retail Floor Area	Max. Outdoor Display of Merchandise	Outdoor Storage	Hours of Operation	Drive Through	Sexually Oriented Retail Sales
Type 1: Low Intensity	1,500	10,000 sq. ft.	5% of retail floor area or 200 square feet whichever is more restrictive	not allowed	open between 5 AM and 10 PM	not allowed	not allowed
Type 2: Medium Intensity	5,000	50,000 sq. ft.	10% of retail floor area or 1,000 square feet whichever is more restrictive	20% of retail floor area or 4,000 square feet whichever is more restrictive	no limit	allowed	up to 2% of retail floor area or 2% of gross revenue whichever is more restrictive
Type 3: High Intensity	no limit	no limit	no limit	no limit	no limit	allowed	up to 100% of retail floor area or 100% of gross revenue

Retirement Facility: A residential complex containing multiple-family dwellings designed for and occupied by senior citizens. Such facilities may include a common gathering and dining facilities, but exclude nursing care.

Retreat Center: A facility used for professional, educational, or religious meetings, conferences, or seminars which provides meals, housing, and recreation for participants during the period of the retreat or program.

Rezoning: An amendment to the Official Zoning Map which has the effect of removing property from one (1) zoning district and placing it in a different zoning district.

Riding Stable: An establishment that shelters and offers upkeep to horses for use by patrons and private owners. Stables generally include grazing pastures, land designated for horseback riding.

Right-of-way: Property occupied or intended to be occupied by a street, trail, utility transmission line, or other public utility or facility.

Right-of-way Line: The limit of publicly owned land encompassing a public facility, such as a street or an alley.

Road: See "Street."

Rootball: The mass formed by the roots of a plant and the soil surrounding them

ROW: See "Right-of-way."

Sales, Incidental: Sales that are related and subordinate to the primary service or retail activities of a commercial use.

Sales, Temporary Seasonal: Facilities that are indoor or outdoor and operate on a temporary basis for the sale of seasonal fruits and vegetables, fireworks, Christmas trees, and/or other holiday, event, or season related products.

Salvage Yard: See "Scrap Metal Yard."

Sanitary Landfill: The designated area where nonhazardous and non-medical farm, residential, institutional, commercial, or industrial waste is buried.

Satellite Dish/Antenna: An apparatus capable of receiving communications from a transmitter relay located in a planetary orbit or broadcasted signals from transmitting towers.

School: A public or private institution which offers instruction in any of the branches of learning and study comparable to that taught in the public schools under the Indiana School Laws, including pre-kindergarten, kindergarten, elementary school, and junior and senior high schools, but excluding trade, business, or commercial schools. See also "Trade or Business School."

Definitions - Sexually Oriented Materials

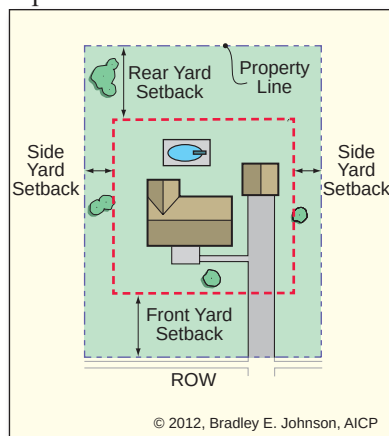
Scrap Metal Yard: A general industrial use established independent or ancillary to and connected with another general industrial use, which is concerned exclusively in new and salvaged metal pipes, wire, beams, angles, rods, machinery, parts, filings, clippings, auto parts, and all other metal items of every type, and which acquires such items incidental to its connection with the other general industrial use or by purchase, consignment or bailment which stores, grades, processes, melts, cuts, dismantles, compresses, cleans, or in any way prepares said items for reuse by the connected other general industrial use or for storage, sale or shipment and use in other industries or businesses; such an establishment shall not include junk yards, dumps, or automobile graveyards.

Seasonal Hunting/Fishing Facility: A designated outdoor area that allows for the hunting and fishing of certain species during their appropriate gaming seasons.

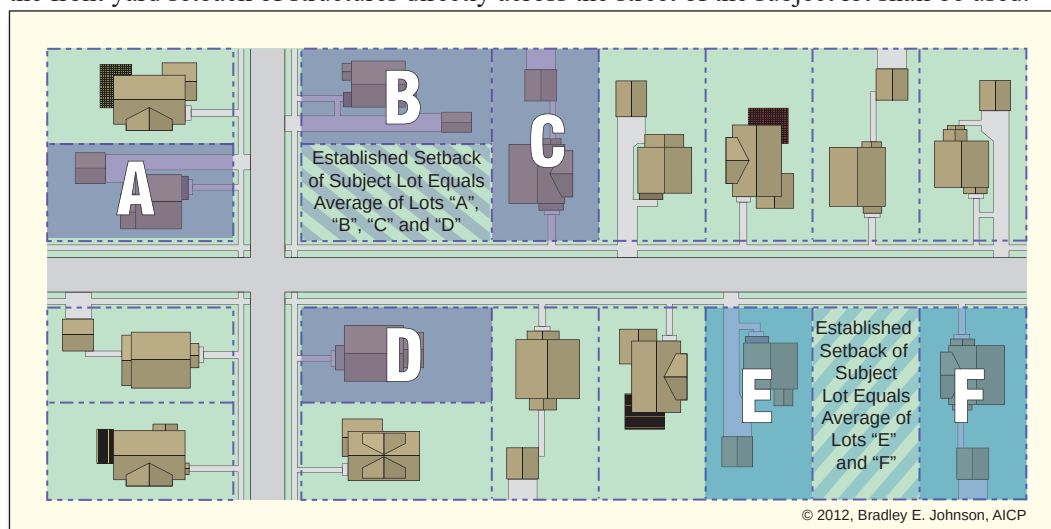
Seed Sales, Distribution, and Storage: An establishment that sells, stores, and distributes agricultural seed for farm planting. Such establishments primarily sell in bulk for commercial farm purposes.

Self Service Laundry: A business with vending machine type washing, drying, dry cleaning, and ironing equipment for use by customers on site.

Setback: The horizontal distance between a structure and a lot line or right-of-way line, whichever results in a greater separation.



Setback, Established: An average of the front yard setbacks of primary structures on either side of the subject lot. If the subject lot is a corner lot, the average of the front yard setback of structures adjacent to the subject lot, along with the front yard setback of structures directly across the street of the subject lot shall be used.



Sewage Treatment Plant: Any facility designed for the treatment of sewage that serves an entire community, region, or specific geographic area.

Sexually Oriented Materials: Materials including still or motion pictures, books, magazines, other periodicals, or other depiction recorded on paper, electronic, digital, video, magnetic or other media, which are distinguished or characterized by their emphasis on matter depicting, describing or relating Specified Sexual Activities" or "Specific Anatomical Areas"; or, instruments, devices, or paraphernalia either designed as a representation of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.

Definitions - Sexually Oriented Retail Business

Sexually Oriented Retail Business: An establishment with at least ten percent (10%) of its stock in trade or gross floor area devoted to the sale, rental, or display of sexually oriented materials. Or an establishment which advertises or holds itself in any forum as "XXX", "adult" or "sex", or which has stock in trade or floor area devoted to the sale, rental, or display of sexually oriented materials.

Sexually Oriented Entertainment Business: An establishment which regularly offers live entertainment, lingerie or nude modeling, presentation of motion pictures, or publications by any photographic, electronic, digital, magnetic or other media which are distinguished or characterized by their emphasis on matter depicting, describing or relating "Specified Sexual Activities" or "Specific Anatomical Areas"; or, offers massage therapy or body work (not including when performed by a licensed massage therapist); or, advertises or holds itself in any forum as "XXX", "adult", or "sex". This also includes businesses, clubs, organizations, or associations that organize or plan sex engagements or adult oriented entertainment with two (2) or more persons (e.g. swingers clubs or fetish clubs).

Shoe Repair Shop: An establishment that primarily repairs shoes, with incidental sales of shoe related items.

Shooting Range: Any establishment at which firearms are discharged for the purpose of recreation and entertainment.

Shooting Range (Indoor): A shooting range at which all shooting areas and targets are completely enclosed in a structure.

Shooting Range (Outdoor): A shooting range at which any portion of the shooting areas or targets are located outside of a completely enclosed structure.

Shopping Mall: A shopping center where numerous stores front on a pedestrian way that may be enclosed or open.

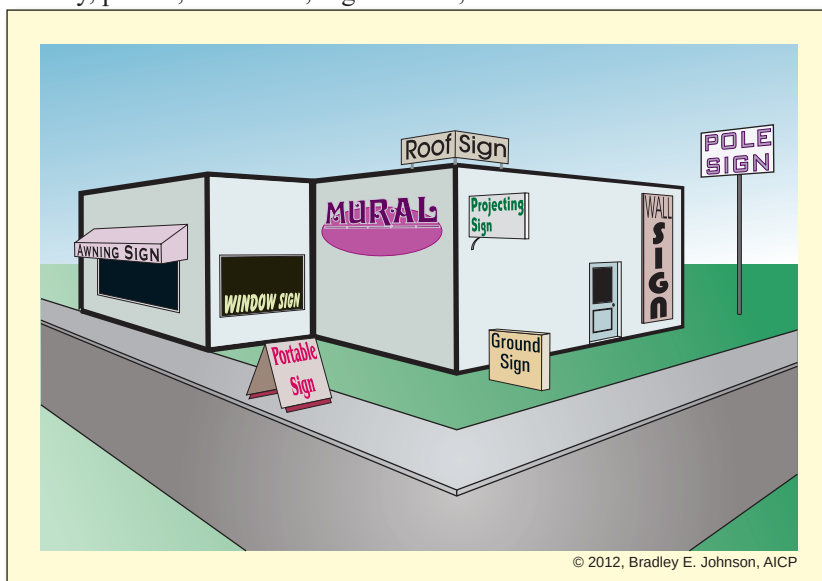
Shrub: A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground. It may be deciduous or evergreen.

Side Lot Line: A lot boundary line other than a front or rear lot line, typically those which are perpendicular to, and intersect with the side and rear lot lines.

Side Yard: See "Yard, Side."

Sight Distance: The measurement from a driver's eyes, which are assumed to be 3.75 feet above the pavement surface, to an object six (6) inches high on the pavement.

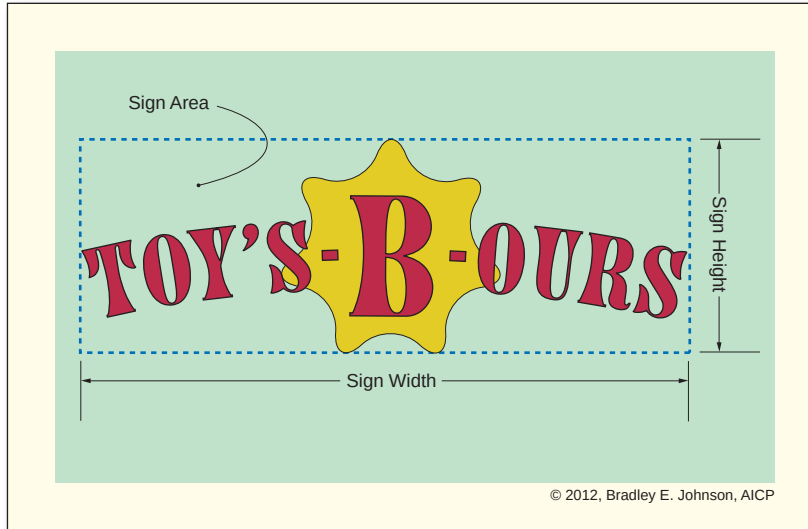
Sign: Any name, identification, description, display, or illustration which is affixed to, painted on, or is represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization, or business.



Sign, Abandoned: Any sign that advertises a business, lessor, owner, product, service or activity that is no longer located on the premises where the sign is displayed.

Definitions - Sign Face

Sign Area: The entire area within a rectangle or square enclosing the extreme limits of a sign, including all background area figures and letters. However, the area shall not include any structural elements lying outside the limits of the sign which are not part of the information, visual attraction or symbolism of the sign.



Sign, Attached: Any sign, which is fastened, attached, connected, or supported to a building in a secure and permanent manner.

Sign, Ancillary: A freestanding, permanent sign accessory to the primary use of land that is smaller than any Monument or Ground Sign located on the lot. For Illustrative Purposes Only, examples may include a sign identifying directions, clubhouse rules, menu options, list of tenants.

Sign, Awning: Any sign copy or logo attached to or painted on an awning.

Sign Blank: a blank, black or white panel inserted into a sign frame to replace the sign copy associated with a former business, project, service or other use.

Sign, Cabinet: A sign that contains all the text and/or logo symbols within a single enclosed cabinet and may or may not be illuminated.

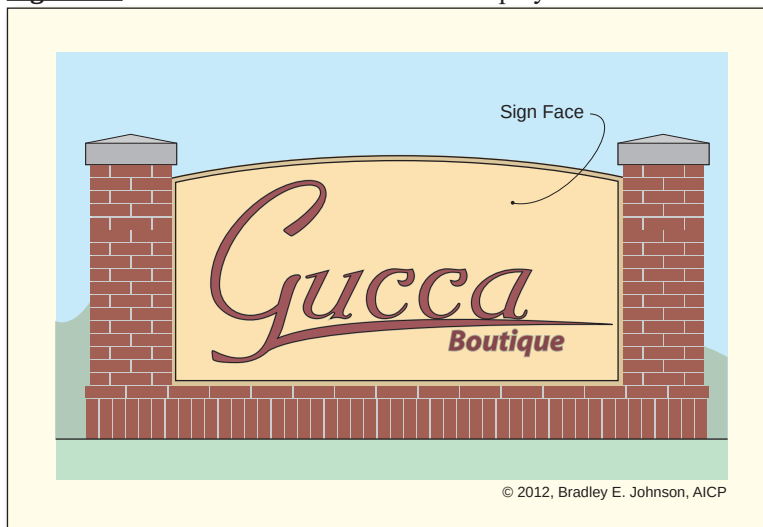
Sign, Commercial: A sign identifying only the name and location of a particular business enterprise and located on the premises where the sign is displayed.

Sign, Detached: Any sign not attached to a building.

Sign, Double-faced: A sign constructed to display its message on the outer surfaces of two (2) identical and opposite parallel planes.

Sign, Electronic Message Center (EMC): A Sign or Sign component with a fixed or changeable display composed of a series of lights, including but not limited to light emitting diode (LED), that may be changed through electronic means.

Sign Face: The surface intended for the display of information on the sign.



Definitions - Sign, Flashing

Sign, Flashing: Any illuminated sign which exhibits changing light or color effects. This does not include an Electronic Message Center (EMC).

Sign, Ground: A sign supported by one or more uprights, posts, or bases placed upon or affixed in the ground and not attached to any part of a building. It includes freestanding signs and monument signs. (See graphic for "Sign")

Sign, Illuminated: A sign which has characters, letters, figures, designs, or outline illuminated by electric lights or luminous tubes as a part of the sign proper, or which is illuminated by reflectors.

Sign, Incidental: Small, permanent, freestanding or building sign accessory to the primary use of land that is located on or within close proximity to specific areas of a site including; pedestrian entrances and exits, parking areas, loading areas, service areas, drive-through service areas, natural landscaping areas, rain gardens, bioswales, and storm water management features, and hazardous materials areas.

Sign, Integrated Center Monument: A development of one (1) or more lots comprised of:

- Two (2) or more individual, unrelated and separately operating tenants in one (1) building sharing common-site facilities; or
- One (1) or more building containing unrelated and separately operating tenants occupying a common site, which utilize one (1) or a combination of common site facilities such as a driveway entrance, parking area, driving lanes, maintenance and similar common services; or
- One (1) or more building containing unrelated and separately operating tenants occupying individual sites, which are interrelated by the utilization of one (1) or a combination of common facilities, such as driveway entrance, public or private street network, parking areas, maintenance and other services; or
- Two (2) or more buildings that are operated and related to the same business that share common site facilities.

Sign Maintenance: The repair or replacement in kind of individual sign components that may include the repair or replacement of panels; electrical wiring and bulbs; paint, stucco or other exterior finishes. This may also include the repair or replacement of metal or wood cabinets, structural faces, supporting structural mechanisms and poles, or the sign in its entirety.

Sign, Monument: A ground sign that is permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted on a pole. This sign could be displayed on a decorative feature of brick, wood or other material type permitted by this ordinance, which is intended to serve as an entry feature or focal point.

Sign, Nonconforming: See "Nonconforming Sign."

Sign, Non-Commercial: Any sign wording, logo or other representation that, directly or indirectly, does not name, advertise, or call attention to a business, product, service, or other commercial activity.

Sign, Off-Premises: A sign directing attention to a specific business, product, service, entertainment, or any other activity offered, sold, or conducted elsewhere than upon the lot where the sign is displayed.

Sign, On-Premises: A name, identification, description, display of illustration or symbol which is affixed to, or painted, or represented directly upon a structure or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization, or business located on, in, or within such structure or on such piece of land and which is visible from any public street, right-of-way, sidewalk, park, or other public property.

Sign, Permanent: A sign that is designed or intended to be used indefinitely, or used indefinitely without change in the same state or place, including, but not limited to, business signs, directional signs, residential complex or subdivision signs, ground signs, and illuminated signs.

Sign Permit: A permit signed by the Zoning Administrator, stating that a proposed sign has met with general provisions of this ordinance.

Sign, Pole: A sign mounted on a freestanding pole or other support so that the bottom edge of the sign face is eight (8) feet or more above finished grade.

Sign, Portable: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu or sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in normal day-to-day operations of the business. (See graphic for "Sign")

Sign, Projecting: Any sign other than a wall sign affixed to any structure or wall whose leading edge extends beyond such structure or wall. (See graphic for "Sign")

Sign, Roof: A sign which is erected, constructed, and maintained above any portion of the roof. (See graphic for "Sign")

Sign Surface: See "Sign Face."

Definitions - Street Intersection

Sign, Tall: A sign located within 1,000 feet of Interstate 74 for the purpose of advertising a commercial establishment to interstate vehicular traffic.

Sign, Temporary: A sign or advertising display constructed of cloth, canvas, fabric, plywood, plastic, or other light material and designed or intended to be displayed for a short period of time. Temporary signs are portable signs that are not permanently attached to the ground or other permanent structures, or a sign designed to be transported. Temporary signs include, but are not limited to: sandwich boards, wall and ground banners, yard cards, advertisement flags, signs on balloons and umbrellas, and reader boards (on wheels).

Sign, Under-canopy: A display attached to the underside of a marquee or canopy and projecting perpendicular from a structure over public or private sidewalks or right-of-way.

Sign, Vehicle: A sign on a vehicle not customarily and regularly used to transport persons or properties and parked or placed so that the sign is visible from a public street or right-of-way and also parked primarily for the purpose of displaying the sign.

Sign, Wall: A sign attached to and/or integral with exterior wall or window surface of a building, the face of which is parallel to the surface and which does not project more than nine (9) inches from the surface. (See graphic for "Sign")

Sign, Window: Any sign placed on, affixed to, painted on or located within the confines of a window.

Sign, Yard Card: A temporary sign used to advertise a special sale, event or occasion.

Single Tenant: See "Tenant, Single."

Site Development Plan: The plan indicating the location of existing and proposed buildings, structures, paved areas, sidewalks, vegetative cover, landscaping and screening within a site proposed for development which is to be submitted for approval prior to the release of Improvement Location Permits on the site consistent with the requirements of *Article 9: Processes* of this Ordinance and *IC 36-7-4-1400 series*.

Skating Rink: An establishment that provides facilities for patron skating.

Sketch Plan: A drawing portraying the general layout of a proposed subdivision, for the purpose of discussion and classification.

Solar Energy Production: The use of photovoltaic panels or similar technologies for the conversion of sunlight into energy for consumption, storage, or sale.

Special Exception: A use that would not be appropriate generally or without restrictions throughout the zoning district, but if controlled as to number, area, location, or relation to the neighborhood, would promote public health, safety, and general welfare.

Special Exception Use: See "Use, Special Exception."

Specified Anatomical Area: Less than completely and opaquely covered human genitals, pubic region, buttock, female breast below a point immediately above the top of the areola, and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities: Human genitals which are in a state of sexual stimulation or arousal; or, acts of human masturbation, sexual intercourse or sodomy; or, fondling or other erotic touching of human genitals, pubic regions, naked buttocks, or female breasts.

Sporting Goods Shop: An establishment that primarily sells sporting equipment, sporting apparel, and related items.

Spotlight: A fixture designed to direct a narrow intense beam of light on a desired area.

State: The State of Indiana.

Stationary Shop: An establishment that primarily sells stationary, paper, cards, writing utensils, and various related items.

Stockade Fence: A wooden fence made of half round posts with pointed tops.

Stop Work Order: A written document issued by an enforcement official which requires the cessation of an activity.

Storage, Outdoor: See "Outdoor Storage."

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling above it.

Stream Bank: The usual boundaries, not the flood boundaries, of a stream channel.

Street: A public thoroughfare, including a road, highway, drive, lane, avenue, place, boulevard, and any other thoroughfare that affords vehicular access to abutting property.

Street Frontage: The distance along which a property line of a lot abuts the right-of-way of an adjacent street.

Street, Half: A street for which only half of the required right-of-way and/or pavement width has been provided.

Street, Intersecting: Any street that joins another street at an angle, whether or not it crosses that street.

Street Intersection: The point of crossing or meeting of two (2) or more streets.

Definitions - Street, Arterial

Street, Arterial: A street which serves the major traffic movements within a community, such as between the central business district and the outlying commercial and residential areas, as well as a majority of the vehicular traffic entering and leaving the city to travel to and from adjacent communities. Shelbyville arterial streets are identified in the Thoroughfare Plan within the *City of Shelbyville Comprehensive Plan*.

Street, Collector: A street designed and used to carry moderate volumes of traffic from local streets to arterial streets. Shelbyville collector streets are identified in the Thoroughfare Plan within the *City of Shelbyville Comprehensive Plan*.

Street, Cul-de-Sac: A street having one (1) end open to traffic that is permanently terminated by a vehicular turnaround.

Street, Intersecting: Any street that joins another street at an angle, whether or not it crosses the other street.

Street, Local: A street designed to provide vehicular access between individual properties and the collector and arterial street system. Shelbyville local streets are identified by the Thoroughfare Plan within the *City of Shelbyville Comprehensive Plan*.

Street, Non-Residential: Any local or collector street where the primary land use of the lots which the street provides access to, on either side of the street is primarily non-residential (such as commercial, industrial, or institutional).

Street, Private: Any street which is privately owned and maintained that is used to provide vehicular access to more than one (1) property or dwelling unit.

Street, Public: A street constructed and maintained by a unit of government within an officially deeded and accepted public right-of-way.

Street, Residential: Any local or collector street where the primary land use of the lots which the street provides access to, on either side of the street is primarily residential.

Street Width: The width of the paved surface of a street, measured from back-of-curb to back-of-curb or from edge-of-pavement to edge-of-pavement where curbs are not present.

Structural Alterations: Any change in the supporting members of a building or structure such as bearing walls, partitions, columns, beams or girders, or any substantial change in the footprint or increasing size of living space. Also, substantial roofing and siding work when repairs are made to the structure beneath.

Structure: Any building or other object that is constructed or erected that requires location on or under the ground or is attached to something on the ground.

Structure Height: The vertical distance measured from ground level to the highest point of the roof.

Student Co-op: A residence where a group of students lives as a single housekeeping unit, possibly on a seasonal basis.

Subdivider: Any person or other entity which initiates proceedings to create a subdivision. See also "Developer."

Subdivision: The division of any lot, tract, or parcel of land into two (2) or more lots, tracts, parcels, or other divisions for the purpose, whether immediate or future, of sale, transfer, gift, or lease which results in one (1) or more new building sites.

Subdivision, Major: A subdivision that creates more than three (3) new lots (including any remaining tract) and/or that requires the creation of any new public improvements.

Subdivision, Minor: A subdivision that (1) results in the creation of three (3) or fewer new lots (including any remaining tract), each of which fronts on an existing street and (2) does not include the construction of any new public improvements. Minor subdivisions may include the upgrade of existing public improvements such as the construction of sidewalks, the dedication of additional street right-of-way along an existing street, and/or the extension of utility services to the new lots.

Supermarket: Large-scale retailers of food and grocery supplies, typically also including flower shops, pharmacies, bakeries, branch banks, and other complimentary and incidental uses.

Surety: An amount of money or other negotiable instrument provided by a developer, to the City which guarantees that they will perform all actions required by the City regarding an approved site plan, plat, or other improvement. Surety provides, if the developer fails to comply with the requirements of approval, funds for the City to complete those requirements.

Swimming Pool: Any structure located either at, above, or below grade which is designed and/or used to hold water which exceeds two (2) feet in depth at any point for the purpose of recreation and entertainment of adults and children.

Tailor Shop: An establishment that alters and repairs clothing for patrons.

Tanning Salon: Any business which provides a service using artificial lighting systems to produce a tan on a person's body, including the incidental sale of tanning products.

Tavern: See "Bar."

Technical Review Committee: The group of agencies notified of a proposed development and asked to review and comment including the Zoning Administrator, City Engineer, Police Chief, Fire Chief, Street Commissioner, and any other representatives deemed necessary by the Zoning Administrator to review a proposed project.

Telecommunications: The transmission between or among geographic points of information without change in the form or content of the information as sent or received.

Telecommunications Facility: Any structure or device, including all appurtenances, used for the purpose of collecting or radiating electromagnetic waves, including those used to transmit cellular telephone service, data, radio and television signals, and any other information.

Telecommunications Tower: A mast, pole, monopole, guyed, or freestanding framework, or other vertical structure that acts as an antenna or to which an antenna is affixed or attached.

Temporary Seasonal Sales: See "Sales, Temporary Seasonal."

Temporary Use: See "Use, Temporary."

Tenant, Multiple: A building with more than one (1) tenant occupying more than one (1) space typically divided by walls, and that exist independent of other spaces.

Tenant, Single: A building with more only one (1) tenant.

Theater: A facility for audio and visual productions and performing arts, excluding adult motion picture theaters and adult entertainment businesses.

Thoroughfare Plan: The section of the *City of Shelbyville Comprehensive Plan* that sets forth the location, alignment, dimensions, and classification of existing and proposed streets and other thoroughfares.

Tool and Die Shop: An establishment that processes, cuts, and molds metal into tools, molds, machine components, and similar products.

Topography: The configuration of the earth's surface, including the relative relief, elevations, and position of land features.

Tower: A ground pole, spire, structure, or combination thereof including supporting lines, cables, wires, braces, and masts intended primarily for the purpose of mounting an antenna, a meteorological device, or other similar apparatus above ground.

Traffic Calming: Methods of reducing the negative impact of vehicles on surrounding land uses and other methods of personal transportation through street design that decreases the speed of vehicles and provides increased space and comfort for pedestrians.

Trash Container: Any container used to store trash and that is ninety-six (96) gallons in volume or less.

Trade or Business School: A specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills such as accounting, data processing, and computer repair. Includes vocational schools and career centers.

Trail: A public way, separate from a street, alley, or other vehicle roadway, designed for and used by pedestrians, cyclists, and others using non-motorized transportation and recreation equipment.

TRC: See "Technical Review Committee."

Tree, Canopy: A deciduous tree that grow to at least 40 feet in height and have a canopy that is round or oval in shape. Conical, pear, or tubular shaped trees are not canopy trees.

Tree, Deciduous: Trees and shrubs that shed their leaves annually.

Tree, Evergreen: Trees and shrubs that do not shed their leaves annually.

Tree, Ornamental: A deciduous tree possessing qualities such as flowers or fruit, attractive foliage, bark or shape, with a mature height under 40 feet.

Tree, Street: A tree that is currently located or proposed to be located along streets, either within the right-of-way or on private property adjacent to the right-of-way.

Truck Freight Terminal: An area and building where trucks and cargo are stored, where loading and unloading is carried on regularly, and where minor truck maintenance is performed.

Truck Sales and Service: Any establishment that sales and services semi-trucks, grain trucks, and other vehicles similar in size. Inoperable trucks may be stored on a temporary basis, and only if they to be serviced.

Truck Stop: A facility designed and used to provide services to the trucking industry including, but not limited to, fuel stations, repair shops, truck washes, restaurants, convenience stores, weight scales, and shower facilities, all as part of a unified facility.

Turf-Grass: Grass grown for lawns, of a type that forms a dense, even turf if mown and maintained.

Undeveloped Land: Land in its natural state.

Definitions - University (or college)

University (or college): An institution for post-secondary education, public or private, offering courses in general, technical, or religious education and operated not-for-profit. It operates in buildings owned or leased by the institution for administrative and faculty offices, student and faculty housing, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, community rooms and facilities, athletic facilities, fraternities and sororities. A university may include for-profit businesses and facilities that are incidental to the educational, cultural, and athletic functions and which lease space from the institution. A university shall not include trade schools operated for profit.

Unnecessary Hardship: A hardship which is subject to relief by means of variance, such as those that result from exceptional topographic conditions, exceptional physical conditions of a parcel of land, or other characteristics of the property that are unique from those of adjoining property in the same zoning district. Hardships which are self-imposed, resulting from errors in judgement on the part of the property owner, or based on a perceived reduction in economic gain shall not be considered unnecessary hardships.

Use: The purposes of which land, building, or structure thereon is designed, arranged, or intended, or for which it is occupied, maintained, let, or leased.

Use Category: a group of similar use types that are associated with each other to such an extent that they are grouped together for the purpose of identifying land uses by this Ordinance; such as retail uses, office uses, personal service uses, and general industrial production.

Use Variance: The approval of a use by the Board of Zoning Appeals which is not listed as a permitted or special exception use by this Ordinance and is not an accessory or temporary use associated with any primary use permitted by this Ordinance.

Use, Change of: The discontinuation of the specific primary use of a lot or structure and the replacement of that use with a different specific use.

Use, Existing: The use of a lot or structure present at the effective date of this Ordinance.

Use, Illegal: Any use that is neither legal nonconforming or permitted by right or special exception in the zoning district in which it is located as defined by this Ordinance.

Use, Nonconforming: A use which does not conform with the use regulations of the zoning district in which it is located.

Use, Permitted: Any use listed as a permitted use in this Ordinance or which is an accessory or temporary use associated with a permitted use for the zoning district in which it is located.

Use, Primary: The main use of land or structures as distinguished from an accessory use. A primary use may be either a permitted use or a special exception use.

Use, Special Exception: A use that is designated by this Ordinance as being permitted in a specific zoning district if it is found to be appropriate and upon application, is specifically authorized by the Board of Zoning Appeals.

Use, Temporary: A land use or structure established for a limited and fixed period of time with the intent to discontinue such use upon the expiration of the time period.

Utility Substation: A building or structure used for the distribution or transmission of utilities such as water, gas, electricity, or sewer.

Variance: A discretionary authorization issued by the Board of Zoning Appeals only upon finding, through a public hearing, that the proposed activity permitted by such Variance is in conformance with the intent of this code, the *City of Shelbyville Comprehensive Plan*, and will be compatible with, and not detrimental to, adjacent properties or the neighborhood in general and may be limited by specific conditions, restrictions, terms or time periods. This could be in the form of a departure from the literal requirements of the City of Shelbyville Municipal Code generally involving dimensional and location provisions, but excluding land use.

Variance, Development Standards: A specific approval granted by the Board of Zoning Appeals in the manner prescribed by this Ordinance, to deviate from the development standards (such as height, bulk, area) that the Ordinance otherwise prescribes.

Variance, Use: See "Use Variance."

Variety Store: A retail establishment that sells a multitude of consumer goods.

Vehicle: A device used as a mode of transportation of persons and/or goods including but not limited to automobiles, semi-tractor trailers, all types of trailers, snowmobiles, recreational vehicles, motorcycles, and like devices.

Vehicle Dealership: An establishment that sells new or used motor vehicles to the general public, and that has a license issued to do so by the Secretary of State.

Vehicle Detailing/Accessory Shop: An establishment that provides auto detailing services and/or sells associated merchandise. Services offered are cosmetic in nature, and do not include mechanical upgrades or repairs.

Definitions - Yard, Side

Vehicle, Inoperable: A vehicle which, due to mechanical defect or failure or incorrect or unapparent licensing, is not physically or legally able to be operated.

Vested Right: A right that has become fixed and cannot be revoked by subsequent changes of applicable regulations.

Veterinary Office (Animal Clinic): An establishment for the care, observation, or treatment of domestic animals.

Video Store: An establishment primarily engaged in the retail rental of DVD, videotapes, films, CD-ROMS, laser discs, video games, or other electronic media.

Waiver: A specific modification or lessening of the regulations established by this Ordinance that may be granted by the Plan Commission for a specific development in response to unique site characteristics or development patterns that justify relief from the otherwise generally applicable regulations.

Warehouse: A facility for the storage, wholesale, and distribution of manufactured products, supplies, and equipment.

Waste Disposal Facility: Any facility that functions to store or dispose of waste including incinerators, junk metal yard, sanitary landfills, refuse dumps, and inoperable vehicle storage.

Waste, Hazardous: See "Hazardous Waste."

Water Tower: A tower or standpipe that functions as a reservoir providing water to the community.

Watercourse: A lake, river, creek, stream, ditch, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Wellfield (Public Pumphouse): An area of land that contains one (1) or more existing or proposed wells for supplying water to a water utility.

Wetland: Areas that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to support vegetation typically adapted for life in saturated soil conditions as identified by the National Wetlands Institute and certified by an individual with a U.S. Army Corps of Engineers Regulation 4 Jurisdictional Wetland Certification.

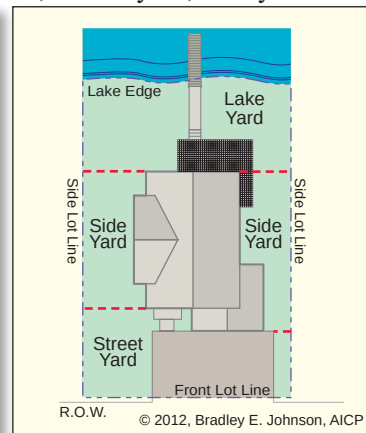
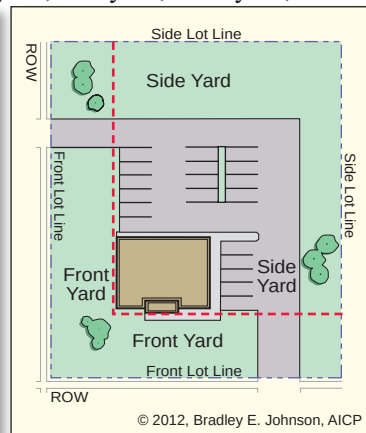
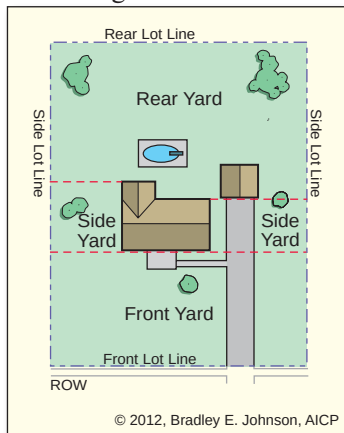
Wholesale Facility: An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers.

Winery: A facility in which wine products are grown and processed for commercial sales. The development may include other uses such as a retail shop, standard restaurant, bar or live entertainment.

Wireless Telecommunications Facility: See "Telecommunications Facility."

Wireless Telecommunications Services: See "Telecommunications Facility."

Yard: A generic term for side yard, rear yard, front yard, street yard, or lake yard; or any combination thereof.



Yard Sale: See "Garage Sale."

Yard, Front: The horizontal space between the front facade(s) of a primary structure and the front lot line, extending to the side lot lines. This definition also applies to the largest storage-based or support-based accessory structure with a permanent foundation on a lot without a primary structure (See graphic for "Yard").

Yard, Rear: The horizontal space between the rear facade(s) of a primary structure and the rear lot line, extending to the side lot lines of the lot. Corner lots do not have rear yards, rather they have two side yards. This definition also applies to the largest storage-based or support-based accessory structure with a permanent foundation on a lot without a primary structure (See graphic for "Yard").

Yard, Side: The horizontal space between the side facade(s) of a primary structure and the side lot line, extending to the front yard (or street yard) and rear yard (or lake yard). This definition also applies to the largest storage-based or support-based accessory structure with a permanent foundation on a lot without a primary structure (See graphic for "Yard").

Definitions - Zoning Administrator

Zoning Administrator: The persons responsible for administering, implementing and enforcing this Ordinance. In Shelbyville, the Plan Commission Director, Plan Commission staff, and/or the Mayor's designee.

Zoning District: A section of the City of Shelbyville for which uniform zoning regulations governing use, height, area, size, intensity of use of buildings and land, and open spaces around buildings, are established by this Ordinance.

Zoning Map: See "Official Zoning Map."

Appendix

A

City of Shelbyville Unified Development Ordinance

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**Shelby
ville.**

Land Use Matrix - Agricultural Uses

Primary Land Use (P - Permitted Use) (S - Special Exception Use)	PK - Park and Open Space	AG - Agriculture	AR - Agriculture/Rural Residential	R1 - Single-family Residential	R2 - Two-family Residential	RM - Multi-family Residential	MP - Manufactured Home Park	IS - Institutional	BN - Business Neighborhood	BC - Business Central	BG - Business General	BH - Business Highway	IL - Light Industrial	IG - General Industrial	HI - High Impact
	PK	AG	AR	R1	R2	RM	MP	IS	BN	BC	BG	BH	IL	IG	HI
Agriculture Uses															
agricultural product sales, distribution, and storage facility • fertilizer sales, distribution, and storage • seed sales, distribution, and storage • farm co-op facility		S										S	P		
animal boarding			P												
commercial greenhouse												S	P		
farm equipment sales and service												S			
farm (general) • grazing and pasture land • livestock, raising and breeding • crop production • crop processing and storage (materials produced on-site)		P	P										P	P	
farmer's market (for sale of products grown off-site)		S	S							P	P	S			
farmer's market (for sale of products grown on-site)		P													
livestock auction/sales facility		S													
winery		P	P												

Land Use Matrix - Commercial Uses

Primary Land Use (P - Permitted Use) (S - Special Exception Use)	PK - Park and Open Space	AG - Agriculture	AR - Agriculture/Rural Residential	R1 - Single-family Residential	R2 - Two-family Residential	RM - Multi-family Residential	MP - Manufactured Home Park	IS - Institutional	BN - Business Neighborhood	BC - Business Central	BG - Business General	BH - Business Highway	IL - Light Industrial	IG - General Industrial	HI - High Impact
	PK	AG	AR	R1	R2	RM	MP	IS	BN	BC	BG	BH	IL	IG	HI
Commercial Uses															
animal grooming									P	P	P	P			
auto-oriented uses (small scale) • gas station • car wash										S	P	P			
auto-oriented uses (medium scale) • auto repair • body shop • vehicle detailing/accessory shop • oil change facility										S	P	P			
auto-oriented uses (large scale) • automobile/motorcycle sales and service • recreational vehicle sales and service												P			
bank/financial institution									S	P	P	P			
bus/mass transit terminal										S	S	S			
call center										P	P		P		
circus or carnival	P									S					
conference center										P	P	P	S		
data center													P	P	
data processing and entry center										P	P		P		
drive-up/drive thru facility (as an accessory use)									S	S	P	P			
fireworks sales											S				
health spa	S	S	S							S	S				
hotel/motel										P	P	P	S		
kennel		S	S									S	S		
mobile/manufactured home sales												S			
office uses • administrative offices • business services • copy center • dental office • employment services • financial services • investment firm • medical office • print shop • professional services • radio/tv station • veterinary office/animal clinic (without outdoor kennel)									P	P	P	P			
performing arts center										P					

Land Use Matrix - Commercial Uses

Primary Land Use (P - Permitted Use) (S - Special Exception Use)	PK - Park and Open Space	AG - Agriculture	AR - Agriculture/Rural Residential	R1 - Single-family Residential	R2 - Two-family Residential	RM - Multi-family Residential	MP - Manufactured Home Park	IS - Institutional	BN - Business Neighborhood	BC - Business Central	BG - Business General	BH - Business Highway	IL - Light Industrial	IG - General Industrial	HI - High Impact
	PK	AG	AR	R1	R2	RM	MP	IS	BN	BC	BG	BH	IL	IG	HI
Commercial Uses															
personal service uses • barber • beauty shop • dance studio • dry cleaners • fitness center • gymnastics center • martial arts studio • photographic studio • self-service laundry • shoe repair • tailor • tanning salon									P	P	P	P			
recreation uses (small scale) • billiard hall or arcade • night club • theater • micro brewery/brewpub • bar									S	P	P	P			
recreation uses (medium scale) • bowling alley • banquet hall • assembly hall • miniature golf course • shooting/archery range (indoor) • skating rink • swimming pool										S	P	S			
recreational uses (large scale) • riding stable • seasonal hunting or fishing facility	S	S	S												
restaurant									P	P	P	P			
retail (type 1) • art or photo gallery • bakery (retail) • bookstore • convenience store (without gas station) • deli • flower shop • gift shop • ice cream shop • stationary shop • video store									P	P*	P	P			

* Special conditions apply, see Article 2 for those restrictions

Land Use Matrix - Commercial Uses

Primary Land Use (P - Permitted Use) (S - Special Exception Use)	PK - Park and Open Space	AG - Agriculture	AR - Agriculture/Rural Residential	R1 - Single-family Residential	R2 - Two-family Residential	RM - Multi-family Residential	MP - Manufactured Home Park	IS - Institutional	BN - Business Neighborhood	BC - Business Central	BG - Business General	BH - Business Highway	IL - Light Industrial	IG - General Industrial	HI - High Impact
	PK	AG	AR	R1	R2	RM	MP	IS	BN	BC	BG	BH	IL	IG	HI
Commercial Uses															
retail (type 2) • antique shop • apparel store • auto parts sales (without on-site repair) • building finishes shop (paint, carpet, wallpaper, etc.) • craft store • fabric store • footwear store • garden shop • grocery store • jewelry store • meat market • media store (cds/dvd/records) • music store (instruments) • pet store • pharmacy • repair services (appliances) • repair services (electronics) • sporting good shop • variety store									S	P*	P	P			
retail (type 3) • appliance store • auction facility (excluding livestock) • building supply store • department store • hardware store • home electronics • office supply store • shopping mall • supermarket										S	P	P			
retreat center	S	S	S							S	S		S		
sexually oriented entertainment business											P				
shooting range (outdoor)															P
truck stop												S			

* Special conditions apply, see Article 2 for those restrictions

Land Use Matrix - Industrial Uses

Primary Land Use (P - Permitted Use) (S - Special Exception Use)	PK - Park and Open Space	AG - Agriculture	AR - Agriculture/Rural Residential	R1 - Single-family Residential	R2 - Two-family Residential	RM - Multi-family Residential	MP - Manufactured Home Park	IS - Institutional	BN - Business Neighborhood	BC - Business Central	BG - Business General	BH - Business Highway	IL - Light Industrial	IG - General Industrial	HI - High Impact
	PK	AG	AR	R1	R2	RM	MP	IS	BN	BC	BG	BH	IL	IG	HI
Industrial Uses															
agricultural products terminal		S										S	S	P	
animal and animal products processing													S	S	S
boat/rv storage facility													S		
concrete/asphalt production facility														S	P
contractor's warehouse/storage facility													P		
explosive manufacturing and storage															P
food and beverage production														S	
general industrial production • fabrication facility • manufacturing facility														P	
hazardous materials production • bottled gas storage and distribution • petroleum and chemical processing and storage														S	S
incinerator															P
inoperable vehicle storage															P
junk/scrap metal yard															P
light industrial assembly and distribution • assembly • packaging facility • printing/publishing facility													P	P	
light industrial processing and distribution • tool and die shop													P	P	
mineral extraction and processing		S	S											S	P
mini-storage facility													P		
recycling center															P
refuse dump															S
research and development facility											P		P	P	
salvage yard															P
sanitary landfill															S
truck freight terminal												S	S	S	
truck sales and service center												S	S	S	
warehouse and distribution facility											S	S	P	P	
waste disposal facility														S	P
wholesale facility												S	P		

Land Use Matrix - Institutional Uses

Primary Land Use (P - Permitted Use) (S - Special Exception Use)	PK - Park and Open Space	AG - Agriculture	AR - Agriculture/Rural Residential	R1 - Single-family Residential	R2 - Two-family Residential	RM - Multi-family Residential	MP - Manufactured Home Park	IS - Institutional	BN - Business Neighborhood	BC - Business Central	BG - Business General	BH - Business Highway	IL - Light Industrial	IG - General Industrial	HI - High Impact
	PK	AG	AR	R1	R2	RM	MP	IS	BN	BC	BG	BH	IL	IG	HI
Institutional Uses															
airport								P					P		
cemetery	S	P	P	S	S			P							
community center	P				S	S	S	P	P	P					
day care center				S	S	S	S	P	P	S	P		S		
fairgrounds	P	S	S					P							
funeral home								P		P	P				
government facility	S							P			S	S	P		P
government office	S							P		P	P	S			
heliport								P					S	S	
hospital/medical center								P		P	P	S	S		
library	S							P	P	P	S				
lodge or private club	S							P		P	P				
medical or health clinic								P	P	P	P	P	S	S	
museum or gallery	S							P		P	S	S			
parking lot or parking garage (primary use)	S							P	S	S	P	P	P	P	
penal or correctional institution										S			S		P
place of worship								P		S					
police, fire, or rescue station	S	S	S	S	S	S	S	P	S	P	P	P	P	P	
post office								P		P	S				
school (P-12)			S					P		S					
trade or business school								P		P	P		P	S	
university or college								S		S	P		P		

Land Use Matrix - Park Uses

Primary Land Use (P - Permitted Use) (S - Special Exception Use)	PK - Park and Open Space	AG - Agriculture	AR - Agriculture/Rural Residential	R1 - Single-family Residential	R2 - Two-family Residential	RM - Multi-family Residential	MP - Manufactured Home Park	IS - Institutional	BN - Business Neighborhood	BC - Business Central	BG - Business General	BH - Business Highway	IL - Light Industrial	IG - General Industrial	HI - High Impact
	PK	AG	AR	R1	R2	RM	MP	IS	BN	BC	BG	BH	IL	IG	HI
Park Uses															
campground/rv park	S														
driving range	P		S	S	S	S									
golf course and/or country club	P		S	S	S	S									
nature preserve/center	P	P	P	P	P	P	P		P		P	P	P	P	
park, private	P														
park, public	P	P	P	P	P	P	P		P	P	P				

Land Use Matrix - Residential Uses

Primary Land Use (P - Permitted Use) (S - Special Exception Use)	PK - Park and Open Space	AG - Agriculture	AR - Agriculture/Rural Residential	R1 - Single-family Residential	R2 - Two-family Residential	RM - Multi-family Residential	MP - Manufactured Home Park	IS - Institutional	BN - Business Neighborhood	BC - Business Central	BG - Business General	BH - Business Highway	IL - Light Industrial	IG - General Industrial	HI - High Impact
	PK	AG	AR	R1	R2	RM	MP	IS	BN	BC	BG	BH	IL	IG	HI
Residential Uses															
assisted living facility					S	P		P	S	S	S				
bed and breakfast facility		S	S						S	S	S				
boarding house			S			S				S		S			
dwelling, multiple-family						P					P	P			
dwelling, multiple-family (excluding ground level storefronts not historically used for residential)									P	P					
dwelling, single family (on upper floors of other uses)									P	P					
dwelling, single-family		S	P	P	S										
dwelling, two-family					P	P									
dwelling, two-family (on upper floors of other uses)									P	P					
fair housing facility (small)			P	P	P	P		P	S	S	S				
fair housing facility (large)			S	S	S	S		P	S	S					
farmstead		P	P	P	S								P	P	
mobile home/manufactured home park							P								
nursing home					S	P		P	S	S	S				
retirement facility					S	P			S	S	S				

Land Use Matrix - Utility Uses

Primary Land Use (P - Permitted Use) (S - Special Exception Use)	PK - Park and Open Space	AG - Agriculture	AR - Agriculture/Rural Residential	R1 - Single-family Residential	R2 - Two-family Residential	RM - Multi-family Residential	MP - Manufactured Home Park	IS - Institutional	BN - Business Neighborhood	BC - Business Central	BG - Business General	BH - Business Highway	IL - Light Industrial	IG - General Industrial	HI - High Impact
	PK	AG	AR	R1	R2	RM	MP	IS	BN	BC	BG	BH	IL	IG	HI
Utilities Uses															
communication service exchange										S	P	P	P	P	
sewage treatment plant		S	S										P	P	P
telecommunications facility		S	S					S		S	S	P	P	P	P
utility substation	S	P	P							S	P	P	P	P	P
water tower	S	S	S	S	S	S	S		S	S	S	P	P	P	
wellfield or public pumphouse	S	P	P												
solar energy production, as an accessory use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
solar energy production, as a primary use															S

Appendix

B

*City of Shelbyville
Unified Development
Ordinance*

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**Shelby
ville.**

Landscaping Tables- Approved Canopy Trees

Approved Canopy Trees

Common Name	Scientific name
Approved Plant Species	
American Beech	Fagus gradifolia
American Hornbeam	Carpinus caroliniana
Amur Maackia	Maackia amurensis
Bald Cypress	Taxodium distichum
Basswood	Tilia americana
Bitternut Hickory	Carya cordiformis
Black Alder	Alnus glutinosa
Black Cherry	Prunus serotina
Black Locust	Robinia pseudoacacia
Black Maple	Acer nigrum
Black Oak	Quercus velutina
Black Walnut	Juglans nigra
Blackhaw Viburnum	Viburnum prunifolium
Blue Ash	Fraxinus quadrangulata
Bur Oak	Quercus macrocarpa
Cockspur Hawthorn	Crataegus crus-galli
Common Hackberry	Celtis occidentalis
Chestnut Oak	Quercus montana
Chinkapin Oak	Quercus muehlenbergii
Common Chokeberry	Prunus virginiana
Crimean Linden	Tilia x euchiora
Dawn Redwood	Metasequoia glyptostroboides
Doublefile Viburnum	Viburnum plicatum tomentosum
English Oak	Quercus robur
European Ash	Fraxinus excelsior
European Beech	Fagus sylvatica
European Hornbeam	Carpinus betulus
Freeman Maple	Acer x freemanii
Green Ash	Fraxinus pennsylvanica
Hardy Rubber Tree	Eucommia ulmoides
Hawthorn	Crataegus viridis
Hazelnut Tree	Corylus americana
Hedge Maple	Acer campestre
Honeylocust	Gleditsia triacanthos
Hop Hornbeam	Ostrya virginiana
Horse chestnut	Aesculus hippocastanum
Japanese Tree Lilac	Syringa reticulata
Japanese Zelkova	Zelkova serrata
Katsura Tree	Cercidiphyllum japonicum
Kentucky Coffee Tree	Gymnocladus dioicus

Landscaping Tables- Approved Canopy Trees

Common Name	Scientific name
Kousa Dogwood	Cornus kousa
Littleleaf Linden	Tilia cordata
Mockernut Hickory	Carya tomentosa
Nannyberry	Viburnum lentago
Nannyberry Viburnum	Viburnum lentago
Nikko Maple	Acer maximowiczianum
Northern Red Oak	Quercus rubra (borealis)
Ohio Buckeye	Aesculus glabra
Overcup Oak	Quercus lyrata
Pagoda Dogwood	Cornus alternifolia
Paperbark Maple	Acer griseum
Pawpaw	Carica papaya
Pecan	Carya illinoensis
Pignut Hickory	Carya glabra
Pin Oak	Quercus palustris
Pitch Loblolly Pine	Pinus rigida
Persimmon	Diospyros virginiana
Redbud	Cercis canadensis
Red Horse Chestnut	Aesculus x carnea
River Birch	Betula nigra
Roughleaf dogwood	Cornus drummondii
Schumard Oak	Quercus shumardii
Serviceberry	Amelanchier species
Shagbark Hickory	Carya ovata
Shellbark Hickory	Carya laciniosa
Shingle Oak	Quercus imbricaria
Silver Linden	Tilia tomentosa
Silver Maple	Acer saccharinum
Spicebush	Lindera benzoin
Sugar Hackberry	Celtis laevigata
Sugar maple	Acer saccharum
Swamp Chestnut Oak	Quercus michauxii
Scarlet Oak	Quercus coccinea
Swamp White Oak	Quercus bicolor
Sweetgum	Liquidambar styraciflua
Sycamore	Platanus occidentalis
Tartarian Maple	Acer tartaricum
Three-Flowered Maple	Acer triflorum
Tulip Tree	Liriodendron tulipifera
Turkish Filbert	Corylus colurna
Washington Hawthorn	Crataegus phaenopyrum

Landscaping Tables- Approved Canopy Trees

Common Name		Scientific name
White Ash		Fraxinus americana
White Oak		Quercus alba
Winged sumac		Rhus copallinum
Winter King Green Hawthorn		Crataegus viridis
Yellowwood		Cladrastis kentukea (lutea)
Other Resources of Approved Plant Species		
Resource Name	Publisher	Link
City of Franklin, Indiana Approved Street Tree List	Indiana's City Foresters, IDNR, Community and Urban Forestry	https://www.franklin.in.gov/egov/documents/1256823428_607299.pdf
Index of Trees	Purdue University Fort Wayne	https://www.pfw.edu/microsites/native-trees/the-native-trees/index-of-trees
Indiana Community Tree Selection Guide	Indiana's City Foresters, IDNR, Community & Urban Forestry	https://newhaven.in.gov/DocumentCenter/View/309/Tree-Selection-Guide-PDF
Photo Index to Indiana Natives	Indiana Native Plant Society	https://indiananativeplants.org/photo-index/#grasses
Tree Species Information	IDNR	https://www.in.gov/dnr/forestry/tree-seedling-nurseries/tree-species-information/
101 Trees of Indiana: A Field Guide	Marion T. Jackson	

Landscaping Tables- Approved Evergreen Trees

Approved Evergreen Trees

Common Name		Scientific Name
Approved Plant Species		
American Arborvitae		Thuja occidentalis
American Holly		Ilex opaca
Austrian Pine		Pinus nigra
Bald Cypress		Taxodium distichum
Black Hills Spruce		Picea glauca
Blue Atlas Cedar		Cedrus atlantica glauca
Brackens Brown Beauty Magnolia		Magnolia grandiflora 'Bracken's Brown Beauty'
Canadian hemlock		Tsuga canadensis
Colorado blue spruce		Picea pungens glauca
Concolor white fir, Silver fir, Colorado fir		Abies concolor
DD Blanchard		Magnolia grandiflora
Eastern arborvitae		Thuja occidentalis
Eastern Hemlock		Tsuga canadensis
Claudia Wannamaker		Magnolia grandiflora 'Claudia Wannamaker'
Eastern Red Cedar		Juniperus virginiana
Fat Albert Spruce		Picea pungens
Jack Pine		Pinus banksiana
Marginal Wood Fern		Dryopteris marginalis
Northern White Cedar		Thuja occidentalis
Norway Spruce		Picea abies
Red Beauty Holly Tree		Ilex x 'Rutzan' PP #14,750
Red Pine		Pinus resinosa
Serbian Spruce		Picea omorika
Skyrocket juniper		Juniperus virginiana
Virginia Pine		Pinus virginiana
White Pine		Pinus strobus
Wintergreen		Gaultheria procumbens
White Cedar		Thuja occidentalis
Weeping Larch		Larix decidua 'Pendula'
Weeping Norway Spruce		Picea abies 'Pendula'
White Spruce		Picea glauca
Other Resources of Approved Plant Species		
Resource Name	Publisher	Link
Evergreens for Indiana	Garden Guides	https://www.gardenguides.com/102425-evergreens-indiana.html
Index of Trees	Purdue University Fort Wayne	https://www.pfw.edu/microsites/native-trees/the-native-trees/index-of-trees
Photo Index to Indiana Natives	Indiana Native Plant Society	https://indiananativeplants.org/photo-index/#grasses
Recommended Evergreen Trees	Hamilton County Master Gardener Association of Indiana	https://hcmga.org/wp-content/uploads/Recommended-Evergreen-Trees.pdf
Tree List	Hoosier Home and Garden	http://hoosierhomeandgarden.com/tree-list/
Tree Species Information	IDNR	https://www.in.gov/dnr/forestry/tree-seedling-nurseries/tree-species-information/
101 Trees of Indiana: A Field Guide	Marion T. Jackson	

Landscaping Tables- Approved Ornamental Trees

Approved Ornamental Trees

Common Name	Scientific Name
Approved Plant Species	
Autumn Brilliance Serviceberry	Amelanchier x 'Autumn Brilliance'
Black Gum	Nyssa sylvatica
Blackhaw Viburnum	Viburnum prunifolium
Cherries	Prunus species
Cockspur Hawthorn	Crataegus crus-galli
Coralburst Crabapple	Malus 'Coralcole'
Cornelian Cherry	Cornus mas
Crabapples	Malus species
Doublefile Viburnum	Viburnum plicatum tomentosum
Eastern Redbud	Cercis canadensis
Elizabeth Magnolia	Magnolia acuminata 'Elizabeth'
Flowering Crabapple	Malus spp.
Flowering Dogwood	Cornus florida
Forest Pansy Redbud	Cercis canadensis
Freeman maple	Acer x freemanii
Ginkgo	Ginkgo biloba
Highbush Cranberry	Viburnum trilobum
Hinoki Cypress Tree	Chamaecyparis obtusa. 'Gracilis'
Japanese Lilac Tree	Syringa reticulata
Japanese Maple	Acer palmatum
Katsura Tree	Cercidiphyllum japonicum
Kousa Dogwood	Cornus kousa
Magnolia	Magnolia species
Nannyberry Viburnum	Viburnum lentago
Nikko Maple	Acer maximowiczianum
Northern Red Oak	Quercus rubra (borealis)
Pagoda Dogwood	Comus alternifolia
PeeGee Hydrangea	Hydrangea paniculata 'Grandiflora'
Purple Robe Locust	Robinia x ambigua
Red Horse Chestnut	Aesculus x carnea
Red maple	Acer rubrum
Red Oak	Quercus rubra
Scarlet Oak	Quercus coccinea
Serviceberry	Amelanchier laevis
Snow Fountains Cherry	Prunus x subhirtella
Sugar maple	Acer saccharum
Sweetgum	Liquidambar styraciflura
Texas Whitebud	Cercis canadensis var. texensis
Three-Flowered Maple	Acer triflorum
Tricolor Beech	Fagus sylvatica 'Roseo-Marginata'
Tulip Tree	Liriodendron tulipifera
Washington Hawthorn	Crataegus phaenopyrum

Landscaping Tables- Approved Ornamental Trees

Common Name		Scientific Name
Wayfaring Tree		Viburnum lantana
Weeping Cherry Tree		Prunus subhirtella (Pendula)
Weeping Lavender Twist Redbud		Cercis canadensis
Winter King Green Hawthorn		Crataegus viridis
Winter King Hawthorn		Crataegus viridis
Yellowwood		Cladrastis kentukea (lutea)
Other Resources of Approved Plant Species		
Resource Name	Publisher	Link
Flowering Trees of Indiana	Garden Guides	https://www.gardenguides.com/96689-flowering-trees-indiana.html
Indiana Community Tree Selection Guide	Indiana's City Foresters, IDNR, Community & Urban Forestry	https://newhaven.in.gov/DocumentCenter/View/309/Tree-Selection-Guide-PDF
The Best Flowering Trees to add to Your Indiana Lawn	Anthony's Lawn Care and Landscaping	https://www.bloomingtonlandscape.com/the-best-flowering-trees-to-add-to-your-indiana-lawn/
Tree List	Hoosier Home and Garden	http://hoosierhomeandgarden.com/tree-list/
Tree Species Information	IDNR	https://www.in.gov/dnr/forestry/tree-seedling-nurseries/tree-species-information/
101 Trees of Indiana: A Field Guide	Marion T. Jackson	

Landscaping Tables- Approved Shrubs

Approved Shrubs

Common Name	Scientific name
Approved Plant Species	
Alice Hydrangea	Hydrangea quercifolia 'Alice'
American Cranberrybush	Viburnum trilobum
American Elderberry	Sambucus canadensis
American Hazelnut	Corylus americana
American Plum	Prunus americana
Arrowwood Viburnum	Viburnum dentatum
Bird's Nest Spruce	Picea abies 'Nidiformis'
Black Chokeberry	Aronia melanocarpa
Blackhaw Viburnum	Viburnum prunifolium
Bloomerang Lilac	Syringa 'Penda'
Bloomstruck Hydrangea	Hydrangea macrophylla '
Bobo Hydrangea	Hydrangea paniculata 'ILVOBO' PP #22,782; CPBR #4910
Bottlebrush Buckeye	Aesculus parviflora
Boxwood	Buxus
Buttonbush	Cephalanthus occidentalis
Climbers Rose	Rosa setigera
Common Witchhazel	Hamamelis virginiana
Cypress Mops	Chamaecyparis
Deutzia	Deutzia gracilis
Deutzia-Yuki	Deutzia x 'NCDX2' PP #28,347
Drift Roses	Rosa hybrida 'Drift'
Dwarf Fothergilla	Fothergilla gardenii
Dwarf Lilac	Syringa meyeri 'Palibin'
Elderberry	Sambucus nigra ssp. canadensis [Sambucus canadensis]
Firelight (Tidbit) Hydrangea	Panicle Hydrangea Hydrangea paniculata
Fineline Buckthorn	Rhamnus frangula
Fragrant Sumac	Rhus aromatica
Grey dogwood	Cornus racemosa
Haas Halo Hydrangea	Hydrangea arborescens 'Haas' Halo'
Incrediball Hydrangea	Hydrangea arborescens 'Abetwo' PP #20,571
Jetstream Hydrangea	Hydrangea Quercifolia 'piihq-1'
Knockout Rose	Rosa 'Knock Out'
Leather Flower	Clematis
Leatherwood	Dirca palustris
Lil Kim Rose of Sharon	Hibiscus syriacus 'Antong Two' PP #19,547; CPBR #3399
Little Lime Hydrangea	Hydrangea Hydrangea paniculata
Little Quickfire Hydrangea	Hydrangea paniculata Little Quick Fire
Meadowsweets	Spiraea
Mr. Bowling Ball Arb	Thuja occidentalis
Nannyberry Viburnum	Viburnum lentago
New Jersey tea	Ceanothus americanus
Ninebark	Physocarpus opulifolius
Northern Bayberry	Myrica pensylvanica

Landscaping Tables- Approved Shrubs

Common Name		Scientific name
Oakleaf Hydrangea		Hydrangea quercifolia
Pagoda dogwood		Cornus alternifolia
PeeGee Hydrangea		Hydrangea paniculata 'Grandiflora'
Pumila Spruce		Picea abies 'Pumila'
Rose of Sharon		Hibiscus syriacus
Ruby Slippers Hydrangea		Hydrangea quercifolia Ruby
Shrub Roses		Rosa
Silky Dogwood		Cornus amomum
Sky Pencil Holly		Ilex crenata
Smooth hydrangea		Hydrangea arborescens
Smooth Sumac		Rhus glabra
Snow Queen		Hydrangea quercifolia 'Snow Queen'
Spicebush		Lindera benzoin
Spilled Wine Ninebark		Weigela florida 'Bokraspiwi' PP #23,781
Staghorn Sumac		Rhus typhina
Strawberry Sundae Hydrangea		Hydrangea paniculata 'Rensun'
Summersweet		Clethra alnifolia
Sweetshrub		Calycanthus floridus
Thrive Rose		Cistus obtusifolius 'Thrive'
Vernal Witchhazel		Hamamelis vernalis
Viburnums		Viburnum opulus
Virginia Sweetspire		Itea virginica
Weigela		Weigela
White Hydrangea		Hydrangea paniculata
Winterberry holly		Ilex verticillata
Witch Alder		Fothergilla major
Witchhazel		Hamamelis virginiana
Other Resources of Approved Plant Species		
Resource Name	Publisher	Link
Ask Mr. Smarty Plants	Ladybird Johnson Wildflower Center	https://www.wildflower.org/expert/show.php?id=5723
Indiana Native Plant Society	Indiana Native Plant Society	https://indiananativeplants.org/photo-index/#grasses
Native Shrubs for Fall Color	Purdue University	https://www.purdue.edu/hla/sites/yardandgarden/native-shrubs-for-fall-color/
The Best Plants for our Indiana Landscape	Altum's	https://www.altums.com/best-plants-indiana-landscape/
Tree Species Information	IDNR	https://www.in.gov/dnr/forestry/tree-seedling-nurseries/tree-species-information/

Landscaping Tables- Approved Street Trees

Approved Street Trees

Common Name	Scientific Name
Approved Plant Species- Canopy Trees	
American Beech	Fagus gradifolia
American Hornbeam	Carpinus caroliniana
Amur Maackia	Maackia amurensis
Bald Cypress	Taxodium distichum
Bitternut Hickory	Carya cordiformis
Black Alder	Alnus gutinosa
Black maple	Acer nigrum
Blackhaw Viburnum	Viburnum prunifolium
Blue Ash	Fraxinus quandrangulata
Bur Oak	Quercus macrocarpa
Common Hackberry	Celtis occidentalis
Crimean Linden	Tilia x euchiora
Dawn Redwood	Metasequoia glyptostroboides
Doublefile Viburnum	Viburnum plicatum tomentosum
English Oak	Quercus robur
European Ash	Fraxinus excelsior
European Beech	Fagus sylvatica
European Hornbeam	Carpinus betulus
Green Ash	Fraxinus pennsylvanica
Hardy Rubber Tree	Eucommia ulmoides
Hedge Maple	Acer campestre
Honeylocust	Gleditsia triacanthos
Hop Hornbeam	Ostrya virginiana
Horse chestnut	Aesculus hippocastanum
Japanese Tree Lilac	Syringa reticulata
Japanese Zelkova	Zelkova serrata
Kentucky Coffee Tree	Gymnocladus dioicus
Littleleaf Linden	Tilia cordata
Mockernut Hickory	Carya tomentosa
Nannyberry Viburnum	Viburnum lentago
Northern Red Oak	Quercus rubra (borealis)
Ohio Buckeye	Aesculus glabra
Paperbark Maple	Acer griseum
Pignut Hickory	Carya glabra
Red Horse Chestnut	Aesculus x carnea
River Birch	Betula nigra
Schumard Oak	Quercus shumardii
Shagbark Hickory	Carya ovata
Shellbark Hickory	Carya laciniosa
Shingle Oak	Quercus imbricaria
Silver Linden	Tilia tomentosa
Sugar Hackberry	Celtis laevigata
Sugar maple	Acer saccharum

Landscaping Tables- Approved Street Trees

Common Name		Scientific Name
Swamp White Oak		Quercus bicolor
Sycamore		Platanus occidentalis
Tartarian Maple		Acer tartaricum
Three-Flowered Maple		Acer triflorum
Turkish Filbert		Corylus colurna
White Ash		Fraxinus americana
White Oak		Quercus alba
Yellowwood		Cladrastis kentukea (lutea)
Approved Plant Species- Ornamental Trees		
Black Gum		Nyssa sylvatica
Blackhaw Viburnum		Viburnum prunifolium
Cherries		Prunus species
Cockspur Hawthorn		Crataegus crus-galli
Cornelian Cherry		Cornus mas
Crabapples		Malus species
Doublefile Viburnum		Viburnum plicatum tomentosum
Eastern Redbud		Cercis canadensis
Freeman maple		Acer x freemanii
Ginkgo		Ginkgo biloba
Japanese Tree Lilac		Syringa reticulata
Katsura Tree		Cercidiphyllum japonicum
Kousa Dogwood		Cornus kousa
Magnolia		Magnolia species
Nannyberry Viburnum		Viburnum lentago
Nikko Maple		Acer maximowiczianum
Northern Red Oak		Quercus rubra (borealis)
Pagoda Dogwood		Comus alternifolia
Purple Robe Locust		Robinia x ambigua
Red maple		Acer rubrum
Serviceberry		Amelanchier species
Sugar maple		Acer saccharum
Sweetgum		Liquidambar styraciflura
Tulip Tree		Liriodendron tulipifera
Washington Hawthorn		Crataegus phaenopyrum
Wayfaring Tree		Viburnum lantana
Winter King Green Hawthorn		Crataegus viridis
Other Resources of Approved Plant Species		
Resource Name	Publisher	Link
City of Franklin, Indiana Approved Street Tree List	City of Franklin	https://www.franklin.in.gov/egov/documents/1256823428_607299.pdf
Indiana's Street Tree Species Distribution	Davey Resource Group	https://www.in.gov/dnr/forestry/files/fo-SpeciesDistribution.pdf
Recommended Low Street Trees For Marion County	Indianapolis/Marion County Tree Board	https://citybase-cms-prod.s3.amazonaws.com/4cf57d7ec05f42c2b56b258a7f6142fe.pdf
Recommended Street Trees	Town of Schererville	https://www.schererville.org/recommended-street-trees/
Urban Tree Selection Guide	Casey Trees	https://bugwoodcloud.org/resource/files/15375.pdf
101 Trees of Indiana: A Field Guide	Marion T. Jackson	

Landscaping Tables- Invasive Species

Invasive Species

Common Name	Scientific Name
Prohibited Plant Species	
Amur Cork Tree	Phellodendron amurense
Amur Honeysuckle	Lonicera maacki
Amur Privet	Ligustrum amurense
Anchored Water Hyacinth	Eichhornia azurea
Arrowhead	Sagittaria sagittifolia
Asian Bittersweet	Celastrus orbiculatus
Asian Marshweed	Limnophila sessiliflora
Autumn Olive	Eleagnus umbellata
Beefsteak Plant	Perilla frutescens
Bell's Honeysuckle	Lonicera x bella
Bicolor Lespedeza	Lespedeza bicolor
Black Alder	Alnus glutinosa
Black Swallow-Wort	Vincetoxicum nigrum
Blunt Leaved Privet	Ligustrum obtusifolium
Bohemian Knotweed	Reynoutria. x Bohemica
Bouncing Bet	Saponaria officinalis
Brazilian Elodea	Egeria densa
Brittle Naiad	Najas minor
Bull Thistle	Cirsium vulgare
Burning Bush	Euonymus alatus
California Privet	Ligustrum ovalifolium
Callery Pear	Pyrus calleryana
Canada Thistle	Cirsium arvense
Caulerpa	Caulerpa taxifolia
Chinese Maiden Grass	Miscanthus sinensis
Chinese Privet	Ligustrum sinense
Chinese Waterspinach	Ipomoea aquatic
Chinese Yam	Dioscorea polystachya (oppositifolia)
Common Barberry	Berberis vulgaris
Common Buckthorn	Rhamnus cathartica
Common Privet	Ligustrum vulgare
Common Reed	Phragmites australis
Common Teasel	Dipsacus fullonum
Creeping Charlie	Glechoma hederacea
Crown Vetch	Coronilla varia
Curly-Leaved Pondweed	Potamogeton crispus
Cut-Leaved Teasel	Dipsacus laciniatus
Dame's Rocket	Hesperis matronalis
Duck Lettuce	Ottelia alismoides
English Ivy	Hedera helix
Eurasian Watermilfoil	Myriophyllum spicatum
European Frogbit	Hydrocharis morsus-ranae
Exotic Bur-Reed	Sparganium erectum

Landscaping Tables- Invasive Species

Common Name	Scientific Name
Field Bindweed	Convolvulus arvensis
Flowering Rush	Butomus umbellatus
Garlic Mustard	Alliaria petiolata
Giant Hogweed	Heracleum mantegazzianum
Giant Knotweed	Reynoutria sachalinensis
Giant Reed	Arundo donax
Giant Salvinia	Salvinia auriculata
Giant Salvinia	Salvinia biloba
Giant Salvinia	Salvinia herzogii
Giant Salvinia	Salvinia molesta
Glossy Buckthorn	Frangula alnus
Goatsrue	Galega officinalis
Heartshape	Monochoria vaginalis
Highbush Cranberry	Viburnum opulus v. opulus
Hybrid Cattail	Typha x glauca
Hydrilla	Hydrilla verticillata
Japanese Barberry	Berberis thunbergii
Japanese Chaff Flower	Achyranthes japonica
Japanese Hedge Parsley	Torilis japonica
Japanese Honeysuckle	Lonicera japonica
Japanese Hops	Humulus japonicus
Japanese Knotweed	Rynoutria japonica
Japanese Meadowsweet	Spiraea japonica
Japanese Stiltgrass	Microstegium vimineum
Jetbead	Rhodotypos scandens
Johnson Grass	Sorghum halepense
Korean Lespedeza	Kummerowia stipulacea
Kudzu	Pueraria montana
Large-Leaved Periwinkle	Vinca major
Leafy Spurge	Euphorbia esula
Lesser Celandine	Ficaria verna
Lyme Grass	Leymus arenarius
Mile-A-Minute Vine	Polygonum perfoliatum
Mimosa	Albizia julibrissin
Miramar Weed	Hygrophilia polysperma
Miscanthus Hybrid	Miscanthus x gigantea
Moneywort	Lysimachia nummularia
Monochoria	Monochoria hastata
Morrow's Honeysuckle	Lonicera morrowii
Mosquito Fern	Azolla pinnata
Mugwort	Artemisia vulgaris
Multiflora Rose	Rosa multiflora
Musk Thistle	Carduus nutans
Narrow-Leaved Cattail	Typha angustifolia
Narrowleaf Bittercress	Cardamine impatiens

Landscaping Tables- Invasive Species

Common Name	Scientific Name
Norway Maple	Acer platanoides
Oxygen Weed	Lagarosiphon major
Pale Swallow-Wort	Vincetoxicum rossicum
Parrotfeather	Myriophyllum aquaticum
Pepperweed	Lepidium latifolium
Periwinkle	Vinca minor
Poison Hemlock	Conium maculatum
Porcelain Berry	Ampelopsis brevipedunculata
Princess Tree	Paulownia tomentosa
Purple Loosestrife	Lythrum salicaria
Queen Anne's Lace	Daucus carota
Ravenna Grass	Saccharum ravennae
Reed Canarygrass	Phalaris arundinacea
Russian Olive	Eleagnus angustifolia
Sawtooth Oak	Quercus acutissima
Sericea Lespedeza	Lespedeza cuneata
Siberian Elm	Ulmus pumila
Small Carpgrass	Arthraxon hispidus
Spiny Plumeless Thistle	Carduus acanthoides
Spotted Knapweed	Centaurea stoebe
Spreading Hedge Parsley	Torilis arvensis
St. John's Wort	Hypericum perforatum
Striate Lespedeza	Kummerowia striata
Sweet Autumn Clematis	Clematis terniflora
Tall Fescue	Schenodorus arundinacea
Tatarian Honeysuckle	Lonicera tatarica
Tree Of Heaven	Ailanthus altissima
Vetch	Vicia cracca
Water Chestnut	Trapa natans
White Mulberry	Morus alba
White Sweet Clover	Melilotus alba
Wild Parsnip	Pastinaca sativa
Wine Raspberry	Rubus phoenicolasius
Wintercreeper	Euonymus fortunei
Wisteria	Wisteria sinensis
Yellow Floating Hearts	Nymphoides peltata
Yellow Iris	Iris pseudacorus
Yellow Sweet Clover	Melilotus officinalis

Landscaping Tables- Invasive Species

Other Resources of Prohibited Plant Species		
Resource Name	Publisher	Link
Indiana Invasive Species Council - Invasive Plant List	Center for Invasive Species and Ecosystem Health	https://www.invasive.org/species/list.cfm?id=167
Invasive Plants in Indiana... Pretty Awful!	Indiana Native Plant Society, Purdue University Department of Entomology	https://www.entm.purdue.edu/iisc/pdf/INPAWS_Pretty_Awful.pdf
Official Indiana Invasive Species Council Invasive Plant List	Indiana Invasive Species Council, Purdue University Department of Entomology	https://www.entm.purdue.edu/iisc/invasiveplants.html
Resource Search	National Invasive Species Information Center, United States Department of Agriculture	https://www.invasivespeciesinfo.gov/resources/search?f%5B0%5D=location%3A99&f%5B1%5D=location%3A99
Terrestrial Invasive Species- Plants	Indiana Department of Natural Resources	https://www.in.gov/dnr/rules-and-regulations/invasive-species/terrestrial-invasive-species-plants/

Landscaping Tables- Native Plants

Native Wildflowers and Grasses

Common Name	Scientific name
Grasses, Sedges, and Rushes	
Beak grass	Diarrhena americana
Big bluestem	Andropogon gerardii
Bottlebrush grass	Elymus hystrix (Hystrix patula)
Indian grass	Sorghastrum nutans
Little bluestem	Schizachyrium scoparium
Northern sea oats	Chasmanthium latifolium
Prairie dropseed	Sporobolus heterolepis
Riverbank tussock sedge	Carex emoryi
Sideoats gramma	Bouteloua curtipendula
Soft rush	Juncus effusus
Switchgrass	Panicum virgatum
Tussock sedge	Carex stricta
Wildflowers and Ground Covers	
American bellflower	Campanulastrum americanum
Aromatic aster	Symphotrichum oblongifolium
Autumn goldenrod	Solidago sphacelata
Bird's foot violet	Viola pedata
Black-eyed Susan	Rudbeckia hirta
Bloodroot	Sanguinaria canadensis
Blue-eyed grass	Sisyrinchium angustifolium
Blue flag	Iris virginica
Blue lobelia	Lobelia siphilitica
Blue star willow	Amsonia tabernaemontana
Brown-eyed Susan	Rudbeckia triloba
Butterfly weed	Asclepias tuberosa
Cardinal flower	Lobelia cardinalis
Clustered poppy mallow	Callirhoe triangulata
Columbine	Aquilegia canadensis
Compass plant	Silphium laciniatum
Culver's root	Veronicastrum virginicum
Dense blazing star	Liatris spicata
Dwarf crested iris	Iris cristata
False blue indigo	Baptisia australis
False sunflower	Heliopsis helianthoides
Garden phlox	Phlox paniculata
Gray goldenrod	Solidago nemoralis
Hairy foxglove	Penstemon hirsutus
Hollow joe-pye weed	Eutrochium [Eupatorium] fistulosus
Indian pink	Spigelia marilandica
Ironweed	Vernonia gigantea ssp. gigantea
Jacob's ladder	Polemonium reptans
Marsh marigold	Caltha palustris
Marsh milkweed	Asclepias incarnata

Landscaping Tables- Native Plants

Common Name	Scientific name
May apple	Podophyllum peltatum
Mountain mint	Pycnanthemum virginianum
New England aster	Symphyotrichum novae-angliae
Nodding onion	Allium cernuum
Obedient plant	Physostegia virginiana
Pale purple coneflower	Echinacea pallida
Penstemon, beardtongue	Penstemon digitalis
Prairie blazing star	Liatris pycnostachya
Prairie dock	Silphium terebinthinaceum
Purple coneflower	Echinacea purpurea
Queen of the prairie	Filipendula rubra
Rosinweed	Silphium integrifolium
Royal catchfly	Silene regia
Shooting star	Dodecatheon meadia
Showy black-eyed Susan	Rudbeckia fulgida var. speciosa
Sneezeweed	Helenium autumnale
Solomon's plume	Smilacina racemosa [Maianthemum racemosum]
Solomon's seal	Polygonatum biflorum
Spiderwort	Tradescantia ohiensis
Stiff goldenrod	Oligoneuron rigidum
Sundrops	Oenothera fruticosa
Swamp rose mallow	Hibiscus moscheutos
Sweet black-eyed Susan	Rudbeckia subtomentosa
Sweet joe-pye weed	Eutrochium [Eupatorium] purpureum
Tall coreopsis	Coreopsis tripteris
Turtlehead	Chelone glabra
Virginia bluebells	Mertensia virginica
Western sunflower	Helianthus occidentalis
White blue-eyed grass	Sisyrinchium albidum
Wild bergamot	Monarda fistulosa
Wild geranium	Geranium maculatum
Wild ginger	Asarum canadense
Wild stonecrop	Sedum ternatum
Wild sweet william	Phlox divaricata
Woodland larkspur	Delphinium tricorne
Yellow coneflower	Ratibida pinnata
Zig-zag goldenrod	Solidago flexicaulis
Vines	
American bittersweet	Celastrus scandens
Crossvine	Bignonia capreolata
Grape honeysuckle	Lonicera reticulata
Trumpet honeysuckle	Lonicera sempervirens
Vasevine, Leatherflower	Clematis viorna
Virgin's bower	Clematis virginiana
Virginia creeper	Parthenocissus quinquefolia

Landscaping Tables- Native Plants

Common Name		Scientific name
Ferns		
Christmas fern		Polystichum acrostichoides
Cinnamon fern		Osmunda cinnamomea
Maidenhair fern		Adiantum pedatum
Ostrich fern		Matteuccia struthiopteris
Royal fern		Osmunda regalis
Other Resources of Approved Plant Species		
Resource Name	Publisher	Link
Common Native Indiana Plants in Horticulture	Laura Stine Gardens, Fort Wayne, Indiana	https://indiananativeplants.org/wp-content/uploads/Common-natives-in-horticulture.pdf
Indiana Native Plants	Wabash River Enhancement Corporation	http://wabashriver.net/indiana-native-plants/
Indiana Native Plant Society	Indiana Native Plant Society	https://indiananativeplants.org/photo-index/#grasses
Landscaping with Plants Native to Indiana	Indiana Native Plant Society	https://www.in.gov/dnr/nature-preserves/files/np-LandscapingNativePlantsBrochure.pdf
Native Plants Finder	Indiana Wildlife Federation	https://indianawildlife.org/education/native-plants-finder/

Landscaping Tables- Submersible Plants

Submersible Plantings

Common Name		Scientific Name
Approved Plant Species		
American Pondweed		Potamogeton nodosus
Arrowhead		Sagittaria latifolia
Baby Pondweed		Potamogeton pusillus
Brittle Naiad		Najas marina
Bushy Pondweed		Najas guadalupensis
Canadian Pondweed		Elodea canadensis
Coontail		Ceratophyllum demersum
Cutleaf Watermilfoil		Myriophyllum pinnatum
Eel Grass		Vallisneria americana
Elodea		Elodea canadensis
European Frogbit		Hydrocharis morsus-ranae
Fanwort		Cabomba spp.
Fragrant White Water Lily		Nymphaea odorata
Fineleaf Pondweed		Stuckenia filiformis
Floating Pondweed		Potamogeton natans
Gulf Swampweed		Hygrophila lacustris
Horned Pondweed		Zannichellia palustris
Illinois Pondweed		Potamogeton illinoensis
Large-leaf Pondweed		Potamogeton amplifolius
Leafy Pondweed		Potamogeton foliosus
Pond Lilies		Nymphaeaceae
Pot Scrubber Plant		Equisetum hyemale
Ribbonleaf Pondweed		Potamogeton epihydrus
Richardson's Pondweed		Potamogeton richardsonii
Sago Pondweed		Stuckenia pectinata
Spotted Pondweed		Potamogeton pulcher
Variable-leaf Pondweed		Potamogeton gramineus
Variable-leaf Watermilfoil		Myriophyllum heterophyllum
Water horsetail		Equisetum fluviatile
Water Moss		Fontinalis antipyretica
Waterthread Pondweed		Potamogeton diversifolius
Widgeon Grass		Ruppia maritima
Other Resources of Approved Plant Species		
Resource Name	Publisher	Link
6 Aquatic Plants in Lakes Across the Midwest	Clarke	https://www.clarke.com/blog/6-aquatic-plants-lakes-midwest/
Identifying and Managing Aquatic Vegetation	Purdue University	https://ag.purdue.edu/btny/purdueweedscience/wp-content/uploads/2021/03/Identifying-and-Managing-Aquatic-Vegetation.pdf
Native Water Plants of Indiana	Garden Guides	https://www.gardenguides.com/119710-plants-grow-freshwater.html
Submerged Plants	Texas A&M AgriLife Extension	https://aquaplant.tamu.edu/plant-identification/category-submerge-plants/
Water's Edge Palette	Indiana Native Plant Society	https://indiananativeplants.org/plant-pages-home/waters-edge-palette/