
Official Interpretation of the Zoning Administrator

Date: October 29th, 2024

In accordance with Section 1.24 of the City of Shelbyville's Unified Development Ordinance (UDO), the Zoning Administrator has the principal authority for the administration and enforcement of the UDO. In order to effectively administer the UDO, the Zoning Administrator will, from time to time, provide official interpretations of the UDO to clarify the intent of the UDO where such clarity may be lacking otherwise. The interpretations, similar to all administrative actions of the Zoning Administrator, may be subject to appeal, and future interpretations or amendments to the UDO may supersede or invalidate previous interpretations.

Relevant Section(s) of the UDO:

- Sec. 5.03, AS-02: General Accessory Structure Standards
- Sec. 5.08, AR-02: Institutional and Business Architectural Standards
- Sec. 5.11, DI-01: Density and Intensity Standards
- Sec. 5.55, SB-01: Setback Standards

Issue: Fueling stations are commonly home to a fairly unique building form that is only present at these types of facilities; The Fueling Canopy. A fueling canopy is generally understood to be a structure that protects customers and fueling pumps from the elements at a gas station. They are often stand-alone and not attached to buildings or other structures, but can occasionally be attached to the main building at the fueling station. They typically consist of a few structural uprights that support a roof structure above the area where vehicles and customers would typically be located during the fueling process.

The specific issue arises from the fact that this type of structure does not necessarily meet the definition of a "Primary Structure" or an "Accessory Structure" and therefore leaves ambiguity as to how it should be defined and what development standards apply to such a structure.

Interpretation: The Zoning Administrator interprets these relevant sections of the UDO and the intent of these sections of the ordinance to state that fueling canopies are incidental (UDO 5.03-B) and necessary to the primary structure, where the primary structure is the retail building where fuel sales occur and staff are typically located, and therefore are not accessory structures but shall be identified as a part of the primary structure. The retail building and gasoline canopies shall be considered as one primary structure for the purposes of this ordinance and all applicable provisions, unless stated otherwise in the ordinance or in this interpretation.

The Architectural Standards (UDO 5.08) shall generally apply to the fueling canopy, but due to the unique form of the structure and its lack of a traditional facade, the subsection relating exclusively to facades (UDO 5.08-A) shall not be applicable to the fueling canopy. This subsection shall still apply to the retail building, as it does have facades. Similarly, due to the nature of the roof of the fueling canopy, the intent of this provision can only be accomplished by only requiring one "Design Feature" as identified in UDO 5.08-B-3, so that is all that will be required for the fueling canopy. The retail store will still be subject to this subsection regarding roof design features as it is prescribed in the UDO. Lastly, the fueling canopy will still be subject to UDO 5.08-C "Building Materials", and shall

comply with these requirements both with the materials of the canopy face, as well as the material used to wrap the canopy's structural uprights.

The Setback Standards (UDO 5.55) and Density & Intensity Standards (UDO 5.11) shall apply, but the fueling canopy and retail building shall be considered one primary structure in the application of these standards.

Right to Appeal: Please be aware that interested parties may, in accordance with UDO 9.04, appeal any decision, interpretation, order, determination, or action of the Zoning Administrator before the Board of Zoning Appeals. Applications for Administrative Appeal are available through the Plan Commission Office.

Respectfully,

A handwritten signature in black ink, appearing to read "Adam M. Rude". The signature is written in a cursive, slightly stylized font.

Adam M. Rude, AICP

Planning Director and Zoning Administrator
Planning and Building Department
City of Shelbyville, Indiana