

EFFECTIVE DATE: JANUARY 1, 2004



CITY OF SHELBYVILLE, INDIANA

# Zoning Ordinance



RATIO

**CITY OF SHELBYVILLE, INDIANA**  
**ZONING ORDINANCE**

# Contents

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**ARTICLE 1**  
**BASIC PROVISIONS**

**1**

## 1.1 Title &amp; Document Format

## Title &amp; Document Format

**See Also:**

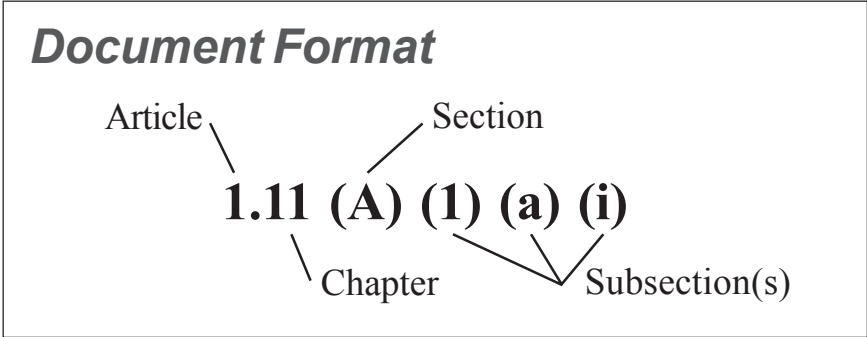
*"A Glossary of Zoning, Development, and Planning Terms" published by the American Planning Association as PAS Report #491/492*

*Article 14, Definitions*

- A. **Title:** This Ordinance shall be formally known as the "City of Shelbyville, Indiana Zoning Ordinance," and it may be cited and referred to as the "Zoning Ordinance" or "Ordinance".
- B. **Defined Words:** Words used in a special sense in this Ordinance are defined in Article 14, Definitions. Generally the meaning and application of all terms, other than those defined by Article 14, shall be consistent with the general definitions provided by "A Glossary of Zoning, Development, and Planning Terms" published by the American Planning Association as PAS Report #491/492 and any subsequent amendments. All other words shall have the meaning inferred from their context in this Ordinance or their ordinarily accepted definitions.
- C. **Meanings:** The following rules of construction shall apply to the text of this Ordinance:
1. The particular and specific provisions of this Ordinance shall supersede any general requirements that are established.
  2. The words "shall" and "will" are always mandatory and not discretionary. The word "may" is permissive.
  3. Words used in the present tense include the future; words used in the singular number include the plural; and the plural includes the singular. Words of the masculine gender will include the feminine and the neutral gender will refer to any gender, unless the context plainly indicates the contrary.
  4. A "building" or "structure" includes any part thereof.
  5. The phrase "used for" includes arranged for, designed for, intended for, maintained for, or occupied for.
  6. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
  7. Unless it is plainly evident from the context that a different meaning is intended, a regulation which involves 2 or more items, conditions, provisions, or events connected by the conjunction "and, or," or "either . . . or," the use of the conjunction is defined as follows:
    - a. "And" means that all the connected items, conditions, provisions, or events apply together and not separately.
    - b. "Or" means that the connected items, conditions, provisions, or events apply separately or in any combination.
    - c. "Either . . . or" means that the connected items, conditions, provisions, or events apply separately but not in combination.
  8. The word "includes" does not limit a term to the specified examples, but is intended to extend the term's meaning to all other instances or circumstances of like kind or character.
  9. The word "city" means the City of Shelbyville, Indiana, the word "county" means Shelby County, Indiana, and the word "state" means the State of Indiana.



- C. **Format:** The structure of the text of this Ordinance is as follows: Article (indicated by 1, etc.), Chapter (indicated by 1.1, etc.), Section (indicated by A, etc.), and subsequent Subsections (indicated by 1, a, i, etc.)



## 1.2 Authority &amp; Purpose

## Authority &amp; Purpose

**See Also:**

*Indiana Code  
36-7-4 et. seq.  
(Local Planning and  
Zoning)*

*Indiana Code 36-7-4-205  
(Contiguous Unincorporated  
Jurisdiction)*

*Indiana Code 36-7-4-1105  
(Heritage Markers)*

*Indiana Code  
36-7-4-601(C)  
(Zoning Ordinance Purpose)*

- A. **Authority:** This Ordinance is adopted by the City of Shelbyville pursuant to its authority under the laws of the State of Indiana, 36-7-4 et seq. Whenever codes cited in this Ordinance refer to Indiana Code that has been amended or superseded, this Ordinance shall be deemed amended in reference to the new or revised Indiana Code.
- B. **Jurisdiction:** This Ordinance shall apply 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 provisions of IC 36-7-4-205.
1. **Federal and State Property:** This Ordinance shall not apply to any property owned by the government of the State of Indiana or the United States of America.
  2. **Heritage Markers:** In no instance shall this Ordinance be interpreted as restricting or prohibiting the State of Indiana or any of its political subdivisions from setting aside, by law, sites, memorials, edifices, and/or monuments in commemoration of persons or objects of historical or architectural interest or value, or as part of Shelbyville's heritage (consistent with IC 36-7-4-1105).
- C. **Purpose:** This Ordinance is intended to guide the growth and development of the City in accordance with the Shelbyville Comprehensive Plan and for the following purposes (consistent with IC 36-7-4-601(C)):
1. **Adequate Facilities:** To secure adequate light, air, and convenience of access; and provide safety from fire, flood, and other dangers.
  2. **Public Safety:** To promote the public health, safety, convenience, and general welfare.
  3. **Future Development:** To plan for the future development of the City to the end that:
    - a. the community grows only with adequate public ways, utilities, health, education, and recreation facilities;
    - b. the needs of agriculture, industry, and business are recognized in future growth;
    - c. residential areas provide healthful surroundings for family life; and
    - d. the growth of the community is commensurate with and promotes the efficient and economical use of public funds.

## 1.3 Interpretation & Application

- A. **Conflicting Requirements:** The provisions of this Ordinance shall be considered the minimum requirements for the protection of the health, safety, comfort, convenience, and general welfare of the people at large, and are designed to encourage the establishment and maintenance of reasonable community standards for the physical environment. If two or more provisions within this Ordinance are in conflict or are inconsistent with one another, then the provision that is most restrictive shall control.
- B. **Overlapping Regulations:** When this Ordinance along with private covenants, private contracts, commitments, permits, agreements, state laws, Federal laws, or other regulations applies to a structure or parcel of land, the greater restriction shall control. In no instance shall this Ordinance be interpreted as altering or negating any other applicable regulations. The City of Shelbyville shall be responsible for the enforcement of this Ordinance. The City shall not be responsible for the enforcement of any private covenants or agreements.
- C. **Compliance:** No structure shall be located, erected, constructed, reconstructed, moved, altered, converted, or enlarged; nor shall any land use be expanded, except in full compliance with all provisions of this Ordinance and after the lawful issuance of all permits and certificates required by this Ordinance.

## 1.4 Official Zoning Map

### Official Zoning Map

- A. **Official Zoning Map:** The zoning map for the City of Shelbyville, officially labeled "Official Shelbyville Zoning Map", is hereby included as part of this Ordinance. The map may also be known as and referred to as the "Official Zoning Map" and as the "Zoning Map". The Official Zoning Map shall include the ordinance number by which it was adopted and the date of adoption.
- B. **Official Zoning Map Copies:** Copies of the Official Zoning Map may be made and distributed to interested persons. The Official Zoning Map copies shall be labeled as copies and have the date which they were last modified printed on them.
- C. **Location of the Official Zoning Map:** The Official Zoning Map will be located in the office of the Plan Commission.
- D. **Zoning District Boundaries & Identification:** The Zoning District boundaries shall be shown on the Official Zoning Map. The abbreviations for the zoning districts appearing in this Ordinance shall be used to identify the zoning districts on the Official Zoning Map. Planned Unit Developments shall be indicated on the Official Zoning Map using the three-digit "PUD" abbreviation and the ordinance number by which each PUD is created.
- E. **Regular Revisions:** The Official Zoning Map should be formally revised annually, or otherwise as the Plan Commission determines necessary.
1. **Zoning Map Amendments:** A notation on the Official Zoning Map shall be made within 2 business days of the effective date of any Ordinance making a Zoning Map Amendment. The notation shall be made either electronically or through a permanent-pen handwritten note. The notation shall include the ordinance number by which the change was approved and the date of the approval by the Common Council.
  2. **Errors and Omissions:** Revisions may be made to correct drafting or other errors or omissions in the Zoning Map. These revisions shall not have the effect of amending the Official Zoning Map.
- F. **Damaged, Destroyed, or Lost Official Zoning Map:** In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret, the Common Council may, by ordinance, adopt a new Official Zoning Map that shall, to the extent possible, duplicate the accuracy of the damaged, destroyed, or lost map. Unless the prior map has been lost or completely destroyed, it or any significant parts shall be preserved, together with any records of its adoption and amendment.
- G. **Interpretation Standards:** Zoning district boundaries on the Official Zoning Map shall be interpreted as follows:
1. **Streets and Easements:** Zoning district boundaries shown within the lines of roads, easements, and transportation rights-of-way shall be deemed to follow the center lines.

## 1.4 Official Zoning Map *(cont.)*

### Official Zoning Map

2. **Property Lines:** Zoning district boundaries indicated as following section or fractional sectional lines, platted lot lines, or City corporation lines shall be construed as following such lines.
  3. **Bodies of Water:** Zoning district boundaries indicated as approximately following the center line of streams, rivers, or other bodies of water shall be construed to follow such center lines. Boundaries indicated as following shore lines shall be construed as moving with any change in the actual shore line.
  4. **Divided Lots:** Where a zoning district boundary line divides a lot, the zoning in which the majority of the area of the property is included shall apply to the entire property. In cases where a property is divided equally between two or more zoning districts, the most restrictive district shall apply to the entire property. The Plan Commission Director shall determine the applicable zoning for properties divided into multiple zoning districts consistent with this section.
  5. **Extensions of Lines:** Zoning district boundaries indicated as parallel to or extensions of the features listed in Chapter 1.4(G)(1-3) above shall be construed as so.
- H. Interpretation Procedure:** The Plan Commission Director shall identify the applicable zoning for each property in the Plan Commission's jurisdiction, as described in 1.4(G) above.
1. **Appeals of Interpretations:** Any ruling of the Plan Commission Director pertaining to the district boundaries may be appealed to the Board of Zoning Appeals.
  2. **Interpretation Required:** If the Plan Commission Director cannot definitely determine the location of a district boundary, immediate action on any application shall be refused and the Plan Commission shall interpret the location of the district boundary with reference to the scale of the Official Zoning Map and the purposes set forth in all relevant provisions of this Ordinance. This interpretation may occur as part of a regular or special Plan Commission meeting and does not require a public hearing. Decisions of the Plan Commission may not be appealed to the Board of Zoning Appeals.
- I. Effect of Vacation on Zoning:** 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 then be subject to all regulations of the extended zoning districts. 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. The resolution of any disputes as to the exact zoning district boundaries shall be determined by the Plan Commission Director. Appeals of the Plan Commission Director's determination may be brought before the Board of Zoning Appeals.

## 1.5 Adoption and Amendments

## Adoption &amp; Amendments

**See Also:**

*Indiana Code 36-7-4-602  
(Zoning Ordinance  
Amendments)*

*Plan Commission Rules  
and Procedures*

*Article 10, Administration*

*Indiana Code 36-7-4-603  
(Amendment Decision  
Criteria)*

- A. **Transition Rules:** The following transition rules shall apply to the adoption of this Ordinance.
1. **Previously Applied for Improvement Location Permits:** Any application for an Improvement Location Permit that has been filed with the Plan Commission or its designees and is full and complete, prior to the effective date of this Ordinance, shall be regulated by the terms and conditions of the zoning ordinance that was in place at the time of filing. However, all administrative procedures and penalties shall follow those established by this Ordinance.
  2. **Previously Filed Re-Zoning Requests:** Any application for a Zoning Map Amendment (re-zoning) that was filed with the Plan Commission or its designees and is full and complete prior to the effective date of this Ordinance, shall continue through the process to completion pursuant to the terms and conditions of the zoning ordinance that was in place at the time of filing. However, if the proposed use would no longer be permitted in the proposed zoning district or the proposed zoning district no longer exists in this Ordinance, the Plan Commission Director shall amend the application so that the request for re-zoning would accomplish the same end goal for the applicant.
  3. **Previously Filed Board of Zoning Appeal Applications:** Any application before the Board of Zoning Appeals (i.e. special exception, use variance, development standards variance) that has been filed with the Board of Zoning Appeals or its designees and is full and complete prior to the effective date of this Ordinance, shall continue the process pursuant to the terms and conditions of the zoning ordinance that was in place at the time of filing, provided that:
    - a. *Obsolete Applications:* If the application is no longer required by the terms of this Ordinance, the application will be dismissed; or,
    - b. *Additional Approvals Required:* If the proposed use or development requires additional approvals pursuant to the terms of this Ordinance that were not required under the previous zoning ordinance, 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.
  4. **Expiration of Previous Approvals:** All variances, special exceptions, and other applications regulated by this Ordinance that were approved prior to its effective date and not executed through the proper receipt of an Improvement Location Permit shall expire and become void 1 year following the effective date of this Ordinance.
    - a. *Construction Approved, but not Begun:* All Improvement Location Permits issued prior to the effective date of this Ordinance shall be void 1 year after their date of issue if construction has not begun.

## 1.5 Adoption and Amendments (cont.)

### Adoption & Amendments

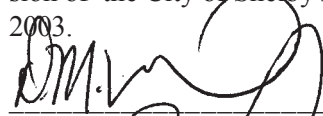
- b. *Construction Begun, but Abandoned:* Improvement Location Permits issued prior to the effective date of this Ordinance for which construction has begun shall become void if construction is abandoned for a period of 1 year or if, in the opinion of the Plan Commission Director, construction has otherwise ceased.
  - c. *Re-issued Approvals:* All approvals that expire and/or become void shall comply with all applicable provisions of this Ordinance if re-issued.
- B. **Amendments:** The following process and decision criteria shall apply to the amendment of this Ordinance:
1. **Amendment Process:** In accordance with IC 36-7-4-602, the Shelbyville Common Council may amend or partially repeal the text of this Ordinance or it may amend the Official Zoning Map of this Ordinance as follows:
    - a. *Zoning Ordinance Text Amendments:* The Common Council or the Plan Commission may initiate a proposal to amend or partially repeal the text according to the procedures of IC 36-7-4-602(b) and the adopted Plan Commission Rules and Procedures.
    - b. *Official Zoning Map Amendments:* The Common Council, Plan Commission, or at least 50% of the affected property owners may initiate an application to change the Official Zoning Map according to the procedures of IC 36-7-4-602(c), the adopted Plan Commission Rules and Procedures, and the requirements of Article 10, Administration, of this Ordinance.
  2. **Decision Criteria:** In its review of text and zoning map amendment proposals, the Plan Commission and Common Council shall pay reasonable regard to (consistent with IC 36-7-4-603):
    - a. the most recently adopted Comprehensive Plan;
    - b. current conditions and the character of structures and uses in each district;
    - c. the most desirable use for which the land in each district is adapted;
    - d. the conservation of property values collectively throughout the City of Shelbyville's jurisdiction as a whole;
    - e. responsible development and growth; and
    - f. the public health, safety and welfare.

1.5 Adoption and Amendments (cont.)

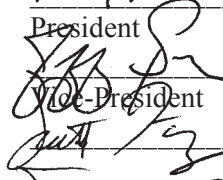
Adoption & Amendments

- C. **Repealer:** The Zoning Ordinance of the City of Shelbyville, Indiana dated December 15, 1975, and its associated Zoning Map and any revisions to either are hereby repealed with exceptions listed below. This City of Shelbyville, Indiana Zoning Ordinance and the referenced Official Zoning Map dated January 1, 2004, shall replace the repealed ordinance and map. The following ordinances shall remain in effect:
  1. Traditional Neighborhood Zoning District Ordinance (#01-2403),
  2. Communications Tower Ordinance (#98-2285),
  3. Adult Use Ordinance (#99-2320),
  4. Large Retail Establishment / Big Box Ordinance (#01-2397),
  5. Lot Line Adjustment Ordinance (#01-2394), and
  6. Vending Machines Regulations Ordinance (#01-2388).
  
- D. **Severability:** If any provision of this Ordinance or the application of any provision to particular circumstances is held unconstitutional or invalid by the courts, the remainder of the Ordinance or the application of such provision to other circumstances shall not be affected.
  
- E. **Saving Provision:** This 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. Also, this Ordinance shall not be construed as discontinuing, reducing, modifying, or altering any penalty accruing or about to accrue.
  
- F. **Effective Date:** This Ordinance, Number 03-2475, shall be in full force and in effect on January 1, 2004. The effective date is based on the passage and notice of adoption as required by law.

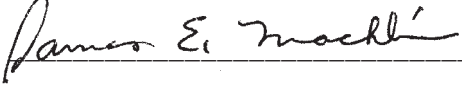
This Ordinance was recommended for adoption by the Plan Commission of the City of Shelbyville, Indiana on the 28th day of September, 2003.



\_\_\_\_\_  
President



\_\_\_\_\_  
Vice-President



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## 1.5 Adoption and Amendments *(cont.)*

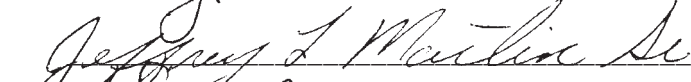
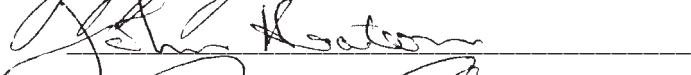


### Adoption & Amendments

This Ordinance was passed and adopted by the City of Shelbyville, Indiana Common Council on the 26th day of October, 2003.



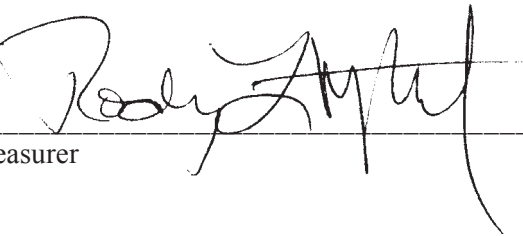
President



ATTEST:

Clerk-Treasurer



**ARTICLE 2**  
**ZONING DISTRICTS**

**2**

## 2.1 Establishment of Districts

### Establishment of Districts

*See Also:*

Article 5,  
Planned Unit Developments

Chapter 11.5,  
Administrative Appeals

Chapter 12.4, Administrative  
Appeal Applications

- A. **Establishment of Zoning Districts:** For the purpose of this Ordinance, the planning jurisdiction is divided into the following zoning districts. Each of the zoning districts stands alone and is not part of a hierarchy-system of zoning.

**Agricultural Zoning Districts**

AG - Agriculture ..... page 2-6  
A/R - Agriculture/Rural Residential ..... page 2-8

**Low Density Residential Zoning Districts**

R1 - Single-Family Residential ..... page 2-10  
R2 - Two-Family Residential ..... page 2-12

**High Density Residential Zoning Districts**

RM - Multi-Family Residential ..... page 2-14  
RMH - Manufactured Home Park ..... page 2-16

**Park Zoning District**

PK - Parks and Open Space ..... page 2-18

**Business Zoning Districts**

BN - Neighborhood Business ..... page 2-20  
BC - Central Business ..... page 2-22  
BP - Professional Business ..... page 2-24  
BG - General Business ..... page 2-26  
BH - Highway Business ..... page 2-28

**Industrial Zoning Districts**

IL - Light Industrial ..... page 2-30  
IG - General Industrial ..... page 2-32

- B. **Establishment of Planned Unit Development Districts:** This Ordinance allows for all zoning districts to be rezoned for the creation of a Planned Unit Development. All Planned Unit Developments shall be consistent with the requirements of Article 5 of this Ordinance.

- C. **Land Uses:** Each land use is either a permitted, non-permitted or special exception use in each zoning district.

1. **Land Uses Specified:** A general list of permitted and special exception uses for each district is noted in the "Permitted Uses" and "Special Exceptions" columns accompanying the description of each zoning district in this Article. Specific land uses within each general category are listed in the Land Use Matrix at the end of this Article.
2. **Unlisted or Questionable Land Uses:** Any use not listed as a permitted or special exception use is considered non-permitted. The Plan Commission Director may determine into which category any questionable use is placed if it is not specifically listed but similar to another use that is a permitted or a special exception use. This determination may be appealed to the Board of Zoning Appeals.

## 2.2 Lot & Yard Standards

### Lot & Yard Standards

- A. **Lot & Yard Standards:** The lot and yard standards for each zoning district shall be as specified in the description of each district in this Article. Lot and yard standards shall include front yard setbacks, side yard setbacks, rear yard setbacks, lot area, lot width, lot frontage, lot depth, height, living areas, primary structures, and lot coverage. A summary of these lot & yard standards is provided in the Lot & Yard Standards table below:

## Lot & Yard Standards

Zoning District	Lot Area & Dimensions						Min. Front Yard Setback			Minimum Side Yard Setback	Minimum Rear Yard Setback	Minimum Living Unit Area	Minimum Ground Floor Living Area	Maximum Primary Structures per Lot	Maximum Height	
	Min. Area	Max. Area	Min. Width	Min. Frontage	Max. Depth	Max. Coverage	Arterial Street	Collector Street	Local Street						Primary Structure	Accessory Structure
<b>Agricultural Zoning Districts</b>																
AG	20 acres	none	150 ft.	public street legal access	none	none	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	1,000 sq. ft.	40%	NA	35 ft.	25 ft.
A/R	2 acres (septic) 1 acre (sewer)	none	150 ft.	50 ft.	3.5x lot width	35%	50 ft.	50 ft.	50 ft.	35 ft.	35 ft.	1,000 sq. ft. (farm) 1,600 sq. ft. (non-farm)	40%	NA (farm) 1 (non-farm)	35 ft.	25 ft.
<b>Low Density Residential Zoning Districts</b>																
R1	10,000 sq. ft.	none	80 ft.	45% of lot width	none	45%	50 ft.	30 ft.	20 ft.	10 ft.	20 ft.	1,400 sq. ft.	30%	1	35 ft.	25 ft.
R2	10,000 sq. ft.	none	80 ft.	45% of lot width	none	65%	50 ft.	30 ft.	20 ft.	7 ft.	15 ft.	1,400 sq. ft.	none	1	45 ft.	25 ft.
<b>High Density Residential Zoning Districts</b>																
RM	4,500 sq. ft. per dwelling unit	none	100 ft.	50 ft.	none	65%	50 ft.	30 ft.	20 ft.	50 ft. (complex) 10 ft. (building)	50 ft. (complex) 15 ft. (building)	600 sq. ft.	none	NA	65 ft.	25 ft.
RMH (parcel)	5 acres	10 acres	200 ft.	50 ft.	none	50%	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	900 sq. ft.	none	NA	35 ft.	25 ft.
RMH (dwelling site)	4,000 sq. ft.	NA	none	none	none	none	NA	20 ft.	20 ft.	8 ft.	8 ft.	900 sq. ft.	none	1	35 ft.	25 ft.
<b>Park Zoning District</b>																
PK	2 acres	none	65 ft.	50 ft.	none	25%	50 ft.	30 ft.	20 ft.	10 ft.	10 ft.	NA	NA	NA	35 ft.	25 ft.
<b>Business Zoning Districts</b>																
BN	5,000	1 acre	50 ft.	100% of lot width	none	85%	20 ft.	15 ft.	10 ft.	0 ft.	20 ft.	600 sq. ft.	NA	1	35 ft.	25 ft.
BC	established area	established area	established width	established frontage	established depth	100%	0 ft.	0 ft.	0 ft.	average setback of BC lots in block	average setback of BC lots in block	600 sq. ft.	NA	1	60 ft.	25 ft.
BP	15,000 sq. ft.	none	75 ft.	50 ft.	none	75%	50 ft.	30 ft.	20 ft.	10 ft.	20 ft.	NA	NA	1	45 ft.	25 ft.
BG	15,000 sq. ft.	none	75 ft.	50 ft.	none	85%	50 ft.	30 ft.	20 ft.	10 ft.	20 ft.	NA	NA	1	45 ft.	25 ft.
BH	15,000 sq. ft.	none	80 ft.	50 ft.	none	85%	50 ft.	30 ft.	20 ft.	10 ft.	20 ft.	NA	NA	1	45 ft.	25 ft.
<b>Industrial Zoning Districts</b>																
IL	10,000 sq. ft.	none	80 ft.	50 ft.	none	85%	50 ft.	50 ft.	50 ft.	25 ft.	25 ft.	NA	NA	1	50 ft.	25 ft.
IG	1 acre	none	100 ft.	50 ft.	none	85%	50 ft.	50 ft.	50 ft.	25 ft.	25 ft.	NA	NA	1	50 ft.	25 ft.

NA - Not Applicable

Lot & Yard Standards

**See Also:**

*Article 9, Nonconformities*

- B. **General Requirements:** All lots shall comply with the following requirements consistent with the applicable lot & yard standards.
1. **Legal Nonconforming Lots:** All lots existing prior to the effective date of this Ordinance that are in conflict with the lot and yard standards shall be considered Legal Non-Conforming Lots consistent with the provisions of Article 9, Nonconformities.
  2. **Compliance Requirements:** Except as provided in this Ordinance, no structure shall be erected, altered, enlarged or reconstructed unless such alteration, enlargement, or reconstruction conforms with the lot and yard regulations of the district in which it is located. The lot and yard requirements of this Article shall not apply in instances where this Ordinance specifically provides alternate requirements, such as an Overlay Zone or performance standards.
  3. **Setback Standards:** No portion of any structure or material stored outdoors is allowed to be located within the required setbacks. Structures shall include, but not be limited to, garages, carports, balconies, roofs, decks, chimneys, cornices, bay windows, fire escapes, steps, fascias, gutters, and platforms above normal grade level. None of the structural elements listed above or any similar features shall be permitted to overhang any required setback area. Fences, vehicle use areas, and sidewalks shall be permitted within the required setbacks at normal grade level subject to the requirements of this Ordinance.

## 2.3 Development Standards

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All structures and land uses, including any alterations to either, that are established or that otherwise occur after the effective date of this Ordinance shall conform with the development standards provided by this Ordinance. The development standards that apply to each Zoning District shall be as referenced in the description of each district in this Article and as specified in Article 6, Development Standards. The development standards shall not apply in instances where this Ordinance specifically provides alternate requirements, such as an Overlay Zone or performance standard.

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### Development Standards

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*See Also:*

*Article 6,  
Development Standards*

## 2.4 Agriculture - AG

### Agriculture (AG)

#### Intent

The "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.

#### A. Permitted Uses

##### Agricultural Uses

- farm (general)
- winery
- animal boarding

##### Residential Uses

- dwelling, farm

##### Institutional/Public Uses

- cemetery

##### Communication/Utility Uses

- utility substation
- public wellfield/pumphouse

##### Park Uses

- nature preserve/center

#### B. Special Exception Uses

##### Agricultural Uses

- farm (confined feeding)
- farmer's market (for sale of products grown off-site)
- livestock auction/sales facility
- agricultural products sales, distribution, & storage facility

##### Residential Uses

- dwelling, single-family
- bed and breakfast facility

##### Institutional/Public Uses

- fairgrounds
- police, fire, or rescue station

##### Communication/Utility Uses

- sewage treatment plant
- wireless telecommunications facility
- water tower

##### Commercial Uses

- kennel
- recreational uses (large scale)
- health spa
- retreat center

##### Industrial Uses

- mineral extraction and processing
- power generation facility
- agricultural products terminal

#### Notes

1. *Use Matrix:* The Use Matrix at the end of this Article (p. 2-34) provides detailed use listings for all zoning districts.
2. *Planned Developments:* Any zoning district may be rezoned to "PUD", consistent with Article 5, Planned Unit Developments of this Ordinance.
3. *Subdivisions Permitted:* The subdivision of land in this district shall be consistent with the provisions of the Shelbyville Subdivision Control Ordinance, unless such land is located outside of the Shelbyville City Limits in which case all applicable regulations of Shelby County shall apply.
4. *Accessory Uses:* Accessory Uses are described by Chapter 6.3 of this Ordinance.

**2.4 Agriculture - AG (cont.)**

Agriculture (AG)

**C. Lot & Yard Standards**

**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

**Maximum Lot Coverage:**

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

**Minimum Front Yard Setback:**

- 50 feet when adjacent to an Arterial Street
- 50 feet when adjacent to a Collector Street
- 50 feet when adjacent to a Local Street

**Minimum Side Yard Setback:**

- 50 feet

**Minimum Rear Yard Setback:**

- 50 feet

**Minimum Living Area per Dwelling:**

- 1,000 square feet

**Minimum Ground Floor Living Area:**

- 40% of the total living area

**Maximum Primary Structures per Lot:**

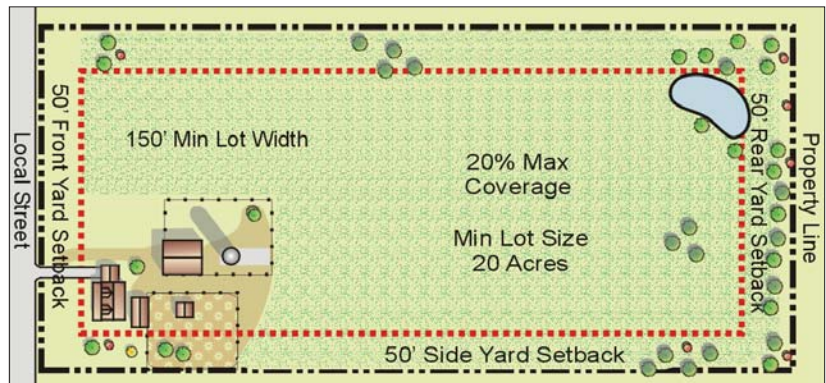
- 1 primary residential structure, no limit for agricultural structures

**Maximum Height:**

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

**CROSS-REFERENCES**

Title	Page #	Title	Page #
<b>Height</b> .....	6-3	<b>Flood Hazard Area</b> .....	6-29
<b>Accessory Use &amp; Structure</b>		<b>Parking</b>	
<i>Part 1</i> .....	6-5	<i>Part 1</i> .....	6-39
<i>Part 2</i> .....	6-7	<i>Part 2</i> .....	6-41
<i>Part 3</i> .....	6-9	<b>Entrance Drive</b>	
<b>Temporary Use &amp; Structure</b>		<i>Part 1</i> .....	6-49
<i>Part 1</i> .....	6-11	<b>Sight Visibility</b> .....	6-55
<i>Part 2</i> .....	6-12	<b>Satellite Dish</b> .....	6-57
<i>Part 3</i> .....	6-12	<b>Fence, Hedge, &amp; Wall</b>	
<b>Confined Feeding</b> .....	6-19	<i>Part 1</i> .....	6-59
<b>Residential</b>		<b>Buffering &amp; Screening</b>	
<i>Part 1</i> .....	6-20	<i>Part 1</i> .....	6-64
<i>Part 2</i> .....	6-20	<b>Exterior Lighting</b> .....	6-68
<b>Home Occupation</b> .....	6-21		
<b>Environmental</b> .....	6-26		



*Illustrative Layout (Does not reflect all requirements established by this Ordinance).*



## 2.5 Agriculture/Rural Residential - A/R

### Agriculture/ Rural Residential (A/R)

#### **Intent**

The A/R 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.

#### **A. Permitted Uses**

##### **Agricultural Uses**

- farm (general)
- winery
- animal boarding

##### **Residential Uses**

- dwelling, farm
- dwelling, single-family
- residential facility for the mentally ill
- residential facility for the developmentally disabled type I

##### **Institutional/Public Uses**

- cemetery

##### **Communication/Utility Uses**

- utility substation
- public wellfield/pumphouse

##### **Park Uses**

- nature preserve/center
- park and/or playgrounds

#### **B. Special Exception Uses**

##### **Agricultural Uses**

- farmer's market (for sale of products grown off-site)

##### **Residential Uses**

- residential facility for the developmentally disabled type II
- bed and breakfast facility
- group home/residential treatment center
- boarding house

##### **Institutional/Public Uses**

- church or other place of worship
- fairgrounds
- police, fire, or rescue station
- school (P-12)

##### **Communication/Utility Uses**

- sewage treatment plant
- wireless telecommunications facility
- water tower

##### **Park Uses**

- golf course and/or country club
- driving range
- athletic fields, courts, & areas

##### **Commercial Uses**

- kennel
- recreational uses (large scale)
- health spa
- retreat center

##### **Industrial Uses**

- mineral extraction and processing
- power generation facility

#### **Notes**

1. *Use Matrix:* The Use Matrix at the end of this Article (p. 2-34) provides detailed use listings for all zoning districts.
2. *Planned Developments:* Any zoning district may be rezoned to "PUD", consistent with Article 5, Planned Unit Developments of this Ordinance.
3. *Subdivisions Permitted:* The subdivision of land in this district shall be consistent with the provisions of the Shelbyville Subdivision Control Ordinance, unless such land is located outside of the Shelbyville City Limits in which case all applicable regulations of Shelby County shall apply.
4. *Accessory Uses:* Accessory Uses are described by Chapter 6.3 of this Ordinance.

**C. Lot & Yard 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 (on a public street, with access from that street)

**Maximum Lot Depth:**

- 3.5 times the lot width

**Maximum Lot Coverage:**

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

**Minimum Front Yard Setback:**

- 50 feet when adjacent to an Arterial Street
- 50 feet when adjacent to a Collector Street
- 50 feet when adjacent to a Local Street

**Minimum Side Yard Setback:**

- 35 feet

**Minimum Rear Yard Setback:**

- 35 feet

**Minimum Living Area per Dwelling:**

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

**Minimum Ground Floor Living Area:**

- 40% of the total living area

**Maximum Primary Structures per Lot:**

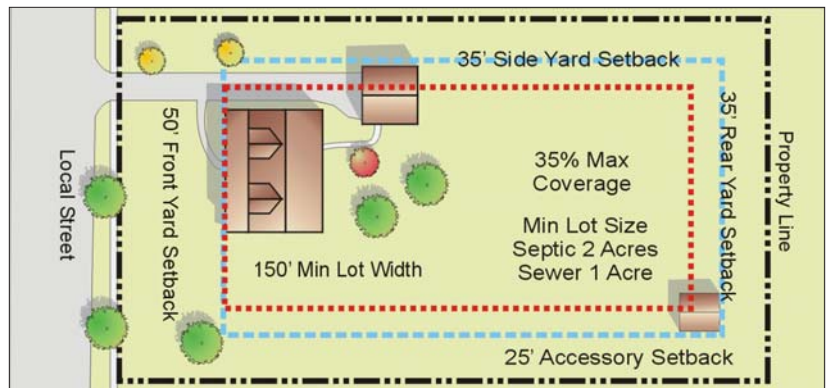
- 1 primary residential structure, no limit for agricultural structures

**Maximum Height:**

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

**CROSS-REFERENCES**

Title	Page #	Title	Page #
<b>Height</b> .....	6-3	<b>Flood Hazard Area</b> .....	6-29
<b>Accessory Use &amp; Structure</b>		<b>Parking</b>	
<i>Part 1</i> .....	6-5	<i>Part 1</i> .....	6-39
<i>Part 2</i> .....	6-7	<i>Part 2</i> .....	6-41
<i>Part 3</i> .....	6-9	<b>Entrance Drive</b>	
<b>Temporary Use &amp; Structure</b>		<i>Part 1</i> .....	6-49
<i>Part 1</i> .....	6-11	<b>Sight Visibility</b> .....	6-55
<i>Part 2</i> .....	6-12	<b>Satellite Dish</b> .....	6-57
<i>Part 3</i> .....	6-12	<b>Fence, Hedge, &amp; Wall</b>	
<b>Confined Feeding</b> .....	6-19	<i>Part 1</i> .....	6-59
<b>Residential</b>		<b>Buffering &amp; Screening</b>	
<i>Part 1</i> .....	6-20	<i>Part 1</i> .....	6-64
<i>Part 2</i> .....	6-20	<b>Exterior Lighting</b> .....	6-68
<b>Home Occupation</b> .....	6-21		
<b>Environmental</b> .....	6-26		



*Illustrative Layout (Does not reflect all requirements established by this Ordinance).*

## 2.6 Single-Family Residential - R1

### Single-Family Residential (R1)

**Performance Zoning District See Article 3**

### Intent

The "R1" district is intended to provide an area exclusively for single-family homes. This district may be used to provide a transition between the "AG" and "A/R" areas and those of higher density residential uses. The performance standards, established by Article 3, are intended to encourage a diversity of neighborhoods. 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.

#### A. Permitted Uses

##### Residential Uses

- dwelling, single-family
- residential facility for the mentally ill
- residential facility for the developmentally disabled type I

##### Park Uses

- nature preserve/center
- park and/or playgrounds

#### B. Special Exception Uses

##### Residential Uses

- residential facility for the developmentally disabled type II

##### Institutional/Public Uses

- church or other place of worship
- day-care center
- cemetery
- police, fire, or rescue station
- school (P-12)

##### Communication/Utility Uses

- water tower

##### Park Uses

- golf course and/or country club
- driving range
- athletic fields, courts, & areas

### Notes

1. *Use Matrix:* The Use Matrix at the end of this Article (p. 2-34) provides detailed use listings for all zoning districts.
2. *Planned Developments:* Any zoning district may be rezoned to "PUD", consistent with Article 5, Planned Unit Developments of this Ordinance.
3. *Subdivisions Permitted:* The subdivision of land in this district shall be consistent with the provisions of the Shelbyville Subdivision Control Ordinance, unless such land is located outside of the Shelbyville City Limits in which case all applicable regulations of Shelby County shall apply.
4. *Accessory Uses:* Accessory Uses are described by Chapter 6.3 of this Ordinance.

**C. Lot & Yard 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

**Maximum Lot Coverage:**

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

**Minimum Front Yard Setback:**

- 50 feet when adjacent to an Arterial Street
- 30 feet when adjacent to a Collector Street
- 20 feet when adjacent to a Local Street

**Minimum Side Yard Setback:**

- 10 feet

**Minimum Rear Yard Setback:**

- 20 feet

**Minimum Living Area per Dwelling:**

- 1,400 square feet

**Minimum Ground Floor Living Area:**

- 30% of the total living area

**Maximum Primary Structures per Lot:**

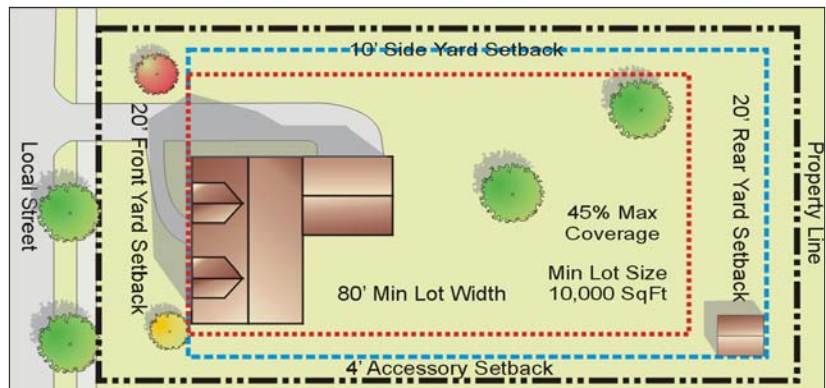
- 1

**Maximum Height:**

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

**CROSS-REFERENCES**

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Performance Zoning .....	3-2	Flood Hazard Area .....	6-29
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Accessory Use & Structure		Part 1 .....	6-39
Part 1 .....	6-5	Part 3 .....	6-41
Part 2 .....	6-7	Entrance Drive	
Part 3 .....	6-9	Part 1 .....	6-49
Temporary Use & Structure		Sight Visibility .....	6-55
Part 1 .....	6-11	Satellite Dish .....	6-57
Part 2 .....	6-12	Fence, Hedge, & Wall	
Part 3 .....	6-12	Part 1 .....	6-59
Residential		Part 2 .....	6-59
Part 1 .....	6-20	Buffering & Screening	
Part 2 .....	6-20	Part 1 .....	6-64
Home Occupation .....	6-21	Exterior Lighting .....	6-68
Environmental .....	6-26		



*Illustrative Layout (Does not reflect all requirements established by this Ordinance).*

## 2.7 Two-Family Residential - R2

### Two-Family Residential (R2)

**Performance Zoning District**  
See Article 3

### Intent

The "R2" district is intended to provide an area for two-family dwellings, such as duplexes and "patio homes". The performance standards established by Article 3 are intended to encourage innovative designs and a diversity of neighborhoods. 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.

### A. Permitted Uses

#### Residential Uses

- dwelling, two-family
- residential facility for the mentally ill
- residential facility for the developmentally disabled type I

#### Park Uses

- nature preserve/center
- park and/or playgrounds

### B. Special Exception Uses

#### Residential Uses

- dwelling, single-family
- residential facility for the developmentally disabled type II
- assisted living facility
- retirement facility
- nursing home

#### Institutional/Public Uses

- church or other place of worship
- community center
- day-care center
- cemetery
- police, fire, or rescue station
- school (P-12)

#### Communication/Utility Uses

- water tower

#### Park Uses

- golf course and/or country club
- driving range
- athletic fields, courts, & areas

### Notes

1. *Use Matrix:* The Use Matrix at the end of this Article (p. 2-34) provides detailed use listings for all zoning districts.
2. *Planned Developments:* Any zoning district may be rezoned to "PUD", consistent with Article 5, Planned Unit Developments of this Ordinance.
3. *Subdivisions Permitted:* The subdivision of land in this district shall be consistent with the provisions of the Shelbyville Subdivision Control Ordinance, unless such land is located outside of the Shelbyville City Limits in which case all applicable regulations of Shelby County shall apply.
4. *Accessory Uses:* Accessory Uses are described by Chapter 6.3 of this Ordinance.

**2.7 Two-Family Residential - R2 cont.**

Two-Family Residential (R2)

**C. Lot & Yard 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

**Maximum Lot Coverage:**

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

**Minimum Front Yard Setback:**

- 50 feet when adjacent to an Arterial Street
- 30 feet when adjacent to a Collector Street
- 20 feet when adjacent to a Local Street

**Minimum Side Yard Setback:**

- 7 feet

**Minimum Rear Yard Setback:**

- 15 feet

**Minimum Living Area per Dwelling:**

- 1,400 square feet

**Minimum Ground Floor Living Area:**

- none

**Maximum Primary Structures per Lot:**

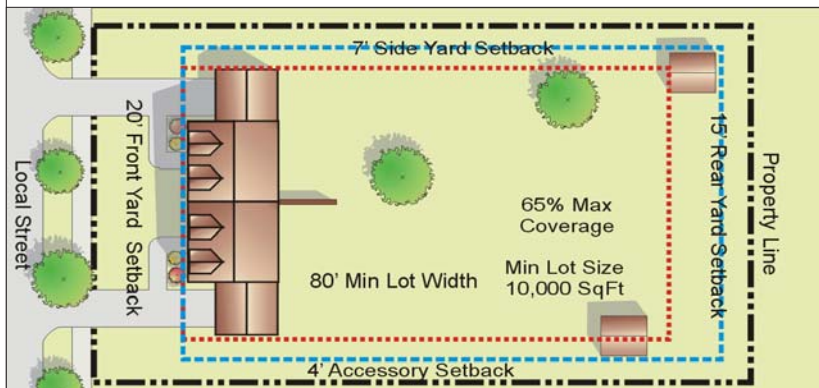
- 1

**Maximum Height:**

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

**CROSS-REFERENCES**

Title	Page #	Title	Page #
Performance Zoning .....	3-2	Flood Hazard Area .....	6-29
Height .....	6-3	Parking	
Accessory Use & Structure		Part 1 .....	6-39
Part 1 .....	6-5	Part 3 .....	6-41
Part 2 .....	6-7	Entrance Drive	
Part 3 .....	6-9	Part 1 .....	6-49
Temporary Use & Structure		Sight Visibility .....	6-55
Part 1 .....	6-11	Satellite Dish .....	6-57
Part 2 .....	6-12	Fence, Hedge, & Wall	
Part 3 .....	6-12	Part 1 .....	6-59
Residential		Part 2 .....	6-59
Part 1 .....	6-20	Buffering & Screening	
Part 2 .....	6-20	Part 1 .....	6-64
Home Occupation .....	6-21	Exterior Lighting .....	6-68
Environmental .....	6-26		



*Illustrative Layout (Does not reflect all requirements established by this Ordinance).*

## 2.8 Multi-Family Residential - RM

### Multi-Family Residential (RM)

**Performance Zoning District See Article 3**

### Intent

The "RM" district is intended to provide an area for multi-family dwellings, such as apartment houses, apartment complexes, and condominiums. This district may be used to provide a transition between other residential and non-residential land uses. The performance standards established by Article 3 are intended to encourage innovative designs.

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.

### A. Permitted Uses

#### Residential Uses

- dwelling, multi-family
- residential facility for the mentally ill
- residential facility for the developmentally disabled type I
- residential facility for the developmentally disabled type II
- assisted living facility
- retirement facility
- nursing home

#### Park Uses

- nature preserve/center
- park and/or playgrounds

### B. Special Exception Uses

#### Residential Uses

- group home/residential treatment center
- boarding house

#### Institutional/Public Uses

- church or other place of worship
- community center
- day-care center
- institutional facility for the developmentally disabled
- institutional facility for the mentally ill
- police, fire, or rescue station
- school (P-12)

#### Communication/Utility Uses

- water tower

#### Park Uses

- golf course and/or country club
- driving range
- athletic fields, courts, & areas

### Notes

1. *Use Matrix:* The Use Matrix at the end of this Article (p. 2-34) provides detailed use listings for all zoning districts.
2. *Planned Developments:* Any zoning district may be rezoned to "PUD", consistent with Article 5, Planned Unit Developments of this Ordinance.
3. *Subdivisions Permitted:* The subdivision of land in this district shall be consistent with the provisions of the Shelbyville Subdivision Control Ordinance, unless such land is located outside of the Shelbyville City Limits in which case all applicable regulations of Shelby County shall apply.
4. *Accessory Uses:* Accessory Uses are described by Chapter 6.3 of this Ordinance.

**C. Lot & Yard Standards**

**Minimum Lot Area:**

- 4,500 square feet per dwelling unit

**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

**Maximum Lot Coverage:**

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

**Minimum Front Yard Setback:**

- 50 feet when adjacent to an Arterial Street
- 30 feet when adjacent to a Collector Street
- 20 feet when adjacent to a Local Street

**Minimum Side Yard Setback:**

- 50 feet (if an apartment complex)
- 10 feet (if a single apartment house)

**Minimum Rear Yard Setback:**

- 50 feet (if an apartment complex)
- 15 feet (if a single apartment-house)

**Minimum Living Area per Dwelling:**

- 600 square feet

**Minimum Ground Floor Living Area:**

- none

**Maximum Primary Structures per Lot:**

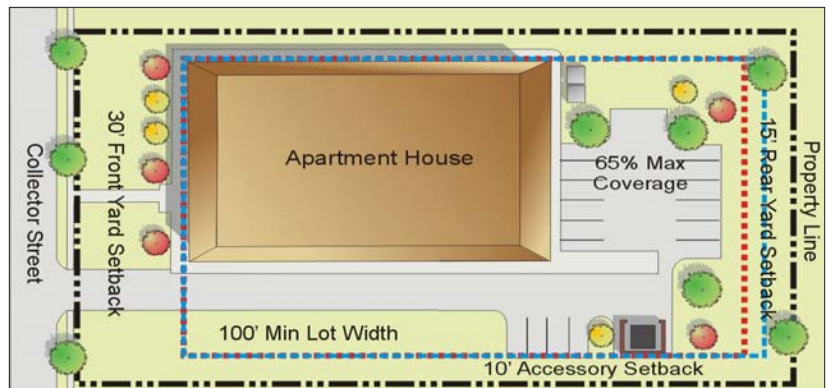
- none

**Maximum Height:**

- 65 feet for primary structures
- 25 feet for accessory structures

**CROSS-REFERENCES**

Title	Page #	Title	Page #
Performance Zoning .....	3-2	Parking	
Height .....	6-3	Part 1 .....	6-39
Accessory Use & Structure		Part 4 .....	6-41
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*Illustrative Layout (Does not reflect all requirements established by this Ordinance).*



## 2.9 Manufactured Home Park - RMH

### Manufactured Home Park (RMH)

#### **Intent**

The "RMH" district is intended to provide areas within the community for leased-lot parks of mobile and type III manufactured homes. All manufactured home parks shall be established and maintained in accordance with IC 16-11-27-1 et. seq., 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.

Neighborhoods of type I and type II manufactured homes that use public streets, individually platted lots, and/or lots-for-sale are intended to follow the requirements for single-family home developments consistent with this Ordinance and the Shelbyville Subdivision Control Ordinance.

#### **A. Permitted Uses**

##### **Residential Uses**

- mobile home/manufactured home park

##### **Park Uses**

- nature preserve/center
- park and/or playgrounds

#### **B. Special Exception Uses**

##### **Institutional/Public Uses**

- church or other place of worship
- community center
- day-care center
- police, fire, or rescue station
- school (P-12)

##### **Communication/Utility Uses**

- water tower

##### **Park Uses**

- golf course and/or country club
- driving range
- athletic fields, courts, & areas

#### **Notes**

1. *Use Matrix:* The Use Matrix at the end of this Article (p. 2-34) provides detailed use listings for all zoning districts.
2. *Planned Developments:* Any zoning district may be rezoned to "PUD", consistent with Article 5, Planned Unit Developments of this Ordinance.
3. *Subdivisions Permitted:* The subdivision of land in this district shall be consistent with the provisions of the Shelbyville Subdivision Control Ordinance, unless such land is located outside of the Shelbyville City Limits in which case all applicable regulations of Shelby County shall apply.
4. *Accessory Uses:* Accessory Uses are described by Chapter 6.3 of this Ordinance.

**C. Lot & Yard Standards (parcel)**

**Minimum Lot Area:**

- 5 acres

**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

**Maximum Lot Coverage:**

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

**Minimum Front Yard Setback:**

- 50 feet when adjacent to an Arterial Street
- 50 feet when adjacent to a Collector Street
- 50 feet when adjacent to Local Street

**Minimum Side & Rear Yard Setback:**

- 50 feet

**Minimum Living Area per Dwelling:**

- 900 square feet

**Minimum Ground Floor Living Area:**

- none

**Maximum Primary Structures per Lot:**

- none

**Maximum Height:**

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

**D. Lot & Yard Standards (dwelling site)**

**Minimum Dwelling Site Area:**

- 4,000 square feet

**Minimum Dwelling Site Front Yard Setback:**

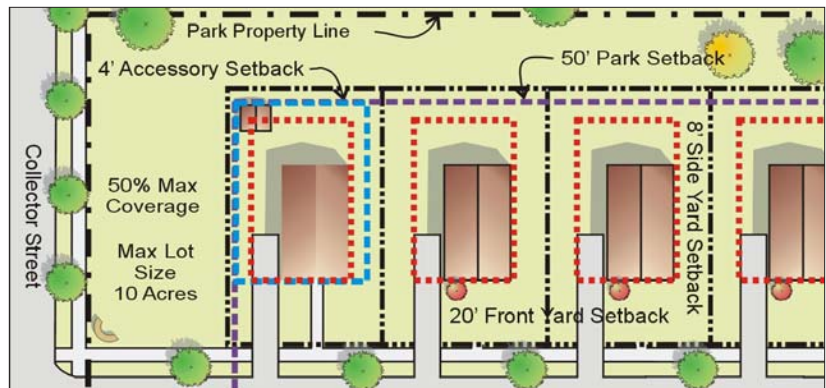
- 20 feet from the edge of pavement of interior streets (if private) or the right-of-way (if public)

**Minimum Dwelling Site Side & Rear Yard Setback:**

- 8 feet

**CROSS-REFERENCES**

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*Illustrative Layout (Does not reflect all requirements established by this Ordinance).*

**2.10 Parks & Open Space - PK**

Parks & Open Space (PK)

**Intent**

The "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.

**A. Permitted Uses**

**Institutional Uses**

- community center
- fairgrounds

**Park Uses**

- golf course and/or country club
- driving range
- nature preserve/center
- park and/or playgrounds
- athletic fields, courts, & areas

**Commercial Uses**

- circus or carnival

**B. Special Exception Uses**

**Institutional/Public Uses**

- lodge or private club
- church or other place of worship
- cemetery
- government office
- government facility
- police, fire, or rescue station
- museum or gallery
- library
- parking lot or parking garage (as a primary use)
- school (P-12)

**Communication/Utility Uses**

- utility substation
- public wellfield/pumphouse
- water tower

**Park Uses**

- campground/RV park

**Commercial Uses**

- recreational uses (large scale)
- health spa
- retreat center

**Notes**

1. *Use Matrix:* The Use Matrix at the end of this Article (p. 2-34) provides detailed use listings for all zoning districts.
2. *Planned Developments:* Any zoning district may be rezoned to "PUD", consistent with Article 5, Planned Unit Developments of this Ordinance.
3. *Subdivisions Permitted:* The subdivision of land in this district shall be consistent with the provisions of the Shelbyville Subdivision Control Ordinance, unless such land is located outside of the Shelbyville City Limits in which case all applicable regulations of Shelby County shall apply.
4. *Accessory Uses:* Accessory Uses are described by Chapter 6.3 of this Ordinance.

**2.10 Parks & Open Space - PK (cont.)**

Parks & Open Space (PK)

**C. Lot & Yard 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

**Maximum Lot Coverage:**

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

**Minimum Front Yard Setback:**

- 50 feet when adjacent to an Arterial Street
- 30 feet when adjacent to a Collector Street
- 20 feet when adjacent to a Local Street

**Minimum Side Yard Setback:**

- 10 feet

**Minimum Rear Yard Setback:**

- 10 feet

**Minimum Living Area per Dwelling:**

- not applicable

**Minimum Ground Floor Living Area:**

- not applicable

**Maximum Primary Structures per Lot:**

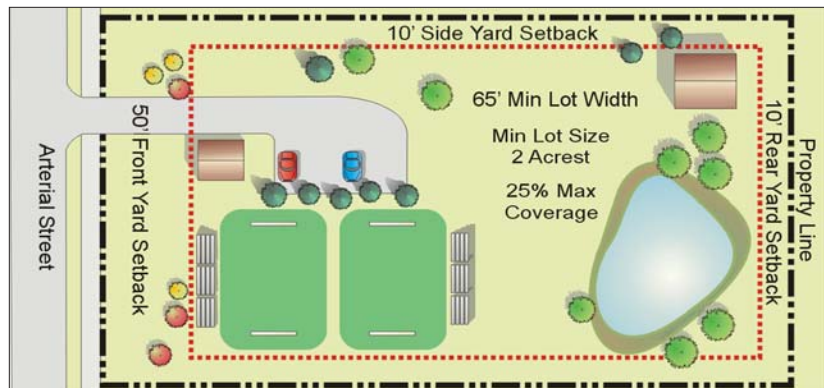
- not applicable

**Maximum Height:**

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

**CROSS-REFERENCES**

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*Illustrative Layout (Does not reflect all requirements established by this Ordinance).*

## 2.11 Neighborhood Business - BN

### Neighborhood Business (BN)

#### Intent

The "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. 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.

#### A. Permitted Uses

##### Residential Uses

- dwelling, single family (on upper floors of other uses)
- dwelling, two-family (on upper floors of other uses)
- dwelling, multi-family (on upper floors of other uses)

##### Institutional/Public Uses

- day-care center

##### Park Uses

- nature preserve/center
- park and/or playgrounds

##### Commercial Uses

- personal service uses
- retail uses (small scale)

#### B. Special Exception Uses

##### Residential Uses

- residential facility for the mentally ill
- residential facility for the developmentally disabled type I
- residential facility for the developmentally disabled type II
- assisted living facility
- retirement facility
- nursing home
- bed & breakfast facility

##### Institutional/Public Uses

- church or other place of worship
- community center
- medical or health clinic
- police, fire, or rescue station
- parking lot or parking garage (as a primary use)
- school (P-12)

##### Communication/Utility Uses

- water tower

##### Park Uses

- athletic fields, courts, & areas

##### Commercial Uses

- restaurant
- drive-up/drive thru facility (as an accessory use)
- recreation uses (small scale)
- retail uses (medium scale)

#### Notes

1. *Use Matrix:* The Use Matrix at the end of this Article (p. 2-34) provides detailed use listings for all zoning districts.
2. *Planned Developments:* Any zoning district may be rezoned to "PUD", consistent with Article 5, Planned Unit Developments of this Ordinance.
3. *Subdivisions Permitted:* The subdivision of land in this district shall be consistent with the provisions of the Shelbyville Subdivision Control Ordinance, unless such land is located outside of the Shelbyville City Limits in which case all applicable regulations of Shelby County shall apply.
4. *Accessory Uses:* Accessory Uses are described by Chapter 6.3 of this Ordinance.

**C. Lot & Yard Standards**

**Minimum Lot Area:**

- 5,000 square feet

**Maximum Lot Area:**

- 1 acre

**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

**Maximum Lot Coverage:**

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

**Minimum Front Yard Setback:**

- 20 feet when adjacent to an Arterial Street
- 15 feet when adjacent to a Collector Street
- 10 feet when adjacent to a Local Street

**Minimum Side Yard Setback:**

- 0 feet

**Minimum Rear Yard Setback:**

- 20 feet

**Minimum Living Area per Dwelling:**

- 600 square feet

**Minimum Ground Floor Living Area:**

- N/A

**Maximum Primary Structures per Lot:**

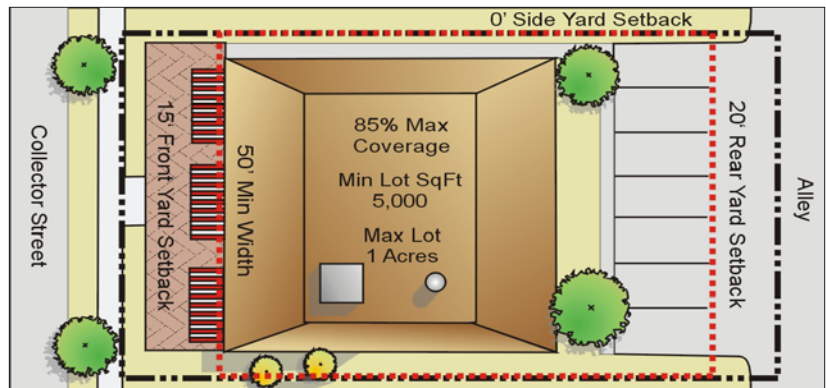
- 1

**Maximum Height:**

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

# CROSS-REFERENCES

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<b>Residential</b>		<i>Part 3</i> .....	6-60
<i>Part 1</i> .....	6-20	<b>Landscaping</b> .....	6-61
<i>Part 2</i> .....	6-20	<b>Buffering &amp; Screening</b>	
<b>Home Occupation</b> .....	6-21	<i>Part 1</i> .....	6-64
<b>Environmental</b> .....	6-26	<i>Part 2</i> .....	6-66
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*Illustrative Layout (Does not reflect all requirements established by this Ordinance).*

**2.12 Central Business - BC**

**Central Business (BC)**

**Intent**

The "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.

**A. Permitted Uses**

**Agricultural Uses**

- farmer’s market (for sale of products grown off-site)

**Residential Uses**

- dwelling, single family, two-family, or multi-family (on upper floors of other uses)

**Institutional/Public Uses**

- lodge or private club
- community center
- funeral home
- hospital/medical center
- medical or health clinic
- government office
- police, fire, or rescue station
- post office
- museum or gallery
- library
- trade or business school

**Park Uses**

- park and/or playgrounds

**Commercial Uses**

- hotel
- motel
- restaurant
- recreation uses (small scale)
- conference center
- personal service uses
- office uses
- retail uses (small scale)
- retail uses (medium scale)
- data processing center

**B. Special Exception Uses**

**Residential Uses**

- residential facility for the mentally ill
- residential facility for the developmentally disabled type I
- residential facility for the developmentally disabled type II
- assisted living facility
- retirement facility
- nursing home
- bed & breakfast facility
- boarding house

**Institutional/Public Uses**

- church or other place of worship
- day-care center
- institutional facility for the developmentally disabled
- institutional facility for the mentally ill
- penal or correctional institution
- parking lot or parking garage (as a primary use)
- school (P-12)
- university or college

**Communication/Utility Uses**

- utility substation
- wireless telecommunications facility
- communications service exchange
- water tower

**Park Uses**

- athletic fields, courts, & areas

**Commercial Uses**

- drive-up/drive thru facility (as an accessory use)
- bus/mass transit terminal
- circus or carnival
- recreation uses (medium scale)
- health spa
- retreat center
- liquor store
- retail uses (large scale)

**Industrial Uses**

- warehouse & distribution facility

**Notes**

1. *Use Matrix: The Use Matrix at the end of this Article (p 2-34) provides detailed use listings for all zoning districts.*
2. *Planned Developments: Any zoning district may be rezoned to "PUD", consistent with Article 5, Planned Unit Developments, of this Ordinance.*
3. *Subdivisions Permitted: The subdivision of land in this district shall be consistent with the provisions of the Shelbyville Subdivision Control Ordinance, unless such land is located outside of the Shelbyville City Limits in which case all applicable regulations of Shelby County shall apply.*
4. *Accessory Uses: Accessory Uses are described by Chapter 6.3 of this Ordinance.*

**C. Lot & Yard 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

**Maximum Lot Coverage:**

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

**Minimum Front Yard Setback and Build-to Line:**

- 0 feet when adjacent to an Arterial Street
- 0 feet when adjacent to a Collector Street
- 0 feet when adjacent to a Local Street

**Minimum Side Yard Setback:**

- 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:**

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

**Minimum Living Area per Dwelling:**

- 600 square feet

**Minimum Ground Floor Living Area:**

- Not Applicable

**Maximum Primary Structures per Lot:**

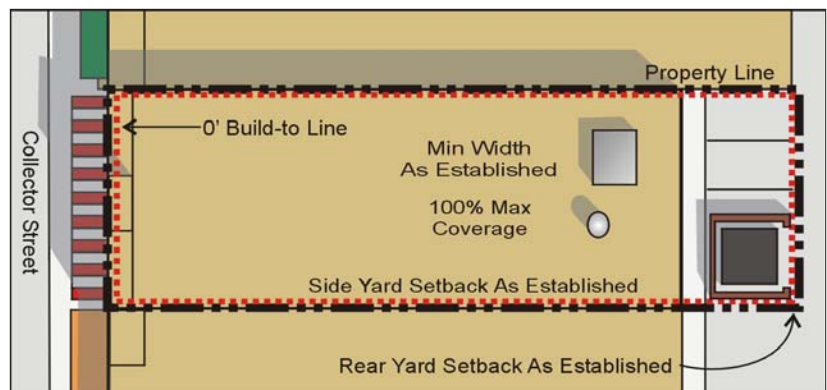
- 1

**Maximum Height:**

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

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<b>Temporary Use &amp; Structure</b>		<b>Satellite Dish</b> .....	6-57
Part 1 .....	6-11	<b>Fence, Hedge, &amp; Wall</b>	
Part 4 .....	6-14	Part 1 .....	6-59
<b>Residential</b>		Part 3 .....	6-60
Part 1 .....	6-20	<b>Landscaping</b> .....	6-61
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*Illustrative Layout (Does not reflect all requirements established by this Ordinance).*



**2.13 Professional Business - BP**

Professional Business (BP)

**Intent**

The "BP" district is intended to provide areas exclusively for professional offices. This district may be used to establish business or technology centers or as a transitional use between residential and general commercial or industrial uses. Shelbyville should strive to protect this district from incompatible land uses, such as general industrial and large-scale retail uses. This district should also be used to provide high-quality business parks for technology businesses.

**A. Permitted Uses**

**Institutional/Public Uses**

- day-care center
- medical or health clinic
- government office
- police, fire, or rescue station
- trade or business school
- university or college

**Park Uses**

- nature preserve/center
- park and/or playgrounds

**Commercial Uses**

- conference center
- office uses
- retail uses (small scale)
- call center
- data processing center

**Industrial Uses**

- research and development facility

**B. Special Exception Uses**

**Institutional/Public Uses**

- lodge or private club
- church or other place of worship
- hospital/medical center
- institutional facility for the developmentally disabled
- institutional facility for the mentally ill
- post office
- museum or gallery
- library
- parking lot or parking garage (as a primary use)
- school (P-12)

**Communication/Utility Uses**

- utility substation
- wireless telecommunications facility
- communication service exchange
- water tower

**Park Uses**

- athletic fields, courts, & areas

**Commercial Uses**

- hotel
- drive-up/drive thru facility (as an accessory use)
- retreat center

**Notes**

1. *Use Matrix:* The Use Matrix at the end of this Article (p. 2-34) provides detailed use listings for all zoning districts.
2. *Planned Developments:* Any zoning district may be rezoned to "PUD", consistent with Article 5, Planned Unit Developments of this Ordinance.
3. *Subdivisions Permitted:* The subdivision of land in this district shall be consistent with the provisions of the Shelbyville Subdivision Control Ordinance, unless such land is located outside of the Shelbyville City Limits in which case all applicable regulations of Shelby County shall apply.
4. *Accessory Uses:* Accessory Uses are described by Chapter 6.3 of this Ordinance.

**C. Lot & Yard 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

**Maximum Lot Coverage:**

- 75% (of the lot area may be covered by structures and other hard surfaces)

**Minimum Front Yard Setback:**

- 50 feet when adjacent to an Arterial Street
- 30 feet when adjacent to a Collector Street
- 20 feet when adjacent to a Local Street

**Minimum Side Yard Setback:**

- 10 feet

**Minimum Rear Yard Setback:**

- 20 feet

**Minimum Living Area per Dwelling:**

- not applicable

**Minimum Ground Floor Living Area:**

- not applicable

**Maximum Primary Structures per Lot:**

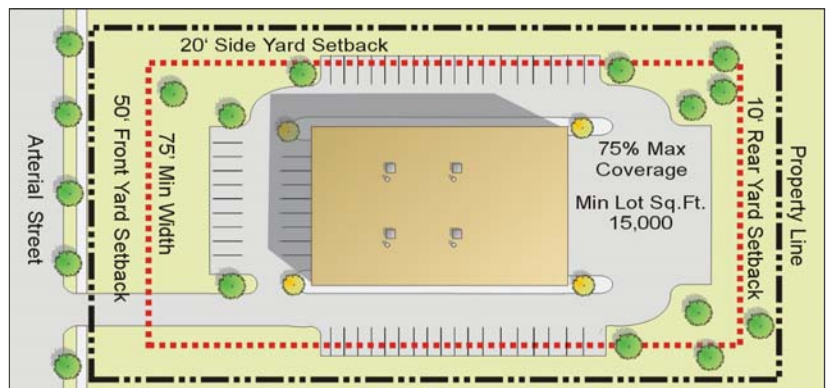
- 1

**Maximum Height:**

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

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<i>Part 3</i> .....	6-9	<b>Sight Visibility</b> .....	6-55
<b>Temporary Use &amp; Structure</b>		<b>Satellite Dish</b> .....	6-57
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<i>Part 4</i> .....	6-14	<i>Part 1</i> .....	6-59
<b>Residential</b>		<i>Part 3</i> .....	6-60
<i>Part 1</i> .....	6-20	<b>Landscaping</b> .....	6-61
<i>Part 2</i> .....	6-20	<b>Buffering &amp; Screening</b>	
<b>Home Occupation</b> .....	6-21	<i>Part 1</i> .....	6-64
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*Illustrative Layout (Does not reflect all requirements established by this Ordinance).*

**2.14 General Business - BG**

General Business (BG)

**Intent**

The "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, professional, 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*

**A. Permitted Uses**

**Institutional/Public Uses**

- lodge or private club
- church or other place of worship
- day-care center
- funeral home
- hospital/medical center
- medical or health clinic
- government office
- police, fire, or rescue station
- parking lot or parking garage (as a primary use)
- school (P-12)
- trade or business school

**Communication/Utility Uses**

- utility substation
- communication service exchange

**Park Uses**

- nature preserve/center

**Commercial Uses**

- auto-oriented uses (small scale)
- auto-oriented uses (medium scale)
- hotel
- motel
- restaurant
- drive-up/drive thru facility (as an accessory use)
- recreation uses (small scale)
- recreation uses (medium scale)
- conference center
- personal service uses
- office uses
- retail uses (small scale)
- retail uses (medium scale)
- retail uses (large scale)
- liquor store
- data processing center

**B. Special Exception Uses**

**Agricultural Uses**

- farmers market (for products grown off-site)

**Residential Uses**

- assisted living facility
- retirement facility
- nursing home
- bed & breakfast facility
- group home/residential treatment center

**Institutional/Public Uses**

- institutional facility for the developmentally disabled
- institutional facility for the mentally ill
- government facility
- post office
- museum or gallery
- library
- university or college

**Communication/Utility Uses**

- wireless telecommunications facility
- water tower

**Commercial Uses**

- bus/mass transit terminal
- fireworks sales
- health spa
- retreat center

**Industrial Uses**

- warehouse & distribution facility

**Notes**

1. *Use Matrix: The Use Matrix at the end of this Article (p 2-34) provides detailed use listings for all zoning districts.*
2. *Planned Developments: Any zoning district may be rezoned to "PUD", consistent with Article 5, Planned Unit Developments, of this Ordinance.*
3. *Subdivisions Permitted: The subdivision of land in this district shall be consistent with the provisions of the Shelbyville Subdivision Control Ordinance, unless such land is located outside of the Shelbyville City Limits in which case all applicable regulations of Shelby County shall apply.*
4. *Accessory Uses: Accessory Uses are described by Chapter 6.3 of this Ordinance.*

**C. Lot & Yard 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

**Maximum Lot Coverage:**

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

**Minimum Front Yard Setback:**

- 50 feet when adjacent to an Arterial Street
- 30 feet when adjacent to a Collector Street
- 20 feet when adjacent to a Local Street

**Minimum Side Yard Setback:**

- 10 feet

**Minimum Rear Yard Setback:**

- 20 feet

**Minimum Living Area per Dwelling:**

- not applicable

**Minimum Ground Floor Living Area:**

- not applicable

**Maximum Primary Structures per Lot:**

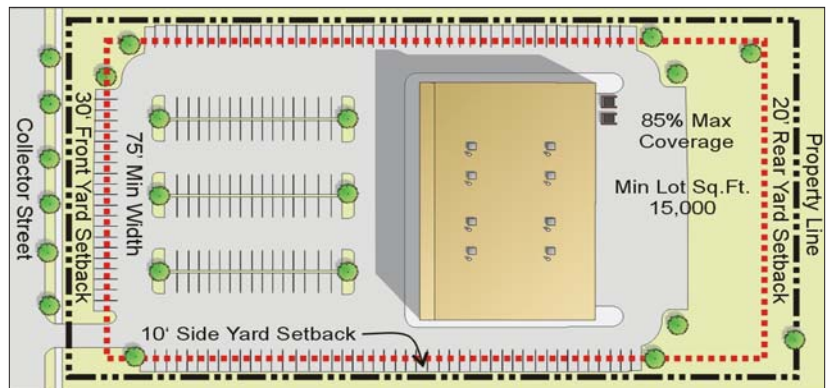
- 1

**Maximum Height:**

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

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*Illustrative Layout (Does not reflect all requirements established by this Ordinance).*

**2.15 Highway Business - BH**

Highway Business (BH)

**Intent**

The "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.

**See Also:**

*Ordinance No. 2001-2397, Regulation of Large Retail Establishments*

**A. Permitted Uses**

**Institutional/Public Uses**

- medical or health clinic
- police, fire, or rescue station
- public parking lot or parking garage

**Communication/Utility Uses**

- utility substation
- wireless telecommunications facility
- communication service exchange
- water tower

**Park Uses**

- nature preserve/center

**Commercial Uses**

- auto-oriented uses (small scale)
- auto-oriented uses (medium scale)
- auto-oriented uses (large scale)
- hotel
- motel
- restaurant
- drive-up/drive thru facility (as an accessory use)
- recreation uses (small scale)
- conference center
- retail uses (small scale)
- retail uses (medium scale)
- retail uses (large scale)

**B. Special Exception Uses**

**Agricultural Uses**

- farm equipment sales and service
- farmer’s market (for sale of products grown off-site)
- commercial greenhouse
- agricultural product sales, distribution, & storage facility

**Residential Uses**

- boarding house

**Institutional/Public Uses**

- church or other place of worship
- hospital or medical center
- government office
- government facility
- museum or gallery

**Commercial Uses**

- mobile/manufactured home sales
- truck stop
- bus/mass transit terminal
- kennel
- fireworks sales
- recreation uses (medium scale)
- personal service uses

**Industrial Uses**

- warehouse & distribution facility
- wholesale facility
- truck freight terminal
- truck sales & service center
- agricultural products terminal

**Notes**

1. *Use Matrix: The Use Matrix at the end of this Article (p 2-34) provides detailed use listings for all zoning districts.*
2. *Planned Developments: Any zoning district may be rezoned to “PUD”, consistent with Article 5, Planned Unit Developments, of this Ordinance.*
3. *Subdivisions Permitted: The subdivision of land in this district shall be consistent with the provisions of the Shelbyville Subdivision Control Ordinance, unless such land is located outside of the Shelbyville City Limits in which case all applicable regulations of Shelby County shall apply.*
4. *Accessory Uses: Accessory Uses are described by Chapter 6.3 of this Ordinance.*

**C. Lot & Yard 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

**Maximum Lot Coverage:**

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

**Minimum Front Yard Setback:**

- 50 feet when adjacent to an Arterial Street
- 30 feet when adjacent to a Collector Street
- 20 feet when adjacent to a Local Street

**Minimum Side Yard Setback:**

- 10 feet

**Minimum Rear Yard Setback:**

- 20 feet

**Minimum Living Area per Dwelling:**

- not applicable

**Minimum Ground Floor Living Area:**

- not applicable

**Maximum Primary Structures per Lot:**

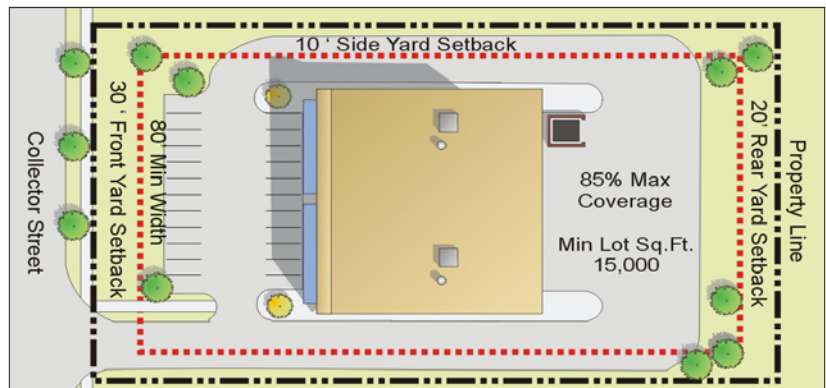
- 1

**Maximum Height:**

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

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*Illustrative Layout (Does not reflect all requirements established by this Ordinance).*

**2.16 Light Industry - IL**

Light Industrial (IL)

**Intent**

The "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.

**A. Permitted Uses**

**Agricultural Uses**

- farm (general)
- commercial greenhouse
- agricultural product sales, distribution, & storage facility

**Residential Uses**

- dwelling, farm

**Institutional Uses**

- airport
- government facility
- police, fire, or rescue station
- parking lot or parking garage (as a primary use)
- trade or business school
- university or college

**Communication/Utility Uses**

- utility substation
- sewage treatment plant
- wireless telecommunications facility
- communication service exchange
- water tower

**Park Uses**

- nature preserve/center

**Commercial Uses**

- call center
- data processing center

**Industrial Uses**

- light industrial assembly and distribution
- warehouse and distribution facility
- research and development facility
- wholesale facility
- light industrial processing & distribution
- contractor's warehouse/storage facility
- mini-storage facility

**B. Special Exception Uses**

**Institutional/Public Uses**

- heliport
- day-care center
- hospital/medical center
- medical or health clinic
- penal or correctional institution

**Commercial Uses**

- hotel
- kennel
- retreat center
- conference center

**Industrial Uses**

- truck freight terminal
- truck sales & service center
- power generation facility
- agricultural products terminal
- boat/RV storage facility

**Notes**

1. *Use Matrix: The Use Matrix at the end of this Article (p. 2-34) provides detailed use listings for all zoning districts.*
2. *Planned Developments: Any zoning district may be rezoned to "PUD", consistent with Article 5, Planned Unit Developments, of this Ordinance.*
3. *Subdivisions Permitted: The subdivision of land in this district shall be consistent with the provisions of the Shelbyville Subdivision Control Ordinance, unless such land is located outside of the Shelbyville City Limits in which case all applicable regulations of Shelby County shall apply.*
4. *Accessory Uses: Accessory Uses and standards are provided by Chapter 6.3 of this Ordinance.*

**2.16 Light Industry - IL (cont.)**

Light Industry (IL)

**C. Lot & Yard 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

**Maximum Lot Coverage:**

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

**Minimum Front Yard Setback:**

- 50 feet when adjacent to an Arterial Street
- 50 feet when adjacent to a Collector Street
- 50 feet when adjacent to a Local Street

**Minimum Side Yard Setback:**

- 25 feet

**Minimum Rear Yard Setback:**

- 25 feet

**Minimum Living Area per Dwelling:**

- not applicable

**Minimum Ground Floor Living Area:**

- not applicable

**Maximum Primary Structures per Lot:**

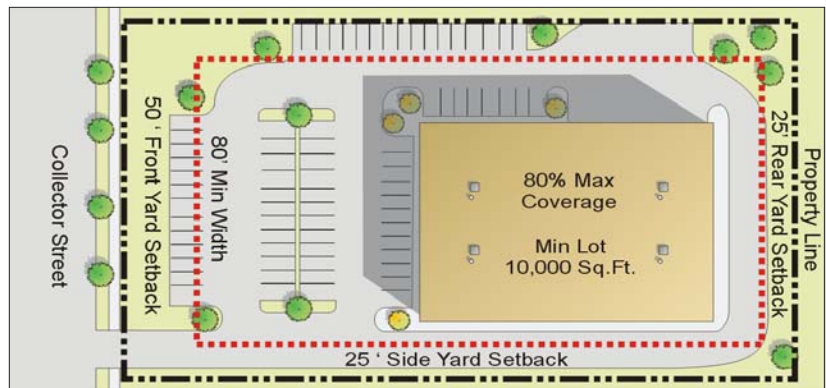
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**Maximum Height:**

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

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*Illustrative Layout (Does not reflect all requirements established by this Ordinance).*



## 2.17 General Industry - IG

### General Industry (IG)

#### **Intent**

The "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 "IL" district to provide ample employment centers and opportunities for economic development.

#### **A. Permitted Uses**

##### **Agricultural Uses**

- farm (general)

##### **Residential Uses**

- dwelling, farm

##### **Institutional Uses**

- police, fire, or rescue station
- parking lot or parking garage (as a primary use)

##### **Communication/Utility Uses**

- utility substation
- sewage treatment plant
- wireless telecommunications facility
- communication service exchange
- water tower

##### **Park Uses**

- nature preserve/center

##### **Commercial Uses**

- adult uses

##### **Industrial Uses**

- light industrial assembly and distribution
- warehouse and distribution center
- research and development facility
- light industrial processing and distribution
- general industrial production
- agricultural products terminal

#### **B. Special Exception Uses**

##### **Institutional/Public Uses**

- heliport
- medical or health clinic
- trade or business school

##### **Industrial Uses**

- mineral extraction & processing
- truck freight terminal
- truck sales & service center
- animal & animal products processing
- food & beverage production
- hazardous materials storage
- power generation facility
- waste disposal facility
- concrete/asphalt production facility

#### **Notes**

1. *Use Matrix:* The Use Matrix at the end of this Article (p. 2-34) provides detailed use listings for all zoning districts.
2. *Planned Developments:* Any zoning district may be rezoned to "PUD", consistent with Article 5, Planned Unit Developments of this Ordinance.
3. *Subdivisions Permitted:* The subdivision of land in this district shall be consistent with the provisions of the Shelbyville Subdivision Control Ordinance, unless such land is located outside of the Shelbyville City Limits in which case all applicable regulations of Shelby County shall apply.
4. *Accessory Uses:* Accessory Uses are described by Chapter 6.3 of this Ordinance.

**C. Lot & Yard 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

**Maximum Lot Coverage:**

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

**Minimum Front Yard Setback:**

- 50 feet when adjacent to an Arterial Street
- 50 feet when adjacent to a Collector Street
- 50 feet when adjacent to a Local Street

**Minimum Side Yard Setback:**

- 25 feet

**Minimum Rear Yard Setback:**

- 25 feet

**Minimum Living Area per Dwelling:**

- not applicable

**Minimum Ground Floor Living Area:**

- not applicable

**Maximum Primary Structures per Lot:**

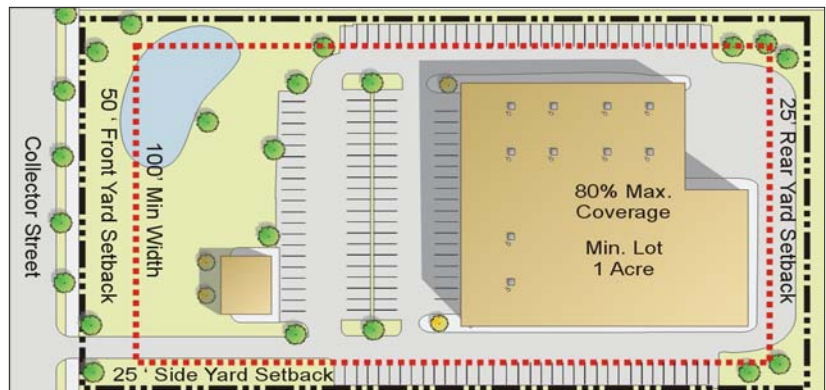
- 1

**Maximum Height:**

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

**CROSS-REFERENCES**

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*Illustrative Layout (Does not reflect all requirements established by this Ordinance).*

## 2.18 Land Use Matrix

<b>Primary Land Use</b> (P - Permitted Use) (S - Special Exception Use)	AG - Agriculture	A/R - Agriculture/Rural Dwelling	R1 - Single-Family Residential	R2 - Two-Family Residential	RM - Multi-Family Residential	RMH - Manufactured Home Park	PK - Park & Open Space	BN - Neighborhood Business	BC - Central Business	BP - Professional Business	BG - General Business	BH - Highway Business	IL - Light Industrial	IG - General Industrial

Agriculture Uses														
<b>farm (general)</b>														
farm dwelling														
grazing & pasture land														
livestock raising & breeding	P	P											P	P
crop production														
crop processing & storage (materials produced on-site)														
<b>farm (confined feeding)</b>	S													
<b>farm equipment sales and service</b>													S	
<b>farmer's market (for sale of products grown off-site)</b>	S	S							P		S	S		
<b>winery</b>	P	P												
<b>animal boarding</b>	P	P												
<b>livestock auction/sales facility</b>	S													
<b>commercial greenhouse</b>												S	P	
<b>agricultural product sales, distribution, &amp; storage facility</b>														
fertilizer sales, distribution, & storage														
seed sales, distribution, & storage	S											S	P	
farm co-op. facility														

Residential Uses															
<b>dwelling, farm</b>	P	P												P	P
<b>dwelling, single-family (includes manufactured home types I &amp; II)</b>	S	P	P	S											
<b>mobile home/manufactured home</b>						P									
<b>dwelling, single family (on upper floors of other use)</b>								P	P						
<b>dwelling, two-family</b>				P											
<b>dwelling, two-family (on upper floors of other use)</b>								P	P						
<b>dwelling, multi-family</b>					P										
<b>dwelling, multi-family (on upper floors or other use)</b>								P	P						
<b>residential facility for the mentally ill</b>		P	P	P	P			S	S						
<b>residential facility for the developmentally disabled type I</b>		P	P	P	P			S	S						
<b>residential facility for the developmentally disabled type II</b>		S	S	S	P			S	S						
<b>assisted living facility</b>				S	P			S	S		S				
<b>retirement facility</b>				S	P			S	S		S				
<b>nursing home</b>				S	P			S	S		S				
<b>bed and breakfast facility</b>	S	S						S	S		S				
<b>group home/residential treatment center</b>		S			S						S				
<b>boarding house</b>		S			S			S				S			

## 2.18 Land Use Matrix (cont.)

Primary Land Use (P - Permitted Use) (S - Special Exception Use)	AG - Agriculture	A/R - Agriculture/Rural Dwelling	R1 - Single-Family Residential	R2 - Two-Family Residential	RM - Multi-Family Residential	RMH - Manufactured Home Park	PK - Park & Open Space	BN - Neighborhood Business	BC - Central Business	BP - Professional Business	BG - General Business	BH - Highway Business	IL - Light Industrial	IG - General Industrial
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Institutional/Public Uses														
airport														P
heliport														S
lodge or private club							S		P	S	P			S
church or other place of worship		S	S	S	S	S	S	S	S	S	P	S		
community center				S	S	S	P	S	P					
day-care center			S	S	S	S		P	S	P	P		S	
fairgrounds	S	S					P							
funeral home									P		P			
cemetery	P	P	S	S			S				P			
hospital/medical center									P	S	P	S	S	
medical or health clinic								S	P	P	P	P	S	S
institutional facility for the developmentally disabled					S				S	S	S			
institutional facility for the mentally ill					S				S	S	S			
government office							S		P	P	P	S		
government facility							S				S	S	P	
penal or correctional institution									S				S	
police, fire, or rescue station	S	S	S	S	S	S	S	S	P	P	P	P	P	P
post office									P	S	S			
museum or gallery							S		P	S	S	S		
library							S		P	S	S			
parking lot or garage (as a primary use)							S	S	S	S	P	P	P	P
school (P-12)		S	S	S	S	S	S	S	S	S	P			
trade or business school									P	P	P		P	S
university or college									S	P	S		P	

Communications/Utilities Uses														
utility substation	P	P					S		S	S	P	P	P	P
wellfield or public pumphouse	P	P					S							
sewage treatment plant	S	S											P	P
wireless telecommunications facility	S	S								S	S	P	P	P
communication service exchange									S	S	P	P	P	P
water tower	S	S	S	S	S	S	S	S	S	S	S	P	P	P

Park Uses														
golf course and/or country club		S	S	S	S	S	P							
driving range		S	S	S	S	S	P							
nature preserve/center	P	P	P	P	P	P	P	P		P	P	P	P	P
park and/or playgrounds		P	P	P	P	P	P	P	P	P				
athletic fields, courts, & areas		S	S	S	S	S	P	S	S	S				
campground/RV park							S							

## 2.18 Land Use Matrix (cont.)

<b>Primary Land Use</b> (P - Permitted Use) (S - Special Exception Use)	AG - Agriculture	A/R - Agriculture/Rural Dwelling	R1 - Single-Family Residential	R2 - Two-Family Residential	RM - Multi-Family Residential	RMH - Manufactured Home Park	PK - Park & Open Space	BN - Neighborhood Business	BC - Central Business	BP - Professional Business	BG - General Business	BH - Highway Business	IL - Light Industrial	IG - General Industrial

Commercial Uses														
adult uses														P
advertising structure (off-premise sign)	See Shelbyville Sign Code - Municipal Code Sec. 98.01-98.99													
auto-oriented uses (small scale)														
gas-station												P	P	
car wash														
auto-oriented uses (medium scale)														
auto repair and bodyshop												P	P	
vehicle detailing/accessory shop														
oil change shop														
auto-oriented uses (large scale)														
automobile/motorcycle sales and service													P	
recreational vehicle sales and service														
mobile/manufactured home sales													S	
hotel									P	S	P	P	S	
motel									P		P	P		
restaurant								S	P		P	P		
drive-up/drive thru facility (as an accessory use)								S	S	S	P	P		
truck stop													S	
bus/mass transit terminal									S		S	S		
kennel	S	S										S	S	
fireworks sales											S	S		
circus or carnival							P		S					
recreation uses (small scale)														
billiard room or arcade														
night club								S	P		P	P		
theater														
microbrewery/brew-pub														
bar														
recreation uses (medium scale)														
bowling alley														
banquet or assembly hall												P	S	
miniature golf course									S					
shooting/archery range (indoor)														
skating rink/swimming pool														
recreational uses (large scale)														
riding stable	S	S					S							
seasonal hunting or fishing facility														
shooting range (outdoor)														
health spa	S	S					S		S		S			
retreat center	S	S					S		S	S	S		S	
conference center									P	P	P	P	S	

## 2.18 Land Use Matrix (cont.)

<b>Primary Land Use</b> (P - Permitted Use) (S - Special Exception Use)	AG - Agriculture	A/R - Agriculture/Rural Dwelling	R1 - Single-Family Residential	R2 - Two-Family Residential	RM - Multi-Family Residential	RMH - Manufactured Home Park	PK - Park & Open Space	BN - Neighborhood Business	BC - Central Business	BP - Professional Business	BG - General Business	BH - Highway Business	IL - Light Industrial	IG - General Industrial
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Commercial Uses (continued)														
<b>personal service uses</b>														
barber/beauty shop														
dry cleaners (retail)														
photographic studio														
self-service laundry														
shoe repair/tailor shop								P	P		P	S		
dance or martial arts studio														
gymnastics center														
tanning salon														
fitness center														
<b>office uses</b>														
administrative/professional office														
bank/financial institution														
medical/dental office														
radio/TV station									P	P	P			
veterinary office/animal clinic (without outdoor kennels)														
print shop/copy center														
business/financial services office														
investment firm														
employment service														
<b>retail uses (small scale)</b>														
video store														
art or photo gallery														
bakery (retail)														
deli														
flower shop								P	P	P	P	P		
gift shop														
news dealer/bookstore														
stationary shop														
ice cream shop														
convenience store (without gas station)														
<b>liquor store</b>									S		P			

## 2.18 Land Use Matrix (cont.)

<b>Primary Land Use</b> (P - Permitted Use) (S - Special Exception Use)	AG - Agriculture	A/R - Agriculture/Rural Dwelling	R1 - Single-Family Residential	R2 - Two-Family Residential	RM - Multi-Family Residential	RMH - Manufactured Home Park	PK - Park & Open Space	BN - Neighborhood Business	BC - Central Business	BP - Professional Business	BG - General Business	BH - Highway Business	IL - Light Industrial	IG - General Industrial
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Commercial Uses (continued)														
<b>retail uses (medium scale)</b>														
craft/fabric store														
apparel/footwear store														
record/CD/musical instrument shop														
sporting goods shop														
pharmacy														
grocery store														
garden shop														
jewelry store								S	P		P	P		
variety store														
antique shop														
auto parts sales (without on-site repair)														
building finishes shop (paint, carpet, wallpaper, etc.)														
meat market														
repair services (small appliances, jewelry, alterations, etc.)														
pet store														
<b>retail uses (large scale)</b>														
auction facility (excluding livestock)														
supermarket														
department store														
shopping mall									S		P	P		
hardware store														
home electronics/appliance store														
office supply store														
building supply store														
<b>call center</b>											P			
<b>data processing center</b>									P	P	P		P	

## 2.18 Land Use Matrix (cont.)

Primary Land Use (P - Permitted Use) (S - Special Exception Use)	AG - Agriculture	A/R - Agriculture/Rural Dwelling	R1 - Single-Family Residential	R2 - Two-Family Residential	RM - Multi-Family Residential	RMH - Manufactured Home Park	PK - Park & Open Space	BN - Neighborhood Business	BC - Central Business	BP - Professional Business	BG - General Business	BH - Highway Business	IL - Light Industrial	IG - General Industrial
--	------------------	----------------------------------	--------------------------------	-----------------------------	-------------------------------	------------------------------	------------------------	----------------------------	-----------------------	----------------------------	-----------------------	-----------------------	-----------------------	-------------------------

Industrial Uses														
mineral extraction and processing	S	S												S
light industrial assembly & distribution														
packaging facility													P	P
assembly facility														
printing/publishing facility														
warehouse & distribution facility								S		S	S	P	P	
research and development facility									P				P	P
wholesale facility											S		P	
light industrial processing and distribution													P	P
lumber yard														
tool and dye shop														
truck freight terminal											S	S	S	
truck sales & service center											S	S	S	
animal & animal products processing														S
food & beverage production														S
general industrial production														P
manufacturing facility														
fabrication facility														
hazardous materials production														S
bottle gas storage & distribution														
explosive manufacturing and storage														
petroleum and chemical processing and storage														
power generation facility	S	S											S	P
waste disposal facility														
incinerator														
junk/scrap metal yard														
sanitary landfill														
salvage yard														
recycling center														
refuse dump														
inoperable vehicle storage														
agricultural products terminal	S										S	S	P	
contractor's warehouse/storage													P	
concrete/asphalt production facility														S
mini-storage facility													P	
boat/RV storage facility (outdoor)													S	



**ARTICLE 3**  
**PERFORMANCE ZONING**

**3**

## 3.1 Performance Zoning Standards

### Performance Zoning Standards

#### **Intent**

*This Article is intended to provide flexibility in the design and density of residential development. These standards are also intended to locate comparatively higher density residential development in a context appropriate to that density.*

#### **See Also:**

*Article 2, Zoning Districts*

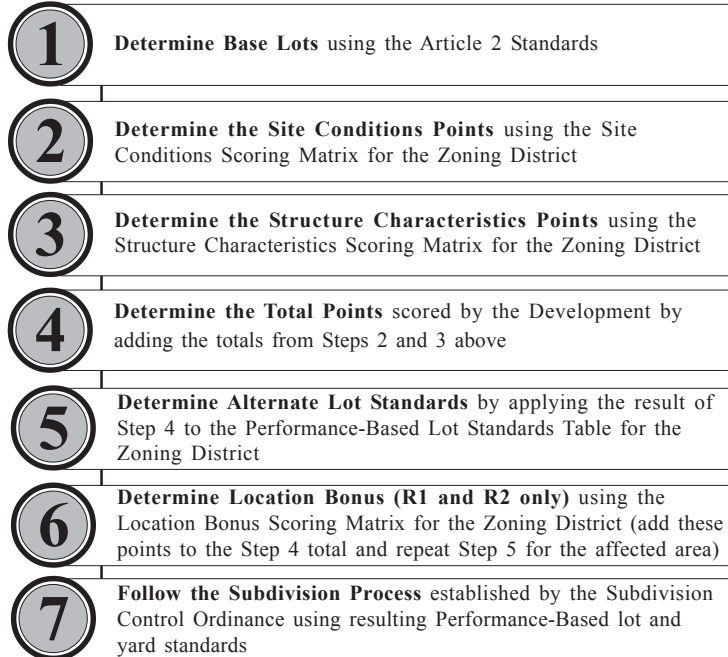
Alternative lot standards to those established by Article 2 for the "R1" Single-Family Residential, "R2" Two-Family Residential, and "RM" Multi-Family Residential zoning districts may be used consistent with the occurrence of specific amenity and proximity based features in a development. These "performance standards" and the corresponding alternate lot standards for the R1, R2, and RM zoning districts shall be as specified for each district in this Article. In no instance shall these performance standards be interpreted as applying to any zoning district other than those specified by this Article.

- A. **Minimum Area:** To be eligible for the alternate lot standards the area included in each R1 and R2 preliminary plat must be a minimum of 10 acres and must be platted after the effective date of this Ordinance. In areas zoned RM the area included in the development must be a minimum of 5 acres.
- B. **Developer Requirements:** The developer of the property must declare his/her intention to use these alternate, performance standards at the time the preliminary plat (if located in the R1 or R2 zoning district) or site development plan (if located in the RM zoning district) application is filed with the Planning Director. The developer shall be responsible for providing all calculations required for the use of these alternative standards.
- C. **Applicability:** The eligibility of the development for the alternative lot and yard standards shall be based on the Performance Standards Scoring Matrix provided for the R1 zoning district by Chapter 3.3, for the R2 zoning district by Chapter 3.4, or for the RM zoning district by Chapter 3.5; as well as the Performance Standards Criteria provided by Chapter 3.6.
- D. **Phased Construction:** When developments are constructed in phases, the performance criteria related features shall be provided in each phase, at a minimum, in direct proportion to the percentage of total lots included in the preliminary plat that will be constructed in that phase.
- E. **Applicable Standards:** The alternative lot standards, based on the total score of the development (calculated by adding all points earned by the development through compliance with the Performance Standards Scoring Matrix), shall be consistent with those provided for each district by Chapters 3.3, 3.4, or 3.5.

### 3.2 Performance Zoning Process

Performance Zoning Process

The process for applying the performance-based zoning alternates to the base zoning provided for the R1, R2, and RM districts by Article 2 shall be as follows:



- A. **Determine Base Lots:** The "Base Lots" is the number of lots that could reasonably be expected to be developed on a parcel of property applying the lot standards established for each zoning district by Article 2. The base lots number shall be used as the benchmark for applying the performance standards scoring matrix for each zoning district. The following equation shall be used to determine the Base Lots. The developable acres figure shall exclude all floodways, existing rights-of-way, and other areas that legally and/or physically may not be developed for home sites.

***Base Lots Calculation***

**Base Lots =**

$$\frac{\text{Developable Acres} - (\text{Developable Acres} \times 0.3)}{\text{Zoning District Minimum Lot Area (per Art. 2)}}$$

- B. **Determine Site Conditions Points:** Using the Base Lots number, determine the point earning site conditions that will be provided in the development, based on the options listed in the Site Condition Scoring Matrix for the applicable zoning district. The criteria descriptions of Chapter 3.5 shall be used to define each criteria. Sum the points earned for the total Site Conditions score for the development.



### 3.2 Performance Zoning Process (cont.)

Performance Zoning Process



- C. **Determine Structure Characteristics Points:** Using the Base Lots number, determine the point earning Structure Characteristics that will be provided in the development based on the options listed in the Structure Characteristics Scoring Matrix for the applicable zoning district. The criteria descriptions of Chapter 3.5 shall be used to define each criteria. Sum the points earned for the total Structure Characteristics score for the development.
- D. **Determine Total Points:** Add the point totals from Sections 3.2(B) and (C) for the Total Points scored by the development.
- E. **Determine Alternate Lot Standards:** Apply the Total Points identified by Section 3.2(D) to the Performance-Based Lot Standards table for the applicable zoning district. The alternate lot standards that correspond to the Total Points scored by the development shall apply, and shall replace the standards established for that zoning district by Article 2.
- F. **Determine Location Bonuses (R1 and R2 only):** Identify any location bonuses that apply to portions of the development based on the Location Bonus Scoring Matrix for the applicable zoning district. Add these additional points to the total described by Section 3.2(D) above. Apply this new points total to the Performance-Based Lot Standards Table for the applicable zoning district. Only those areas of the development within the specified proximity earn Location Bonus points to further reduce lot and yard standards consistent with the Performance-Based Lot Standards table. Lot sizes may only be further reduced in the Location Bonus specified areas.

### Site Conditions Scoring Matrix - R1 Single-Family Zoning District

Criteria	Standard		Points	Possible Combinations	Maximum Points	Points Scored
<b>Open Space &amp; Recreation Features</b>						
Open Space..	(A)	>1,500 square feet per base lot..	(1) ...as an undeveloped natural area.	75	(A)(1)+(B)(2)=175 (A)(2)+(B)(1)=300	300
			(2) ...as a developed park.	250		
	(B)	...1,000-1,500 square feet per base lot..	(1) ...as an undeveloped natural area.	50		
			(2) ...as a developed park.	100		
Pedestrian Paths..	(A)	...an 8 foot wide pedestrian path is provided within the development		25	not applicable (graduated scale)	75
	(B)	...a pedestrian path in a linear park system is provided within the development.		75		
Landscaping/Tree Preservation..	(A)	...at least 3 hardwood trees per base lot are planted in the development.		25	(A)+(B)=50	50
	(B)	...at least 50% of pre-existing hard wood trees are preserved (20 tree minimum).		25		
<b>Transportation Features</b>						
Entrance Design..	...a landscaped entrance is provided for the development			25	not applicable	25
<b>Infrastructure Features</b>						
Drainage Design..	...drainage facilities in the rear yards are enclosed.			225	not applicable	225

Total Site Conditions Points \_\_\_\_\_

### Structure Characteristics Scoring Matrix - R1 Single-Family Zoning District

Criteria	Standard		Points	Possible Combinations	Maximum Points	Points Scored
Garage Orientation..	(A)	...>100% of the base lots have garage doors setback behind the dwelling's living area.		75	not applicable (graduated scale)	225
	(B)	...at least 75% of the base lots have garage doors that do not face a public street.		75		
	(C)	...at least 75% of the base lots have garages accessed only by alleys.		150		
	(D)	...all dwellings have garages accessed only by alleys.		225		
Front Porches..	...at least 75% of base lot dwellings have front porches.			50	not applicable	50
Exterior Materials..	(A)	...at least 75% of base lots have a front façade that is at least 75% wood, brick, or stone.		25	(A)+(C)=75 (A)+(D)=100 (B)+(C)=100 (B)+(D)=125	125
	(B)	...at least 75% of base lots have a front façade that is 100% wood, brick, or stone.		50		
	(C)	...at least 75% of base lots have exteriors that are at least 50% wood, brick, or stone.		50		
	(D)	...at least 75% of base lots have exteriors that are at least 75% wood, brick, or stone.		75		

Total Structure Characteristics Points \_\_\_\_\_

Total Points (Site Conditions Points + Structure Characteristics Points) \_\_\_\_\_

***Location Bonus Scoring Matrix - R1 Single-Family Zoning District***

Criteria	Standard	Points (applies only the those lots that meet the standard, not the entire development)
Neighborhood Services..	(A) ...the lots are within 1/4 mile of neighborhood commercial services.	100
	(B) ...the lots are within 1/2 mile of neighborhood commercial services.	75
Public Parks..	(A) ...the lots are within 1/4 mile of a public park.	100
	(B) ...the lots are within 1/2 mile of a public park.	75
Thoroughfares..	(A) ...the lots are within 1/4 mile of an Arterial street.	100
	(B) ...the lots are within 1/2 mile of an Arterial street.	75

***Performance Based Alternate Lot & Yard Standards - R1 Single-Family Zoning District***

Total Points	Min. Lot Size	Min. Lot Width	Max. Lot Coverage	Minimum Primary Structure Setback						Min. Living Area per Dwelling
				Front Yard			Garage Door*	Side Yard	Rear Yard	
				Arterial	Collector	Local				
<b>350-424</b>	8,000 sq. ft.	65 ft.	50%	50 ft.	30 ft.	20 ft.	20 ft.	7 ft.	15 ft.	1,200 sq. ft.
<b>425-624</b>	6,500 sq. ft.	50 ft.	60%	50 ft.	20 ft.	15 ft.	20 ft.	5 ft.	10 ft.	1,000 sq. ft.
<b>625 +</b>	5,400 sq. ft.	45 ft.	60%	50 ft.	20 ft.	15 ft.	20 ft.	5 ft.	10 ft.	900 sq. ft.

\*If facing a public street

### Site Conditions Scoring Matrix - R2 Two-Family Zoning District

Criteria	Standard		Points	Possible Combinations	Maximum Points	Points Scored
<b>Open Space &amp; Recreation Features</b>						
Open Space..	(A)	...>1,500 square feet per base lot..	(1) ...as an undeveloped natural area.	75	(A)(1)+(B)(2)=175 (A)(2)+(B)(1)=300	300
			(2) ...as a developed park.	250		
	(B)	...1,000-1,500 square feet per base lot..	(1) ...as an undeveloped natural area.	50		
			(2) ...as a developed park.	100		
Pedestrian Paths..	(A)	...an 8 foot wide pedestrian path is provided within the development		25	not applicable (graduated scale)	75
	(B)	...a pedestrian path in a linear park system is provided within the development.		75		
Landscaping/Tree Preservation..	(A)	...at least 3 hardwood trees per base lot are planted in the development.		25	(A)+(B)=50	50
	(B)	...at least 50% of pre-existing hard wood trees are preserved (20 tree minimum).		25		
<b>Transportation Features</b>						
Entrance Design..	...a landscaped entrance is provided for the development			25	not applicable	25
<b>Infrastructure Features</b>						
Drainage Design..	...drainage facilities in the rear yards are enclosed.			225	not applicable	225

Total Site Conditions Points \_\_\_\_\_

### Structure Characteristics Scoring Matrix - R2 Two-Family Zoning District

Criteria	Standard		Points	Possible Combinations	Maximum Points	Points Scored
Garage Orientation..	(A)	...>100% of the base lots have garage doors setback behind the dwelling's living area.	75	not applicable (graduated scale)	225	
	(B)	...at least 75% of the base lots have garage doors that do not face a public street.	75			
	(C)	...at least 75% of the base lots have garages accessed only by alleys.	150			
	(D)	...all dwellings have garages accessed only by alleys.	225			
Front Porches..	...at least 75% of base lot dwellings have front porches.		50	not applicable	50	
Exterior Materials..	(A)	...at least 75% of base lots have a front façade that is at least 75% wood, brick, or stone.	25	(A)+(C)=75 (A)+(D)=100 (B)+(C)=100 (B)+(D)=125	125	
	(B)	...at least 75% of base lots have a front façade that is 100% wood, brick, or stone.	50			
	(C)	...at least 75% of base lots have exteriors that are at least 50% wood, brick, or stone.	50			
	(D)	...at least 75% of base lots have exteriors that are at least 75% wood, brick, or stone.	75			

Total Structure Characteristics Points \_\_\_\_\_

Total Points (Site Conditions Points + Structure Characteristics Points) \_\_\_\_\_

**Location Bonus Scoring Matrix - R2 Two-Family Zoning District**

Criteria	Standard	Points (applies only the those lots that meet the standard, not the entire development)
Neighborhood Services..	(A) ...the lots are within 1/4 mile of neighborhood commercial services.	100
	(B) ...the lots are within 1/2 mile of neighborhood commercial services.	75
Public Parks..	(A) ...the lots are within 1/4 mile of a public park.	100
	(B) ...the lots are within 1/2 mile of a public park.	75
Thoroughfares..	(A) ...the lots are within 1/4 mile of an Arterial street.	100
	(B) ...the lots are within 1/2 mile of an Arterial street.	75

**Performance Based Alternate Lot & Yard Standards - R2 Two-Family Zoning District**

Total Points	Min. Lot Size	Min. Lot Width	Max. Lot Coverage	Minimum Primary Structure Setback						Min. Living Area per Dwelling
				Front Yard			Garage Door*	Side Yard	Rear Yard	
				Arterial	Collector	Local				
<b>350-424</b>	9,000 sq. ft.	60 ft.	65%	50 ft.	30 ft.	20 ft.	20 ft.	7 ft.	15 ft.	1,200 sq. ft.
<b>425-624</b>	8,000 sq. ft.	50 ft.	70%	50 ft.	20 ft.	15 ft.	20 ft.	5 ft.	10 ft.	1,000 sq. ft.
<b>625 +</b>	7,200 sq. ft.	50 ft.	70%	50 ft.	20 ft.	15 ft.	20 ft.	5 ft.	10 ft.	900 sq. ft.

\*If facing a public Street



### Site Conditions Scoring Matrix - RM Multi-Family Zoning District

Criteria	Standard		Points	Possible Combinations	Maximum Points	Points Scored
<b>Open Space &amp; Recreation Features</b>						
Open Space..	(A)	...>750 square feet per base dwelling..	(1) ...as an undeveloped natural area.	75	$(A)(1)+(B)(2)=175$ $(A)(2)+(B)(1)=300$	300
			(2) ...as a developed park.	250		
	(B)	...250-750 square feet per base dwelling..	(1) ...as an undeveloped natural area.	50		
			(2) ...as a developed park.	100		
Pedestrian Paths..	(A)	...an 8 foot wide pedestrian path is provided within the development		25	not applicable	75
	(B)	...a pedestrian path in a linear park system is provided within the development.		75		
Landscaping/Tree Preservation..	(A)	...at least 1 hardwood tree per base dwelling unit is planted in the development.		25	$(A)+(B)=50$	50
	(B)	...at least 50% of pre-existing hard wood trees are preserved (10 tree minimum).		25		
<b>Transportation Features</b>						
Entrance Design..	...a landscaped entrance is provided for the development		25	not applicable	25	

Total Site Conditions Points \_\_\_\_\_

### Structure Characteristics Scoring Matrix - RM Multi-Family Zoning District

Criteria	Standard		Points	Possible Combinations	Maximum Points	Points Scored
Front Porches..	...at least 75% of base dwellings have front porches or balconies.		50	not applicable	50	
Exterior Materials..	(A)	...at least 25% of the building façades are wood, brick, or stone.	25	not applicable	150	
	(B)	...at least 50% of the building façades are wood, brick, or stone.	50			
	(C)	...at least 75% of the building façades are wood, brick, or stone.	100			
	(D)	...100% of the building façades are wood, brick, or stone.	150			

Total Structure Characteristics Points \_\_\_\_\_

Total Points (Site Conditions Points + Structure Characteristics Points) \_\_\_\_\_

### Performance Based Alternate Lot & Yard Standards - RM Multi-Family Zoning District

Total Points	Maximum Density
200-299	1 dwelling unit for every 3,500 square feet of total lot area
300-399	1 dwelling unit for every 3,000 square feet of total lot area
400+	1 dwelling unit for every 2,500 square feet of total lot area

## 3.6 Scoring Criteria Defined

### Scoring Criteria Defined

- A. **Open Space:** Open Space shall be defined as outdoor areas established for the use and enjoyment of the residents of the development. Open space shall either be maintained as a common area or be dedicated to the City of Shelbyville upon mutual agreement of the developer and the City. Community centers, swimming pools, and other community facilities may be incorporated into the open space areas.
1. Open space may include wetlands, flood hazard areas, wooded areas, and other natural features that are not suitable for development but are suitable for recreation. Open space may not include any required buffer yards, setback areas, or other property required to be set aside by this Ordinance.
  2. No more than 20% of the open space may be included in wet or dry detention or retention ponds or other water features.
  3. The open space shall either (1) be maintained in, or restored to, a natural state or (2) be developed with park and playground amenities. The open space shall be designed in a way that maximizes the usable area.
  4. The open space must be accessible to all residents of the development through the use of trails or sidewalks. Linear parks created for pedestrian paths shall not be considered open space fulfilling the requirements of this criteria.
- B. **Pedestrian Paths:** For the purposes of this Chapter, a pedestrian path shall mean an 8 foot wide paved trail either installed as an alternative to a sidewalk or included in a linear park. The trail shall connect significant points within the development or serve as a recreation amenity within a linear park in the development. In order to satisfy these criteria, any pedestrian path system shall be accessible within 500 feet of at least 50% of the dwelling units in the development.
1. Path Standards: All pedestrian paths shall meet the following requirements:
    - a. they shall intersect with the existing and planned public sidewalk system for the City,
    - b. they shall be constructed of asphalt , concrete, or other paved surface,
    - c. they shall be included in either a public right-of-way or a linear common area, and
    - d. they shall meet any applicable standards of this Ordinance and the Shelbyville Subdivision Control Ordinance.
  2. Sidewalk Alternative: If pedestrian paths are installed as an alternative to sidewalks, they shall be located along public streets. They should function to connect the lots within the development to each other, to adjacent neighborhood-serving commercial development, to a City park, or to a City sidewalk or trail system.

### 3.6 Scoring Criteria Defined (cont.)

#### Scoring Criteria Defined

3. Internal Connections: If pedestrian paths are used to connect significant points within the development or as a recreation amenity, they shall be located either along public streets or within linear common areas in the development. This type of pedestrian path should be used to connect lots to common open space, community centers or facilities, and/or other areas of lots within the development.
  4. Linear Park Standards: If a linear park is created within the development, it shall be a minimum of 15 feet in width and shall include meandering pedestrian paths. The linear park shall include a combination of ornamental, deciduous, and evergreen trees and shrubs. The linear park shall also include ample amenities, such as benches or picnic tables. The park shall be included in a common area maintained by a lot owner's association.
- C. **Landscaping/Tree Preservation:** To be eligible for this criteria, a landscaping plan for the development must be provided at the time of Preliminary Plat review application.
1. Tree Preservation: All hardwood trees exceeding 8 inches in diameter, measured at chest height (4.5 feet above ground level) shall be identified, and any trees to be preserved shall be indicated.
    - a. The trees to be preserved may be located anywhere within the development.
    - b. Any tree that is preserved shall be included in a tree preservation easement designated on the final plat. The easement shall include language which, subject to the approval of the Plan Commission Director, shall require the continued maintenance of the trees, and prohibit the removal of trees as long as they remain healthy. Trees that are removed due to poor health, disease, or act of nature shall be replaced with a similar type by the lot owner(s) prior to the conclusion of the next planting season.
  2. New Plantings: All new trees to be planted shall be of a hardwood variety and may be located anywhere within the development.
    - a. All trees shall have a minimum trunk diameter of 2 inches, measured 6 inches above the rootball, at the time of planting.
    - b. The trees shall generally include a mixture of species and be planted in consideration of light, water, and soil quality and quantity so that they grow and mature over time.
    - c. Trees that do not count toward fulfilling this landscaping criteria include all ornamental trees, as well as those listed in the Non-Qualifying Trees table on page 3-12.

Scoring Criteria Defined

**Non-Qualifying Trees**

Common Name	Tree Species Name	Negative Features
American Elm*	<i>Ulmus americana</i> *	Insects, Disease
Boxelder	<i>Acer negundo</i>	Aggressive, Shallow roots, Weak wood
Bradford Pear	<i>Pyrus calleryana</i> 'Bradford'	Weak branching, Low branches
Brazilian Pepper Tree	<i>Schinus terebinthifolius</i>	Invasive
Camphor Tree	<i>Cinnamomum camphora</i>	Invasive
Chinaberry Tree	<i>Melia azedarach</i>	Invasive
Cottonwood	<i>Populus deltoides</i>	Weak wood, Shallow roots, Seeds
European White Birch	<i>Betula pendula</i>	Insect prone, Invasive
Ginkgo (Female)	<i>Ginkgo biloba</i> - Female	Fruits
Lombardy Poplar	<i>Populus nigra</i> 'Italica'	Insects, Disease, Short-lived
Mimosa	<i>Albizia julibrissin</i>	Invasive
Mulberry	<i>Morus</i> species	Fruits, Shallow roots, Invasive
Norway Maple	<i>Acer platanoides</i>	Invasive
Princess Tree	<i>Paulownia tomentosa</i>	Invasive
Russian Olive	<i>Elaeagnus angustifolia</i>	Poor form, Disease prone, Invasive
Senegal Date Palm	<i>Phoenix reclinata</i>	Invasive
Siberian Elm	<i>Ulmus pumila</i>	Weak wood, Seeds
Silver Maple	<i>Acer saccharinum</i>	Aggressive, Shallow roots, Weak wood
Tallow Tree	<i>Triadica sebifera</i>	Invasive
Tree of Heaven	<i>Ailanthus altissima</i>	Seeds, Suckers, Weak wood, Invasive
White Lead Tree	<i>Leucaena leucocephala</i>	Invasive
White Poplar	<i>Populus alba</i>	Suckers, Shallow roots, Weak wood, Invasive
Willow	<i>Salix</i> species	Weak wood, Shallow roots

\* Note that suitable disease resistant cultivars and hybrids exist as substitutes for this species

- D. Entrance Design:** To be eligible for this criteria, a well-landscaped entrance shall be provided at the primary street providing access to the development. No plant or landscape material shall be located within the right-of-way of a public street, with the exception of a boulevard median.
1. The entrance area shall include a combination of plant materials, such as trees and shrubs, and landscape features, such as retaining walls or berms. All landscape materials should be low-maintenance and sustainable. The use of annual plants shall not be considered as meeting these requirements.
  2. A combination of ornamental, deciduous, and evergreen trees should be used.
  3. The entrance features shall not impede vehicle or pedestrian access or visibility.
- E. Drainage Design:** In order to be eligible for this criteria, drainage through rear yards shall be generally enclosed, rather than included in open swales. Open swales less than 300 feet in length, or less than 1 CFS, are permitted. The drainage system shall be consistent with this Ordinance, the Shelbyville Subdivision Control Ordinance, and the requirements and specifications of the City Engineer.

### 3.6 Scoring Criteria Defined *(cont.)*

#### Scoring Criteria Defined

- F. **Garage Orientation:** The garage orientation criteria describes the way in which the garage for each dwelling unit is located on each lot.
1. "Behind the Living Area": In order to be considered as "behind the living area" the garage shall be no closer to the street than the closest portion of the living area of the dwelling, exclusive of bay windows, chimneys, stoops, porches, stairs, and other similar features.
  2. "Not Facing a Public Street": In order to be eligible as "not facing a public street" garage doors shall either face the side yards and be loaded from the side, or shall be accessed from the rear yard through the use of an alley. Any garage wall that faces a public street shall include windows and other design features consistent with those of the living portions of the home.
- G. **Front Porches:** This criteria refers to the way in which the dwelling addresses the public street and sidewalks through the use of front porches.
1. Eligibility: To be eligible for this criteria front porches must meet the following requirements:
    - a. they must be a minimum of 6 feet in depth,
    - b. they must be covered with a roof that is consistent with the design of the dwelling, and
    - c. they must extend a minimum of 50% of the length of the front facade of the dwelling, not including any garage width.
  2. Multi-Family Development: Multi-family developments may meet this criteria through the use of a combination of porches and balconies. All porches and balconies shall meet the requirements specified in Section 3.6(G)(1) above.
- H. **Exterior Materials:** To be eligible for this criteria, the exterior materials shall be comprised of wooden clapboards or shingles, brick, and/or stone. New materials that are similar in appearance and quality to brick, stone, or wood may be substituted at the discretion of the Plan Commission Director. Compliance with this requirement shall be calculated using the exterior area of each dwelling, exclusive of foundations, doors, and windows.
- I. **Proximity to Neighborhood Services:** For the purpose of this Article, neighborhood commercial services shall be defined as either areas zoned "BN", Neighborhood Business, or existing or proposed developments where day-to-day conveniences, such as groceries and household supplies, may be obtained.
1. Neighborhood services may be provided in a larger shopping center that is accessible to residents in the proposed development.

### 3.6 Scoring Criteria Defined *(cont.)*

#### Scoring Criteria Defined

2. To be eligible, the neighborhood services must be:
  - a. conveniently accessed by pedestrian residents of the development through the use of sidewalks or trails, and
  - b. within the specified distance measured from the nearest property line of the services to the nearest property line of the dwellings (if any portion of a proposed residential lot lies within the specified distance, then it shall be deemed as meeting the requirements).

**K. Proximity to a Public Park:** For the purpose of this Article, a public park shall be defined as an existing or proposed park maintained by the City of Shelbyville, or any other existing or proposed open space identified as "public" in the current Shelbyville Park & Recreation Master Plan.

1. No park less than 2 acres in area shall be considered as fulfilling this criteria.
2. To be eligible, the park must be:
  - a. conveniently accessed by pedestrian residents of the development through the use of sidewalks or trails, and
  - b. within the specified distance measured from the nearest property line of the park to the nearest property line of the dwellings (if any portion of a proposed residential lot lies within the specified distance, then it shall be deemed as meeting the requirements).

**L. Proximity to a Thoroughfare:** For the purpose of this Article, an Arterial street shall be defined as an existing or proposed street designated as an Arterial by the current City of Shelbyville Thoroughfare Plan. To be eligible, the street must be:

1. conveniently accessed by residents of the development, and
2. within the specified distance measured from the nearest right-of-way line of the street to the nearest property line of the dwellings (if any portion of a proposed residential lot lies within the specified distance, then it shall be deemed as meeting the requirements).

**ARTICLE 4**  
**OVERLAY ZONING DISTRICTS**

**4**

## 4.1 Establishment & General Standards

### Establishment & General Standards

*Note: All Overlay Zoning districts are subject to the Site Development Plan provisions of Article 8.*

A. **Establishment of Overlay Zoning Districts:** The overlay zoning districts described by this Article have been established to provide additional development standards that respond to the unique characteristics of the areas and properties to which they apply. The overlay districts will assist Shelbyville in providing for the public welfare and accomplishing the goals of the Comprehensive Plan. The development of properties that are located in one or more overlay zoning district shall be subject to the requirements of both the overlay zoning district(s) and the underlying zoning district in which they are located. The following overlay zoning districts shall apply to properties in the jurisdiction of the Shelbyville Plan Commission as specified in the description of each district in this Article.

<b>CD-OL - Corridor Development</b> .....	page 4-3
<b>AR-OL - Airport</b> .....	page 4-6
<b>TN-OL - Traditional Neighborhood</b> .....	page 4-9
<b>RT-OL - Race Track</b> .....	page 4-10

B. **Effect of Planned Unit Development District:** All Planned Unit Developments shall be consistent with the requirements of Article 5 of this Ordinance. Planned Unit Developments shall not be subject to the requirements of any overlay district, unless otherwise specified as an element of the Planned Unit Development Detailed Plan.

C. **Land Uses:** All land uses that are permitted, non-permitted or a special exception use in any underlying zoning district to which an overlay district is applied shall remain permitted, non-permitted, or special exception uses unless otherwise specified by the applicable overlay district(s).

D. **Lot, Yard, and Development Standards:** Any lot, yard, and development standards established by an overlay district shall apply as follows:

1. **Replacement of Underlying District Standards:** All lot, yard, and development standards established by an underlying zoning district shall apply unless alternate standards are provided by the overlay district(s).
2. **Additional Overlay District Standards:** Properties located in any overlay district(s) shall also be subject to any additional lot, yard, and development standards established by the overlay district(s).

E. **Performance Standards:** In no instance shall any overlay district be interpreted as modifying any performance standards established for the "R1", "R2", or "RM" districts by Article 3 of this Ordinance.



## 4.2 Corridor Development Overlay (CD-OL)

### Corridor Development Overlay (CD-OL)

- A. **Boundaries & Exemptions:** The Corridor Development Overlay District (CD-OL) shall apply to all properties as indicated on the Official Zoning Map of the City of Shelbyville. All agricultural, industrial, and single and two-family residential uses shall be exempt from the requirements of this overlay district.
- B. **Uses:** All uses permitted in the underlying district(s) are permitted in the Corridor Development Overlay District. All uses that are special exceptions in the underlying district(s) are special exceptions in the Corridor Development Overlay District.
- C. **Development Standards:** All development within the boundaries of the CD-OL district shall comply with the following development standards.
  - 1. **Roofs:** Roof features should add interest to the area and complement the character of adjoining neighborhoods.
    - a. Mechanical equipment located on the roof shall be completely screened by a parapet or other building feature.
    - b. Sloped roofs shall not exceed the average height of the supporting walls.
    - c. Sloped roofs shall have overhanging eaves that extend past the supporting walls.
    - d. Sloped roofs shall either be of architectural standing seam metal, tile, slate, or dimensional shingles.
  - 2. **Building Materials:** Exterior building materials and colors shall generally be aesthetically pleasing and compatible with materials and colors used in adjoining neighborhoods.
    - a. 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 Plan Commission Director shall approve or deny the use of all composite and alternative materials.
    - b. Facade colors shall be low reflectance, subtle, neutral, or earth tone colors. Building trim and accent areas may feature brighter colors, including primary colors. The use of high intensity colors, metallic colors, black or fluorescent colors is prohibited on all building exteriors.

### *Intent*

*The purpose of this Chapter is to establish an overlay district to address the unique characteristics of the properties adjacent to the major transportation corridors in the City of Shelbyville. These corridors have unique traffic management needs, development pressures, and aesthetic characteristics that require the establishment of additional development standards to meet the goals of the Comprehensive Plan and fulfill the purpose of this Ordinance.*

*The intent of the Corridor Development Overlay District is to require development along the City's corridors that is aesthetically consistent, responsive to development pressures, and proportional to the area's traffic management issues.*

**4.2 Corridor Development Overlay (CD-OL) (cont.)**

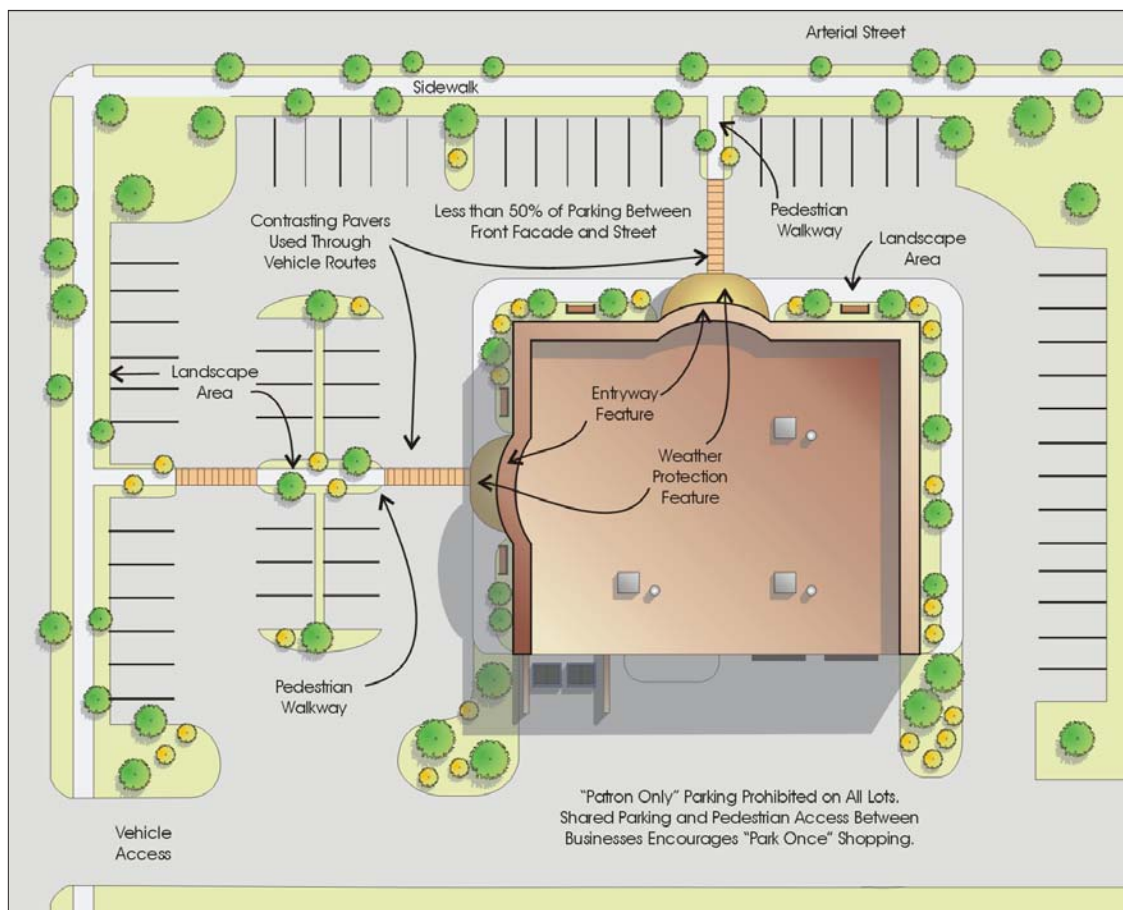
Corridor Development Overlay (CD-OL)

3. Entryways: Entryways should provide design elements, orientation, and aesthetically pleasing character to buildings. Each customer entry to a building shall incorporate at least one of the following design features:
  - 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.
4. Parking Lot Orientation: Parking areas should provide safe and convenient access, and should be designed in a way that promotes pedestrian access and enhances the architectural details of the buildings.
  - a. No more than 50% of the parking spaces provided on any lot that includes 50 or more total parking spaces may be placed between the front facade of the primary structure and the abutting street.
  - b. 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 the prohibiting of loitering.
5. Sidewalks & Pedestrian Walkways: Pedestrian walkways and sidewalks shall be provided on each lot in order to promote pedestrian access and reduce vehicle traffic impacts. Sidewalks and pedestrian walkways shall meet the following requirements.
  - a. Sidewalks shall be provided along all sides of the lot consistent with the design and construction requirements of the Shelbyville Subdivision Control Ordinance.
  - b. Pedestrian walkways shall be provided from the sidewalks to the main customer entrance of the structure on each lot and along the full length of any facade of the building that includes a customer entrance or abuts a parking area.
    - i. Walkways connecting the store entries with the sidewalks shall be concrete, and a minimum of 5 feet in width. They shall be bordered on each side by a planting area that is a minimum 2 feet in width. The planting areas on each side of the sidewalk shall each include flowers, shrubs, and trees for a minimum of 50% of their length. The remainder shall be planted with grass.

## 4.2 Corridor Development Overlay (CD-OL) (cont.)

### Corridor Development Overlay (CD-OL)

- ii. Where walkways are parallel to parking lots and/or interior drives the bordering landscape area shall be a minimum of 5 feet in width, and shall be curbed on the side adjoining the vehicle area.
- iii. Where walkways pass through vehicle use areas they shall be of a paving material different from that of the vehicle use area to distinguish them as a pedestrian route.
- iv. Walkways along the facades of the building shall be concrete, shall be a minimum of 5 feet in width, and shall be separated from the building by a landscape area that is a minimum of 5 feet in width. The landscape area shall include benches and seating areas, and be planted with flowers, trees, and shrubs for a minimum of 50% of its length.
- v. Weather protection features, such as awnings or arcades shall be provided over all sidewalks within 10 feet of all customer entrances.



*Illustrative Layout (Does not reflect all requirements established by this Ordinance).*

### 4.3 Airport Overlay (AR-OL)

#### Airport Overlay (AR-OL)

#### *Intent*

*The purpose of this Chapter 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.*

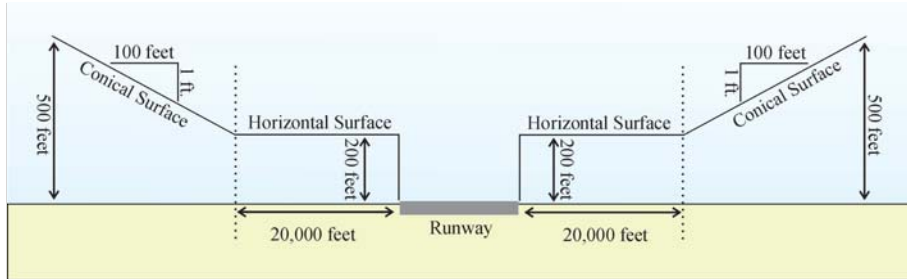
*The area around the airport presents unique considerations for the height of structures, the presence of factors that interfere with safe flight, and large gatherings of the public that require the establishment of additional development standards to meet the goals of the Comprehensive Plan and fulfill the purpose of this Ordinance.*

- A. **Boundaries & 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 Chapter. Generally this includes the area surrounding the airport extending 20,000 feet from the ends and each side of the active runway(s).
- B. **Uses:** All uses permitted in the underlying district(s) are permitted in the Airport Overlay District with the exception of those uses which are prohibited by Section 4.3 (C)(4)(b) or listed as special exceptions by Section 4.3 (C)(4)(e). All uses that are special exceptions in the underlying district are special exceptions in the Airport Overlay District with the exception of those uses which are prohibited by Section 4.3 (C)(4)(e).
- C. **Development Standards:** All development within the boundaries of the AR-OL district shall comply with the following development standards.
  - 1. **General Use Restrictions:** No land use within the AR-OL district shall:
    - a. create electrical interference with radio communication between the airport and aircraft or create interferences with navigational aids employed by aircraft;
    - b. make it difficult for pilots to distinguish between airport lights and other lights;
    - c. result in glare in the eyes of pilots using the airport;
    - d. create pollution or other conditions that would impair visibility in the vicinity of the airport; or
    - e. otherwise endanger the landing, taking-off, or maneuvering of aircraft.
  - 2. **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.
  - 3. **Height Restrictions:** The following height restrictions shall apply within the AR-OL district:
    - a. 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 20,000 feet. The Conical Surface extends upward from the ends of the Horizontal Surface at a slope of 1 foot vertical to 100 feet horizontal, outward to a height of 500 feet.
    - b. The following uses and structures are exempt from these height restrictions:
      - i. 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.

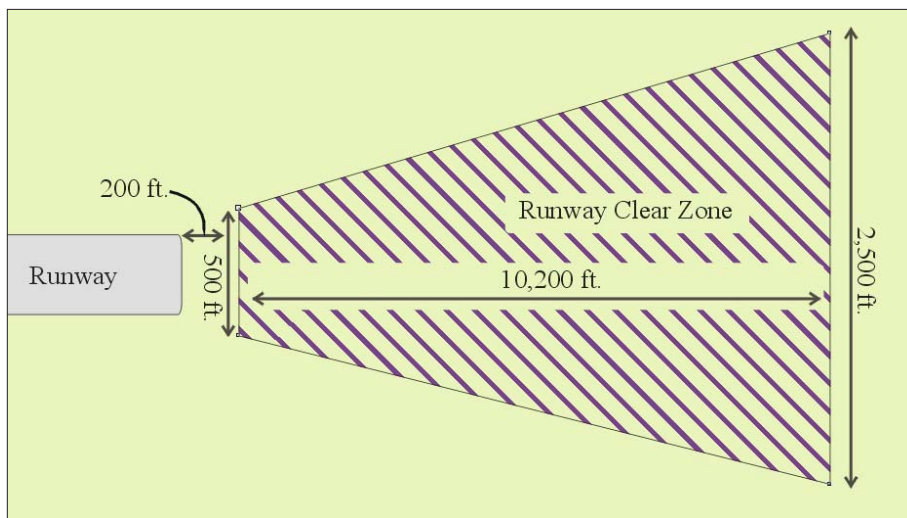
4.3 Airport Overlay (AR-OL) (cont.)

Airport Overlay (AR-OL)

- ii. 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.
- iii. Any structures owned or maintained by the airport or any branch of government for utility purposes.



**Horizontal & Conical Surface Diagram**



**Runway Clear Zone Diagram**

4. Runway Clear Zone Regulations: The following regulations shall apply to the runway clear zone within the AR-OL district:
  - a. *Clear Zone Defined:* At each end of every active runway a runway clear zone shall be established. 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.
  - b. *Prohibited Uses:* The following types of uses shall be prohibited within the runway clear zone:
    - i. educational facilities, including schools (P-12), colleges and universities, day-care homes, and day car centers;
    - ii. churches and other places of worship;
    - iii. nursing homes, retirement centers, and assisted living facilities;

### 4.3 Airport Overlay (AR-OL) (cont.)

#### Airport Overlay (AR-OL)

- iv. residential uses; and
- v. stadiums, theaters, and similar places where the public is assembled.
- c. *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:
  - i. trade and business schools;
  - ii. hospitals and medical centers and clinics;
  - iii. hotels; and
  - iv. any uses involving the sales, storage, manufacture, and/or distribution of gasoline, propane, or other flammable, toxic, explosive, radioactive, bio-hazardous materials in a quantity and of a type that would further jeopardize the health of aircraft occupants, by-standers, and emergency personnel in the event of an aircraft accident.
- d. *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.

## 4.4 Traditional Neighborhood Overlay (TN-OL)

- A. **Boundaries & Exemptions:** The Traditional Neighborhood Overlay District (TN-OL) shall apply to all properties as indicated on the Official Zoning Map of the City of Shelbyville.
- B. **General Provisions:** Properties located within the Traditional Neighborhood Overlay District shall meet all requirements of the City of Shelbyville Ordinance No. 01-2403 and any subsequent amendments. In instances where this Zoning Ordinance is in conflict with Ordinance No. 01-2403, the most restrictive shall apply.
- C. **Uses:** All uses permitted in the underlying district(s) are permitted in the Traditional Neighborhood Overlay District. All uses that are special exceptions in the underlying district(s) are special exceptions in the Traditional Neighborhood Overlay District.

### Traditional Neighborhood Overlay (TN-OL)

#### *Intent*

*The purpose of this Chapter is to establish specific requirements for Shelbyville's traditional residential neighborhoods. This overlay is intended to protect and maintain the historic character of these areas and to recognize their unique characteristics.*

*The lot sizes and arrangement, as well as the densities, home sizes, and setbacks in these areas are unique and clearly distinguished from recent development patterns. This overlay district is intended to preserve the historic character of these neighborhoods while also providing for infill development and the use of these structures as modern residences.*

#### **See Also:**

*Ordinance No. 01-2403,  
Traditional Neighborhood  
District*

## 4.5 Race Track Overlay (RT-OL)

### Race Track Overlay (RT-OL)

#### *Intent*

*The purpose of this Chapter 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 Comprehensive Plan.*

*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 districts is intended to provide the Shelbyville Plan Commission with a vehicle to more closely examine proposed development in this area.*

- A. **Boundaries & 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.
- B. **Uses:** All uses permitted in the underlying district(s) are permitted in the Race Track Overlay District. All uses that are special exceptions in the underlying district(s) are special exceptions in the Race Track Overlay District.



**ARTICLE 5**  
**PLANNED UNIT DEVELOPMENTS**

**5**

PUD Intent, Uses, & Standards

**Intent**

*The purpose of these regulations is to provide greater design flexibility in the development of land when consistent with the Comprehensive Plan and intent of the Zoning Ordinance.*

*Planned Unit Development regulations are intended to encourage innovations in land development techniques so that unique opportunities and circumstances may be met with greater flexibility. Planned Unit Developments should be used to address unique environmental concerns, provide a unique mix of land uses, and implement the Comprehensive Plan in ways not considered by the established zoning districts. A Planned Unit Development should not be used if the proposed development can be created using established zoning districts.*

**See Also:**

*Indiana Code  
36-7-4-1500 series  
(Planned Unit Development)*

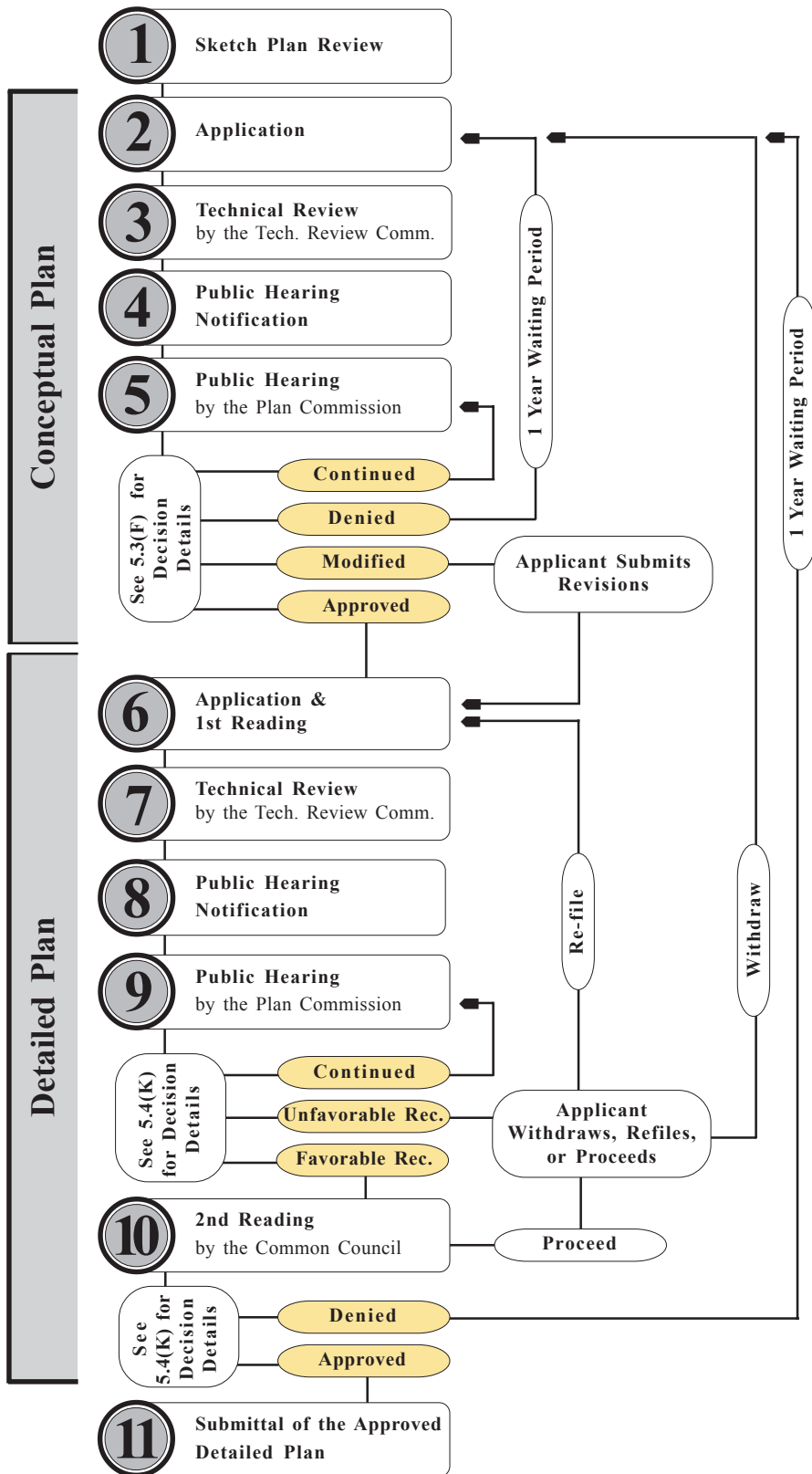
*Article 6,  
Development Standards*

*Plan Commission Rules  
and Procedures*

- A. **Uses:** All uses are subject to the discretion and approval of the Plan Commission. No uses are granted by right, and no uses are considered Special Exceptions. All land uses proposed in a Planned Unit Development must be compatible with the intent of the Comprehensive Plan and the characteristics of surrounding land uses and zoning districts.
- B. **Development Requirements:** Development requirements for all proposed Planned Unit Developments shall be created by the applicant as part of the Detailed Plan submittal. All proposed development requirements are subject to the review and approval of the Plan Commission. Generally, the Planned Unit Development shall provide standards for the development that replace (1) the lot standards established by Article 2, Zoning Districts and (2) each topic area regulated by Article 6, Development Standards of this Ordinance.
- C. **Rules and Procedures:** All proceedings brought under this Article are subject to the Rules and Procedures of the Plan Commission.
- D. **Limitation of Ordinance Amendments:** Any initiative of the Plan Commission to amend the Zoning Ordinance that would affect an approved Planned Unit Development before its completion shall not be enforced on the Planned Unit Development. New amendments to the Zoning Ordinance shall only apply to Planned Unit Developments that have been declared abandoned, or for which an approval has expired.
- E. **Origination of Proposals:** Any applicant may propose a Planned Unit Development district in accordance with the procedures established in this Article. The applicant making the proposal must intend to act as developer or sponsor of the development. A parcel or site proposed for a Planned Unit Development may or may not be under single ownership. However, if not under single ownership, the multiple owners must have a contractual agreement (1) not to develop the parcels separately, but in accordance with a single, unified plan, and (2) in which the separate owners have given their express intentions to enter into such private agreements and to assure its completion as planned and to the satisfaction of the Plan Commission.

# 5.1 PUD Intent, Uses, & Standards (cont.)

## PUD Intent, Uses, & Standards



## 5.2 General Application Requirements

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### General Application Requirements

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***See Also:***

*Plan Commission  
Rules & Procedures*

*Plan Commission Calendar  
of Filing & Meeting Dates*

- A. **General Application Requirements:** All applications may be obtained through the Plan Commission Director's office. Fees shall be paid at the Director's office at the time the applications are submitted.
1. **Application Forms:** All applications shall be made on forms provided by the Plan Commission Director. All applicants shall submit original applications that are completed in their entirety in ink or typed.
  2. **Copies Required:** All applicants shall submit copies of applications and necessary attachments as required by the adopted policies of the Plan Commission Director and the applicable Rules and Procedures of the Plan Commission.
- B. **Review Schedule:** All applications shall be assigned reference and/or docket numbers by the Plan Commission Director. Applications shall be scheduled by the Plan Commission Director for the appropriate public hearings based on the completeness of the application consistent with the requirements of this Article and the adopted Calendar of Filing and Meeting dates for the Plan Commission.

## 5.3 Conceptual Plan

### Conceptual Plan

- A. **Sketch Plan Review:** Prior to filing a Planned Unit Development Conceptual Plan application, the applicant shall submit a Sketch Plan to the Plan Commission Director. The Plan Commission Director shall make a cursory review of the Sketch Plan and provide the applicant with written comments within 30 days of the date of Sketch Plan submittal. The Sketch Plan may include any materials that relate basic information, such as location, size, and potential use of the property involved.
- B. **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.
- C. **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.
1. **Cover Page & 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.
  2. **Site Description:** A description of the property and applicants involved, including:
    - a. the name, mailing address, e-mail address, and telephone number of the applicant,
    - b. the name, mailing address, e-mail address, and telephone number of any land surveyors, engineers, or other professionals responsible for the Conceptual Plan design,
    - c. the legal description of the subject property and common address of the site, and
    - d. the proposed name of the development (if applicable).
  3. **Vicinity Map:** A vicinity map showing the use and zoning of all properties within 1,320 feet (1/4 mile) of the property subject to the Conceptual Plan.
  4. **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.



**See Also:**

*Chapter 10.3,  
Technical Review Committee*

*Plan Commission Calendar  
of Filing & Meeting Dates*

*Chapter 10.2,  
Notice of Public Hearing*

*Plan Commission  
Rules & Procedures*

*Comprehensive Plan*

*Indiana Historic Sites &  
Structures Inventory - Shelby  
County Interim Report*

*National Register of  
Historic Places*

*Indiana Register of  
Historic Sites & Structures*

### 5.3 Conceptual Plan (cont.)

#### Conceptual Plan

5. Existing Site Conditions: A description of all existing conditions on the subject property including:
  - a. *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;
  - b. *Easements:* All existing easements and an indication of their purpose;
  - c. *Topography:* A topographic survey of the area with contour lines a maximum of 10 feet apart;
  - d. *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);
  - e. *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 & Structures; and
  - f. *Other Features:* Any other significant feature(s) that may influence the design of the development.
6. Proposed Development: A description of the proposed development of the property, including:
  - a. *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);
  - b. *Land Uses:* The general land use categories and areas within the development (including proposed densities of residential uses);
  - c. *Open Space:* The general location, improvement, and use of open space (including park facilities, natural areas, trail systems, and other common areas);
  - d. *Landscaping:* The general description of any landscaping, buffering, and/or screening proposed for the development.
  - e. *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);
  - f. *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 & Structures;

**5.3 Conceptual Plan (cont.)**

Conceptual Plan

- g. *Development Requirements:* A general statement of the types of development requirements that will be made a part of the Planned Unit Development Detailed Plan (including general lot areas, building setbacks, off-street parking requirements, lighting standards, sign standards, and landscaping requirements);
  - h. *Written Commitments:* A description of any written commitments that are being proposed as part of the development;
  - i. *Covenants:* A general description of any private covenants and restrictions that will be established for the development;
  - j. *Utilities:* A general utilities plan (including sanitary sewer, water, electricity, natural gas, and data transmission);
  - k. *Drainage:* A general drainage plan meeting the requirements of the City Engineer;
  - l. *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;
  - 7. **Supplemental Information:** Any other information requested by the Plan Commission Director, Technical Review Committee, or Plan Commission to aid in the review of the Conceptual Plan.
- D. **Technical Review:** The application materials shall be reviewed by the Technical Review Committee, consistent with the provisions of Chapter 10.3 of this Ordinance, in a meeting scheduled based on the adopted Calendar of Meeting and Filing Dates.
- 1. **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.
  - 2. **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.
- E. **Public Hearing Notification:** Notification for the scheduled public hearing regarding the Conceptual Plan shall be completed consistent with the requirements of Chapter 10.2 of this Ordinance and the Rules and Procedures of the Plan Commission.
- F. **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 60 days following the receipt of the application), review the application and required supporting information.
- 1. **Representation:** Either the applicant or a representative of the applicant must be present at the public hearing to present the application and address any questions the Commission may have.



**5.3 Conceptual Plan (cont.)**

## Conceptual Plan

2. Presentations: The Commission shall consider a report from the Plan Commission Director, 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.
3. Possible Action: Upon review, the Plan Commission shall approve, approve with modifications, deny, or continue the Conceptual Plan application.
  - a. *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.
  - b. *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.
  - c. *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.
  - d. *Continue*: The application may be continued based on a request by the Plan Commission Director, 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.
    - 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 Rules and Procedures of the Plan Commission.
4. Re-Filing Following Denial: If the Plan Commission denies the application, the applicant may re-file a revised Conceptual Plan within 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.
  - a. The applicant shall provide notice within 30 days of the Plan Commission decision of their intentions to re-file.
  - b. Conceptual Plan applications that have been denied and not re-filed within the specified deadline shall not be re-filed for a period of 1 year from the date of the denial.



### 5.3 Conceptual Plan *(cont.)*

Detailed Plan & Rezoning

- G **Findings of Fact:** The Plan Commission Director shall prepare and sign written findings of fact documenting the comments of the Technical Review Committee and the action taken by the Plan Commission. The Plan Commission Director shall make copies of the written findings of fact available to the applicant within 5 business days of the date of each review of the application.

### Detailed Plan & Rezoning



**See Also:**

*Subdivision*

*Control Ordinance*

*Plan Commission Calendar of Filing & Meeting Dates*

*Plan Commission Rules & Procedures*

*Chapter 10.2, Notice of Public Hearing*

*Chapter 10.3, Technical Review Committee*

*Chapter 12.6, Improvement Location Permits*

*Indiana Code 36-7-4-603 (Re-zoning Criteria)*

*Indiana Code 36-7-4-608 (Re-zoning Procedures)*

*Indiana Code 36-7-4-1503 (PUD District Ordinances)*

*Indiana Code 36-7-4-1512 (Conditions of Approval)*

- A. **Application:** The applicant shall submit a Planned Unit 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 Plan Commission Director shall submit the application to the Common Council, which shall conduct a First Reading of the PUD district ordinance (re-zoning) and forward the matter to the Plan Commission.
- B. **Time Limit:** The Detailed Plan filing shall occur within 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.
- C. **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, or a combination of these formats. The following shall be included in the Detailed Plan submission:
  1. **Cover Page & 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.
  2. **Site Description:** A description of the property and applicants involved, including:
    - a. the name, mailing address, e-mail address, and telephone number of the applicant,
    - b. the name, mailing address, e-mail address, and telephone number of any land surveyors, engineers, or other professionals responsible for the Detailed Plan design,
    - c. the legal description of the subject property and common address of the site, and
    - d. the proposed name of the development (if applicable).
  3. **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.
  4. **Existing Site Conditions:** A description of all existing conditions on the subject property, including:
    - a. *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;
    - b. *Easements:* All existing easements and an indication of their purpose;

## 5.4 Detailed Plan & Rezoning (cont.)

### Detailed Plan & Rezoning

- c. *Topography*: A topographic survey of the area with contour lines a maximum of 10 feet apart;
  - d. *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 US Army Corps of Engineers Regulation 4 Jurisdictional Wetland Certification), wooded areas, and isolated preservable trees (with greater than an 8 inch DCH);
  - e. *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 & Structures; and
  - f. *Other Features*: Any other significant feature(s) that may influence the design of the development.
5. Proposed Development: A description of the proposed development of the property including:
- a. *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);
  - b. *Land Uses*: The land use areas within the development (including a specific list of the individual land uses permitted in each area);
  - c. *Open Space*: The location, improvement, design, and use of open space (including park facilities, natural areas, trail systems, and other common areas);
  - d. *Landscaping*: The design of any landscaping, buffering, and/or screening proposed for the development.
  - e. *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 US Army Corps of Engineers Regulation 4 Jurisdictional Wetland Certification), wooded areas, and isolated preservable trees (with greater than an 8 inch DCH);
  - f. *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 & Structures;
  - g. *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 and 6 of this Ordinance;

## 5.4 Detailed Plan & Rezoning (cont.)

### Detailed Plan & Rezoning

- h. *Written Commitments:* A description of any written commitments that are being proposed as part of the development.
  - i. *Covenants:* A description of any private covenants and restrictions that will be established for the development.
  - j. *Utilities:* A utilities plan (including sanitary sewer, water, electricity, natural gas, and data transmission);
  - k. *Drainage:* A detailed drainage plan meeting the requirements of the City Engineer;
  - l. *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;
6. **Supplemental Information:** Any other information requested by the Plan Commission Director, Technical Review Committee, or Plan Commission to aid in the review of the Detailed Plan.

**D. Preliminary Plat Requirement:** Planned Unit Developments shall be required to comply with the City of Shelbyville Subdivision Control Ordinance (per IC 36-7-4-1513). In no instance shall the approval of a PUD be interpreted as waiving or modifying any Subdivision Control Ordinance requirements 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 Ordinance in reviewing the Preliminary Plat application.



- E. Technical Review:** The application materials shall be reviewed by the Technical Review Committee, consistent with the provisions of Chapter 10.3 of this Ordinance, in a meeting scheduled based on the adopted Calendar of Meeting and Filing Dates.
- 1. **Representation:** Either the applicant(s) or a representative of the applicant(s) shall be present during the review to answer questions regarding the application.
  - 2. **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.



**F. Public Hearing Notification:** Notification for the scheduled public hearing regarding the Detailed Plan shall be completed consistent with the requirements of Chapter 10.2 of this Ordinance and the Rules and Procedures of the Plan Commission.



- G. 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 60 days following the receipt of the Detailed Plan application), review the application and required supporting information.
- 1. **Representation:** Either the applicant or a representative of the applicant must be present at the public hearing to present the application and address any questions the Commission may have.

2. Presentations: The Commission shall consider a report from the Plan Commission Director 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 Commission.
3. 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.
  - a. *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 5.4(K).
  - b. *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 5.4(K).
  - c. *Continued:* The application may be continued based on a request by the Plan Commission Director, the applicant, a remonstrator, or an interested party. The application shall be continued in the case of an indecisive vote, a determination by the 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.
    - 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 Rules and Procedures of the Plan Commission.
4. Re-Filing Following an Unfavorable Recommendation: If the Plan Commission gives an unfavorable recommendation, the applicant may re-file a revised Detailed Plan within 90 days to be reviewed and reconsidered by the Technical Review Committee and the Plan Commission following the process specified beginning with Section 5.4(A).
  - a. The applicant shall provide written notice within 15 business days of the Plan Commission decision of their intentions to re-file, withdraw, or proceed with the hearing by the Common Council.
  - b. If a PUD Detailed Plan has been withdrawn, there shall be no waiting period before which a new Conceptual Plan application may be filed.

**5.4 Detailed Plan & Rezoning (cont.)**



- 5. Certification of Recommendation: The Plan Commission shall certify its recommendation by resolution to the Common Council within 5 business days of its decision. The Plan Commission Director 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 PUD district ordinance (re-zoning) meeting the requirements of IC 36-7-4-1503 for the Council's consideration.

**H. Common Council Meeting (2nd Reading):** The Common Council shall hold a meeting and vote on the proposed Planned Unit Development district ordinance (re-zoning) within 90 days of its certification by the Plan Commission.

- 1. Legal Notice: Legal Notice of action on the ordinance shall be provided consistent with Indiana law.
- 2. Possible Action: The Council may either approve or deny the PUD district ordinance (re-zoning) consistent with the decision criteria provided by Section 5.4(K). 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.
  - a. *Failure to Act:* If the Council fails to act within the 90 day time frame the ordinance shall become effective or be defeated consistent with the recommendation of the Plan Commission and the provisions for re-zoning applications of IC 36-7-4-608.
  - b. *Denial:* If a PUD district ordinance (re-zoning) 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.
  - c. *Approval:* If the Council approves the rezoning, the land is officially re-zoned. The Zoning Map must be amended to reflect the change, the date of approval by the Council, and the ordinance number.



**I. Detailed Plan Signatures & Filing:** The implementation of an approved Detailed Plan must be consistent with the following provisions:

- 1. Detailed Plan Signatures: When approved, the Detailed Plan shall be signed by the Plan Commission President and Secretary.
- 2. 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 Plan Commission Director by the applicant. The documents must clearly state that the development requirements and any written commitments are enforceable by the Plan Commission.

## 5.4 Detailed Plan & Rezoning *(cont.)*

3. **Covenant Recording:** Any covenants for the development shall be recorded with the Shelby County Recorder. The documents must (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 Plan Commission Director for the records of the Commission.
- J. Improvement Location Permit:** Detailed Plan approval is required prior to the issuance of an Improvement Location Permit. An Improvement Location Permit (consistent with Chapter 12.6, Improvement Location Permits) is required prior to any construction activity occurring on the subject property.
1. **Plat Approval Required:** If a subdivision plat is required, plat approval consistent with the Subdivision Control Ordinance must also be obtained prior to the receipt of any Improvement Location Permits.
  2. **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.
- K. Detailed Plan Decision Criteria:** In reviewing the Planned Unit Development Detailed Plan petition, the Plan Commission and Common Council shall pay reasonable regard to the following, consistent with IC 36-7-4-603:
1. **Requirements and Intent:** The extent to which the proposal fulfills the requirements and intent of this Article and the Subdivision Control Ordinance.
  2. **Planning Documents:** The Comprehensive Plan and any other applicable, adopted planning studies or reports;
  3. **Characteristics:** The current conditions and the character of current structures and uses in each zoning district;
  4. **Desired Use:** The most desirable use of which the land in each district is adapted;
  5. **Property Values:** The conservation of collective property values throughout the City of Shelbyville's jurisdiction as a whole; and
  6. **Growth Management:** Responsible growth and development.

## 5.5 Written Commitments

### Written Commitments

*Note: Covenants shall be distinguished from written commitments and development requirements. Written commitments and development requirements are elements of the PUD approval and are enforceable by the Plan Commission. Covenants are private agreements which are not enforceable by the Plan Commission*

**See Also:**

IC 36-7-4-615  
(Written Commitments)

The applicant in any Planned Unit 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 36-7-4-615. Commitments made by the applicant and conditions of approval established by the Plan Commission or Common Council shall be considered written commitments for the purpose of this Chapter.

- A. **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.
- B. **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 PUD district ordinance (re-zoning) establishing the PUD zoning.
- C. **Enforcement of Commitments:** The written commitments shall be considered part of this Ordinance binding on the subject property.
  - 1. **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.
  - 2. **Enforcement:** The written commitments shall be enforceable by the Plan Commission consistent with the adopted provisions for the enforcement of this Ordinance.
  - 3. **Modification:** The recorded written commitments may be modified only through the Planned Unit Development process described by this Article.



## 5.6 Covenants

### 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 Plan Commission Director by the applicant for the records of the Plan Commission.

- A. **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.
- B. **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.

*Note: Covenants shall be distinguished from written commitments and development requirements. Written commitments and development requirements are elements of the PUD approval and are enforceable by the Plan Commission. Covenants are private agreements that are not enforceable by the Plan Commission*

## 5.7 Minor Modifications

### Minor Modifications

**See Also:**

*Plan Commission Rules  
and Procedures*

*Indiana Code  
36-7-4-1511(j)  
(Minor Modifications)*

- A. **Administration:** The Plan Commission Director 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.
1. **Procedure:** To request a minor modification, the property owner, developer, or applicant shall provide the Plan Commission Director with a letter that identifies the PUD and the requested minor modification. The letter shall be accompanied by any necessary supporting drawings or other materials. The Plan Commission Director shall provide a written response within 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 PUD materials in the office of the Plan Commission.
  2. **Public Notice:** No notice, in addition to that which may be required by the Rules & Procedures of the Plan Commission, shall be required for the review or approval of minor modifications.
- B. **Appeal:** Any affected party may appeal any minor modification decision by the Plan Commission Director to the Plan Commission within 30 days of the determination.
- C. **Rules and Procedures:** The Plan Commission may, through its Rules & Procedures, establish rules governing the nature of proceedings and notice required to make a minor modification under this Chapter per IC 36-7-4-1511(j).

## 5.8 Expiration, Abandonment, & Extensions

### Expiration, Abandonment, & Extensions

- A. **Expiration:** Detailed Plans shall expire 2 years from the date of adoption of the PUD district ordinance (re-zoning) by the Common Council if, in the opinion of the Plan Commission Director, no construction activity has begun. Any corresponding Preliminary Plat approval shall also expire at the time of Detailed Plan expiration.
- B. **Abandonment:** The Planned Unit Development may be considered officially abandoned if, in the opinion of the Plan Commission Director, the development is incomplete and no, or minimal, construction activity has occurred for a period of 5 consecutive years. Any outstanding surety for the project may be used by the City consistent with the Subdivision Control Ordinance provisions for subdivision surety.
- C. **Extensions:** An extension, not to exceed 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 must occur a minimum of 30 days **prior** to the applicable deadline.
- D. **Plan Commission Rezoning:** The Plan Commission may initiate a rezoning for any property included in a Planned Unit 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 Chapter 12.5 of this Ordinance.

*See Also:*

*Subdivision Control  
Ordinance*

*Chapter 12.5,  
Zoning Map Amendments*

## 6.7 Confined Feeding Standards

### Confined Feeding Standards

These Confined Feeding Standards apply to the following zoning district(s):

*Agricultural Districts - AG, A/R*

- A. **General Regulations:** Confined feeding operations shall meet any applicable requirements of the Federal, state, and/or local government.
- B. **Lot Size:** The minimum lot size on which confined feeding operations shall be permitted is 40 acres.
- C. **Setback:** Structures used for confined feeding operations, including waste disposal lagoons, shall be setback a minimum of 100 feet from all property lines.
- D. **Separation:** Confined feeding operations, including the boundaries of any lot on which confined feeding occurs, shall not be located closer than 1,320 feet (1/4 mile) to any residential zoning district.

### **Purpose**

*The intent of these requirements for confined feeding operations is to provide appropriate locations for these uses which represent aspects of both agriculture and industry. Such uses have unique potential for land use conflict, which is intended to be minimized by these standards.*

***Note:** No established confined feeding operation shall be considered in violation of this Ordinance if later development on nearby properties results in residential development closer than 1/4 mile from the confined feeding operation.*

## 6.8 Residential Standards

### Residential Standards

### Purpose

The intent of this Chapter is (1) to establish requirements for residential facilities for the mentally ill and developmentally disabled that both minimize potential conflicts between these uses and other types of residential uses and (2) to permit the establishment of such uses consistent with IC 12-28-4-7.

Also, this Chapter is intended to establish standards for the modification of residential structures. The purpose of the requirements is to ensure that such modifications are contextually appropriate and consistent with the character of the surrounding neighborhoods.

**See Also:**

Chapter 6.14,  
Parking Standards

Indiana Code 12-28-4-7,  
Residential Facilities

**Part 1: These Residential Facility Standards apply to the following zoning district(s):**

- Agricultural Districts - AG, A/R
- High Den. Res. Districts - RM, RMH
- Low Den. Res. Districts - R1, R2
- Bus. Districts - BN, BC, BP, BG, BH

- A. **Residential Facilities for the Mentally Ill as Permitted Uses:** Residential facilities for the mentally ill shall be permitted in all residential zoning districts, consistent with Article 2 of this Ordinance.
  1. **Exclusion Prohibited:** In no instance shall a residential facility for the mentally ill be prohibited from locating, expanding, or operating in a residential area solely because the facility is a business, or because the individuals residing in the facility are not related.
  2. **Separation:** In no case may a residential facility for the mentally ill be located within 3,000 feet of any other residential facility for the mentally ill, as measured between the property lines of the lots on which the uses are (or are proposed to be) located.
- B. **Residential Facilities for the Developmentally Disabled as Permitted Uses:** Residential facilities for the developmentally disabled type I shall be permitted in all zoning districts which permit residential use, consistent with Article 2 of this Ordinance. Residential facilities for the developmentally disabled type I and type II shall be distinguished in that type I facilities may not be designed for, nor accommodate, more than 8 developmentally disabled individuals, while type II facilities are meant to house more than 8 individuals.

**Part 2: These Residential Conversion Standards apply to the following zoning district(s):**

- Agricultural Districts - AG, A/R
- High Den. Res. Districts - RM, RMH
- Low Den. Res. Districts - R1, R2
- Bus. Districts - BN, BC, BP, BG, BH

Any residential structure converted from the use for which it was originally designed to a business use or an increased number of dwelling units shall meet the following standards:

- A. **Entrances:** The original main entrance on the residence should be maintained as an entrance for the new use and for any new dwelling units.
- B. **Parking:** Parking should be prohibited in all front yards, and occur behind the structure in parking areas that are paved with asphalt or concrete and clearly marked to show each space. Any parking areas should conform to Chapter 6.14, Parking Standards.

## 6.9 Home Occupation Standards

### Home Occupation Standards

These General Home Occupation Standards apply to the following zoning district(s):

Agricultural Districts - AG, A/R

High Den. Res. Districts - RM, RMH

Low Den. Res. Districts - R1, R2

Bus. Districts - BN, BC, BP, BG, BH

A home occupation shall be permitted as accessory to any dwelling unit consistent with the provisions of the Accessory Use & Structure Standards of Chapter 6.3. 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 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 must be limited to computers, fax machines, telephones, copy machines, and other office equipment.
- 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 Plan Commission Director. 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 1 person residing within the dwelling must 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 must 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 must be located within the dwelling and/or an accessory building, and shall not exceed 500 square feet of the combined floor area of the structures. The home occupation may utilize no more than 25% of the total floor area of the primary structure.

## Purpose

*The intent of this Chapter is to provide standards for the operation of home-based businesses in order to protect the residential character of Shelbyville's neighborhoods, preserve property values, and prevent the hazards to persons and property that result from residential-commercial land use conflicts.*

### See Also:

*Chapter 6.3,  
Accessory Use &  
Structure Standards*

*Shelbyville Sign Code*

**6.9 Home Occupation Standards (cont.)**

Home Occupation Standards

- H. **Structural Alterations:** The home occupation must 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 must required 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:** No signs of any type shall be permitted, other than those allowed for the residential use by the Shelbyville Sign Code.

## 6.10 Manufactured Home Park Standards

### Manufactured Home Park Standards

These Manufactured Home Park Standards apply to the following zoning district(s):

**High Den. Res. Districts - RM, RMH**

Manufactured home parks shall be permitted in the RMH, Manufactured Home Park zoning district consistent with the following standards. Mobile homes, as well as manufactured homes type I, II, and III are permitted in any manufactured home park.

- 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:** Common concrete sidewalks or paved pedestrian pathways of at least 4 feet in width shall be provided (1) adjacent to all interior drives and (2) accessing all recreational and accessory use areas. Concrete sidewalks at least 4 feet in width shall be provided from the front door of each home to the common sidewalks adjoining the interior drives.
- C. **Entrances and Interior Roads:** Interior manufactured home park streets may either be dedicated to the public as City streets or form a system of private drives.
  1. All private interior drives shall be designed with curbs and gutters and shall be paved with either asphalt or concrete.
  2. All private interior drives shall be consistent with Chapter 6.16, Entrance/Drive Standards and any specific requirements of the City Engineer.
- D. **Open Space:** All manufactured home parks developed under the provisions of the RMH zoning district that exceed 5 acres in gross site area shall provide common open space in an amount equal to 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.

### Purpose

*The purpose of this Chapter is to provide standards for the installation and use of mobile and manufactured homes consistent with the potential conflicts between land uses and between some types of mobile/manufactured homes and neighborhoods dominated by other types of construction. This Chapter is also intended to ensure compliance of this Ordinance with the provisions of IC 36-7-4-1106.*

### See Also:

*Chapter 6.16,  
Entrance/Drive Standards  
Indiana State  
Board of Health Standards*



**6.10 Manufactured Home Park Standards (cont.)**

Manufactured Home Park Standards

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; and
  - c. Off-street parking areas.
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.

**ARTICLE 6**  
**DEVELOPMENT STANDARDS**

**6**

## 6.1 Introduction and Application

### Introduction and Application

- A. **Introduction:** All structures, land uses, land use changes, structural alterations, structural relocations, structural additions, and structural enlargements that are constructed, created, established, or occur after the effective date of this Ordinance (except as may otherwise be provided within this Ordinance) shall be subject to all Development Standards and regulations applicable to the zoning district in which they are located.
- B. **Expansion or Modification of Existing Uses and Structures:** No structure, parking area, or other site feature regulated by this Ordinance shall be enlarged, altered, or expanded unless the minimum improvements required by this Article are provided on the property in a manner equal to the extent of its alteration or expansion.
- C. **Requirements for Non-conforming Uses and Uses Permitted by Special Exception or Variance:** Any use that is non-conforming in the zoning district in which it is located or is permitted by special exception or variance shall be consistent with the standards for the zoning district in which the use is permitted by this Ordinance. The Board of Zoning Appeals may specify the appropriate standards for all uses permitted by special exception or variance.

## 6.2 Height Standards

### General Height Standards

These General Height Standards apply to the following zoning district(s):

- Agricultural Districts - AG, A/R
- Park District - PK
- Low Den. Res. Districts - R1, R2
- Bus. Districts - BN, BC, BP, BG, BH
- High Den. Res. Districts - RM, RMH
- Industrial Districts - IL, IG

- A. **Height Requirements:** The maximum height permitted shall be as noted in the Maximum Structure Height table. 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.
- B. **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 twofold (x2):
    - a. Church steeples;
    - b. Spires, belfries, and cupolas; and
    - c. Utility transmission towers and poles (see the Shelbyville Communications Tower Ordinance for further requirements).

## Purpose

The intent of these height standards is to protect the public health, safety, and general welfare by providing for adequate light and air and ensuring adequate fire protection.

### See Also:

Chapter 4.3,  
AR-OL Zoning District

Chapter 6.3,  
Accessory Use  
& Structure Standards

Communications Tower  
Ordinance (Ord. 98-2285)

## Maximum Structure Height

Type of Structure	Zoning District													
	Agriculture - AG	Agricultural/Rural Residential - A/R	Single-Family Residential - R1	Two-Family Residential - R2	Multi-Family Residential - RM	Manufactured Home Park - RMH	Park and Open Space - PK	Neighborhood Business - BN	Central Business - BC	Professional Business - BP	General Business - BG	Highway Business - BH	Light Industry - IL	General Industry - IG
Primary Structure	35 ft.	35 ft.	35 ft.	45 ft.	65 ft.	35 ft.	35 ft.	35 ft.	60 ft.	45 ft.	45 ft.	45 ft.	50 ft.	50 ft.
Accessory Structure	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.
Agricultural Structure	Exempt													
Telecommunications Facility	Consistent with Communications Tower Ordinance (Ord. 98-2285)													
Sign	Consistent with the Shelbyville Sign Code													

**6.2 Height Standards (cont.)**

General Height Standards

2. Necessary Appurtenances: The following structures may exceed the permitted height standards for the district in which they are located by up to 10 feet:
  - a. Necessary mechanical appurtenances and water tanks,
  - b. Chimneys,
  - c. Fire Towers,
  - d. Stair Towers,
  - b. 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. Watertowers: Watertowers may exceed the permitted height standards for the district in which they are located and be erected to a maximum height of 200 feet.
5. Telecommunications Towers and Antenna: The height of telecommunication towers and antenna shall meet the requirements of the Communication Tower Ordinance (Ord. 98-2285).
6. Amateur Radio Towers: Amateur radio towers shall meet the requirements of the Accessory Use & Structure Standards of Chapter 6.3.

C. **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 Chapter 4.3) 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.

### 6.3 Accessory Use & Structure Standards

General Accessory Use Standards

Part 1: These General Accessory Use Standards apply to the following district(s):

- Agricultural Districts - AG, A/R
- Park District - PK
- Low Den. Res. Districts - R1, R2
- Bus. Districts - BN, BC, BP, BG, BH
- High Den. Res. Districts - RM, RMH
- Industrial Districts - IL, IG

### Purpose

The intent of these standards is to address the unique features of accessory uses and structures which typically accompany primary uses in each zoning district.

- 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 Chapter. The Plan Commission Director 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 (P - Permitted, S- Special Exception)	Zoning District													
	Agriculture - AG	Agricultural/Rural Residential - A/R	Single Family Residential - R1	Two Family Residential - R2	Multi-Family Residential - RM	Manufactured Home Park - RMH	Park and Open Space - PK	Neighborhood Business - BN	Central Business - BC	Professional Business - BP	General Business - BG	Highway Business - BH	Light Industry - IL	General Industry - IG
Recreational Raising of non-farm Animals	P	P											P	P
Retail Sales of Products Grown On-site	P	P											P	P
Dwelling, Accessory (see Section 6.3(Part 1)(C))		S	S											
Farm Worker Seasonal Housing	S	S											S	S
Day-care Home (see Section 6.3(Part 1)(D))	P	P	P	P	P	P		P	P	S	S			
Home Occupation (see Home Occupation Standards Chapter 6.9)	P	P	P	P	P	P		P	P	S	S			
Private Air Strip	S	S											S	S
Outdoor Storage of Sales Items (see Section 6.3(Part 1)(F))								S	S		P	P		
Outdoor Storage of Products & Materials (see Section 6.3(Part 1)(F))													S	P
Outdoor Storage of Equipment (see Section 6.3(Part 1)(F))										S			P	P
Outdoor Storage of Inoperable Vehicles (see Section 6.3(Part 1)(F))														P

**6.3 Accessory Use & Structure Standards (cont.)**

General Accessory Use Standards

*See Also:*

*Chapter 6.9,  
Home Occupation Standards*

*Chapter 6.14,  
Parking Standards*

*Chapter 6.22,  
Buffering & Screening  
Standards*

*Article 11,  
Board of Zoning Appeals*

*Article 12,  
Processes & Permits*

*Indiana Code 12-7-2-28.6  
(Day-Care Homes)*

- C. **Accessory Dwelling Standards:** Single-family dwellings constructed and used as accessories to the primary dwelling on the property (otherwise commonly know as "mother-in-laws quarters" and "granny flats") shall be designed and constructed as either (1) part of the primary structure, or (2) 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 Chapter 6.9, Home Occupation Standards.
- F. **Outdoor Storage Standards:** Any areas of outdoor storage shall conform with the setbacks required for accessory structures as indicated by the Permitted Accessory Structures table on page 6-8. In no case may outdoor storage occur in any easement, right-of-way, parking space, 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 Chapter 6.22, Buffering & 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, newspapers, and beverage dispensing machines. 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 & 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.

**6.3 Accessory Use & Structure Standards (cont.)**

General Accessory Structure Standards

- 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 Chapter 6.14, Parking Standards.

**Part 2: These General Accessory Structure Standards apply to the following district(s):**

Agricultural Districts - AG, A/R	Park District - PK
Low Den. Res. Districts - R1, R2	Bus. Districts - BN, BC, BP, BG, BH
High Den. Res. Districts - RM, RMH	Industrial Districts - IL, IG

- 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. **Exceptions:** Accessory structures are not deemed to include parking lots & garages, bird baths & houses, swing sets, mailboxes, lamp posts, doghouses, tree houses, saunas & hot tubs, attached & detached decks/patios, 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 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.
  - 4. **Yard Location:** All accessory structures, with the exception of gazebos and decks, shall only be located to the rear or side of the primary structure. In no case may any other accessory structure be located in a front yard.

***Note:** In zoning districts where agriculture is permitted, any barn or other structure is considered a primary structure. In no instance shall Section 6.3(Part 2)(A) be interpreted as prohibiting the construction of agricultural structures on property where a dwelling is not present.*



**6.3 Accessory Use & Structure Standards (cont.)**

General Accessory Structure Standards

*See Also:*

Chapter 6.22,  
Buffering & Screening Standards

Article 11,  
Board of Zoning Appeals

Article 12,  
Processes & Permits

Indiana Pool Code

Shelbyville Building Code

- D. **Vehicle Use:** In no instance shall a vehicle be used as an accessory structure in any district (such as for storage, shelter for pets, etc.).
- E. **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. All accessory structures shall be subject to the standards provided by this Chapter and all other applicable standards established by this Ordinance.
  2. The Plan Commission Director 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.
- F. **Satellite Dish:** Satellite dish shall be permitted as incidental accessory structures in all zoning districts, and shall be subject to Chapter 6.19, Satellite Dish Standards.

**Permitted Accessory Structures**

Structure (P - Permitted)	Zoning District													
	Agriculture - AG	Agricultural/Rural Residential - A/R	Single Family Residential - R1	Two Family Residential - R2	Multi-Family Residential - RM	Manufactured Home Park - RMH	Park and Open Space - PK	Neighborhood Business - BN	Central Business - BC	Professional Business - BP	General Business - BG	Highway Business - BH	Light Industry - IL	General Industry - IG
Recreational Greenhouses	P	P	P	P	P	P								
Detached Garages and Carports	P	P	P	P	P	P		P	P					
Mini-barns and Sheds (over 120 sq. ft. in area and/or 10 ft. in height)	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Swimming Pools (above and in ground)	P	P	P	P	P	P	P							
Dumpsters and Trash Containers					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	4*	4*	4	4	NA	4	4	4	5	5	5	5
Minimum Side & Rear Yard Setback for Accessory Structures	25 ft.	25 ft.	4 ft.	4 ft.	10 ft.	4 ft.**	10 ft	NA	NA	10 ft.	10 ft.	10 ft.	25 ft.	25 ft.

NA - Not Applicable

\* May not have more than 2 of the same type of accessory structure.

\*\* Indicates the required setback for each dwelling site

**6.3 Accessory Use & Structure Standards (cont.)**

General Accessory Structure Standards

- G. **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 or within any required rear or side yard setback.
  2. Height: No amateur radio tower shall exceed 30 feet in height from ground level or 6 feet in height above the highest point of the roof of the primary structure, whichever is greater. The Board of Zoning Appeals, through the Development Standards Variance process, may permit amateur radio towers to exceed these height requirements if a determination is made that the increased tower height is technically necessary to successfully engage in amateur radio communications.
  3. Interference: No amateur radio antenna or operation shall create electrical or communications interference, including visual or audible interference with radio or television reception.
  
- 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:** All dumpsters and trash containers shall be prohibited from all provided front yards and shall be subject to the screening requirements provided by Chapter 6.22, Buffering & Screening Standards.

**Part 3: These Park & Recreation Accessory Use & Structure Standards apply to the following zoning district(s):**

- |                                    |                                     |
|------------------------------------|-------------------------------------|
| Agricultural Districts - AG, A/R   | Park District - PK                  |
| Low Den. Res. Districts - R1, R2   | Bus. Districts - BN, BC, BP, BG, BH |
| High Den. Res. Districts - RM, RMH | Industrial Districts - IL, IG       |

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. **Maximum Area:** The maximum cumulative area occupied by accessory uses and structures, including any associated parking, shall not exceed 10% of the park and recreation site.
  
- B. **Subordinate Character:** The accessory uses and structures shall be subordinate to the recreational character of the development.
  
- C. **Service Intent:** The accessory uses and structures shall be located, designed, and intended to serve only the needs of the park or recreation facility.

*See Also:*  
 Chapter 6.14,  
 Parking Standards

### 6.3 Accessory Use & Structure Standards *(cont.)*

Park & Recreation  
Accessory Use &  
Structure Standards

- D. **Visible Evidence:** The accessory uses and structures shall present no visible evidence of their business nature to areas outside the park or recreation facility.
- E. **Parking:** Parking for accessory uses and structures shall be consistent with the requirements of Chapter 6.14, Parking Standards.

**Part 4: These Multi-family Residential and Manufactured Home Park Accessory Use & Structure Standards apply to the following zoning district(s):**

**High Den. Res. Districts - RM, RMH**

*See Also:*

*Chapter 6.14,  
Parking Standards*

Where multi-family dwellings or 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. **Maximum Area:** The maximum cumulative area occupied by accessory uses and structures, including any parking associated with the accessory use, shall not exceed 10% of the development site.
- B. **Subordinate Character:** The accessory uses and structures shall be subordinate to the residential character of the development.
- C. **Service Intent:** The accessory uses and structures shall be located, designed and intended to serve only the needs of the development.
- D. **Visible Evidence:** The accessory uses and structures shall present no visible evidence of their business nature to areas outside the development.
- E. **Parking:** Parking for accessory uses and structures shall be consistent with the requirements of Chapter 6.14, Parking Standards.

## 6.4 Temporary Use & Structure Standards

### General Temporary Use & Structure Standards

**Part 1: These General Temporary Use & Structure Standards apply to the following zoning district(s):**

- |   |  |
|---|--|
| <b>Agricultural Districts - AG, A/R</b>   | <b>Park District - PK</b>                  |
| <b>Low Den. Res. Districts - R1, R2</b>   | <b>Bus. Districts - BN, BC, BP, BG, BH</b> |
| <b>High Den. Res. Districts - RM, RMH</b> | <b>Industrial Districts - IL, IG</b>       |

- A. Temporary Structure Standards:** All temporary structures, such as tents, trailers, sales stands, and car ports, shall conform to the following requirements. Temporary trailers and other structures associated with fairs, festivals, and other similar events are exempt from this Chapter.
1. **Applicable Development Standards:** Temporary structures must meet all development standards for a permanent structure located in the same zoning district unless otherwise specified in this Chapter.
  2. **Trailers as Temporary Structures:** Any trailer used as a temporary structure must be equipped with skirting on all four sides that matches the color and material of the exterior of the trailer.
- B. 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 permit unless otherwise specified in this Chapter. No temporary use or structure, or the signage, 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 2 years unless otherwise specified by this Chapter. 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 in this Chapter shall be considered for any temporary use and/or structure that violates any conditions listed in this Chapter or any other provision of this Ordinance.
  3. **Removal Conditions:** All temporary uses or structures must be removed and the site reverted to its original condition within the duration of the permit.

## Purpose

*The purpose of this Chapter is to establish standards for temporary uses and structures in order to accommodate the temporary needs of properties in the City, ensure that intended temporary uses do not become permanent without proper scrutiny, and protect public health and safety from unique hazards that can be created by temporary uses and structures.*

### See Also:

*Article 11,  
Board of Zoning Appeals*

*Article 12,  
Processes & Permits*

## 6.4 Temporary Use & Structure Standards *(cont.)*

### Residential Temporary Use & Structure Standards

**Part 2: These Residential Temporary Use & Structure Standards apply to the following zoning district(s):**

*Agricultural Districts - AG, A/R*

*High Den. Res. Districts - RM, RMH*

*Low Den. Res. Districts - R1, R2*

The following specific temporary uses and structures are permitted as described below, no permit shall be required.

- A. **Garage/Yard Sales:** Garage/yard sales are permitted for a total of 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.
- B. **Tents:** Tents used for private parties or events are permitted on any lot for a total of 7 days per calendar year. (Note: Tents may also be subject to the review of the Shelbyville Fire Department.)
- C. **Construction Trailers:** Construction trailers are permitted on any lot as temporary structures for up to 12 months in any 5 year period. Construction trailers shall not be located in any right-of-way, required setback, easement, or buffer yard.
- D. **Dumpsters:** Dumpsters in continued use for construction-related debris shall be permitted as temporary structures on any lot for up to 12 months in any 5 year period. The storage of unused dumpsters is not permitted. Dumpsters shall not be located in any right-of-way, required setback, easement, or buffer yard.

**Part 3: These Home Sales Temporary Use & Structure Standards apply to the following zoning district(s):**

*Agricultural Districts - AG, A/R*

*Low Den. Res. Districts - R1, R2*

- A. **Temporary Home Sales Model & Trailer Time Limits:** Temporary model homes shall be permitted in each development until either (1) building permits have been obtained for greater than 90% of the lots included in the preliminary plat for the development, or (2) 5 years from the date of approval of the final plat for the most recent section of the development, whichever is greater. A permit shall be required. A temporary home sales trailer shall be permitted in each development until a model home is built, but for no more than a maximum of 6 months. A permit shall be required.
- B. **Temporary Home Sales Model & 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.

### Home Sales Temporary Use & Structure Standards

- C. **Temporary Home Sales Model & 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 the lot nearest 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 2 off-street parking spaces.
      - i. Such parking spaces shall conform to the size requirements of this Ordinance.
      - ii. Off-street parking for the facility shall be located in, and not extend beyond, the driveway. The parking spaces shall not extend over sidewalks or 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 2 off-street parking spaces. These parking spaces shall be surfaced with crushed stone and shall meet the size requirements of this Ordinance.
  4. **Landscaping:** Model homes shall provide landscaping consistent with that which will be provided for homes to be constructed in the development.
- D. **Temporary Home Sales Model Conversion:** Prior to the sale of a model home for use as a residence, all signage and sales facility lighting shall be removed and the garage area shall be returned to use for vehicle storage.
- E. **Temporary Home Sales Trailer Site Conversion:** Any builder using a temporary home sales trailer and, either constructing an approved model home consistent with this Chapter or removing the trailer, shall restore the temporary home sales trailer site to match existing lot conditions by removing the trailer and any associated signage and lighting. If the trailer is to be replaced by a model home, the trailer and all associated site features shall be removed within 10 days of the issuance of any certificate of occupancy for the model home.

*Note: A model home shall be distinguished from a speculatively built home. Model homes are those that are staffed by sales persons on a regular basis and are not, themselves, for sale. Speculatively built homes are constructed for no particular purchaser, are not staffed on a regular basis, and are for sale.*

## 6.4 Temporary Use & Structure Standards *(cont.)*

Business  
Temporary Use &  
Structure Standards

**Part 4: These Business Temporary Use & Structure Standards apply to the following zoning district(s):**

*Bus. Districts - BN, BC, BP, BG, BH*

*Industrial Districts - IL, IG*

The following specific temporary uses and structures are permitted. No permit shall be required.

- A. **Seasonal Sales:** Outdoor sales events are permitted for up to a 30 day period, up to 5 times per calendar year, for each business use.
- B. **Construction Trailers:** Construction trailers are permitted subject to the following conditions.
  - 1. The construction trailer must be used only in conjunction with an approved construction project during actual construction work.
  - 2. 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 Plan Commission Director, for a period of 30 days or more.

**RESERVED FOR FUTURE USE**

**See Ordinance #99-2320**



## 6.6 Industrial Standards

### Industrial Standards

#### **Purpose**

*The intent of these standards is to minimize the conflicts between industrial, commercial, and residential uses and to protect persons and property from the possible by-products of industrial production, distribution, and storage activities.*

#### **See Also:**

*Chapter 6.23,  
Exterior Lighting Standards*

*Shelbyville Ordinance 50.47,  
Wastewater Pretreatment  
Ordinance*

**These General Industrial Standards apply to the following zoning district(s):**

*Industrial Districts - IL, IG*

- A. **Interpretation:** The industrial standards established by this Chapter provide general guidelines for use by the City of Shelbyville in discussing expectations with new and expanding industrial operations. They also provide references to applicable state and Federal regulations. The conformance of industrial operations with the requirements of this Chapter shall be determined by the Plan Commission when consistent with the application review processes established by this Ordinance.
- B. **Applicability:** All uses shall conform with any and all applicable requirements of the state and Federal governments (including the standards of the Occupational Safety and Health Administration - OSHA). No use on a property shall exhibit obnoxious characteristics to the extent that it constitutes a public nuisance defined by, and subject to, the City of Shelbyville Municipal Code. In cases where the requirements of this Ordinance are in conflict with other applicable requirements, the most restrictive shall apply.
- C. **Exemptions:** The industrial standards provided by this Chapter shall be subject to the following exemptions:
  - 1. **Farming Operations:** Any applicable "Right to Farm" laws may supercede 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 Chapter:
    - 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.

- D. **General Standards:** 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.
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.
  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 Chapter 6.23 Exterior 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.

**6.6 Industrial Standards (cont.)**

Industrial Standards

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.

## 6.11 Recreational Vehicle Park Standards

### Recreational Vehicle Park Standards

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

**Park District - PK**

- A. **Entrances:** Recreational vehicle parks shall have direct access to a public road 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 park.
- B. **Design Requirements:** All recreational vehicle parks shall designate a specific location for each recreational vehicle through signage and the provision of electricity, fresh water, and sewerage, and shall meet the following design requirements:
  - 1. **Density:** The density of the park area shall not exceed more than 20 recreational vehicles per acre.
  - 2. **Minimum Area:** The minimum area of a recreational vehicle park shall not be less than 5 acres.
  - 3. **Separation:** Recreational vehicles shall be separated from each other and all other park buildings by a minimum of 20 feet.
  - 4. **Setbacks:** All recreational vehicles must be setback a minimum of 50 feet from the right-of-way of all adjacent public roads.
  - 5. **Vehicular Access and Parking Pads:** All vehicle access routes and parking pads within the park must be paved.
  - 6. **Trash Disposal:** Dumpsters must be provided and shall meet the applicable landscaping and screening standards of Chapter 6.22.
  - 7. **Sanitary Waste Disposal Stations:** One recreational vehicle sanitary disposal station shall be provided for each 100 recreational vehicle sites that are not equipped with individual sewer connections.
  - 8. **Sanitary Facilities:** One toilet shall be provided for each sex up to the first 25 sites, with one toilet per each additional 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.

### **Purpose**

*The purpose of this Chapter is to provide basic requirements for recreational vehicle parks to ensure health, safety, and the general welfare. Specifically, the intent of this Chapter is to provide for adequate access, separation from high-traffic areas, and shelter from potentially hazardous conditions.*

Environmental Standards

**Purpose**

The following standards are intended to encourage protection of unique Shelbyville environmental features and to protect persons and property from dangers presented by both the natural and built environment. Some of the following standards refer to complimentary state regulations, that are not enforced by the City, in order to increase awareness of existing regulations in addition to local requirements.

**See Also:**

Chapter 6.13,  
Flood Hazard Area Standards

National Resource Conservation Service, Conservation Practice Standard for Riparian Forest Buffer (Code 391)

Indiana Historic Sites and Structures Inventory,  
Shelby County Interim Report

National Register of Historic Places

Indiana Register of Historic Sites & Structures

Indiana Code Title 7

Indiana Code Title 13

These Environmental Standards apply to the following zoning district(s):

- Agricultural Districts - AG, A/R
- Park District - PK
- Low Den. Res. Districts - R1, R2
- Bus. Districts - BN, BC, BP, BG, BH
- High Den. Res. Districts - RM, RMH
- Industrial Districts - IL, IG

- 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 Plan Commission Director, 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 Chapter 6.13, Flood Hazard Area 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 & 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.

## 6.12 Environmental Standards *(cont.)*

### Environmental Standards

- E. **Cut/Fill Grade:** No cut or fill grade should exceed a slope of 3/1 or 33-1/3%. 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 3/1 (rise/run) in slope. Cut and fill grade exceeding 3/1 (rise: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 (IDEM), Indiana Department of Natural Resources (IDNR), or other governmental agency should be promptly covered and seeded.
- G. **Erosion Prevention:** All erosion prevention measures shall meet the IDNR, IDEM, 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 City Engineer to prohibit future filling or constructing.
  4. On-site detention for a 100-year storm event 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 75 feet of the center line of any regulated tile ditch, or within 75 feet of the existing top of bank of any regulated open ditch or tile unless approved by the Shelby County Drainage Board.

## 6.12 Environmental Standards

### Environmental Standards

- 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:** All retention ponds and pond edges shall be maintained with a buffer of plantings (such as grass) within 20 feet of the point of peak elevation. The use of "rip-rap" or any other engineered hard edges is prohibited except around inlets and outlets, and shall not exceed 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 must 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 must 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 gases shall meet all requirements of the State Fire Marshal.

## 6.13 Flood Hazard Area Standards

### Flood Hazard Area Standards

These General Flood Hazard Area Standards apply to the following district(s):

<i>Agricultural Districts - AG, A/R</i>	<i>Park District - PK</i>
<i>Low Den. Res. Districts - R1, R2</i>	<i>Bus. Districts - BN, BC, BP, BG, BH</i>
<i>High Den. Res. Districts - RM, RMH</i>	<i>Industrial Districts - IL, IG</i>

- A. **Disclaimer of Liability:** The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. This Chapter does not create any liability on the part of the City of Shelbyville, the Indiana Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this Chapter or any resulting, lawfully made administrative decision.
- B. **Duties of the Plan Commission Director:** The Plan Commission Director shall review all development and subdivision proposals to ensure compliance with this Chapter, including but not limited to the following duties:
  1. **Ensure Compliance:** Ensure that all development activities within the Special Flood Hazard Areas (SFHAs) of the jurisdiction of City of Shelbyville meet the requirements of this Ordinance;
  2. **Provide Information:** Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;
  3. **Ensure Proper Authorization:** Ensure that construction authorization has been granted by the Indiana Natural Resources Commission for all development projects subject to the requirements of this Chapter and maintain a record of such authorization (either a copy of actual permit or letter of recommendation);
  4. **Maintain Construction Records:** Maintain a record of the “as-built” elevation of the lowest floor (including basement) of new and/or substantially improved buildings constructed in the SFHA and provide inspections before, during and after construction;
  5. **Maintain Engineering Records:** Maintain a record of the engineer’s certificate and the “as-built” flood-proofed elevation of all buildings subject to the requirements of this Chapter;
  6. **Improve Data:** Cooperate with state and Federal floodplain management agencies to improve base flood and floodway data and to improve the administration of this Chapter;
  7. **Submit Reports:** Submit reports as required for the National Flood Insurance Program;

### Purpose

*The purpose of this Chapter is to guide development in flood hazard areas in order to reduce the potential for loss of life and property, to reduce the potential for health and safety hazards, and to reduce the potential for extraordinary public expenditures for flood protection and relief. The City of Shelbyville adopts these Flood Hazard Area Standards in order to accomplish the following:*

*To lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, and flood rescue and relief operations;*

*To maintain property values and a stable tax base by minimizing the potential for creating flood blighted areas; and*

*To make federally subsidized flood insurance available for structures and their contents in Shelbyville by fulfilling the requirements of the National Flood Insurance Program.*



Flood Hazard Area Standards

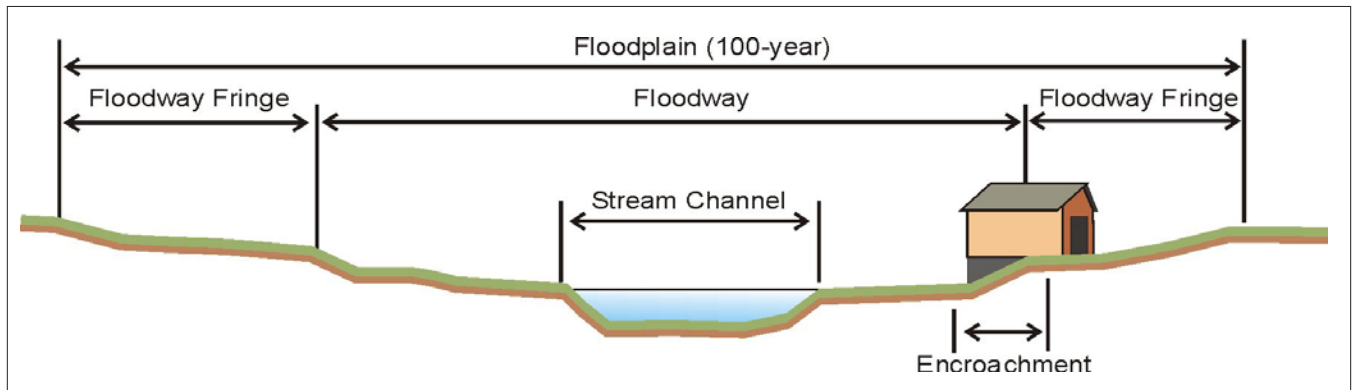
*See Also:*

*Chapter 12.6,  
Improvement Location  
Permits*

8. **Provide Data:** Maintain for public inspection and furnish upon request regulatory flood data, SFHA maps, Letters of Map Amendment (LOMA), Letters of Map Revision (LOMR), copies of Indiana Department of Natural Resources (IDNR) permits and letters of recommendation, Federal permit documents, and “as-built” elevation and flood-proofing data for all structures constructed subject to this Chapter; and
  9. **Assist with Notification:** Notify adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, submitting copies of such notifications to the Federal Emergency Management Agency (FEMA).
- C. **Regulatory Flood Elevation:** This Chapter’s protection standard is the 100-year regulatory flood. The regulatory flood elevation and floodway limits for each of the SFHAs delineated on the Flood Insurance Rate Maps of the City of Shelbyville dated April 1, 1982, and of Shelby County dated October 15, 1982, shall be the best data available as provided by the Department of Natural Resources.
1. Whenever a party disagrees with the best available data, that party shall submit a detailed engineering study to replace existing data with better data to the Department of Natural Resources for review and approval.
  2. For all City projects involving channel modifications or fill (including levees) the City shall submit the relevant data and request that the Federal Emergency Management Agency revise the regulatory flood data.
- D. **Improvement Location Permit Application:** No person, firm, corporation, or governmental body not exempted by state law shall commence any development in the SFHA without first obtaining an Improvement Location Permit. The Plan Commission Director shall not issue an Improvement Location Permit if the proposed development does not meet the requirements of this Chapter. In addition to the Improvement Location Permit submittal requirements provided by Chapter 12.6 of this Ordinance, Improvement Location Permit applications for development in a SFHA shall be accompanied by the following:
1. **Detailed Location Description:** a description of the location of the proposed development sufficient to accurately locate property and structure in relation to existing roads and streams;
  2. **Legal Description:** a legal description of the property site (such as a copy of the property deed);
  3. **Site Plan:** a site plan showing existing and proposed land grades; and
  4. **Elevations:** the elevation of the lowest floor (including basement) of all proposed development. Elevations should be in National Geodetic Vertical Datum of 1929 (NGVD) or North American Vertical Datum (NAVD). In either case the conversion formula should be included.

## 6.13 Flood Hazard Area Standards (cont.)

- E. **Improvement Location Permit Review and Approval:** Upon receipt of an application for an Improvement Location Permit, the Plan Commission Director shall determine if the site is located within (1) an identified 100-year floodway, (2) an identified 100-year floodway fringe, or (3) within the floodplain where the limits of the 100-year floodway have not yet been determined.



1. Identified Floodway Sites: If the site is in an identified 100-year floodway the Plan Commission Director shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for a permit for construction in a floodway.
  - a. Under the provisions of IC 14-28-1 a permit from the Natural Resources Commission is required prior to the issuance of a local Improvement Location Permit for any excavation, deposit, construction, or obstruction activity located in the 100-year floodway. This includes land preparation activities such as filling, grading, clearing and paving undertaken before the actual start of construction of a structure.
  - b. No permit shall be issued by the Plan Commission Director until a permit has been issued by the Natural Resources Commission granting approval for construction in the floodway.
  - c. Once a permit has been issued by the Natural Resources Commission, the Plan Commission Director may issue the local Improvement Location Permit, subject to compliance with all requirements of this Chapter. The Improvement Location Permit cannot be less restrictive than the permit issued by the Natural Resources Commission.

### *Flood Hazard Area Diagram*

**6.13 Flood Hazard Area Standards (cont.)**

Flood Hazard Area Standards

2. Identified Floodway Fringe Sites: If the site is located in an identified 100-year floodway fringe, the Plan Commission Director may issue the local Improvement Location Permit provided the provisions contained in Sections 6.13(H) and (I) have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the Flood Protection Grade (FPG) (which is defined as 2 feet above the regulatory flood elevation).
3. Undefined Floodplain Sites with Significant Upstream Drainage: If the site is in an identified floodplain where the limits of the 100-year floodway and 100-year floodway fringe have not yet been determined, and the drainage area upstream of the site is greater than 1 square mile, the Plan Commission Director shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Department of Natural Resources for review and comment.
  - a. No action shall be taken by the Plan Commission Director until either a permit for construction in the floodway or a letter of recommendation citing the 100-year flood elevation and the recommended Flood Protection Grade has been received from the Department of Natural Resources.
  - b. Once the Plan Commission Director has received the proper permit or letter of recommendation approving the proposed development, an Improvement Location Permit may be issued provided the conditions of the Improvement Location Permit are not less restrictive than the conditions received from the Department of Natural Resources and the provisions of Sections 6.13(H) and (I) have been met.
4. Undefined Floodplain Sites with Insignificant Upstream Drainage: If the site is in an identified floodplain where the limits of the 100-year floodway and 100-year floodway fringe have not yet been determined and the drainage area upstream of the site is less than 1 square mile, the Plan Commission Director shall require the applicant to provide an engineering analysis showing the limits of the 100-year floodway and 100-year floodway fringe, as well as the 100-year floor elevations for the site. Upon receipt, the Plan Commission Director may issue the local Improvement Location Permit, provided the provisions contained in Sections 6.13(H) and (I) have been met.

- F. Flood Plain Permitted and Special Exception Uses:** All land uses shall be prohibited in the 100-year floodway unless otherwise specified below and also permitted by the applicable zoning district:
1. agricultural uses such as crop production, pastures, orchards, tree farms, plant nurseries, vineyards, and general farming;
  2. forestry, wildlife areas, and nature preserves; and
  3. parks and recreational uses except golf courses and driving ranges.

**6.13 Flood Hazard Area Standards (cont.)**Flood Hazard Area  
Standards

- G. Development Requirements:** No development in the SFHA shall create a damaging or potentially damaging increase in flood heights or velocity or threaten public health and safety.
1. **Loss of Storage Capacity:** Within the floodway identified on the Flood Boundary and Floodway Map, the Flood Insurance Rate Map, or engineering analysis provided, no development shall be allowed which acting alone or in combination with existing or future development will cause any increase in the elevation of the regulatory 100-year flood.
  2. **Hazardous Materials Storage:** No development in the SFHA shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the Flood Protection Grade, unless such materials are stored in a flood-proofed storage tank or building constructed according to the requirements of Section 6.13(I).
  3. **Waste Disposal Systems:** New and replacement sanitary sewer lines and on-site waste disposal systems may be permitted providing all manholes or other above ground openings are located above the FPG or those which are located below the FPG are watertight.
- H. Building Protection Requirements:** In addition to the damage prevention requirements of Section 6.13(I), all buildings to be located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:
1. construction or placement of any new building having a floor area greater than 400 square feet;
  2. structural alterations made to:
    - a. an existing (previously unaltered) building, the cost of which equals or exceeds 50% of the value of the pre-altered building (excluding the value of the land);
    - b. any previously altered building;
  3. reconstruction or repairs made to a damaged building that are valued at or more than 50% of the market value of the building (excluding the value of the land) before damage occurred;
  4. installing a manufactured home on a new site or a new manufactured home on an existing site. This Chapter does not apply to returning an existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage; and
  5. installing a travel trailer or recreational vehicle on a site for more than 180 days.

**6.13 Flood Hazard Area Standards (cont.)**

## Flood Hazard Area Standards

- I. **Building Protection Methods:** The building protection requirement may be met by one of the following methods. The Plan Commission Director shall maintain a record of compliance with these building protection standards as required by Section 6.13(B).
  1. Residential or Nonresidential Structures on Fill: A residential or nonresidential structure may be constructed on a permanent land fill in accordance with the following:
    - a. The fill shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with the Standard Proctor Test method.
    - b. The fill should extend at least 10 feet beyond the foundation of the building before sloping below the FPG.
    - c. The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than 3 horizontal to 1 vertical.
    - d. The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.
    - e. The top of the lowest floor including basements shall be at or above the FPG.
  2. Elevated Residential and Nonresidential Structures: A residential or nonresidential structure may be elevated in accordance with the following:
    - a. The building or improvements shall be elevated on posts, piers, columns, extended walls, or other types of similar foundation provided: (1) Walls of any enclosure below the elevated floor shall be designed to automatically equalize hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, through providing a minimum of two openings (in addition to doorways and windows) having a total area of one square inch for every 1 square foot of enclosed area subject to flooding (the bottom of all such opening shall be no higher than one foot above grade); and (2) Any enclosure below the elevated floor is used for storage of vehicles and building access.
    - b. The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as buoyancy, current, waves, ice, and floating debris.
    - c. All areas below the FPG shall be constructed of materials resistant to flood damage. The top of the lowest floor (including basement) and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.

**6.13 Flood Hazard Area Standards (cont.)**Flood Hazard Area  
Standards

3. Permanent Manufactured Homes and Recreational Vehicles: Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following anchoring requirements:
    - a. The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site; (1) outside a manufactured home park or subdivision; (2) in a new manufactured home park or subdivision; (3) in an expansion to an existing manufactured home park or subdivision; or (4) in an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as a result of a flood.
    - b. This requirement applies to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood.
    - c. The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
  4. Temporary Recreational Vehicles: Recreational vehicles placed on a site shall either:
    - a. be on the site for less than 180 consecutive days;
    - b. be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or
    - c. meet the requirements for “manufactured homes” in section 6.13(I)(3) above.
- J. **Other Development Standards:** The Plan Commission Director shall review all proposed subdivisions to determine whether the subdivision lies in a flood hazard area.
1. Flood Hazard Area Subdivisions: If the Plan Commission Director finds the subdivision to be so located, the Plan Commission Director shall forward plans and materials to the Indiana Department of Natural Resources for review and comment. The Plan Commission Director shall require appropriate changes and modifications in order to assure that:
    - a. it is consistent with the need to minimize flood damages;
    - b. all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;

**6.13 Flood Hazard Area Standards (cont.)**

Flood Hazard Area Standards

- c. adequate drainage is provided so as to reduce exposure to flood hazards;
  - d. onsite waste disposal systems, if provided, will be so located and designed to avoid impairment of them or contamination from them during the occurrence of the regulatory flood.
2. Flood Elevation Recording: Developers shall record the 100 year flood elevation on all subdivision plats containing lands (identified elsewhere by this Chapter) within a flood hazard area prior to submitting the plats for approval by the Plan Commission.
3. Evacuation Plans: All owners of manufactured home parks or subdivisions located within the SFHA identified as Zone A on the community's FHBM or FIRM shall develop an evacuation plan for those lots located in the SFHA and file it with the local Plan Commission and have it filed with and approved by the appropriate community emergency management authorities.

**K. Variances:** Variances to the regulation of this Chapter shall be consistent with the following provisions:

1. Considerations: The Board of Zoning Appeals may grant a variance from the Flood Hazard Area Standards of Article 6 of this Ordinance only if, after a public hearing, it makes findings of facts in writing, that:
- a. There exists a sufficient cause for the requested variance;
  - b. The strict application of the terms of this Ordinance will constitute an exceptional hardship to the applicant; and
  - c. The granting of the requested variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public, or conflict with other existing laws or ordinances.
2. Standards and Conditions: The Board of Zoning Appeals may only issue a variance to the terms and provisions of these Flood Hazard Area Standards subject to the following conditions:
- a. No variance for a residential use within a floodway subject to Section 6.13 (G) of this Ordinance may be granted.
  - b. Any variance granted in a floodway subject to Section 6.13 (G) of this Ordinance will require a permit from the Indiana Department of Natural Resources.
  - c. Variances to the Building Protection Requirements of Section 6.13(H) of this Ordinance may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.

**6.13 Flood Hazard Area Standards (cont.)**Flood Hazard Area  
Standards

- d. Variances may be granted for the reconstruction or restoration of any structure listed as outstanding, notable, or contributing in the *Indiana Historic Sites and Structures Inventory - Shelby County Interim Report*, or those listed in the *National Register of Historic Places* and/or *Indiana Register of Historic Sites & Structures*.
  - e. All variances shall give the minimum relief necessary and be such that the maximum practical flood protection will be given to the proposed construction.
  - f. The Board of Zoning Appeals shall issue a written notice to the recipient of the variance that the proposed construction will be subject to increased risks to life and property and could require payment of increased flood insurance premiums.
  - g. The Board may impose such reasonable conditions upon its approval as it deems necessary to find that the criteria for approval in Section 6.13(K)(1) and (2) will be served.
3. **Commitments:** The Board may require the owner of the property to make written commitments concerning the use or development of the property and have such commitments recorded in the Shelby County Recorder's Office. A copy of the recorded commitments shall be provided to the Plan Commission Director for inclusion in the petition file prior to the issuance of any Improvement Location Permit. No permit shall be issued for permit application which does not comply with the recorded commitments.
4. **Limitations:** A flood hazard area standards variance granted by the Board and executed in a timely manner as described in this section shall run with the parcel until such time as: (1) the property conforms with the Ordinance as written, or (2) the variance is terminated.
- L. **Violations:** Failure to obtain an Improvement Location Permit in the SFHA or failure to comply with the requirements of a permit or conditions of a variance shall be deemed to be a violation of this Ordinance. All violations shall be considered a common nuisance and be treated in accordance with the provisions of Article 13, Enforcement & Penalties.
1. A separate offense shall be deemed to occur for each day the violation continues to exist.
  2. The Plan Commission Director shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.
  3. Nothing herein shall prevent the City of Shelbyville from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.



**6.13 Flood Hazard Area Standards (cont.)**

Flood Hazard Area Standards

M. **Abrogation & Greater Restrictions:** This Chapter repeals and replaces other ordinances adopted by the City of Shelbyville to fulfill the requirements of the National Flood Insurance Program. However, this Chapter does not repeal the original resolution or ordinance adopted to achieve eligibility in the Program. Nor does this Chapter repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this Chapter and other easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall take precedence. In addition, the City of Shelbyville shall assure that all National Flood Insurance Program regulations (44 CFR § 60) as well as Indiana laws and regulations regarding floodplain issues (312 IAC 10, IC 14 28 1 and IC 14 28 3) are met.

## 6.14 Parking Standards

### General Parking Standards

**Part 1: These General Parking Standards apply to the following district(s):**

<b>Agricultural Districts - AG, A/R</b>	<b>Park District - PK</b>
<b>Low Den. Res. Districts - R1, R2</b>	<b>Bus. Districts - BN, BC, BP, BG, BH</b>
<b>High Den. Res. Districts - RM, RMH</b>	<b>Industrial Districts - IL, IG</b>

- A. General Requirements:** All parking spaces shall meet the following general requirements:
- Historic Structures:** Historically significant structures, specifically 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 in the *National Register of Historic Places* and/or *Indiana Register of Historic Sites & Structures* and similar irreplaceable assets should not be demolished to provide parking.
  - Location:** No off-street parking spaces may fully or partially be located in a public right-of-way, septic field, or required buffer yard. No parking spaces located in a garage for a single or two-family residence shall be counted toward meeting the requirements of this Ordinance.
  - Access:** All required parking spaces must be designed to provide direct access to roadways for vehicles. In no case may areas that do not have direct access be considered a parking space meeting the requirements of this Chapter.
  - Parking Space Dimensions:** Parking space sizes shall conform with the Parking Space Requirements table.
  - Interior Drive Dimensions:** Interior drive dimensions shall conform with the requirements of Chapter 6.16, Entrance/Drive Standards.

## Purpose

*The purpose of this Chapter is to reduce traffic problems and, therefore, provide for public safety by eliminating unnecessary on-street parking and establishing appropriate locations and numbers of off-street parking spaces for uses in each zoning district.*

### See Also:

*Chapter 6.16, Entrance/Drive Standards*

*Chapter 6.21, Landscaping Standards*

*Chapter 6.23, Exterior Lighting Standards*

*Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities, Chapter 4.1.2 (5)(a)*

### Parking Space Requirements

Angle of Parking	Minimum Parking Space Size (feet)	
	Width	Length
Parallel...	8	22
..up to and including 45 degrees...	8.5	18
..up to and including 90 degrees.	9	18

## 6.14 Parking Standards *(cont.)*

### General Parking Standards

- B. **Requirements for Uses not Specifically Listed:** The number of parking spaces required for uses that are not listed specifically shall be determined by the Plan Commission Director based on the consistency of the use with those which are specified. Required parking spaces for unique uses that are not comparable with any listed uses shall be determined by the Plan Commission.
- C. **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 Part 6 of this Chapter.
- D. **Inoperable Vehicle Storage Requirements:** The storage of all motor vehicles shall be consistent with the following requirements:
1. **Unlicensed/Inoperable Vehicles:** 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. **Inoperable Vehicles Stored at Auto-repair Facilities:** Vehicles associated with permitted auto salvage yards and/or auto-repair facilities must be stored consistent with the following requirements:
    - a. All such vehicles, including antique vehicles, shall be stored within a rear or side yard storage area. In no case shall such vehicles be stored in any right-of-way, front yard, or required setback area or bufferyard.
    - b. All storage areas for such vehicles shall be completely enclosed by a minimum 6 foot tall, 100% opaque fence constructed of wood, stone, 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.

## 6.14 Parking Standards *(cont.)*

### Agricultural & Residential Parking Standards

**Part 2: These Agricultural Parking Standards apply to the following district(s):**

*Agricultural Districts - AG, A/R*

*Industrial Districts - IL, IG*

An adequate number of parking spaces shall be provided to accommodate all farm and non-farm related vehicles required for an agricultural use.

**Part 3: These Low-Density Residential Parking Standards apply to the following district(s):**

*Low Den. Res. Districts - R1, R2*

Two off-street parking spaces, paved with asphalt or concrete, shall be provided on the same lot as the dwelling unit for which they are required.

**Part 4: These High-Density Residential Parking Standards apply to the following district(s):**

*High Den. Res. Districts - RM, RMH*

- A. **Driving Surfaces:** All parking areas, including parking spaces, interior drives, and ingress/egress into parking areas must be paved with asphalt or concrete. All parking areas shall be clearly painted to show each parking space.
- B. **Drainage:** Parking areas must be constructed to allow proper drainage, which shall be subject to the review and approval of the City Engineer.
- C. **Curbs & Wheelstops:** Concrete curbs shall be required in all sidewalk and parking areas at the entrances and around landscaping islands. Either curbs or concrete wheelstops shall be provided for other parking area perimeters.
- D. **Lighting:** Lighting for parking areas shall conform with the applicable requirements of the Chapter 6.23, Exterior Lighting Standards.
- E. **Landscaping:** Landscaping for parking areas shall conform with the applicable requirements of Chapter 6.21, Landscaping Standards.
- F. **Minimum Number of Spaces:** The minimum number of parking spaces required per property shall be determined by *adding* up the spaces required as follows:
  1. Residential Use Requirements: The total number of resident off-street parking spaces required in each development shall be equal to 2 times the total number of dwelling units.
  2. Non-residential Accessory Use Requirements: Parking spaces for management offices, sales facilities, self-service laundries, and other accessory uses shall be provided in an amount equal to 1/2 those required for non-residential uses by Chapter 6.14 Part 5.

## 6.14 Parking Standards (cont.)

### Non-Residential Parking Standards

**Part 5: These Non-Residential Parking Standards apply to the following district(s):**

*Park District - PK*

*Industrial Districts - IL, IG*

*Bus. Districts - BN, BC, BP, BG, BH*

- A. **Space Requirements:** All parking spaces and interior drives shall meet the following standards:
1. **Driving Surfaces:** All parking areas, including parking spaces, interior drives, and ingress/egress into parking areas must be paved with asphalt or concrete. All parking areas shall be clearly painted to show each parking space. All storage and staging areas for heavy machinery and trucks may be paved with crushed stone.
  2. **Drainage:** Parking areas must be constructed to allow proper drainage, which shall be subject to the review and approval of the City Engineer.
  3. **Curbs & Wheelstops:** Concrete curbs shall be required in all parking areas at the entrances and around landscaping islands. Either curbs or concrete wheelstops shall be provided for other parking area perimeters.
  4. **Lighting:** Lighting for parking areas shall conform with the applicable requirements of the Chapter 6.23, Exterior Lighting Standards.
  5. **Landscaping:** Landscaping for parking areas shall conform with the applicable requirements of Chapter 6.21, Landscaping Standards.
  6. **Required Number of Spaces:** The number of parking spaces required per property shall be determined by *adding* up the spaces required for each applicable statement in the Non-residential Parking Spaces table. The installation of additional parking in excess of 50 spaces or 10% of those that are required, whichever is greater, must be justified by demonstrating a need, in writing, for the additional spaces.
  7. **Use of Spaces:** Parking spaces must be used for parking purposes only. Storage of goods, waste, outdoor displays, and other such activities shall not be permitted in required parking spaces.

6.14 Parking Standards (cont.)

Non-Residential Parking Standards

**Non-Residential Parking Spaces**

<b>The following number of parking spaces is required.....</b>	<b>..for every...</b>
--	-----------------------

<b>Employees &amp; Business Vehicles</b>	
1 space	employee working on the largest shift (for multi-shift operations ample parking spaces during shift changes shall be provided)
1 space	business vehicle stored on-site

<b>..in addition to...</b>	<b>..for every...</b>
----------------------------	-----------------------

<b>Assembly Uses</b>	
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

<b>Auto-Related Uses</b>	
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

<b>Retail &amp; Personal Service Uses</b>	
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	200 sq. ft. in a personal service business, beauty or barber shop, or dry cleaners

<b>Office Uses</b>	
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

<b>Recreation Uses</b>	
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 spaces	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

Continued on Next Page

*Note: The number of parking spaces required per property shall be determined by adding up the spaces required for each applicable statement in the Non-residential Parking Spaces table.*

Non-Residential Parking Standards

*Note: The number of parking spaces required per property shall be determined by **adding** up the spaces required for each applicable statement in the Non-residential Parking Spaces table.*

***Non-Residential Parking Spaces (cont.)***

..in addition to...	..for every...
<b>Educational Uses</b>	
2 spaces	classroom in elementary and middle schools or high schools with a gym or auditorium (gym or auditorium spaces are shared and calculated separately)
1 space	4 students for which a high school without an auditorium or gym is designed
1 space	20 student for which a high school with an auditorium or gym is designed
1 space	4 students for which a community college, business, vocational, trade, or other commuter-based school is designed
1 space	2 on-campus residents of a resident-student based college or university
1 space	2 persons for which a boarding, fraternity, sorority, or student cooperative house is designed
<b>Misc. Uses</b>	
1 space	3 patient/resident beds at a hospital, nursing home, or assisted living facility
1 space	20 storage units at a self-storage facility
1 space	for every 5 hangers 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

**6.14 Parking Standards (cont.)**

Non-Residential Parking Standards

- B. Access/Location Standards:** All parking spaces shall be accessed and located consistent with the following standards:
1. **Maneuvering Space:** All parking spaces shall be provided with adequate maneuvering space into which vehicles can back for the purpose of exiting each parking space. Spacing must be adequate so that vehicles do not back onto a public street.
  2. **Employee Parking Space Location:** For all parking lots exceeding 50 parking spaces, all spaces required for employees shall be placed to the rear or side of the primary structure.
    - a. Where lots have frontage on more than one street, the employee spaces shall be placed in whichever yard does not face the street with the highest Thoroughfare Plan classification.
    - b. Industrial uses that do not have frontage along an Arterial street shall be exempt from this provision.
  3. **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, Chapter 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



**6.14 Parking Standards (cont.)**

Non-Residential Parking Standards

- C. **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 Plan Commission Director. 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 or more uses may provide off-site parking collectively on one 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 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 must 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 Plan Commission Director 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.
  
- D. **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.

## 6.15 Loading Standards

### Loading Standards

These General Loading Standards apply to the following zoning district(s):

Park District - PK

Industrial Districts - IL, IG

Bus. Districts - BN, BC, BP, BG, BH

- A. **Loading Berths Required:** Any building or structure that requires the receipt or distribution of materials or merchandise by trucks or similar vehicles shall be provided with off-street loading berths meeting the minimum requirements specified in the Loading Berth Requirements table. Off-street loading berths may be provided either within or outside of structures on the property.

### Loading Berths Required

Gross Floor Area	Berths Required
Up to 40,000 sq. ft.	1
40,000 to 80,000 sq. ft.	2
80,000 to 120,000 sq. ft.	3
120,000 to 160,000 sq. ft.	4
Greater than 160,000 sq. ft.	4 plus 1 additional berth for every additional 80,000 sq. ft. of gross floor area

- B. **Location:** All required off-street loading berths shall be located on the same lot as the use to be served. No portion of a loading or unloading vehicle shall project into a street, alley, or other public right-of-way. Shared truck courts between adjacent properties shall be permitted.
- 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.
  - No loading space may be located in any front yard or any required buffer yard.
- C. **Design and Construction:** All off-street loading berths shall meet the following design and construction requirements:
- Size Requirements:** All interior and exterior off-street loading berths for over-the-road tractor-trailers shall be a minimum of 12.5 feet in width and 150 feet in length including the apron. For local pick-up and delivery trucks, off-street loading berths shall be at least 12 feet in width and 60 feet in length including the apron.

### Purpose

The purpose of this Chapter is to provide requirements for the off-street loading and unloading of products, supplies, and other materials at commercial and industrial facilities. Such regulations are intended to prevent loading and unloading functions from occurring on a public street, adjacent to property lines, or in other locations that present a danger to persons or property, or otherwise negatively affect the general welfare of the City of Shelbyville.

**6.15 Loading Standards (cont.)**

Loading Standards

2. **Vertical Clearance:** All loading spaces shall be provided with a vertical clearance of not less than 15 feet.
  3. **Driving Aisle Requirements:** All loading berths shall be accessed by a driving aisle which is a minimum of 26 feet in width for 2-way traffic or 14 feet in width for 1-way traffic at all points between a public street and the loading berth.
  4. **Surfacing Requirements:** All open off-street loading berths shall be paved with concrete. Asphalt pavement may be substituted for concrete subject to the approval of the City Engineer.
- D. **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.
- E. **Space Allowed:** Space provided for use as any off-street loading berth shall not be used to satisfy any off-street parking space requirements of Chapter 6.14, Parking Standards.

## 6.16 Entrance/Drive Standards

### General Entrance/Drive Standards

**Part 1: These General Entrance/Drive Standards apply to the following district(s):**

<b>Agricultural Districts - AG, A/R</b>	<b>Park District - PK</b>
<b>Low Den. Res. Districts - R1, R2</b>	<b>Bus. Districts - BN, BC, BP, BG, BH</b>
<b>High Den. Res. Districts - RM, RMH</b>	<b>Industrial Districts - IL, IG</b>

## Purpose

*The intent of these Entrance/Drive Standards is to provide for a safe and efficient vehicular and pedestrian transportation system by establishing minimum standards for site entrances, driveways and interior drives.*

### See Also:

*Chapter 6.14,  
Parking Standards*

*Chapter 6.21,  
Landscaping Standards*

*Chapter 6.23,  
Exterior Lighting Standards*

*Thoroughfare Plan  
(City of Shelbyville  
Comprehensive Plan)*

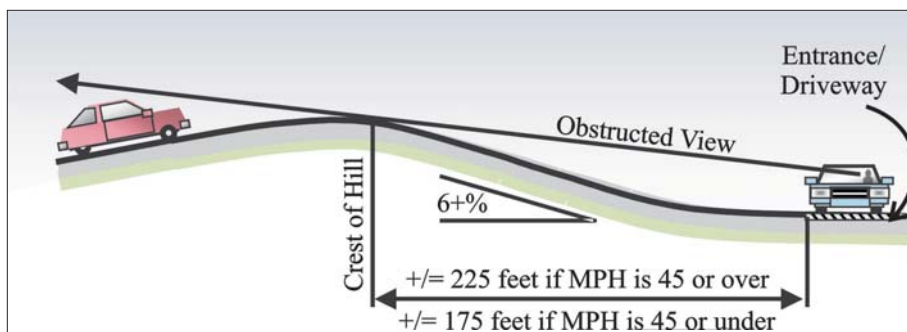
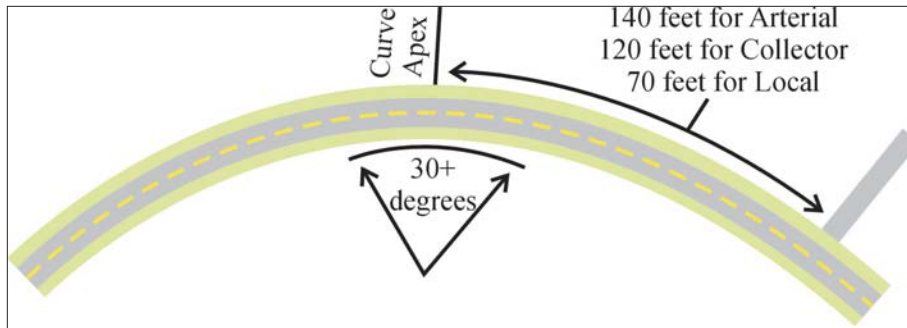
- A. **General Requirements:** All entrances, driveways, and interior drives shall meet the following general requirements:
1. **Maintenance:** All entrances, driveways, and interior drives, shall be privately maintained in good repair and reasonably free of chuck-holes, standing water, weeds, dirt, trash, debris, mud, ice, and snow by the property owner.
  2. **Driving Surfaces:** All non-farm entrances, driveways, and interior drives shall be paved with asphalt or concrete. All drives accessing farms, rural dwellings, or storage areas for heavy equipment or trucks shall be exempt from this requirement, but shall be required to provide asphalt or concrete paving for the portion of the drive that is located in a street right-of-way.
  3. **Drainage:** Entrances, driveways, loading berths, and interior drives must be constructed to allow proper drainage, which shall be subject to the review and approval of the City Engineer.
  4. **Lighting:** Lighting for all entrances, driveways, and interior drives shall conform with the applicable requirements of Chapter 6.23, Exterior Lighting Standards.
  5. **Landscaping:** Landscaping for all entrances, driveways, and interior drives shall conform with the applicable requirements of Chapter 6.21 Landscaping Standards.
  6. **Vehicle Storage and Parking:** No vehicles shall be parked or stored in any entrance or interior drive other than in designated parking spaces meeting the requirements of Chapter 6.14, Parking Standards. In no instance shall this be interpreted as prohibiting the parking of vehicles in residential driveways.
- B. **Location Requirements:** All entrances, driveways, and interior drives shall conform with the following location standards:
1. **Rights-of-way:** With the exception of the entrance, and excluding residential driveways, all driveways and interior access drives shall be separated from the planned right-of-way of all streets by a minimum 10 foot wide landscape area meeting the requirements of Chapter 6.21, Landscaping Standards.
  2. **Septic Fields & Buffer Yards:** No driveway or interior drive shall be fully or partially located in a septic field or required buffer yard.

## 6.16 Entrance/Drive Standards *(cont.)*

### General Entrance/Drive Standards

3. Curves: The proposed location of any entrance on or near a curve shall be investigated by the Plan Commission Director and City Engineer and evaluated based on available sight distance and the design speed of the roadway or the posted speed limit (whichever is greater). The City Engineer may establish specific requirements in addition to the following general standards. INDOT regulations and standards shall control all state highways. No entrance or driveway shall be permitted within:
    - a. *Arterial Streets*: 140 feet of the apex of a curve (30 degrees or greater) where the street is an Arterial,
    - b. *Collector Streets*: 120 feet of the apex of a curve (30 degrees or greater) where the street is a Collector, or
    - c. *Local Streets*: 70 feet of the apex of a curve (30 degrees or greater) where the street is a Local.
  4. Grade Changes: The location of an entrance on or near grade changes shall be investigated by the Plan Commission Director and City Engineer and evaluated based on available sight distance and the design speed of the roadway or the posted speed limit (whichever is greater). The City Engineer may establish specific requirements in addition to the following general standards. INDOT regulations and standards shall control all state highways. Entrances are permitted within 30 feet of the crest of a hill unless the Plan Commission Director and/or City Engineer determines the visibility to be impaired. However, no entrance shall be permitted:
    - a. Within a minimum of 225 feet from the crest of a hill where the slope on either side of the crest is 6% or greater, and the speed limit is 45 MPH or greater;
    - b. Within a minimum of 175 feet from the crest of a hill where the slope on either side of the crest is 6% or greater, and the speed limit is 45 MPH or less; or
    - c. Where the visibility to or from the desired location is determined to be otherwise impaired in the judgement of the Plan Commission Director and/or City Engineer.
- C. **Design Requirements:** All driveways, entrances, and interior drives shall conform to the following design requirements:
1. **Maximum Entrance Widths:** No entrance shall exceed the following maximum pavement widths at the point which they intersect the public right-of-way. The distances for these standards shall be determined by measuring from the outside edges of the curb or pavement (whichever is more) of the entrance at the public right-of-way which it accesses, and shall not include any acceleration or deceleration lanes or turning radii:
    - a. 30 feet per lane (exclusive of any medians) if from a non-residential or multi-family use onto any type of street, and
    - b. 24 feet total if from a single-family or two-family use onto any type of street.

## 6.16 Entrance/Drive Standards (cont.)



## Curve and Grade Change Entrance Diagrams

2. Minimum Driveway and Interior Drive Widths: The minimum pavement widths for driveways and interior drives shall meet the following requirements, exclusive of any parking spaces:
  - a. For single and two-family residential uses the minimum driveway width shall be 16 feet.
  - b. For all multi-family and non-residential uses the following interior drive minimums shall be required:
    - i. 12 feet if 1 way traffic and no parking, parallel parking, or 45 degree parking,
    - ii. 15 feet if 1 way traffic and 60 degree parking,
    - iii. 18 feet if 1 way traffic and 90 degree parking,
    - iii. 22 feet if 2 way traffic and parallel, 45, or 60 degree parking,
    - iv. 26 feet if 2 way traffic and 90 degree parking, or providing access to a loading berth.
3. Travel Direction: The direction of travel for vehicles at entrances shall meet the following standards:
  - a. All drives providing access to a public right-of-way from all lots used for purposes other than farms or single or two-family residences shall be designed so that vehicles are traveling in a forward direction when entering and leaving.
  - b. In no case may any access drive for any use be designed to require a vehicle to back onto any Arterial street as designated by the Thoroughfare Plan.

**6.16 Entrance/Drive Standards (cont.)**

General Entrance/Drive Standards

4. Number of Entrances: The number of entrances provided shall meet the following requirements. Any emergency access entrances required by the Shelbyville Fire Department or City Engineer shall not be considered toward these requirements. Entrances in addition to those permitted below may be approved by the City Engineer.
  - a. Single and two-family residences shall be limited to 1 entrance per dwelling unit.
  - b. If a manufactured home park or multi-family development includes 40 or more dwelling units, there shall be 2 access points from a public road. Individual dwelling sites may only access interior roads.
  - c. Each industrial use in the "LI" and "GI" zoning districts shall be limited to 2 entrances.
5. Emergency Entrances & Drives: Emergency entrances and drives shall be provided, designed, constructed, marked, and maintained consistent with the requirements of the City Engineer and the Shelbyville Fire Department.

**D. Shared Entrances and Drives:** Shared entrances and drives are encouraged for all uses in all zoning districts, specifically for any multi-family residential or non-residential uses accessing a Collector or Arterial street.

1. Access Easements: All shared entrances and drives shall be included in appropriate access easements.
2. Required Documentation: A permanent documentation of any shared entrance and drive agreement must 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 entrances, ownership, and liability. The agreement shall be reviewed and approved by the Plan Commission Director and the City Attorney. The agreement shall be recorded in the office of the Shelby County Recorder. A copy of the recorded agreement shall be kept in the office of the Shelbyville Plan Commission.

## 6.16 Entrance/Drive Standards (cont.)

### High-Traffic Entrance/ Drive Standards

**Part 2: These High-Traffic Area Entrance/Drive Standards apply to the following district(s):**

High Den. Res. Districts - RM, RMH

Industrial Districts - IL, IG

Bus. Districts - BN, BC, BP, BG, BH

- A. **Separation Requirements:** No entrance from a public street shall be permitted within the distances specified in the Entrance Separation Requirements table.
1. **Measurement Standard:** The distances shall be determined by measuring from the right-of-way line of any road and the curb or edge of pavement (if no curbs are present) of any entrances.
  2. **Aligned Entrances:** This shall not be interpreted as prohibiting an entrance that will directly align with a road or another entrance on the opposite side of the road.

### Required Separation

No entrance accessing the following street type...	..shall be permitted within the following distance from an intersection with another street or within...	..the following distance from another entrance.
<b>Arterial</b>	400 feet	400 feet
<b>Collector</b>	175 feet	150 feet
<b>Local</b>	150 feet	100 feet



- B. **Design Requirements:** All driveways, 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 drives must be designed as single two-way drives or a pair of one-way drives which provide access each direction between adjacent parking lots and interior drives. Sidewalks, measuring a minimum of 4 feet in width, must also be provided to allow pedestrian access between adjoining properties.

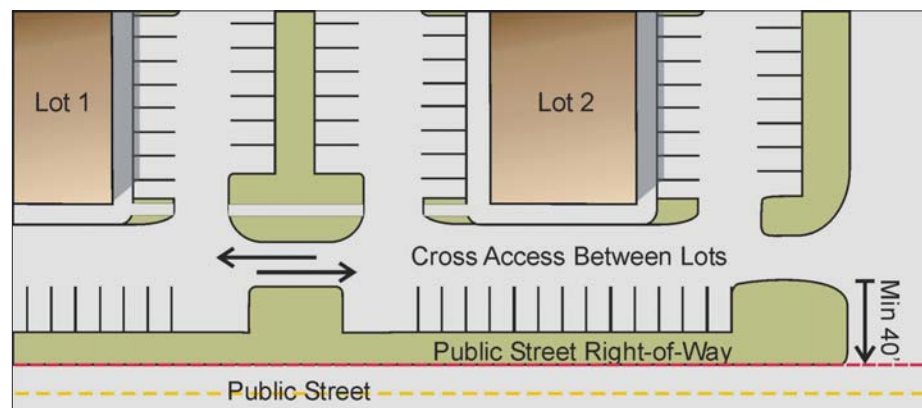


**6.16 Entrance/Drive Standards** (cont.)

High-Traffic Entrance/  
Drive Standards

- b. *Applicable Standards:* The cross-access drives shall be designed consistent with the requirements of this Chapter.
- c. *Separation:* Interior drives providing cross-access between adjacent parcels that serve to create a frontage drive 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 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 drive shall be differentiated and separated from parking lots by curbing and landscape areas.

**Cross-Access  
Diagram**



## 6.17 Sight Visibility Standards

### Sight Visibility Standards

These Sight Visibility Standards apply to the following district(s):

- Agricultural Districts - AG, A/R
- Park District - PK
- Low Den. Res. Districts - R1, R2
- Bus. Districts - BN, BC, BP, BG, BH
- High Den. Res. Districts - RM, RMH
- Industrial Districts - IL, IG

- A. **Sight Visibility Requirements:** All intersections must maintain an area (Sight Visibility Triangle) where primary or accessory structures, trees, vegetation (other than agricultural crops), or signs (other than road signs) are not allowed to be placed or to project over a height of 2.5 feet measured from the nearest top-of-curb (or edge of pavement where curbs are not present).
- B. **Sight Visibility Triangle Dimensions:** The Sight Visibility Triangle shall be established by connecting points located along the intersecting rights-of-way at the distances from the point of intersection required by the Sight Triangle Dimensions table.

### Purpose

*The intent of this Chapter is to provide for a safe vehicular and pedestrian transportation system. The visibility at intersections, driveways, curb cuts, and entrances are particularly important for the safe movement of vehicles and pedestrians.*

### Sight Triangle Dimensions

When the following type of street intersects any other type of street...	..the distance from the point of intersection shall be...
Arterial	35 ft.
Collector	30 ft.
Local	15 ft.
Private Entrance	10 ft.



**RESERVED FOR FUTURE USE**

**See Ordinance #99-2285**

## 6.19 Satellite Dish Standards

These General Satellite Dish Standards apply to the following zoning district(s):

Agricultural Districts - AG, A/R

Park District - PK

Low Den. Res. Districts - R1, R2

Bus. Districts - BN, BC, BP, BG, BH

High Den. Res. Districts - RM, RMH

Industrial Districts - IL, IG

- A. **Satellite Dish Types and Descriptions:** Satellite dish shall be described and regulated by their size and proposed location consistent with the requirements of Federal law. Satellite dish shall be described as follows:
1. Type I Satellite Dish: Satellite dish 1 meter (approximately 3.3 feet) or less in diameter in any residentially used or zoned district, and dish 2 meters (approximately 6.6 feet) or less in diameter in any non-residentially used or zoned district.
  2. Type II Satellite Dish: Satellite dish greater than 1 meter (approximately 3.3 feet) in diameter in any residentially used or zoned district, and dish greater than 2 meters (approximately 6.6 feet) in diameter in any non-residentially used or zoned district.
- B. **Installation Specifications:** All satellite dish shall be installed in a manner consistent with the requirements of this Chapter, all applicable state and local electrical and building codes, and the manufacturer's specifications.
- C. **Type I Satellite Dish Requirements:** Any Type I satellite dish shall be allowed without a permit subject to the following requirements:
1. Accessory Use: The dish shall be an accessory use, subordinate to the primary use on the property.
  2. Setback: The dish shall conform with the required front yard setbacks for the district in which it is located.
  3. Location: The dish shall not be placed in, or overhang any public right-of-way or easement.
  4. Height: No part of the dish in combination with the structure upon which it is mounted shall exceed the maximum height requirements for the district in which it is located.
- D. **Type II Satellite Dish Requirements:** Any Type II Satellite dish shall be subject to the following requirements. An Improvement Location Permit shall be required.
1. Accessory Use: The dish shall be an accessory use, subordinate to the principal use on the property.
  2. Setback: The dish shall be located to the rear of the principal structure on the property (if mounted on the ground or an accessory structure) and to the rear of the roof peak (if mounted on the primary structure), and shall conform with all required setbacks for the district in which it is located.

### Purpose

*The intent of these standards is to provide for timely, reasonably priced, quality access to satellite communication while ensuring the health, safety, and aesthetic quality of the City of Shelbyville. These regulations are intended to prevent satellite dishes from interfering with the provision of utilities, to provide for the safety of residents traveling public roads, and to prevent damage or injury resulting from antenna detached from their base.*

**6.19 Satellite Dish Standards (cont.)**

Satellite Dish Standards

3. Location: The dish shall not be placed in, or overhang, any public right-of-way, easement, or required buffer yard.
  4. Height: No part of the dish in combination with the structure upon which it is mounted shall exceed the maximum height requirements for the district in which it is located. If mounted on the primary structure, the antenna shall not extend more than 3 feet above the roof line.
- E. **Separately Mounted Satellite Dish Requirements:** Any satellite dish that is not attached to the primary structure on the property, but is instead mounted separately on the lot shall not, together with any support structure, exceed the maximum height requirements for accessory structures in the district in which it is located.

## 6.20 Fence, Hedge, & Wall Standards

### General & Residential Fence, Hedge, & Wall Standards

**Part 1: These General Fence, Hedge, & Wall Standards apply to the following district(s):**

- |   |  |
|---|--|
| <b>Agricultural Districts - AG, A/R</b>   | <b>Park District - PK</b>                  |
| <b>Low Den. Res. Districts - R1, R2</b>   | <b>Bus. Districts - BN, BC, BP, BG, BH</b> |
| <b>High Den. Res. Districts - RM, RMH</b> | <b>Industrial Districts - IL, IG</b>       |

- 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.
  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.
- 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 Chapter 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.

**Part 2: These Residential Fence, Hedge, & Wall Standards apply to the following district(s):**

- |   |   |
|---|---|
| <b>Low Den. Res. Districts - R1, R2</b> | <b>High Den. Res. Districts - RM, RMH</b> |
|---|---|

- A. **Height Requirements:** Fences, hedges, and walls shall not exceed 8 feet in height in any side or rear yard or 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.
- B. **Prohibited Fences:** All electrified, barbed wire, razor wire, and stockade fences are prohibited on all lots not used for agricultural purposes. In no instance shall this be interpreted as prohibiting the use of invisible fences.

### Purpose

*This Chapter is intended to provide for the regulation of the height and location of fences, hedges, and walls in order to provide adequate light, air, and privacy, and to protect the public welfare by preventing visual obstructions along public ways.*

## 6.20 Fence, Hedge, & Wall Standards *(cont.)*

### Non-Residential Fence, Hedge, & Wall Standards

**Part 3: These Non-Residential Fence, Hedge, & Wall Standards apply to the following district(s):**

*Park District - PK*

*Industrial Districts - IL, IG*

*Bus. Districts - BN, BC, BP, BG, BH*

- A. **Height Requirements:** Fences, hedges, and walls shall not exceed 8 feet in height in any side or rear yard and shall be prohibited in any required front yard setback.
- 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.

## 6.21 Landscaping Standards

### Landscaping Standards

These Landscaping Standards apply to the following district(s):

Park District - PK

Bus. Districts - BN, BC, BP, BG, BH

High Den. Res. Districts - RM, RMH

Industrial Districts - IL, IG

- A. **Planting Standards:** Under no circumstances shall any artificial plant be installed and/or counted as part of the required plantings. All plant materials shall be living plants and shall meet the following requirements:
1. **Applicable Requirements:** In no instance shall any landscaping required by this Chapter, or by any other Chapter of this Ordinance, be used to meet the requirements of a different Ordinance provision. In all cases the landscaping required by any Chapter of this Ordinance shall be considered as being in addition to any other requirements.
  2. **General Requirements:** All plant materials required by this Chapter shall be free of disease, insects and/or damage at the time of the final inspection by the Plan Commission Director.
  3. **Prohibited Locations:** No landscaping materials, vegetation, plants, shrubs, trees, retaining walls, bedding, lighting, or mounds may extend into any existing or proposed right-of-way without written permission from the right-of-way holder.
  4. **Existing Vegetation:** Any existing vegetation on site which is retained may be counted towards any applicable minimum landscaping requirements.
  5. **Measurement Standards:** All new trees required to be planted by this Ordinance shall be measured as follows unless otherwise specified:
    - a. All deciduous and ornamental tree plantings shall have a minimum trunk size of 2 inches in diameter at the time of planting, measured at 6 inches above the rootball.
    - b. All evergreen trees shall be 5 feet in height at the time of planting, measured from the top of the rootball.
    - c. All shrubs shall be 18 inches in height at the time of planting, measured from the top of the rootball.
  6. **Earth Mounds:** Earth mounds and berms shall be physical barriers that block or screen the view similar to a hedge, fence or wall. Mounds shall be constructed with proper and adequate plant material to prevent erosion. A difference in elevation between areas requiring screening does not constitute an existing earth mound and shall not be considered as fulfilling any mound requirement. Where mounds are to be mowed, the maximum permitted slope is 3:1 (run:rise).
  7. **Grass:** Species of grass normally grown as permanent lawns in Central Indiana shall be planted and may be sodded or seeded. In swales or other areas subject to erosion solid sod, erosion reducing net, or suitable mulch shall be used.

### Purpose

*Landscaping is an essential part in the design and development of a site. Such plantings are directly related to the general welfare of the community as well as the reduction of storm water runoff, glare, and heat buildup.*



## 6.21 Landscaping Standards *(cont.)*

### Landscaping Standards

- B. **Design Standards:** All proposed landscape materials should complement the form of the existing trees and plantings. Light, water, soil conditions, and on-going maintenance requirements should be considered in selecting plant materials.
1. **Vehicle Overhang:** Wheelstops or curbs shall be required consistent with the Parking Standards of Chapter 6.14 to prevent parked vehicles from hanging over any required landscaped area.
  2. **Groundcover:** All areas not landscaped with hedges, walls, or trees shall be provided with grass or other vegetative ground cover. In no case shall any required landscaping area be covered with rock, mulch, or other non-living landscape material. In no instance shall this provision be interpreted as prohibiting the placement of mulch around the base of plantings.
- C. **Maintenance Requirements:** Trees, vegetation, irrigation systems, fences, walls and other landscape elements are considered elements of a project in the same manner as parking and other site details. The owner of the property shall be responsible for the continuous and proper maintenance of all landscaping materials, and shall keep them in a proper, neat and orderly appearance, free from refuse and debris, and in good repair at all times.
1. All unhealthy or dead plant material shall be replaced by the next planting season. Other defective landscape material shall be replaced or repaired within 3 months of the occurrence of the defect.
  2. Landscape materials are intended to grow, spread and naturally mature over time. Landscaping materials used to fulfill requirements of this Chapter may not be pruned or otherwise treated so as to reduce overall height or level of opacity. Pruning, limbing-up, topping, and other inhibiting measures including removal may only be practiced to insure the public safety and to preserve the relative health of the material involved.
- D. **Foundation Requirements:** A landscaped area shall be provided around the foundation of each primary structure. For industrial uses, the landscaped area shall only be required around portions of the building used for offices and other locations where visitors typically enter the structure.
1. **Dimensions:** The landscaped area shall have a minimum width that is proportional to the height of the building facade, with 5 feet in width (extending outward from the building) required for every 12 feet in facade height (including any parapets).
    - a. *Maximum Width:* The maximum required width of the landscaped area shall be 10 feet.
    - b. *Access:* No landscaping is required where building access points (such as a front door, loading dock, or service area) are located.

**6.21 Landscaping Standards** *(cont.)*

## Landscaping Standards

2. **Required Plantings:** The foundation plantings must be located near the structure's foundation and should consist of perennial shrubs, ornamental trees, and/or flowering plants. The plantings may be evenly spaced or grouped together in clusters around the building. At a minimum, 1 ornamental tree and 2 shrubs shall be provided for every 500 square feet of landscaped area.
- E. 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 10 feet in width. Lots include parking spaces, interior drives, and loading areas. The landscape area shall be planted with either 1, or a combination of the following options:
1. **Option 1 - Trees & Shrubs:** A minimum of 1 tree shall be provided for every 600 square feet of landscaped area, with a maximum of 1 tree for every 400 square feet. The trees may be a combination of ornamental and deciduous canopy trees, however no more than 60% of the required trees may be ornamental. In addition, 1 shrub shall be provided for every 100 square feet of landscaped area.
  2. **Option 2 - Landscape Berm:** A landscape berm that is a minimum of 3 feet in height shall be established along the entire length of the landscaped area. A minimum of 1 shrub shall be provided for every 4 linear feet of berm. 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.
- F. Parking Lot Interior Requirements:** To help reduce excessive heat build-up and emissions from large areas of hard surfacing, landscape areas must be provided within parking lots.
1. **Landscaped Areas Required:** Landscape islands with a combined surface area equal to 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 50 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 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.

## 6.22 Buffering & Screening Standards

### Buffering Standards

#### Purpose

The general purpose of buffering and screening is to soften the potential conflicts between the potential uses in one zoning district and the potential uses in another, adjacent district by using setbacks and landscaping. The potential degree (or intensity) of conflict (or potential conflict) between two zoning districts determines the extent of the buffer yard required.

**Part 1: These Buffering Standards apply to the following district(s):**

- Agricultural Districts - AG, A/R
- Park District - PK
- Low Den. Res. Districts - R1, R2
- Bus. Districts - BN, BC, BP, BG, BH
- High Den. Res. Districts - RM, RMH
- Industrial Districts - IL, IG

- A. **Buffer Yard Required:** The matrix in the Buffer Yard Requirements table determines the type of buffer yard that shall be installed by the subject development entirely on the subject property (the buffer yards are described in Chapter 6.22(Part 1)(B)).
- B. **Buffer Yard Specifications:** The required buffer yards shall meet the following minimum requirements:
  1. Buffer Yard Type 1: Buffer yard type 1 shall be a minimum width of 10 feet in addition to the yard setback required by this Ordinance. In addition, 1 deciduous canopy tree must be planted in the buffer yard for every 30 feet of contiguous boundary between the subject and adjoining properties.
  2. Buffer Yard Type 2: Buffer yard type 2 shall be a minimum width of 20 feet in addition to the yard setback required by this Ordinance. In addition, 1 deciduous canopy tree and 2 evergreen trees shall be planted in the buffer yard for every 35 feet of contiguous boundary between the subject and adjoining properties.

### Buffer Yards Required

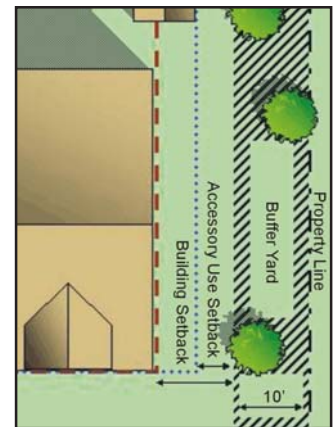
The Buffer Yard type indicated on the table below shall be provided on the subject property when...															
..the zoning district for the subject property is...	..and adjoining property is zoned...														..or is the right-of-way of an Arterial Street
	AG	A/R	R1	R2	RM	RMH	PK	BN	BC	BP	BG	BH	IL	IG	
AG, Agriculture															
A/R, Agriculture/Rural Dwelling					3	3		3	3	2	3	3	3	3	
R1, Single-Family Dwelling					3	3		3	3	2	3	3	3	3	3
R2, Two-Family Dwelling					2	3		2	2	2	3	3	3	3	3
RM, Multi-Family Dwelling		3	3	2		2		1	1	1	2	3	3	3	3
RMH, Manufactured Home Park		3	3	3	2			1	1	1	2	3	3	3	3
PK, Park & Open Space											2	2	3	3	3
BN, Neighborhood Business		3	3	2	1	1					1	2	2	3	
BC, Central Business		3	3	2	1	1					1	2	2	3	
BP, Professional Business		2	2	2	1	1					1	1	1	2	
BG, General Business		3	3	3	2	2	2	1	1	1		1	1	1	
BH, Highway Business		3	3	3	3	3	2	2	2	1	1		1	1	
IL, Light Industry		3	3	3	3	3	3	2	2	1	1	1		1	
IG, General Industry		3	3	3	3	3	3	3	3	2	1	1	1		

Buffering Standards

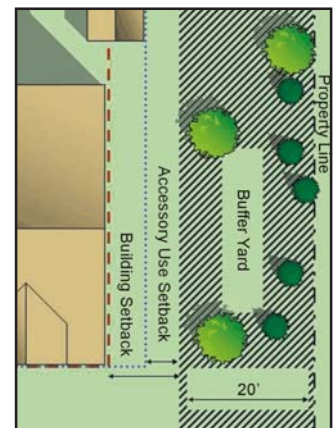
3. Buffer Yard Type 3: Buffer yard type 3 shall be a minimum width of 30 feet in addition to the yard setback otherwise required by this Ordinance. In addition, a row of deciduous canopy trees shall be planted parallel to the property line within the buffer yard with 1 tree placed every 30 feet along the boundary between the subject and adjoining properties. Also, a 6 foot tall opaque wooden fence or brick or stone wall, a 4 foot tall undulating mound planted with shrubs, or a row of evergreen trees shall be placed parallel to the property line along the boundary between the subject and adjoining properties.
  - a. If an undulating mound is used to fulfill the requirements, 1 shrub for every 5 feet of continuous boundary shall be planted on the mound.
  - b. If a row of evergreen trees is used to meet the requirements, 1 tree shall be placed every 15 feet along the property boundary.

C. **Buffer Yard Standards:** The following general buffer yard standards will apply to all buffer yards.

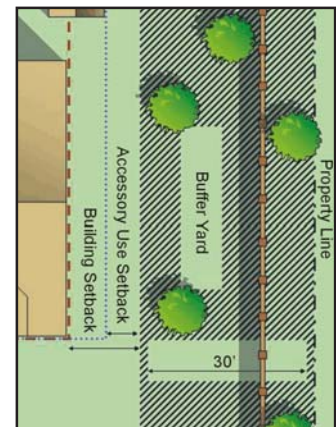
1. The buffer yard standards only apply along the property lines where the two conflicting zoning districts meet as specified in the Buffer Yard Requirements table. The required buffer yards shall be installed despite the presence of streets, alleys, streams and other features separating property lines in conflicting zoning districts.
2. The developer or owner of the subject property is responsible for installing the buffer yard at the time the property is developed. The adjacent property owner shall not have to participate in installing the buffer yard.
3. No buffer yard or required landscape materials shall be placed within any right-of-way, or septic field.
4. All required buffer yard areas shall be provided entirely on the subject property and shall be in addition to setbacks required by this Ordinance.
5. Required buffer yard trees may be placed either at regular intervals or in irregular patterns representing a natural landscape unless otherwise specified. However, no 2 buffer yard canopy trees shall be placed within 10 feet of one another.
6. All plantings in the buffer yard shall meet the planting standards provided Chapter 6.21, Landscaping Standards.
7. All portions of the buffer yard not planted with trees, shrubs or other landscaped materials shall be covered with grass or other ground covering vegetation. Landscaping stone or other non-vegetative surfaces may not be substituted for vegetation.
8. No landscaping required by this Chapter may be used to satisfy the minimum requirements of any other provisions of this Ordinance.
9. All landscape materials must be properly maintained, kept in a neat and orderly appearance, and be free from all debris and refuse. All landscaping materials shall be maintained consistent with the maintenance requirements of Chapter 6.21, Landscaping Standards.



Buffer Yard Type 1



Buffer Yard Type 2



Buffer Yard Type 3

Screening Standards

*See Also:*

*Chapter 6.14,  
Parking Standards*

*Chapter 6.21,  
Landscaping Standards*

**Part 2: These Screening Standards apply to the following district(s):**

*Bus. Districts - BN, BC, BP, BG, BH*

*Industrial Districts - IL, IG*

**A. Ground Level Requirements:** All outdoor storage areas, dumpsters and waste container areas, and mechanical equipment areas located on the ground shall be screened consistent with the following requirements:

1. **Outdoor Storage of Items for Sale:** Permanent outdoor storage areas shall be enclosed on all but 1 side by a 100% opaque fence or wall that provides screening from the view of all adjacent streets and residentially zoned properties.
  - a. *Temporary Seasonal Sales:* Temporary seasonal areas shall be exempt from this requirement.
  - b. *Enclosure Standards:* The enclosure shall not exceed 8 feet in height and no stored materials shall exceed the height of the enclosure. The enclosure shall either be constructed of wood, masonry, or a storage system structure that screens the items. All screening devices shall be complimentary to the color of the exterior material of the primary structure on the property.
2. **Outdoor Storage of Manufactured Products, Production Materials, and/or Equipment:** Outdoor storage areas shall be screened from view of any adjacent residentially zoned properties by a 100% opaque fence or wall. The enclosure shall not exceed 8 feet in height and no stored materials shall exceed the height of the enclosure. The enclosure shall either be constructed of wood, masonry, or a storage system structure that screens the items. All screening devices shall be complimentary to the color of the exterior material of the primary structure on the property.
3. **Outdoor Storage of Inoperable Vehicles:** The outdoor storage of inoperable vehicles shall conform to the screening requirements of Chapter 6.14, Parking Standards.
4. **Dumpsters, Waste Container, and/or Mechanical Equipment Areas:** Ground level locations for dumpsters, waste containers, and/or mechanical equipment, that are visible from a residentially zoned area or a public street, shall meet the following standards:
  - a. **Fencing:** A 6 foot tall, 100% opaque fence of wood, brick, or stone construction, consistent with the exterior of the primary structure, shall completely enclose the area. Opaque, 6 foot tall wooden gates shall be provided to access the facility. The gates shall generally remain closed, except when immediate access to the area is required. Air conditioning condensers shall be exempt from this fencing requirement, but shall comply with the landscaping requirement of Section 6.22(Part 2)(A)(4)(b).

## 6.22 Buffering & Screening Standards *(cont.)*

### Screening Standards

- b. Landscape Screening: Evergreen planting shall be provided around the exterior perimeter of the area, outside of any required fencing.
  - i. If evergreen shrubs are used they shall be planted at a minimum of 4 feet on center.
  - ii. If evergreen trees are used they shall be planted at a minimum of 8 feet on center.
- B. **Roof-top Requirements:** All roof-top equipment, including all HVAC units, shall be screened from the view of all adjacent residentially zoned properties by parapets, dormers, or other architectural mechanical screens. The material of all such screens shall be consistent with the exterior materials used on the facade of the structure.

## 6.23 Exterior Lighting Standards

### Exterior Lighting Standards

### Purpose

The purpose of this Chapter is to provide standards for outdoor lighting that protect the public safety and the general welfare of the community by reducing unsafe and unpleasant lighting conditions, such as light trespass and light pollution, while also promoting the safe and efficient movement of vehicles and pedestrians and the security of local properties.

These Exterior Lighting Standards apply to the following district(s):

- Agricultural Districts - AG, A/R
- Park District - PK
- Low Den. Res. Districts - R1, R2
- Bus. Districts - BN, BC, BP, BG, BH
- High Den. Res. Districts - RM, RMH
- Industrial Districts - IL, IG

- A. **General Requirements:** All exterior lighting shall conform with the following general requirements:
  1. **Mounting Height Measurement:** For the purposes of this Chapter, 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 (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 Chapter, provided that such lighting does not, in the opinion of the Plan Commission Director, create dangerous or harmful glare on adjacent streets and properties. Any such lighting shall only be placed 45 days before, and must be removed within 30 days after the holiday for which it is displayed.
  5. **Prohibited Lighting:** The use of spot lights, floodlights, and searchlights shall be prohibited unless otherwise specified in this Chapter.
  
- B. **Parking Lot Lighting Requirements:** Parking lot lighting shall be designed to provide the minimum lighting necessary to ensure adequate vision and comfort in parking areas while avoiding glare and direct illumination of adjacent properties or streets. All parking lot lighting requirements shall also apply to interior drives and other areas on the property used by vehicles.
  1. **Maximum Mounting Height:** The maximum mounting height for all parking lot illuminating light fixtures shall be consistent with the Parking Lot Lighting Maximum Height table

### Parking Lot Lighting Maximum Height

Zoning District	RM	PK	BN	BC	BP	BG	BH	IL	IG
<b>Maximum Mounting Height (site perimeter)</b>	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	25 ft.	25 ft.	30 ft.	30 ft.
<b>Maximum Mounting Height (site interior)</b>	20 ft.	20 ft.	20 ft.	20 ft.	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.

2. Lighting Fixtures: All lighting fixtures providing illumination for parking lots shall be 90 degree cut-off fixtures directed downward at the parking lot surface.
- C. **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 in this Chapter.
- D. **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 90 degree 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 25 feet above grade level.
  3. Fixture Location: All lighting fixtures and mounting poles shall be located within the areas being illuminated.
- E. **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.



**6.23 Exterior Lighting Standard (cont.)**

Exterior Lighting Standards

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.

F. **Security Lighting:** Security lighting shall be coordinated with other lighting on the property to the extent possible 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 further than 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 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 5 feet of the perimeter.

G. **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 or roads.

2. **Lighting Direction:** Lighting fixtures shall be designed to wash the facade of the building with light (rather than providing a spot of floodlight affect). Exterior facade lighting shall be contained on the building facade and shall focus on entries and architectural features.

H. **Illuminated Signs:** All illuminated signs shall conform to the following requirements:

1. **Externally Illuminated Signs:** Lighting fixtures illuminating signs shall be located, aimed, and shielded so that light is directed onto only the sign face with minimal light spillage. Lighting fixtures shall not be aimed toward adjacent streets or properties. In no instance shall this section be interpreted as prohibiting the use of neon signs.

2. **Internally Illuminated Signs:** Internally illuminated signs shall be composed of light lettering, symbols, etc. on a dark background.

**ARTICLE 7**  
**SIGN STANDARDS**

**7**

RESERVED FOR FUTURE USE

See Shelbyville Sign Code  
Municipal Code Section 98.01 - 98.99

**ARTICLE 8**  
**SITE DEVELOPMENT PLANS**

**8**

## 8.1 Authority & Process Outline

### Authority

#### Intent

*The intent of this Article is to provide for the adequate, consistent review of new development to ensure consistency with the 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 Indiana Code 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 or after any necessary Board of Zoning Appeals applications based on the characteristics of each application.*

A. **Site Development Plan Required:** Site Development Plan approval shall be required for all developments (1) for which an Improvement Location Permit is required by this Ordinance and (2) that are located in any of the following zoning districts:

**RM** - Multi-Family Residential

**RMH** - Manufactured Home Park

**BC** - Central Business

**IL** - Light Industrial

**IG** - General Industrial

**CD-OL** - Corridor Development Overlay

**AR-OL** - Airport Overlay

**RT-OL** - Race Track Overlay

B. **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:

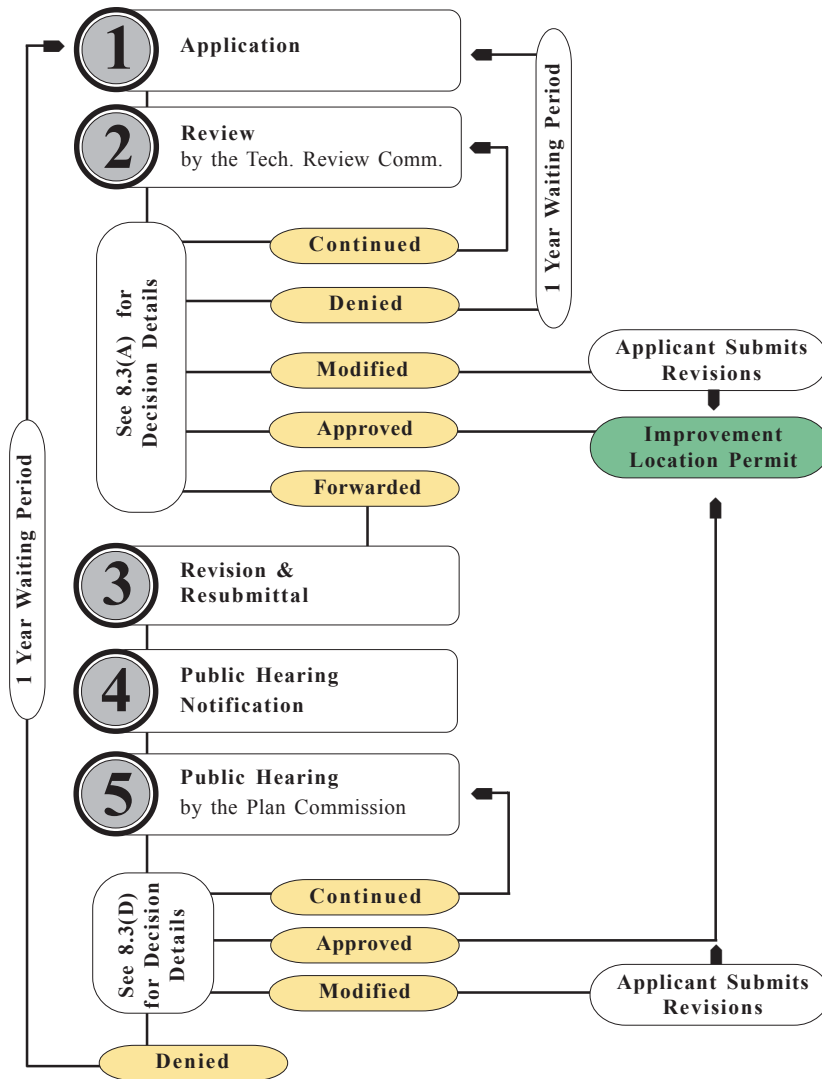
1. **Sign Installation:** The replacement or installation of any sign(s) not occurring as part of an improvement to any other aspect of the property;
2. **Parking Lot Expansion:** The expansion of an existing parking lot that does not result in (1) a greater than 25% or 2,000 square foot (whichever is greater) increase in the surface area of the parking previously available on the property (2) the demolition of any structure or (3) the need for modifications to street accesses; or
3. **Structural Expansion:** The expansion of an existing structure or the construction of an accessory structure that does not result in a greater than 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.

C. **Review and Approval Authority:** The Technical Review Committee, in its role as staff for the Plan Commission, shall have the authority to review and approve Site Development Plans required by this Article consistent with the Technical Review Committee provisions of this Article and Chapter 10.3.

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 outlined in this Article.

## 8.1 Authority & Process Outline (cont.)

### Process Outline



## 8.2 Application Materials

### Application Materials

**See Also:**

*Plan Commission Rules & Procedures*

*Indiana Historic Sites and Structures Inventory - Shelby County Interim Report*

*National Register of Historic Places*

*Indiana Register of Historic Sites & Structures*



- A. **General Requirements:** All applications may be obtained from the Plan Commission Director. Fees shall be paid to the Plan Commission Director at the time the application is submitted.
  - 1. **Application Forms:** All applications shall be made on forms provided by the Plan Commission Director. All applicants shall submit original applications that are completed in their entirety either in ink or typed.
  - 2. **Copies Required:** All applicants shall submit copies of applications and necessary attachments as required by the adopted policies of the City and the applicable Rules and Procedures of the Plan Commission.
  - 3. **Review Schedule:** All applications shall be assigned reference and/or docket numbers by the Plan Commission Director. Applications shall be scheduled by the Plan Commission Director 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.
  
- B. **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 Plan Commission Director.
  - 1. **Application Material Format:** All drawings shall be provided in both hard copy and electronic format in a manner specified by the Plan Commission Director (the Plan Commission Director may waive the requirement that an electronic version of any or all drawings be provided).
  - 2. **Supporting Information:** Supporting information shall include, but not be limited to, that described by 8.2(C)(the Plan Commission Director, City Engineer, Technical Review Committee, and/or Plan Commission may request additional supporting information, which shall be provided by the applicant).
  
- C. **Required Materials:** The following materials shall be submitted with all Site Development Plan applications, unless otherwise waived by the Plan Commission Director.
  - 1. **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.
  - 2. **Site Description:** A general description of the site and its ownership including:
    - a. the name, street address, e-mail address, and telephone number of the applicant,

- b. 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,
  - c. 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),
  - d. the legal description of the subject property and common address of the site, and
  - e. the proposed name of the development (if applicable).
3. 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.
- a. 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.
  - b. A conceptual drawing describing the future development of all contiguous holdings described above shall be provided by the applicant upon the request of the Plan Commission Director, 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.
4. 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:
- a. the boundary lines and dimensions of the subject property;
  - b. 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 & Structures*);
  - c. 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);
  - d. significant wooded areas and other isolated trees and wetlands;
  - e. 100-year floodplain and 100-year floodway boundaries (including elevations);
  - f. public and private streets (including street names), sidewalks and other pedestrian paths, rights-of-way, and easements;
  - g. required building setbacks and any build-to lines and buffer yards;
  - h. all known drainage areas, tiles, pipes and structures;
  - i. utility services (including fire hydrants) and easements;
  - j. street accesses; and
  - k. any other paved or otherwise improved areas.

## 8.2 Application Materials *(cont.)*

### Application Materials

5. 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:
  - a. all setbacks and buffer yards;
  - b. topography (including elevation contour lines at 2 foot intervals, or otherwise meeting the requirements of the City Engineer);
  - c. preserved wooded areas and isolated trees and wetlands;
  - d. structures (including buildings, fences, and walls);
  - e. all structure heights, dimensions, and floor areas;
  - f. areas of outdoor storage;
  - g. permanent dumpsters and trash areas;
  - h. 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;
  - i. open spaces and specific landscaped areas;
  - j. locations and capacities of public and private utilities;
  - k. the location, width, and purpose of all easements;
  - l. the use of each structure and the amount of parking allocated for the use(s);
  - m. any public improvements including sidewalks, street trees, and right-of-way dedications; and
  - n. locations for temporary uses, such as seasonal sales areas.
6. Landscaping Plan: A landscaping plan, drawn to an appropriate scale, showing the following:
  - a. proposed landscaping, buffer yards, and street trees;
  - b. topography (including elevation contour lines at 2 foot intervals, or otherwise meeting the requirements of the City Engineer);
  - c. 100-year floodplain and 100-year floodway boundaries (including elevations);
  - d. existing and proposed public and internal sidewalks and other pedestrian ways, and
  - e. 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
  - f. all existing trees and vegetation to be preserved, and the driplines for such trees (in which no construction activity shall occur).
7. Sign Plan: A sign plan showing the location, height, method of illumination (if any) and dimensions of all permanent signs and indications of appropriate locations, heights, and sizes of any temporary signs.



8. Drainage Plan: A site drainage plan, bearing the seal of a professional engineer or land surveyor registered in the State of Indiana, including all calculations required by the City Engineer. The drainage plan shall include the location of the following:
  - a. all natural streams, regulated drains, and watercourses,
  - b. 100-year floodways and 100-year floodplains (including elevations),
  - c. all marshes, wetlands, and wooded areas, and
  - d. all drainage area features as described in the drainage calculations.
9. Lighting Plan: A site lighting plan, drawn to an appropriate scale, showing the type and location of all exterior lighting fixtures.
10. Construction Plan: A site construction plan, drawn to an appropriate scale, showing:
  - a. proposed erosion and sediment control measures;
  - b. the location of any proposed construction trailer and worker parking;
  - c. the location, height, and dimensions of any temporary construction-related signs;
  - d. any temporary site accesses to be used during construction;
  - e. all traffic control signs and devices (subject to the approval of the City Engineer and consistent with the Manual of Uniform Traffic Control Devices);
  - f. any temporary utility connections; and
  - g. the location of any stockpiles of dirt, construction materials, and construction waste dumpsters or storage areas.

## 8.3 Review Process

### Review Process



**See Also:**

*Chapter 10.2,  
Notice of Public Hearing*

*Plan Commission  
Rules & Procedures*

- A. **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 Calender of Meeting and Filing Dates.
1. **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.
  2. **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.
  3. **Possible Action:** The Committee may approve, approve with modifications, deny, continue, or forward to the Plan Commission the Site Development Plan.
    - a. **Approve:** The Committee shall approve the Site Development Plan if it complies with all applicable requirements of this Ordinance.
    - b. **Approve with Modifications:** The Committee shall approve the Site Development Plan with modifications if it requires minor modifications 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 Plan Commission Director prior to the release of any Improvement Location Permit.
    - c. **Deny:** The Committee shall deny the Site Development Plan if it is found to be inconsistent with the requirements and intent of this Ordinance. If the Site Development Plan is denied there shall be a 1- year waiting period before the same Site Development Plan can be resubmitted as a new application.
    - d. **Continue:** The Committee may continue the Site Development Plan if requested by the applicant, if a determination has been made by the Plan Commission Director 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. Site Development Plan applications that are continued shall be automatically docketed for the next Committee meeting.

Review Process

- e. *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:
  - i. includes any improvement to be dedicated to the public (if that improvement has not previously been shown on a recorded plat or otherwise dedicated),
  - ii. includes proposed written commitments, or
  - iii. requires the imposition of conditions in order to be completely consistent with the considerations for approval.
  
- B. **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.
  
- C. **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 State Code, the Rules and Procedures of the Plan Commission, and the provisions of Chapter 10.2.
  
- D. **Plan Commission Review (if necessary):** The Plan Commission shall review the Site Development Plan and any supporting information.
  - 1. 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 Commission.
  - 2. Presentations: The Commission shall consider a report from the Plan Commission Director describing the findings of the Technical Review Committee and any testimony from the applicant and any interested parties in making its decision.
  - 3. Possible Action: The Plan Commission shall approve, approve with modifications, deny, or continue the Site Development Plan application.
    - a. *Approve:* The Plan Commission shall approve the Site Development Plan if it is consistent with all applicable requirements of this Ordinance.
    - b. *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.



*Note: The existence of a calendar of scheduled meeting dates should not be interpreted as prohibiting or preventing special Plan Commission meetings.*

### 8.3 Review Process (cont.)

#### Review Process

- c. *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 1 year from the date of the denial, unless a different design, that addresses the reasons for denial, is submitted.
- d. *Continue:* The application may be continued based on a request by the Plan Commission Director, the applicant, a remonstrator, or an interested party; an indecisive vote; a determination by the 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.
  - 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 Rules and Procedures of the Commission.
- 4. 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 Plan Commission Director, the City Engineer, and the City Attorney, and consistent with surety provisions of the City of Shelbyville Subdivision Control Ordinance.
- E. **Findings of Fact:** The Plan Commission Director shall prepare and sign written findings of fact documenting the action taken by the Technical Review Committee and the Plan Commission (if Plan Commission review is necessary). The Plan Commission Director shall make copies of the written findings of fact available to the applicant within 5 business days of the date of the decision.
- F. **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.

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.

- A. **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.
- B. **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.
- C. **Filing of Commitments:** Following final action being taken on the Site Development Plan application, the written commitments shall be documented by the Plan Commission Director. A copy of the commitments shall be maintained by the Plan Commission Director for the records of the Plan Commission.
- D. **Enforcement of Commitments:** The written commitments shall be considered part of this Zoning Ordinance binding on the subject property.
  - 1. **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.
  - 2. **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 13, Enforcement & Penalties.
  - 3. **Modification:** The written commitments may be modified by the Plan Commission only through the Site Development Plan process described by this Article.

*See Also:*

*Indiana Code 36-7-4-613  
(Written Commitments)*

*Article 13,  
Enforcement & Penalties*

## 8.5 Appeals

### Appeals

**See Also:**

*Chapter 10.2,  
Notice of Public Hearing*

*Plan Commission  
Rules & Procedures*

Any applicant or interested party may appeal a determination made by the Technical Review Committee to the Plan Commission through the procedure described below.

- A. **Application:** The person making the appeal shall submit to the Plan Commission Director 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:
  1. Findings of Fact: Copies of any written decisions or findings of fact that are the subject of the appeal.
  2. Description: A letter describing the reasons for the appeal noting specific sections of this Ordinance, Indiana State Code, or other standards applicable to the City of Shelbyville and the application upon which the appeal is based.
- B. **Public Meeting Notification:** Notification for a scheduled public hearing regarding the Site Development Plan shall be completed consistent with the requirements of Chapter 10.2 of this Ordinance.
- C. **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.
  1. 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 Commission.
  2. Presentations: The Commission shall consider a report from the Plan Commission Director, testimony from the entity making the appeal, and testimony from any interested parties at the public hearing.
  3. Proceedings: The presentation of reports and testimony and all other aspects of the meeting shall be consistent with the requirements of the Rules and Procedures of the Commission.
  4. 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 Commission by the Technical Review Committee as described in Section 8.3(D)(3).

**ARTICLE 9**  
**NONCONFORMITIES**

**9**

## 9.1 Nonconforming Status

### Nonconforming Status

#### **Intent**

*Upon adoption of this Ordinance some structures, lots, and uses, which were previously established and maintained consistent with all applicable requirements, may no longer conform to the regulations of the zoning district in which they are located. For this reason, this Article has been generated to provide the rules, policies and regulations that apply to these structures, lots, and uses; referred to as Legal Nonconforming.*

- A. **Illegal Nonconforming:** A structure, lot, or use that is nonconforming and that was constructed or is being used without an approved Improvement Location Permit or approval from the Board of Zoning Appeals or Plan Commission is considered illegal nonconforming. An illegal nonconforming property shall be subject to actions and penalties allowed by this Ordinance and all other applicable City ordinances and shall be altered to conform with all applicable standards and regulations of this Ordinance.
- B. **Legal Nonconforming ("Grandfathered"):** Legal Nonconforming differs from Illegal Nonconforming in that the reason for the nonconformance is caused by the enactment of a Zoning Ordinance or a change to the Zoning Ordinance (including the Official Zoning Map). The structure, lot or use has not changed, but due to the Zoning Ordinance enactment or change, the property no longer conforms to the standards of the zoning district in which it is located. When this situation occurs, the property is deemed Legal Nonconforming or "Grandfathered".
- C. **Exemptions:** Structures, uses, and other property features that are nonconforming due to prior variance, special exception, or other approvals shall not be subject to the provisions of this Article, but shall conform to the terms and processes of their approval.
- D. **Repairs & Maintenance:** The following applies to legal nonconforming structures, uses of structures, or uses of structures and land in combination:
  - 1. **Ordinary Repairs:** Work may be done for ordinary repairs or replacement of walls, heating, fixtures, wiring, or plumbing; under the condition that the cubic content existing when the structure became nonconforming is not increased.
  - 2. **Structures Declared Unsafe:** Nothing in this Article shall be deemed to prevent the strengthening, repairing, or restoring to a safe condition of any structure that has been declared unsafe by the appropriate City official.



## 9.2 Nonconforming Structures

- A. **Legal Nonconforming Structures:** Any structure lawfully established prior to the effective date of this Ordinance, or its subsequent amendments, that no longer meets the development standards shall be deemed a Legal Nonconforming Structure.
- B. **Continuation of Nonconforming Structures:** The continuation and modification of nonconforming structures shall be consistent with the following requirements.
1. **Increases in Nonconformity:** No legal nonconforming structure shall be enlarged or altered in a manner that increases its nonconformity without the approval of a variance by the Board of Zoning Appeals. Any structure may be altered to decrease its nonconformity.
  2. **Intentional Alterations:** Any legal nonconforming structure that is intentionally altered, moved for any distance, or replaced shall conform to the regulations of the district in which it is located, and the discontinued legal nonconforming features may not be resumed.
  3. **Accidental Alterations:** Legal nonconforming structures that are required to be altered or removed due to government action or damage from fire, flood, other natural disaster, or criminal act may be restored to their legal nonconforming condition. Such structures, if rebuilt or restored, shall be identical in scale and all other aspects to that which was altered or removed.

# 9

## Nonconformities

### 9.3 Nonconforming Lots

#### Nonconforming Lots

All lots legally established and recorded prior to the effective date of this Ordinance, or its subsequent amendments, that no longer meet any applicable provision of this Ordinance shall be deemed Legal Nonconforming Lots of Record. Legal Nonconforming Lots of Record may be built upon only if the proposed use is permitted and all development standards of the applicable zoning district of this Ordinance are met.

### Nonconforming Uses

- A. **Legal Nonconforming Uses:** Any 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 district where it is located shall be deemed a Legal Nonconforming Use.
- B. **Continuation of Nonconforming Uses:** A legal nonconforming use may continue provided that it remains otherwise lawful, subject to the following conditions:
1. **Modification of Structures:** No existing structure devoted to a legal nonconforming use shall be enlarged, expanded, increased, extended, constructed, reconstructed, moved, or structurally altered except as to change the use of the structure to a use permitted in the district in which it is located or as otherwise specified in this Chapter 9.4(B)(5).
  2. **New Structures:** No new structure shall be constructed in connection with an existing legal nonconforming use of land.
  3. **Expansion Within Structures:** Any legal nonconforming use may be extended throughout any parts of an existing structure that were plainly arranged or designed for such use at the effective date of this Ordinance or its subsequent amendments, but no such use shall be extended to occupy any land outside the structure.
  4. **Expansion on the Property:** No legal nonconforming use of land shall be enlarged, increased, extended to occupy a greater area of land, or moved in whole or in part to any other portion of a lot than was occupied at the effective date of this Ordinance.
  5. **Change of Use (to Another Nonconforming Use):** If no structural alterations are made, it is possible to change any nonconforming use to another nonconforming use.
    - a. *Similar Uses:* Nonconforming uses may be changed to another similar nonconforming use. For the purpose of this Section similar uses shall be considered those within the same land use categories (such as office uses, retail uses (small scale), etc.) as provided by Article 2 of this Ordinance.
    - b. *Dis-similar Uses:* Nonconforming uses may only be changed to other dis-similar nonconforming uses with the approval of the Board of Zoning Appeals. For the purpose of this Section dis-similar uses shall be considered those that are not within the same land use categories (such as office uses, retail uses (small scale), etc.) as provided by Article 2 of this Ordinance.
      - i. The Board may approve the change of use if it finds that the proposed use is equally or more appropriate to the district in which it is located than the existing use.
      - ii. The Board shall consider the development standards applicable to the proposed use established by this Ordinance and may make reasonable conditions as part of any approval.

*See Also:*

*Article 2,  
Zoning Districts*

## Nonconforming Uses

**Example of Nonconforming Structures and Land in Combination:** Legally established apartment units located in a single family dwelling zoning district at the effective date of this Ordinance may continue to be used as apartments after a period of vacancy if the structure has not been modified to remove the apartments

6. Change of Use (to a Permitted Use): When a legal nonconforming use is replaced by a permitted use, it shall thereafter conform to the regulations of the district in which it is located, and the legal nonconforming use may not be resumed.
  7. Discontinuation of Use: If a legal nonconforming use is **intentionally discontinued** for 1 year or longer, any subsequent use of such land, structure, or land and structure in combination shall conform to the provisions of this Ordinance.
    - a. *Exemptions:* Uses that are required to be discontinued due to government action which impedes access to the premises or damage from fire, flood, other natural disaster, or criminal act shall be exempt from this provision.
    - b. *Exemption Conditions:* Such exempt uses, if restored, shall be identical in scale, lot coverage, and all other aspects to that which was discontinued.
  8. Nonconforming Structures and Land in Combination: Where legal nonconforming use status applies to a structure and land in combination, an intentional removal or alteration of the structure, or its use, that establishes conformity shall also eliminate the legal nonconforming status of the land. Legal nonconforming uses located in structures specifically constructed or modified to suit only such use are exempt from this provision and may be resumed if the structure has not been intentionally altered to serve other uses, used to house a permitted use, or used to house another nonconforming use with the approval of the Board of Zoning Appeals as specified in Chapter 9.4(B)(5).
- C. **Nonconforming Structures and/or Uses in Flood Hazard Areas:** Any structure, use, or structure and use in combination that is legal nonconforming due to its presence in a flood hazard area subject to the Flood Hazard Standards of Chapter 6.13 of this Ordinance may be altered, enlarged, or extended on a one-time only basis provided that the new construction conforms with the Flood Hazard Area Standards included in this Ordinance and does not increase the value of the structure or use (excluding the value of the land) by more than 50% of its pre-improvement market value. Such structures that are legal nonconforming as the result of other, non-flood related conditions shall be subject to the provisions of this Article that address those conditions (such as legal nonconforming uses, structures, etc.).

**ARTICLE 10**  
**ADMINISTRATION**

**10**

## 10.1 General Administration

### General Administration

- A. **Administrative Officer:** The Shelbyville Plan Commission Director (including any designee(s) of the Plan Commission Director), will have the principal responsibility for the administration and enforcement of this Ordinance within the Plan Commission's planning jurisdiction. The duties of the Plan Commission Director, or his/her designee 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 & Safety or other body in the execution of its duties as established by this Ordinance and Indiana State 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 State Code;
  6. Technical Review Committee Applications: Receiving, processing, docketing, and referring to the Technical Review Committee all appropriate applications;
  7. Clerical & 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 State Code.
- B. **Fee Schedule Established:** The Plan Commission Director 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 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 Plan Commission Director.

3. Establishment and Revisions: The fee schedule shall be prepared by the Plan Commission Director, 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 Council's approval of a revised fee schedule Ordinance.
    - b. The Plan Commission Director 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 Plan Commission Director 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 Plan Commission Director 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 Committee, Commission, or Board.
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 the laws of the State of Indiana.
  3. The Calendar of Meeting and Filing Dates shall be prepared by the Plan Commission Director 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 Plan Commission Director.

## 10.2 Notice of Public Hearing

### Notice of Public Hearing

**See Also:**

*Plan Commission  
Rules & Procedures*

*Indiana Code 5-3-1  
(Legal Notice)*

For all public hearings, the notice shall be provided to the public consistent with the requirements of this Chapter and the Rules & Procedures of the Board of Zoning Appeals and Plan Commission. Required public notice shall include:

- A. **Legal Notice:** The applicant shall prepare and pay for a legal notice consistent with the requirements of IC 5-3-1 for publication in the local newspaper. The legal notice shall appear in the newspaper no less than 1 time at least 10 days prior to the public hearing, not including the date of the hearing. Legal notices shall include each of the following:
  - 1. Property Location: The location of the subject property, including its common address and a legal description of the included land,
  - 2. Available Plans: That the project plans are available for examination at the office of the Shelbyville 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 Plan Commission Director.
  
- 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 and BZA Rules & 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 10.2(A).
  - 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 Property Transfer Books contained in the Shelby County Auditor's Office. The names and addresses of these property owners shall be submitted to the Plan Commission Director at the time the application is filed.
  - 4. Notification Requirements: Property owners shall be notified at least 1 time in one of the following ways:
    - a. Via a Certificate of Mailing through the US Postal Service, postmarked a minimum of 10 days before the date of the public hearing.
    - b. Via Certified Mail through the US Postal Service, postmarked a minimum of 10 days before the date of the public hearing.
    - 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 Plan Commission Director by the applicant a minimum of 2 business days prior to the date of the public hearing.



### Technical Review Committee

- A. **General Provisions:** The following general provisions shall apply to the functions of the Technical Review Committee:
1. **Accountability:** All information provided to the 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 Committee consistent with each utility's minimum standards. Adjustments to the determinations of the 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.
- B. **Authority and Approvals:** The authority of the Technical Review Committee and appeals of its decisions shall be as follows:
1. **Approval Authority:** The Technical Review Committee shall have the authority to approve **Site Development Plans** as defined by Article 8 of this Ordinance:
  2. **Review Authority:** The Technical Review Committee shall have the authority to review the following types of applications, forwarding comments to the Shelbyville Plan Commission:
    - a. **Planned Unit Development Concept Plans**, and
    - b. **Planned Unit Development Detailed Plans**.
  3. **Appeal Rights:** All decisions of the Technical Review Committee may be appealed to the Plan Commission following the procedure outlined in Section 10.3(G).
- C. **Committee Structure:** The Plan Commission Director shall serve as the staff for the Technical Review Committee. He/she 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 Plan Commission Director;
    - b. the City Engineer (member of the Plan Commission);
    - c. the Park Director or his/her designee;
    - d. the Police Chief or his/her designee;
    - e. the Fire Chief or his/her designee;
    - f. the Street Commissioner or his/her designee;
    - g. the wastewater treatment plant superintendent;
    - h. a representative of the appropriate school corporation(s);
    - i. no less than 2 and no more than 4 members of the Plan Commission, appointed by the Plan Commission (including the City Engineer, listed as 10.3(C)(b) above);
    - j. a member of the staff of the Shelby County Health Department;

### **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 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.*

**10.3 Technical Review Committee (cont.)****Technical Review Committee**

*Note: The intent of including Plan Commission members on the Technical Review Committee is to ensure continuity throughout the review process. The Plan Commission Members' roles are not to supersede an area of expertise held by other Technical Review Committee Members.*

- k. a representative of each of the local gas, water, cable television, electricity, and telephone utilities; and
    - l. any others deemed necessary by the Plan Commission Director (such as representatives of the Soil and Water Conservation District, etc.).
  2. Attendance: It is expected that members of the Committee shall be present at the time of the scheduled Committee meeting. Regardless of attendance, members must submit written comments regarding each specific application to the Plan Commission Director prior to the appropriate meeting.
    - a. Each 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 Committee it shall indicate that individually they have no objection to any aspect of the application.
  3. Duties of the Plan Commission Director: The Plan Commission Director shall oversee the operation of the Technical Review Committee and shall make the final determination regarding any specific aspect of a application on which members of the Technical Review Committee disagree.
    - a. In cases of disagreement and at his/her discretion, the Plan Commission Director may forward any application before the Technical Review Committee to the Plan Commission for a determination on the request.
    - b. The Plan Commission Director shall determine the action to be taken on each application by the Committee based on the comments of the Committee members.
  4. Continued Applications: All applications which are not approved by the Technical Review Committee and not forwarded to the Plan Commission shall be denied or continued and placed on the agenda for the next appropriate Committee meeting.
    - a. Prior to that meeting the applicant shall address the comments of the Committee, making appropriate modifications to the application materials.
    - b. The applicant shall provide appropriate copies of the revised materials prior to the next Committee meeting based on the adopted Calendar of Meeting and Filing Dates.
    - c. The applicant may withdraw any application following the review of the Committee by submitting a notice of such withdrawal in writing to the Plan Commission Director. 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) established by this Ordinance.

- D. **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 TRC meeting.
- E. **Meeting Record:** The Plan Commission Director shall make written documentation of the comments and findings of the Technical Review Committee for each application and make those findings available to the applicant within 5 business days of the Committee's review. The written documentation shall consist of the following:
1. Action Taken: a letter to the applicant stating the action taken by the Committee, and
  2. Outstanding Comments: a list of any unresolved comments made by the members of the TRC, 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.
- F. **Decision Criteria:** In all cases, the Technical Review Committee shall only consider the applicable adopted requirements of this Ordinance, the Shelbyville Subdivision Control Ordinance, 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. Mandatory Approval: In all cases in which the TRC has approval authority and a application conforms to the applicable standards, that application shall be approved.
  2. 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 Committee.
    - a. This shall not be interpreted as prohibiting any 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.

Technical Review Committee

- G. **Appeals:** Any applicant or interested party may appeal the decision 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 Zoning Ordinance that are unrelated to the Committee’s interpretation of the applicable requirements shall be required to obtain variance approval from the Board of Zoning Appeals.
  - 2. Appeal Procedure: All appeals of determinations of the TRC shall meet the following requirements:
    - a. The appealing party shall be required to provide the Plan Commission Director with written notice of the appeal within 30 days of the date of the Committee decision.
    - b. The Plan Commission Director shall place the appeal on the agenda for the next appropriate Plan Commission meeting consistent with the adopted Calendar of Meeting and Filing Dates.
    - c. Public notice for the meeting shall be required, consistent with the provisions Chapter 10.2.
    - d. The Plan Commission shall consider the provisions of this Ordinance and all other documented, applicable standards in deciding the appeal.
  
- H. **Consistency:** In all cases, the application materials, including any drawings that are presented to the Plan Commission or provided to the Plan Commission Director with an Improvement Location Permit application following TRC review shall be completely consistent with those that were approved by the TRC, with the exception of any corrections or revisions requested by the Committee. Any application that is inconsistent with the version approved by the Technical Review Committee shall be referred back to the TRC for review and comment.

The powers and duties of the City of Shelbyville Common Council with regard to this Ordinance are defined by Indiana Code, and are described in this Chapter. 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 Comprehensive Plan, any strategic plans, the Zoning Ordinance, and the Subdivision Control 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 Comprehensive Plan, any strategic plans, the Zoning Ordinance, and the Subdivision Control 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 State Code.
  
- B. **Powers:** Powers should be interpreted as activities that are optional and may be initiated by the Common Council. Common Council powers include:
  - 1. Plan and Ordinance Amendments: Initiate amendments to the text of the Comprehensive Plan, any strategic plans, the Zoning Ordinance, and/or the Subdivision Control Ordinance;
  - 2. Zoning Map Amendments: Initiate amendments to the Official Zoning Map; and
  - 3. Other Powers: All additional powers as permitted by Indiana State Code.

## 10.5 Plan Commission Duties & Powers

### Plan Commission Duties & Powers

**See Also:**

*Plan Commission Rules & Procedures*

The powers and duties of the City of Shelbyville Plan Commission with regard to this Ordinance are defined by Indiana Code, and are described in this Chapter. 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: Supervise and make rules for the administration of the affairs of the 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 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 Comprehensive Plan, the Zoning Ordinance (including the zoning map), the Subdivision Control Ordinance, 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(b)(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 authorized by the Indiana Code (IC 36-7-4-401(a)(5));
  10. Fiscal Supervision: Supervise the fiscal affairs of the 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 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 Facilities: Provide suitable facilities for the holder of BZA 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 State Code.
- B. **Powers:** Powers should be interpreted as activities that are optional and may be initiated by the Commission. Plan Commission powers 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 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 State Code.

**Board of Zoning Appeals  
Duties & Powers**

*See Also:*

*Article 11,  
Board of Zoning Appeals*

*Board of Zoning Appeals  
Rules & Procedures*

The powers and duties of the City of Shelbyville Board of Zoning Appeals with regard to this Ordinance are defined by Indiana Code, and are described in this Chapter. 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, 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. Appeals: Review, hear, and decide appeals of decisions made under this Ordinance or in the enforcement of this Ordinance by the Plan Commission Director 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 State Code.
  
- B. **Powers:** Powers should be interpreted as activities that are optional and may be initiated by the Board. Board of Zoning Appeals powers 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 duties (IC 36-7-4-913); and
  - 3. Other Powers: All additional powers as permitted by Indiana State Code.



**ARTICLE 11**  
**BOARD OF ZONING APPEALS**

**11**

## 11.1 General Provisions

### General Provisions

**See Also:**

*Section 1.2(B),  
Jurisdiction*

*Chapter 10.2,  
Notice of Public Hearing*

*Indiana Code 36-7-4-900 se-  
ries (Board of Zoning Ap-  
peals)*

- A. **Establishment and Membership:** Pursuant to the IC 36-7-4-900 series, the Shelbyville Common Council establishes the City of Shelbyville Advisory Board of Zoning Appeals which shall conduct business consistent with all requirements of the Indiana Code and this Ordinance.
- B. **Appointments:** The Board of Zoning Appeals (otherwise referred to in this Ordinance as the "BZA" or the "Board") shall consist of, and continue as a 5 member Board. Members shall be appointed pursuant to IC 36-7-4-902 through 906 as follows:
1. Mayor Appointment: 3 members appointed by the Mayor, 1 of which must be a member of the Plan Commission and 2 of which must not be members of the Plan Commission.
  2. Common Council Appointment: 1 member appointed by the Common Council who must not be a member of the Plan Commission.
  3. Plan Commission Appointment: 1 member appointed by the Plan Commission (other than those appointed to the BZA by the Mayor).
- C. **Alternates and Vacancies:** Alternate Board of Zoning Appeal members may be appointed consistent with IC 36-7-4-907. If a vacancy occurs among the members of the Board, the appointing authority shall appoint a member for the unexpired term of the vacating member.
- D. **Territorial Jurisdiction:** The Board of Zoning Appeals shall have jurisdiction over all the land subject to the City of Shelbyville Zoning Ordinance consistent with Section 1.2(B) of this Ordinance.
- E. **Powers and Duties:** The Board of Zoning Appeals shall have exclusive subject matter jurisdiction for:
1. Development Standards Variances;
  2. Flood Hazard Area Standards Variances;
  3. Use Variances;
  4. Special Exceptions; and
  5. Administrative Appeals.
- F. **Rules and Procedures:** The Board of Zoning Appeals shall have sole authority to adopt any and all rules under Indiana Code Section 36-7-4-916 and any and all procedures concerning organization, selection of officers, forms for applications, filing requirements, procedures, notices and conduct of meetings, and public hearings.
- G. **Filing:** All applications for variances, special exceptions, and requests for administrative appeal shall be filed by the applicant with the Plan Commission Director in the manner prescribed by the Board.
- H. **Communication with Board Members:** No person (including applicants, remonstrators, and other interested parties) may communicate with any member of the Board before the hearing with intent to influence the member's action on a matter pending before the Board.

## 11.1 General Provisions *(cont.)*

### General Provisions

- I. **Notice of Public Hearing:** For all public hearings, notice shall be provided to the public consistent with the requirements of Chapter 10.2.
- J. **Appeals:** Every decision of the Board of Zoning Appeals shall be subject to review by a court of jurisdiction (writ of certiorari) as prescribed by the IC 36-7-4-1000 series. All appeals shall be presented to a court of jurisdiction within 30 days of the Board's decision.

## 11.2 Development Standards Variances

### Development Standards Variances

**See Also:**

*Indiana Code 36-7-4-921  
(Written Commitments)*

- A. **Decision Criteria:** The Board may grant a variance from the development standards of this Ordinance (such as height, setback, area) if, after a public hearing, it makes findings of facts in writing, that:
1. **General Welfare:** the approval will not be injurious to the public health, safety, and general welfare of the community;
  2. **Adjacent Property:** the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
  3. **Practical Difficulty:** the strict application of the terms of this Ordinance will result in a practical difficulty in the use of the property (this situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain).
- B. **Conditions:** The Board may impose such reasonable conditions upon its approval as it deems necessary to find that the criteria for approval in Section 11.2(A) will be served.
- C. **Commitments:** The Board may require the owner of the property to make written commitments concerning the use or development of the property as specified under IC 36-7-4-921 and may have such commitments recorded in the Shelby County Recorder's Office. A copy of any recorded commitments shall be provided to the Plan Commission Director 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.
- D. **Limitations:** A development standards variance granted by the Board and executed in a timely manner as described in this Article shall run with the parcel until such time as: (1) the property conforms with the Ordinance as written, or (2) the variance is terminated.

- A. **Decision Criteria:** The Board may grant a variance from the use requirements of this Ordinance if, after a public hearing, it makes findings of facts in writing, that:
1. **General Welfare:** the approval will not be injurious to the public health, safety, and general welfare of the community;
  2. **Adjacent Property:** the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
  3. **Practical Difficulty:** the strict application of the terms of this Ordinance will result in a practical difficulty in the use of the property (this situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain);
  4. **Unnecessary Hardship:** the strict application of the terms of this Ordinance will constitute an unnecessary hardship as they are applied to the property for which the variance is sought; and
  5. **Comprehensive Plan:** the granting of the variance does not interfere substantially with the Comprehensive Plan.
- B. **Conditions:** The Board may impose such reasonable conditions upon its approval as it deems necessary to find that the criteria for approval in Section 11.3(A) will be served.
- C. **Commitments:** The Board may require the owner of the property to make written commitments concerning the use or development of the property as specified under IC 36-7-4-921 and may have such commitments recorded in the Shelby County Recorder's Office. A copy of any recorded commitments shall be provided to the Plan Commission Director 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.
- D. **Limitations:** Unless otherwise specified by the Board, use variance approvals shall be limited to, and run with, the applicant at the location specified in the application. The Board may also limit use variances to a specific time period and a specific use. Use variances shall be invalid if (1) the property conforms with the Ordinance as written, or (2) the variance is terminated.

*See Also:*

*Indiana Code 36-7-4-921  
(Written Commitments)*

## 11.4 Special Exceptions

### Special Exceptions

**See Also:**

*Article 2,  
Zoning Districts*

*Indiana Code 36-7-4-921  
(Written Commitments)*

In no case shall special exception uses be authorized without the approval of the BZA. Further, no decisions on previous applications shall serve to set a precedent for any other application before the BZA.

- A. **Decision Criteria:** The Board may grant a special exception for a use listed as such in the appropriate zoning district in Article 2 of this Ordinance if, after a public hearing, it makes findings of facts in writing, that:
1. General Welfare: the proposal will not be injurious to the public health, safety, and general welfare of the City of Shelbyville;
  2. Development Standards: the requirements and development standards for the requested use as prescribed by this Ordinance will be met;
  3. Ordinance Intent: granting the special exception will not be contrary to the general purposes served by this Ordinance, and will not permanently injure other property or uses in the same zoning district and vicinity; and
  4. Comprehensive Plan: the proposed use will be consistent with the character of the zoning district in which it is located and the Shelbyville Comprehensive Plan.
- B. **Other Considerations:** When considering a special exception the Board of Zoning Appeals may examine the following items as they relate to the proposed use:
1. topography and other natural site features;
  2. zoning of the site and surrounding properties;
  3. driveway locations, street access and vehicular and pedestrian traffic;
  4. parking (including amount, location, and design);
  5. landscaping, screening, buffering;
  6. open space and other site amenities;
  7. noise production and hours of any business operation;
  8. design, placement, architecture, and building material of the structure;
  9. placement, design, intensity, height, and shielding of lights;
  10. placement, size, and height of signs;
  11. traffic generation; and
  12. general site layout as it relates to its surroundings.
- C. **Conditions:** The Board may impose such reasonable conditions upon its approval as it deems necessary to find that the criteria for approval in Section 11.4(A) will be served.

## 11.4 Special Exceptions *(cont.)*

### Special Exceptions

- D. **Commitments:** The Board may require the owner of the property to make written commitments concerning the use or development of the property as specified under IC 36-7-4-921 and may have such commitments recorded in the Shelby County Recorder's Office. A copy of any recorded commitments shall be provided to the Plan Commission Director 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.
- E. **Limitations:** Unless otherwise specified by the Board, special exception approvals shall be limited to, and run with the applicant at the location specified in the application. The Board may also limit special exceptions to a specific time period and a specific use. Special Exceptions shall be invalid if (1) the property conforms with the Ordinance as written, or (2) the special exception approval is terminated.
- F. **Special Exception Use Expansion:** A use authorized as a special exception may not be expanded, extended, or enlarged unless reauthorized by the Board under the procedures set forth in this Article for granting a special exception.

## 11.5 Administrative Appeals

### Administrative Appeals

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- A. **Appeals:** The Board may grant an appeal of any decision, interpretation, or determination made by the Plan Commission Director, other Plan Commission staff members, or any other administrative official or board charged with the duty of enforcing and interpreting this Ordinance (except the Plan Commission).
- B. **Decision Criteria:** The Board shall only grant an appeal of such an administrative decision based on a finding, in writing, that the decision of the administrative person or board was inconsistent with the provisions of this Ordinance.
- C. **Reversal of Approval:** The approval of an administrative appeal may be reversed by the Board of Zoning Appeals under the following procedure:
  - 1. **Public Hearing:** Upon determination by the Plan Commission Director that possible grounds for reversal exist, the matter shall be placed on the Board of Zoning Appeals agenda for a public hearing. The Plan Commission Director shall notify the appealing party of the hearing via Certified Mail a minimum of 10 days prior to the hearing.
  - 2. **Grounds for Reversal:** At the public hearing the appeal approval shall be terminated if a finding is made by the Board that the approved was the result of fraud or the misrepresentation of facts.
  - 3. **Time Limitation:** No administrative appeal may be reviewed by the Board of Zoning Appeals for the same cause more than once in any 1 year period.



## 11.6 Approval Expiration and Termination

### Approval Expiration and Termination

- A. **Improvement Location Permit Required:** If the Board grants a special exception or variance, it shall direct the applicant to apply for an Improvement Location Permit. If such application complies with all established requirements and this Ordinance, an Improvement Location Permit for the execution of the approved variance or special exception shall be issued.
- B. **Expiration:** A special exception or variance ceases to be authorized and is expired if the obtaining of an Improvement Location Permit or Sign Permit, or the execution of the approval has not been completed within 1 year of the date the variance or special exception is granted. The variance or special exception shall also expire if the approved construction or sign erection has not been completed and approved by the Plan Commission Director as being consistent with all written commitments or conditions, the requirements of this Ordinance, and all applicable permits within 2 years of the date the approval is granted.
- C. **Termination:** A variance or special exception may be terminated by the Board of Zoning Appeals under the following procedure:
1. **Public Hearing:** Upon determination by the Plan Commission Director that possible grounds for termination exist, the matter shall be placed on the Board of Zoning Appeals agenda for a public hearing. The Plan Commission Director shall notify the affected party of the hearing via Certified Mail a minimum of 10 days prior to the hearing.
  2. **Grounds for Termination:** At the public hearing the variance or special exception shall be revoked if a finding is made by the Board that one or more of the following is true:
    - a. The execution of the approval is not consistent with any requirement of this Ordinance,
    - b. The execution of the approval is not consistent with any condition of approval,
    - c. The execution of the approval is not consistent with any written commitment, or
    - d. The approved was the result of fraud or the misrepresentation of facts.
  3. **Time Limitation:** No special exception or variance may be reviewed by the Board of Zoning Appeals for the same cause more than once in any 1 year period.

## 11.7 Denied Applications

### Denied Applications

- A. **Re-filing of Denied Applications:** No request for variance, special exception, or administrative appeal that has been denied may be re-filed for a period of 1 year from the date of the denial, unless changes have been made that address the reasons for denial.
- B. **Re-Consideration of Applications:** The applicant, remonstrators, or any other interested party may seek the reconsideration of any variance, special exception, or administrative appeal by submitting a written request to the Plan Commission Director within 30 days of the date of Board action on the request. A variance, special exception, or administrative appeal may be reconsidered by the Board of Zoning Appeals under the following procedure:
1. **Public Hearing:** Upon receipt of the written request for reconsideration by the Plan Commission Director the matter shall be placed on the Board of Zoning Appeals agenda for a public hearing. At the public hearing the Board shall only consider whether or not sufficient grounds for reconsideration are present, but shall not take any new action on the application. If sufficient grounds are present, the Board shall place the application on the agenda for its next regularly scheduled meeting, at which time the application shall be reconsidered and subsequent action taken.
  2. **Grounds for Reconsideration:** At the public hearing the Board shall determine whether or not the variance, special exception, or administrative appeal shall be reconsidered.
    - a. The Board may reconsider the application if a finding is made that the entity seeking the reconsideration is able to provide substantial new information or clarified facts that were not known or available at the initial hearing on the application and such new information or facts are directly related to the decision criteria established by this Ordinance.
    - b. In no instance shall a reconsideration be granted to allow an applicant to modify their application.
  3. **Time Limitation:** In no case shall the Board hear more than 1 request for reconsideration for any single application.

**ARTICLE 12**  
**PROCESSES AND PERMITS**

**12**

## 12.1 Petition & Permit Application Types

### Petition & Permit Application Types

**See Also:**

*Article 4,  
Planned Unit Development*

*Article 8,  
Site Development Plans*

*Article 11,  
Board of Zoning Appeals*

*Plan Commission  
Rules & Procedures*

*Board of Zoning Appeals  
Rules & Procedures*

- A. **Petition Applications Required:** The City of Shelbyville requires that an application be submitted for the following types of petitions:
1. Variance, Special Exception, & Administrative Appeals (subject to the requirements of Article 11),
  2. Zoning Map Amendment (re-zoning),
  3. Planned Unit Development (subject to the requirements of Article 4), and
  4. Site Development Plan (subject to the requirements of Article 8).
- B. **Permit Applications Required:** The City of Shelbyville requires that an application be submitted for the following types of permit applications:
1. Improvement Location Permit (*Note: a building permit may also be required consistent with the provisions of the Shelbyville Building Code*),
  2. Certificate of Occupancy, and
  3. Sign Permit (subject to the Shelbyville Sign Code).
- C. **Application Materials:** All applications may be obtained from the Plan Commission Director. Fees shall be paid to the City of Shelbyville at the time all petition applications are submitted and at the time all permit applications are issued.
1. Application Forms: All applications shall be made on forms provided by the Plan Commission Director. All applicants shall submit original applications that are completed in their entirety in ink or typed.
  2. Copies of Materials: All applicants shall submit copies of applications and necessary attachments as required by the adopted policies of the Plan Commission Director and the applicable Rules and Procedures of the Plan Commission and Board of Zoning Appeals.
  3. Scheduling: All applications shall be assigned reference and/or docket numbers by the Plan Commission Director. Petition applications shall be scheduled by the Plan Commission Director for the appropriate public hearings based on the completeness of the application consistent with the requirements of this Article and the appropriate adopted Calendars of Filing and Meeting Dates for the Board of Zoning Appeals and/or Plan Commission.

### Variance Applications

The following procedure shall apply to all variance applications:

- A. **Application:** The applicant shall submit a variance application, affidavit and consent of property owner (if the owner is someone other than 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 shall be signed and dated, and clearly show the entire layout of the property and all features relevant to the variance request.
  2. **Statement of Intent:** A statement of intent to the Board of Zoning Appeals describing the details of the variance being requested and stating how the request is consistent with the required findings of fact described by Article 11. The statement should include any written commitments being made by the applicant.
- B. **Notification:** Notification for the scheduled public hearing regarding the variance request shall be completed consistent with Chapter 10.2 and the Rules and Procedures of the Board of Zoning Appeals.
- C. **Public Hearing:** The BZA will then, in a public hearing scheduled consistent with the adopted Calendar of Filing and Meeting Dates, review the variance application and required supporting information.
  1. **Representation:** The applicant and any representative of the applicant must be present at the public hearing to present the petition and address the required findings of fact.
  2. **Testimony:** The Board shall consider a report from the Plan Commission Director 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 Article 11 and the Rules and Procedures of the Board.
  4. **Possible Action:** The BZA may approve, approve with conditions, deny, or continue the petition.
    - a. *Approval:* The application shall be approved if findings of fact are made consistent with the requirements of Article 11 and Indiana State Code.
    - b. *Approval with Modifications:* The application shall be approved with modifications if the Board of Zoning Appeals determines that the required findings of fact may be made if certain conditions are applied to the application. The Board may make reasonable conditions related to the required finding of facts part of its approval and/or accept written commitments from the applicant.
    - c. *Denial:* The application shall be denied if findings of fact consistent with the requirements of Article 11 and the Indiana State Code are not made. Applications that are denied shall not be eligible for consideration again by the Board for a period of 1 year from the date of denial.

*See Also:*

*See Also: Chapter 10.2,  
Notice of Public Hearing*

*Article 11,  
Board of Zoning Appeals*

*Board of Zoning Appeals  
Rules & Procedures*

Variance Applications

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- d. *Continued:* The application may be continued by the Board based on a request by the Plan Commission Director, applicant, remonstrator, or interested party; an indecisive vote; or a determination by the Board 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 Board of Zoning Appeals.
  - ii. The continuing of all applications shall be consistent with the adopted Rules and Procedures of the Board of Zoning Appeals.

### Special Exception Applications

The following procedure applies to special exception applications:

- A. **Application:** The applicant shall submit a special exception application, affidavit and consent of property owner (if the owner is someone other than 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 shall be signed and dated, and clearly show the entire layout of the property and all features relevant to the special exception request.
  2. **Statement of Intent:** A statement of intent to the Board of Zoning Appeals describing the details of the special exception request including, but not limited to:
    - a. The ways in which the special exception shall comply with the applicable development standards of this Ordinance,
    - b. The ways in which the special exception shall be consistent with the required findings of fact described by Chapter 11.4, and
    - c. Any written commitments being made by the applicant.
- B. **Notification:** Notification for the scheduled public hearing regarding the special exception request shall be completed consistent with Chapter 10.2 and the Rules and Procedures of the Board of Zoning Appeals.
- C. **Public Hearing:** The BZA will then, in a public hearing scheduled consistent with the adopted Calendar of Filing and Meeting Dates, review the special exception application and required supporting information.
  1. **Representation:** The applicant and any representative of the applicant must be present at the public hearing to present the application and address the required findings of fact.
  2. **Testimony:** The Board shall consider a report from the Plan Commission Director 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 Article 11 and the Rules and Procedures of the Board.
  4. **Possible Action:** The BZA may approve, approve with conditions, deny, or continue the application.
    - a. *Approval:* The application shall be approved if findings of fact are made consistent with the requirements of Chapter 11.4 and Indiana State Code.
    - b. *Approval with Modifications:* The application may be approved with modifications if the Board of Zoning Appeals determines that the required findings of fact may be made only if certain conditions are applied to the application. The Board may make reasonable conditions related to the required finding of facts part of its approval and/or accept written commitments from the applicant.

*See Also:*

*Chapter 10.2,  
Notice of Public Hearing*

*Chapter 11.4,  
Special Exceptions*

*Board of Zoning Appeals  
Rules & Procedures*

Special Exception  
Applications

- c. *Denial:* The application shall be denied if findings of fact consistent with the requirements of Chapter 11.4 and the Indiana State Code are not made. Applications that are denied shall not be eligible for consideration again by the Board for a period of 1 year from the date of denial.
- d. *Continued:* The application may be continued by the Board based on a request by the Plan Commission Director, applicant, remonstrator, or interested party; an indecisive vote; or a determination by the Board 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 Board of Zoning Appeals.
  - ii. The continuing of all applications shall be consistent with the adopted Rules and Procedures of the Board of Zoning Appeals.



# 12.4 Administrative Appeal Applications

## Administrative Appeal Applications

The following procedure shall apply to all appeals of administrative decisions;

- A. **Application:** The applicant shall submit an administrative appeal application and required supporting information. Supporting information shall include, but not be limited to, the following:
  - 1. Original Submittals: Copies of all materials upon which the decision being appealed was based.
  - 2. Written Decisions: Copies of any written decisions that are the subject of the appeal.
  - 3. Appeal Basis: A letter describing the reasons for the appeal noting specific sections of this Ordinance or other standards applicable in the City of Shelbyville upon which the appeal is based.
  
- B. **Notification:** Notification for the scheduled public hearing regarding the administrative appeal shall be completed consistent with Chapter 10.2 this Ordinance and the Rules and Procedures of the City of Shelbyville Board of Zoning Appeals.
  
- C. **Public Hearing:** The BZA will then, in a public hearing scheduled consistent with the adopted Calendar of Filing and Meeting Dates, review the administrative appeal application and supporting information.
  - 1. Representation: The applicant and any representative of the applicant must be present at the public hearing to present the appeal.
  - 2. Testimony: The Board shall consider a report from the Plan Commission Director 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 Rules and Procedures of the Board and Chapter 11.5.
  - 4. Possible Action: The BZA may grant, grant with modifications, deny, or continue the appeal.
    - a. *Granted:* The appeal shall be granted if findings of fact are made consistent with the requirements of Chapter 11.5 of this Ordinance and Indiana State Code.
    - b. *Granted with Modifications:* The appeal shall be granted with modifications if the Board of Zoning Appeals determines that the proper interpretation of the provision(s) that are subject to the appeal is consistent with neither the administrative decision nor the requested interpretation of the applicant.
    - c. *Denied:* The appeal shall be denied if findings of fact are made supporting the administrative decision.
    - d. *Continued:* The appeal shall be continued based on a request by the Plan Commission Director, applicant, remonstrator, or interested party; an indecisive vote; or a determination by the Board 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 Board of Zoning Appeals.
      - ii. The continuing of all applications shall be consistent with the adopted Rules and Procedures of the BZA.

*See Also:*

*Chapter 10.2,  
Notice of Public Hearing*

*Chapter 11.5,  
Administrative Appeals*

*Board of Zoning Appeals  
Rules & Procedures*

## 12.5 Zoning Map Amendment Applications

### Zoning Map Amendment Applications

**See Also:**

*Chapter 10.2,  
Notice of Public Hearing*

*Article 13,  
Enforcement & Penalties*

*Indiana Code 36-7-4-608  
(Plan Commission  
Certification)*

*Indiana Code 36-7-4-615  
(Written Commitments)*

The following procedure shall apply to all Zoning Map Amendment ("rezoning") applications:

- A. **Application Initiation:** Proposals for Zoning Map Amendments may be initiated by either the Plan Commission, the Common Council, or through an application signed by property owners of at least 50% of the land involved.
  - 1. **City Initiation:** The Plan Commission shall prepare the application for zoning map amendment if either the Commission or the Common Council has initiated the application. The Plan Commission Director shall serve as the representative of the applicant for such proposals.
  - 2. **Property Owner Initiation:** Any property owners requesting a zoning map amendment shall be the applicants and assume responsibility for preparing application materials.
- B. **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.
- B. **Common Council First Reading:** The Common Council will review the rezoning application and required supportive information. The Common Council forward the application to the Plan Commission for review and recommendation.
- C. **Notification:** Notification for the scheduled Plan Commission public hearing regarding the rezoning request shall be completed consistent with the requirements of Chapter 10.2 and the Rules and Procedures of the Plan Commission.

- D. **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 60 days following the receipt of the application per IC 36-7-4-608), review the rezoning application and required supportive information.
1. Representation: The applicant and/or any representative of the applicant must be present at the public hearing to present the application and address any questions the Commission might have.
  2. Testimony: The Commission shall consider a report from the Plan Commission Director 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 Rules and Procedures of the Commission.
  4. Possible Action: The Commission shall either forward the application to the Common Council with a favorable recommendation, an unfavorable recommendation, or no recommendation; or continue the request.
    - a. *Favorable Recommendation:* The application shall be forwarded with a favorable recommendation if it is found to be consistent with the decision criteria listed in Section 12.5(G). The recommendation may include commitments requested by the Plan Commission.
    - b. *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 12.5(G).
    - c. *No Recommendation:* The application may be forwarded with no recommendation if, by a majority vote of the Commission, it is determined that the application includes aspects that the Commission is not able to evaluate.
    - d. *Continued:* The application may be continued by the Commission based on a request by the Plan Commission Director, applicant, remonstrator, or interested party; an indecisive vote; or a determination by the 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 Rules and Procedures of the Commission.
- E. **Certification:** The Plan Commission shall certify its recommendation by resolution to the Common Council within 10 business days of its determination (per IC 36-7-4-608). The Plan Commission staff 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 an ordinance for the Council's consideration.

## 12.5 Zoning Map Amendment Applications *(cont.)*

### Zoning Map Amendment Applications

- F. **Common Council Second Reading:** The Common Council shall vote on the proposed rezoning ordinance within 90 days of its certification by the Plan Commission (per IC 36-7-4-608).
1. Notification: The Council shall provide notification of action on the ordinance consistent with Indiana State Code.
  2. Possible Action: The Common Council may either approve or deny the ordinance. If the Council fails to act within the 90 day time frame specified above the ordinance shall become effective or be defeated consistent with the provisions of IC 36-7-4-608. The Council may also seek modifications or additions to any written commitments as described in 12.5(H) in this Chapter.
- G. **Decision Criteria:** In reviewing the rezoning application, the Plan Commission and Common Council shall pay reasonable regard to the following:
1. Comprehensive Plan: The City of Shelbyville 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.
- H. **Written Commitments:** The applicant in any rezoning 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 36-7-4-615.
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 rezoning 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.

## 12.5 Zoning Map Amendment Applications *(cont.)*

### Zoning Map Amendment Applications

3. Recording of Commitments: Following final action being taken on the rezoning application, the rezoning 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 Plan Commission Director 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 this 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 Plan Commission consistent with the adopted provisions for the enforcement of any other aspect of this Ordinance, as described in Article 13, Enforcement and Penalties.
  - c. The written commitments may be modified only through the Zoning Map Amendment process described by this Chapter.

## 12.6 Improvement Location Permit

### Improvement Location Permit

**See Also:**

*Chapter 6.4,  
Temporary Uses & Structures*

*Article 8,  
Site Development Plans*

*Article 13,  
Enforcement & Penalties*

The following procedure applies to Improvement Location Permit (ILP) applications:

- A. **General Requirements:** No structure or major infrastructure shall be erected, moved, or added to, without an Improvement Location Permit issued by the Plan Commission Director. No Improvement Location Permit shall be issued unless the project is in conformity with the provisions of this Ordinance, the Subdivision Control Ordinance, and other applicable regulations of the City of Shelbyville. When applicable, consistent with Article 8, 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. 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 120 square feet in area and/or has a permanent foundation (including structures other than buildings such as towers, antennas, and satellite dishes),
  2. any temporary use of land or temporary structure (regulated by Chapter 6.4),
  3. signs (consistent with the Shelbyville Sign Code),
  4. swimming pools (in ground or above ground),
  5. additions to all structures,
  6. external demolition,
  7. surface and sub-surface drainage work and/or grading (including land alteration) excluding agricultural uses,
  8. non-residential driveways,
  9. removal of required trees and plants within buffer yards and landscaping areas required by this Ordinance,
  10. adding or subtracting dwelling units or leased space in multifamily or commercial structures,
  11. placement or replacement of manufactured or mobile homes,
  12. parking lot construction or alteration,
  13. ponds or lakes,
  14. mineral extraction,
  15. the change of use of any property or structure,
  16. telecommunication towers, buildings, and antenna, and
  17. any exterior construction that adds to or alters the height of an existing structure.

## 12.6 Improvement Location Permit *(cont.)*

### Improvement Location Permit

- C. **Exemptions:** No ILP shall be required for the following types of improvements. However, any such improvement shall comply with any applicable requirements of this Ordinance, the Subdivision Control Ordinance, and any other adopted standards of the City of Shelbyville.
1. fences, walls, and hedges placed outside of the public right-of-way,
  2. residential driveways and sidewalks that are located entirely on private property.
  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 Improvement Location Permits 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 Plan Commission Director).
  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 City Engineer.
  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.

## 12.6 Improvement Location Permit *(cont.)*

### Improvement Location Permit

7. Building Permit (if applicable): a Building Permit consistent with the requirements of the Shelbyville Building Code and the procedures of the Building Official.
  8. Flood Hazard Information (if applicable): any other information necessary to meet the requirements of Chapter 6.13 of this Ordinance.
- E. **Copies:** A copy of all submitted plans and application materials shall be retained by the Plan Commission Director 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 1 year of 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 Plan Commission Director may grant extensions for up to 1 year each for work completion. Requests for extensions must be received within 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 Permits 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 13, Enforcement and Penalties.



## 12.7 Certificates of Occupancy

### Certificates of Occupancy

The following procedure applies to Certificates of Occupancy:

- A. **General Requirements:** An application for a Certificate of Occupancy shall be provided to all applicants at the time the ILP for an improvement is issued. The Certificate of Occupancy application shall be completed by the permit holder and provided to the Plan Commission Director at the time the final inspection is requested.
- B. **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 Plan Commission Director) 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 Plan Commission Director.
- C. **Inspection:** Upon the completion of the work approved through an Improvement Location Permit, the permit holder shall contact the Plan Commission Director 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 Plan Commission Director may also take part in the inspection.
- D. **Certificate Issuance:** The Plan Commission Director shall issue the Certificate of Occupancy if the improvements comply with all applicable requirements of the City of Shelbyville, including this Ordinance, the Subdivision Control Ordinance, and all applicable Building Codes as verified by the Building Official. The Plan Commission Director may also issue a limited or temporary Certificate of Occupancy at his/her discretion.

### *Intent*

*The intent of the Certificate of Occupancy procedure is to coordinate building, planning, and engineering related issues and approvals into a single process and to better ensure the public safety and general welfare.*

**ARTICLE 13**  
**ENFORCEMENT AND PENALTIES**

**13**

## 13.1 General Provisions

### General Provisions

*See Also:*

*Indiana Code 36-7-4-1000  
(Enforcement)*

- A. **Authority:** The Plan Commission, Board of Zoning Appeals, Building Commissioner, Mayor, Common Council, Board of Public Works and Safety, City Engineer, and/or Plan Commission Director (including their staff and/or designees) are designated to enforce the provisions, regulations, and intent of this Ordinance. All remedies and enforcement shall comply with the powers set forth in IC 36-7-4-1000 et. al. and all other applicable state laws.
- B. **Violations:** Complaints made pertaining to compliance with provisions of this Ordinance shall be investigated by the Plan Commission Director. The Plan Commission Director may include other officials, such as the City Engineer, Building Official, Police Chief, or any of their designees in the investigation. Action may or may not be taken depending on the findings of the investigation. The degree of action will be to the discretion of the Plan Commission Director, and should reflect both what is warranted by the violation as well as a consistent approach to the enforcement of this Ordinance.
- C. **Inspections:** Investigations of property may be done by the Plan Commission Director from a right-of-way, from adjacent property (with permission of that property owner), or from the property suspected of a violation once he/she has presented sufficient evidence of authorization and described the purpose of the inspection to the owner, tenant, or occupant at the time of the inspection.
- D. **Court Ordered Entry:** In the event that the Plan Commission Director is denied entry to the subject property, he/she may apply to a court of jurisdiction to invoke legal, applicable, or special remedy for the enforcement of this Ordinance or any other applicable ordinances adopted under Indiana Code.
  - 1. **Information Required:** The application shall include the purpose, violation(s) suspected, property address, owner's name if available, and all relevant facts. Additional information may be necessary as requested by the court.
  - 2. **Entry Permitted:** Pursuant to applicable regulations and the orders of the court of jurisdiction the owner, tenant, or occupant shall permit entry by the Plan Commission Director.
- E. **Responsibility:** The property owner shall be held responsible for all violations on his/her or their property.
- F. **Types of Violations:** The following items shall be deemed zoning violations, enforceable by the Plan Commission Director (penalties may be imposed based on the provisions set forth in this Article):
  - 1. **Illegal Structures:** The placement, erection, and/or maintenance of a primary structure, sign, accessory structure(s) or any other element determined by the Plan Commission Director to not conform to the provisions or explicit intent of this Ordinance.

## 13.1 General Provisions *(cont.)*

### General Provisions

2. **Illegal Use:** Conducting a use or uses that do not comply with the provisions or explicit intent of this Ordinance.
3. **Failure to Obtain a Permit:** Failure to obtain an Improvement Location Permit or other permits and approvals required by this Ordinance.
4. **Violation of Stop-Work-Order:** Proceeding with work under a Stop-Work-Order or in violation of a Memorandum of Agreement (as described in Section 13.2(B)).
5. **Failure to Comply with Development Standards:** Any failure to comply with the development standards and/or any regulations of this Ordinance.
6. **Failure to Comply with Commitments:** Any failure to comply with commitments or conditions made in connection with a rezoning, special exception, or variance; or other similar and documented commitment.

## 13.2 Construction Process Violations

### Construction Process Violations

- A. **Stop-Work Orders:** The Plan Commission Director may place a Stop-Work-Order on any land/property improvement process.
1. Procedure: Stop-Work Orders shall be issued by written letter that shall state the violation and that work or other illegal activity must stop immediately until the matter is resolved. This letter shall be posted in a conspicuous place and be delivered/mailed to the property owner.
  2. Reasons: Reasons for a Stop-Work Order include, but are not limited to:
    - a. not complying with development standards and/or any regulations of this Ordinance or the Shelbyville Subdivision Control 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 this Ordinance.
    - c. not completing structures or 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 Plan Commission Director must meet with the person(s) served the Stop-Work Order notice within 7 days of any such meeting being requested. A Memorandum of Agreement shall be drafted stating the conditions by which construction or action may be resumed. This Memorandum of Agreement must be signed by the Plan Commission Director and the property owner that is responsible for the violation.
- C. **Appeals:** Any Stop-Work Order issued as a result of the enforcement of this Ordinance, as specified in this Chapter, may be appealed to the Board of Zoning Appeals. This appeal shall follow the provisions established for Administrative Appeals by Chapter 11.5 and Chapter 12.4.
- D. **Resumption of Construction Activity:** The Stop-Work Order shall be lifted and construction activity may resume upon either (1) the resolution of the violation(s) or (2) the completion of the Memorandum of Agreement.

### 13.3 Immediate Public Risk Violations

#### Immediate Public Risk Violations

Any violation of this 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 Plan Commission Director, or a person, firm, or organization selected by the Plan Commission Director 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 this 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 Plan Commission Director.
- B. **Seizure of Materials:** Any sign, structure, landscaping or other material that constitutes an immediate public risk violation may be seized by the Plan Commission Director 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 Plan Commission Director 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 this 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 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 Plan Commission Director 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); and
    - d. instructions describing how, where, and when the seized items may be claimed.

**13.3 Immediate Public Risk Violations (cont.)**

Immediate Public Risk Violations

- D. **Storage and Retrieval of Seized Materials:** The Plan Commission Director shall store any sign, structure, landscape materials or other items seized in a secure location for a period of no less than 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 Plan Commission Director regarding the future use of the item in a manner consistent with this Ordinance.
- E. **Liability:** Neither the Plan Commission Director, 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.

- A. **General Procedures:** There shall be a minimum of a three 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 Plan Commission Director at his/her discretion. However, the general procedure for all violations shall be consistent. The minimum steps are as follows:
1. **Notice of Violation:** The Plan Commission Director shall issue a Notice of Violation to the person(s) committing, in whole or in part, a violation. The Notice of Violation is a warning to the violator(s) that a violation has been determined and that it must be corrected within a specified time frame from the date of the mailing.
  2. **Notice of Fines for Violation:** The Plan Commission Director shall issue a Notice of Fines for Violation to the person(s) committing, in whole or in part, a violation. 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 Requested by the Plan Commission Director. The person(s) in violation will have a specified number of days from the date of the mailing to pay all applicable fines, and must correct the violation within the time period specified by the Plan Commission Director or face additional fines.
  3. **Legal Action:** If the person(s) in violation refuses to pay the fines and/or correct the violation within the time frame specified by the Notice of Fines for Violation, the Plan Commission Director may refer the violation to the Board of Public Works & Safety or 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 & 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 Plan Commission Director 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 Plan Commission Director 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 3 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 Plan Commission Director.



**13.4 Violation Procedures (cont.)**

Violation Procedures

3. Payment: The payment of any violation shall be by cash or cashiers check and shall be delivered to the Plan Commission Director who shall forward the funds to the Clerk-Treasurer for deposit in the appropriate fund.
  - a. The Plan Commission Director shall issue a receipt to the person making the payment.
  - b. The Plan Commission Director may, at his/her discretion, waive the assessed fine for the otherwise timely correction of the violation.

C. **Appeals:** Any person receiving a Notice of Violation and/or Fines for Violation may appeal the violation and/or fine to the Board of Zoning Appeals or to a court of jurisdiction. A written statement from the person in violation, either filing an Administrative Appeal consistent with Chapter 12.4 of this Ordinance or giving notice of the filing of an action with a court, shall be submitted to the Plan Commission Director via Certified Mail at least 3 days prior to the date any fine and/or compliance is due.

1. Fines: No additional fines shall accrue from the date of the appeal until the BZA 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 Plan Commission Director if the person(s) in violation has (have) submitted an appeal or notice of court review.

D. **Legal Remedies:** The Plan Commission Director via the Plan Commission Attorney may bring an action in the Circuit or Superior Court of Shelby County to 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 Zoning Ordinance, Subdivision Control Ordinance, Sign Code and any other requirements adopted separately by the Common Council or adopted by their reference in the Zoning or Subdivision Control 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 Plan Commission Director 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 Plan Commission Director 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 Ordinance.

4. Responsibility for Costs: If the court finds in favor of the Plan Commission Director, the respondent shall bear all costs of his/her 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 Plan Commission Director, 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 Rules and Procedures of the Plan Commission or the Board of Zoning Appeals 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 14**  
**DEFINITIONS**

**14**

**14.1 Defined Words**

Defined Words

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**See Also:**

*"Glossary of Zoning, Development, and Planning Terms" published by the American Planning Association as PAS Report #491/492*

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 #491/492 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.

## 14.2 Definitions

### A

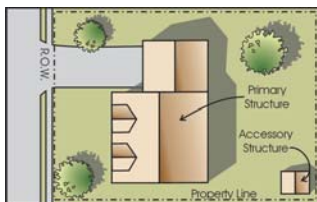
**Abandonment:** To intentionally stop the use or development of a property for a continuous period of time.

**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 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.

**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*

**Administrative/Professional Office:** An office establishment primarily engaged in overall management and general supervisory functions, such as executive, personnel, finance, legal, and sales activities.

**Administrator:** The individual or group responsible for the implementation and enforcement of this Ordinance. The Plan Commission Director shall be the administrator of the this Ordinance.

**Adult Use:** All uses specified in and/or regulated by the City of Shelbyville, Indiana Adult Use Ordinance (#99-2320) and all subsequent amendments.

## 14.2 Definitions (cont.)

### Definitions - A

**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 Indiana Code, 36-7-1-2 (1983) as amended. The Shelbyville Plan Commission is the advisory plan commission referred to by 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.

**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.

**Agricultural Zoning Districts:** The AG, Agriculture and A/R, Agriculture/Rural Residential zoning districts.

**Airport:** Any area of land designed and used for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft.

**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 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.

**Animal boarding:** The housing and care of animals generally including shelters and pasture areas.

**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 omni-directional antennas, panels, and microwave or satellite dishes external to or attached to the exterior of any building.

**Animal:** Any live vertebrate creature, domestic or wild, excluding human beings.

**Animal Boarding:** 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:** Any animal that has been adopted by human beings to live and breed in a tame condition.

**Animal, Farm:** Any animal that customarily is raised for profit on farms and has the potential of causing a nuisance outside of rural areas or if not properly maintained.

**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, owners, or legal representative of real estate who make 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.

**Arcade:** A building or part of a building containing four 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 Street:** see *Street, Arterial*

**Arterial Road:** see *Street, Arterial*

**Assembly Facility:** 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.

14.2 Definitions (cont.)

Definitions - A-B

**Attached Building:** A building that is structurally connected to another building by a foundation, wall, or roof line.

**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, and others listed under the heading of Auto-Oriented Uses, Large Scale by the Land Use Matrix included in this Ordinance.

**Auto Oriented Uses, Medium Scale:** Uses such as auto repair and body work, vehicle detailing/auto accessory sales and installation, oil change/lube shops, and others listed under the heading of Auto-Oriented Uses, Medium Scale by the Land Use Matrix included in this Ordinance.

**Auto Oriented Uses, Small Scale:** Uses such as gas stations, car washes, and others listed under the heading of Auto-Oriented Uses, Medium Scale by the Land Use Matrix included in this Ordinance.

**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.

**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 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.

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**B**

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**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.

**Bakery (commercial):** A place for preparing, cooking, baking, and wholesale selling of products intended for off-site distribution and retail sales.

**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.



**14.2 Definitions (cont.)**

**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 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 1 percent 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.

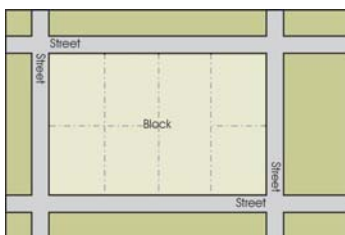
**Beauty Salon:** Any commercial establishment where cosmetology is offer or practiced on a regular basis for compensation.

**Bed and Breakfast Facility:** A private, owner occupied residence which provides temporary overnight sleeping accommodations and meals to the general public in 10 or fewer guest rooms for periods not to exceed 3 consecutive weeks.

**Berm:** A man-made mound of earth of definite height and width used for landscaping and obscuring purposes.

**Billiard Room (Pool Hall):** A business establishment containing more than two pool or billiard tables for the use by patrons.

**Block:** Property abutting 1 side of a street and lying between the 2 nearest intersecting streets (either crossing or terminating), railroad right-of-way, lake, river, stream, or other physical boundary.



**Board of Zoning Appeals:** A board established consistent with the Indiana Code 36-7-4-900 series. The Shelbyville Board of Zoning Appeals is the Board of Zoning Appeals referred to by this Ordinance.

**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, multi-family dwellings, hotels, or motels.

**Boat Storage Facility:** A structure or area designed for the storage of watercraft and marine equipment.

## 14.2 Definitions (cont.)

### Definitions - B

**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.

**Bond:** see *Surety*

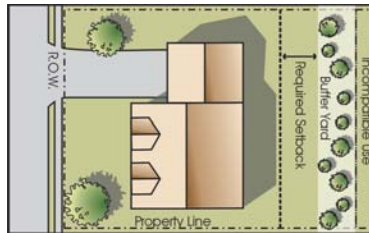
**Bottle Gas Storage and Distribution:** The storage and distribution of bottle gasses including propane, carbon dioxide, helium, and other commercially used gases.

**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 1 use and another designed and intended to separate those uses.

**Buffer Landscaping:** Any trees, shrubs, walls, fences, berms, or related landscaping features required by this Ordinance as part of a buffer.

**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. Buffers 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. Buffer yards are in addition to (separate from) front, rear, or side yard setbacks.



**Building Supply Store:** A large-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 building supply retail sales.

**Build-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.

**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.

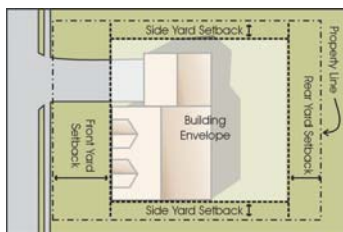
**Building Code:** The locally adopted Indiana Building Code establishing and controlling the standards for constructing mechanical equipment, all forms of permanent structures, and related matters within Shelbyville. Also referred to in this Ordinance as the Shelbyville Building Code.

**14.2 Definitions (cont.)**

Definitions - B-C

**Building, Detached:** A building which is surrounded by open space and located on the same lot as another building.

**Building Envelope:** The three dimensional portion of a lot or site, exclusive of all required setbacks, buffer yards, maximum height standards, landscaping, or open space within which a structure may be built.



**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.

**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.

**Business District:** A geographic area used for commerce and the operation of a business or businesses.

**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.

**Business Zoning Districts:** Refers to the BN, Neighborhood Business; BC, Central Business; BP, Professional Business; BG, General Business; and BH, Highway Business zoning districts.

**BZA:** see *Board of Zoning Appeals*

**C**

**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.

## 14.2 Definitions (cont.)

### Definitions - C

**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.

**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 or more vehicles.

**Cemetery:** Land used or dedicated to the burial of the dead, including crematoriums and mausoleums.

**Certificate of Occupancy:** A certificate issued by the City 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 Shelbyville, and therefore may be occupied.

**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 Zoning 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 6 and no more than 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 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 4 hours but less than 24 hours in each of 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 IC 12-7-2-33.7 and IC 12-7-2-33.8

**Child Care Institution:** As defined by IC 12-7-2-29 and for the purposes of the Zoning Ordinance: (1) a residential facility that provides child care on a 24 hour basis for more than 10 children; or (2) a residential facility with a capacity of not more than 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.

**Church:** 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. Church includes synagogue, temple, mosque or any other like facility used for worship and religious activities.

**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.

## 14.2 Definitions *(cont.)*

**City:** The City of Shelbyville, Indiana.

**Clinic:** An facility in which human patients are admitted for medical or dental study or treatment on an out-patient only basis, and in which the services of at least two physicians or dentists are provided.

**Cluster Development:** A development in which a number of dwelling units, or other structures, are placed in closer proximity than usual, or are attached, for the purpose of providing open space.

**Cluster Subdivision:** see *Cluster Development*

**College:** see *University*

**Collector Street:** see *Street, Collector*

**Collector Road:** see *Street, Collector*

**Commission:** see *Advisory Plan Commission*

**Commercial District:** see *Business District*

**Commercial Zoning Districts:** see *Business Zoning Districts*

**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 unincorporated association, including ownership by different corporations, firms, partnerships, entities, or unincorporated associations with at least 1 common stockholder, partner, or associate.

**Communications Service Exchange:** A telecommunications facility that houses one 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:** A document, consistent with the requirements 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. The City of Shelbyville Comprehensive Plan is the comprehensive plan referred to by this Ordinance.

**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.

14.2 Definitions (cont.)

Definitions - C-D

**Condominium:** Real estate lawfully subject to the I.C. 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.

**Confined Feeding:** The raising of animals for food, fur or recreation in lots, pens, ponds, sheds or buildings, where they are confined, fed and maintained for at least 45 days during any year, and where there is no ground cover or vegetation present over at least half of the animals' confinement area. Livestock markets and sale barns are excluded from this term. See also *Farm (Confined Feeding)*

**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.

**County:** Shelby County, Indiana

**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.

**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.

**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.

**Cul-De-Sac:** see *Street, Cul-de-sac*

**Curb Cut:** The providing of vehicular ingress and/or egress between property and an abutting public street.

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D

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**Dance/Martial Arts Studio:** An establishment where patrons learn and/or practice dance or martial arts.

**14.2 Definitions (cont.)**

Definitions - D

**Data Processing 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*

**Deck:** A platform, either freestanding or attached to building that is supported by pillars or posts.

**Deciduous Tree:** See Tree, Deciduous

**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.

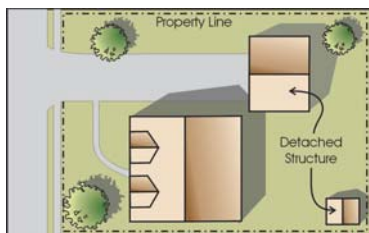
**Density:** The number of dwelling units per acre.

**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 of the actual tract of land (in acres) upon which the dwelling units are located, or proposed 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).

**Detached Structure:** A building that has no structural connection with the 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.

## 14.2 Definitions (cont.)

### Definitions - D

**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 the 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 Standards:** Regulations provided by this Ordinance that provide specific conditions for the development and use of buildings and property.

**Distribution Facility:** A use where goods are received and/or stored for delivery to the final consumer at remote locations.

**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.

**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*

**Drive-thru/Drive-up facility:** An 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.

**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.



**Driveway:** A private roadway providing access for vehicles to a parking space, garage, dwelling, or other structure.

**Driveway, Common:** An access shared by adjacent 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 receptacle container that has a hooking mechanism that allows it to be raised and dumped into a sanitation truck, including dumpsters for trash, compacted materials, and recycling.

**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:** A single-family dwelling that is located on, and used in connection with farm operations.

**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 categories, type I, II, and III, as defined by this Ordinance.

**Dwelling, Manufactured Home Type I:** A dwelling unit built in a factory bearing a seal of compliance with Federal Manufactured Housing Construction and Safety Standards (42 U.S.C.A. 5401 et seq.) which is at least twenty-three (23) feet in width for its entire length; has at least nine-hundred fifty (950) square feet of occupied space; is installed and anchored on a permanent foundation with perimeter wall, according to the Indiana One and Two-Family Dwelling Code, as amended; and its pitched roof and siding are of materials customarily used for site constructed dwellings.

**Dwelling, Manufactured Home Type II:** A dwelling unit built in a factory bearing a seal of compliance with Federal Manufactured Housing Construction and Safety Standards which has at least three-hundred twenty (320) square feet of occupied space; is installed and anchored on a permanent foundation with perimeter wall, according to the Indiana One and Two Family Dwelling Code, as amended; and its pitched roof and siding are of materials customarily used for site constructed dwellings.

14.2 Definitions (cont.)

Definitions - D-E

**Dwelling, Manufactured Home Type III:** A dwelling unit built in a factory bearing a seal of compliance with Federal Manufactured Housing Construction and Safety Standards which has at least three-hundred twenty (320) square feet of occupied space; is installed and anchored on a permanent foundation with perimeter wall, according to the Indiana One and Two Family Dwelling Code, as amended; and its pitched roof and siding are not of materials customarily used for site constructed dwellings.

**Dwelling, Mobile Home:** A transportable dwelling unit that is a minimum of 8' 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, Multi-Family:** A structure designed for, and occupied by, 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 1 family or other single unit of housekeeping and therefore including no more than one dwelling unit.

**Dwelling Site:** A site within a manufactured home park and/or mobile home park with required improvements and utilities that is leased for the long term placement of manufactured homes and/or mobile homes.

**Dwelling Unit:** Any structure or portion thereof designed for or used for residential purposes as a self-sufficient, individual unit by 1 family or other similar social association of persons as a single housekeeping unit, and having permanently installed sleeping, cooking, and sanitary facilities.

**Dwelling, Two-Family:** A structure designed for occupancy by 2 families or other single units of housekeeping and therefore including no more than 2 dwelling units.

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E

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**Easement:** A grant by a property owner to specific persons, the general public, corporations, utilities, or others, for the purpose of providing services or access to the property.

**Egress:** An exit.

**Employment Service:** An establishment that seeks and identifies available jobs for patrons seeking employment.

**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.

**Evergreen Tree:** See Tree, Evergreen.

**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.

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## F

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**FBFM (Flood Boundary and Floodway Map):** An official map delineating the floodway, floodway fringe, 100-year floodplain, and 500-year floodplain which is prepared in conjunction with a flood insurance study.

**FEMA:** Federal Emergency Management Agency.

**FHBM:** Flood Hazard Boundary Map.

**FIRM (Flood Insurance Rate Map):** The official map on which FEMA has delineated both the areas of special flood hazard and risk premium zones.

**FPG (Flood Protection Grade):** The elevation of the regulatory flood plus two feet at any given location in the Special Flood Hazard Area (SFHA).

**Fabrication Facility:** An establishment where employees and machinery are used to assemble product components created off-site.

**Facade:** 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.

**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.

**Family:** One 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.

## 14.2 Definitions (cont.)

### Definitions - F

**Farm Animals:** 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.

**Farm (confined feeding):** Any livestock operation engaged in the confined feeding of at least 300 cattle, or 600 swine or sheep, or 30,000 fowl, such as chickens, ducks and other poultry. See also *Confined Feeding*.

**Farm (dwelling):** See *Dwelling, Farm*

**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.

**Farm Equipment Sales and Service:** An establishment that services farm implements, as well as offers for sale new and used farm implements.

**Farmer's Market:** The seasonal selling at retail of home-grown vegetables or produce, occurring in a pre-designated area, where the vendors are the same individuals who have raised the products for sale.

**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 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.

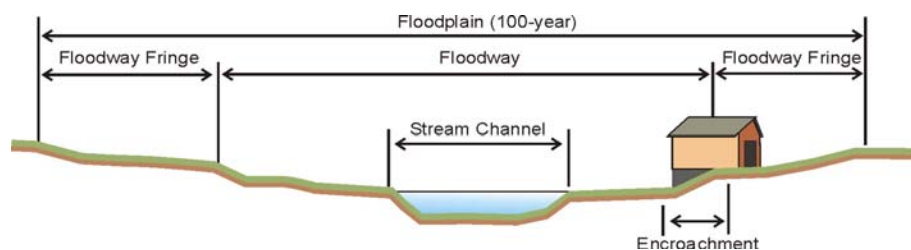
## 14.2 Definitions (cont.)

**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.

**Flood Hazard Area:** Any area located within the floodplain, including the flood fringe and floodway.

**Floodlight:** Reflector type light fixture that produces unshielded and undirected illumination.

**Floodplain:** The relatively flat area or low land adjoining the channel of a river or stream which has been or may be covered by the regulatory flood. The flood plain includes the channel, floodway, and floodway fringe. Floodplain boundaries are to be determined by using the Floodway-Flood Boundary Maps of the Federal Insurance Administration/ Federal Emergency Management Administration (FEMA).



**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.

**Floodway:** The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulation flood of any river or flooding stream.

**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, bulbs, and seeds for planting by patrons. Flower Centers can include greenhouse operations, and incidental sales of small gardening equipment and accessories.

**Flower Shop:** Retail business whose principle activity is the selling of plants that are not grown on site, conducting business in an enclosed facility.

14.2 Definitions (cont.)

Definitions - F-G

**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 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*

**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*.

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**G**

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**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 or 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 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.

## 14.2 Definitions *(cont.)*

### Definitions - G-H

**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 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.

**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.

**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.

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## H

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**Hardship:** A difficulty with regard to 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.

**Hard Surface:** *See Paved Surface.*

**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.

## 14.2 Definitions (cont.)

### Definitions - H

**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-Multi Family Residential and the RMH Manufactured Home Park Zoning Districts.

**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 & Structures*, as well as any subsequent amendments and/or additions to any of these publications.

**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.

**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:** 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 this Ordinance and/or the City of Shelbyville Subdivision Control 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.

**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*

**Investment Firm:** Any office where the primary occupation is concerned with businesses that buy and sell stocks, bonds, and other notes of purchase.

14.2 Definitions (cont.)

Definitions - J-K-L

J

**Jewelry Store:** 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 re-sale, disposal, or storage.

**Jurisdiction:** Any area over which a unit of government exercises power and authority.

K

**Kennel:** Any premises, except where incidental to an agricultural use, where domestic animals are boarded, trained, or bred.

L

**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.

**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.

**Letter of Map Amendment (LOMA):** An amendment to the currently effective FEMA map that establishes that a property, area, and/or structure is not located in a Special Flood Hazard Area (SFHA). A LOMA is only issued by FEMA.

**Letter of Map Revision (LOMR):** An official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

**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.

**14.2 Definitions (cont.)**

Definitions - L

**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.

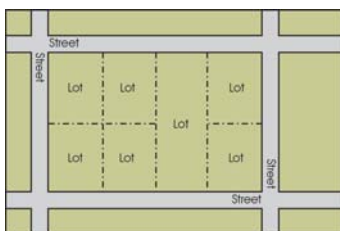
**Livestock Raising and Breeding:** The production and upkeep of livestock for the purposes of sale, including the feeding, sheltering, grazing, and shipping of livestock, including the storage of all necessary materials and equipment.

**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*

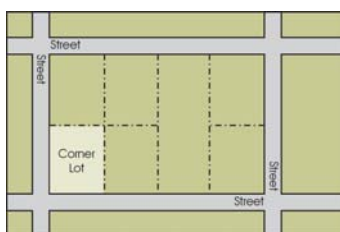
**Lodge or Private Club:** A membership organization that holds regular meetings and that may, subject to other regulations controlling such uses, maintain dining facilities, serve alcohol, or engage professional entertainment for the enjoyment of dues paying members and their guests. There are no sleeping 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, 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.

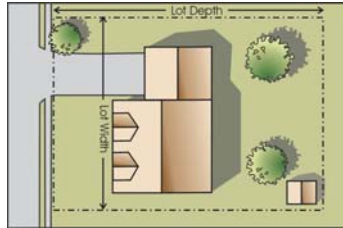
**Lot, Corner:** A lot located at the corner of two or more streets.



## 14.2 Definitions (cont.)

### Definitions - L

**Lot Depth:** The horizontal distance between the front and rear lot lines.



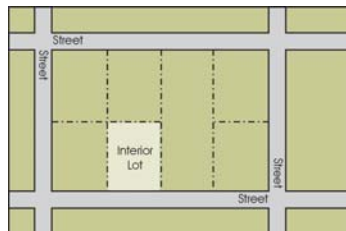
**Lot, Developed:** A lot upon which improvements have been made or is otherwise being used for human purposes.

**Lot, Double Frontage:** see *Lot, Through*

**Lot Frontage:** The horizontal distance between side lot lines where a property abuts a street.

**Lot, Improved:** see *Lot, Developed*

**Lot, Interior:** Any lot which is not a corner lot or through lot.



**Lot Line:** The property lines which define the lot.

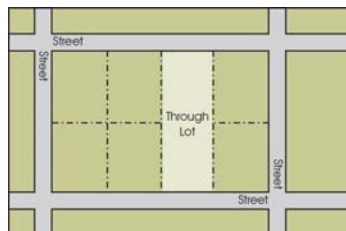
**Lot, Legal Nonconforming:** see *Legal Nonconforming Lot*

**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 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.

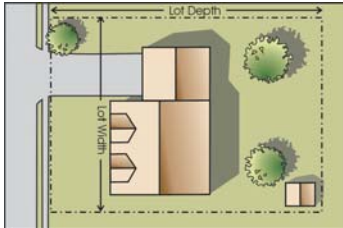
**Lot, Recorded:** see *Lot of Record*

**Lot, Though:** A lot having frontage on 2 or more non-intersecting streets.



**Lot, Undeveloped:** A lot of record upon which no improvements exist.

**Lot Width:** The horizontal distance between side lot lines measured at the required minimum front setback line or built-line line affecting the property.



**Low Density Residential Zoning Districts:** The R1-Single Family Residential and R2-Two Family Residential Zoning Districts.

**Lowest Floor:** The lowest of the following: (1) the top of the basement floor; (2) the top of the garage floor, if the garage is the lowest level of the building; (3) the top of the first floor of buildings elevated on pilings or constructed on a crawl space with permanent openings; or (4) the top of the floor level of any enclosure below an elevated building where the walls of the enclosure provide any resistance to the flow of flood waters unless: the walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, by providing a minimum of two openings (in addition to doorways and windows) having a total area of 1 square inch for every 1 square foot of enclosed area subject to flooding. The bottom of all such openings shall be no higher than 1 foot above grade; such enclosed space shall be usable for the parking of vehicles and building access.

**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.

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## M

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**MS4 Operator:** The individual designated to oversee the local Municipal Separate Storm Sewer System program.

**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*.

## 14.2 Definitions (cont.)

### Definitions - M

**Manufactured Home Park:** A parcel of land containing 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 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.

**Marker (survey):** A stake or any other object which is intended to mark a point on a lot or within a subdivision.

**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 or Health Clinic:** A building, other than a hospital, used by two or more licensed physicians for the purpose of receiving and treating patients.

**Medical Office:** A building, other than a hospital, used by one 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.

**Microbrewery (Brew-Pub):** 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.

**Mixed-Use Development:** An area, parcel of land, or structure developed for 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 semi-trailer propelled or drawn by mechanical power.

**Motor Vehicle, Inoperable:** See *Vehicle, Inoperable*.

**Multi-Family Dwelling:** see *Dwelling, Multi-Family*

**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.

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## N

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**Natural Condition:** The condition that arises from, or is found in nature unmodified by human intervention.

**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.

**Nature Preserve/Center:** An area in which plants, animals, and topographic features are protected in their current, natural condition.

**News Dealer:** An establishment that primarily sells newspapers, magazines, and other periodicals.

**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.

**Nonconforming Lot:** A lot that does not conform to the regulations of the zoning 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.

## 14.2 Definitions (cont.)

### Definitions - N-O

**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.

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## O

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**Objectionable Odor:** Odors that are nauseating, noxious, or generally recognized as unpleasant.

**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.

**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*

**Outdoor Storage:** The keeping of items for sale, the products of manufacturing, materials used in production, vehicles, and other similar materials and/or equipment in an area outside of any building.

**Outdoor Storage, Seasonal:** The outdoor storage of items for retail sale that are, by their nature, sold during a peak season, such as fruits and vegetables, Christmas trees, 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 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*

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## P

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**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:** Any public or private land and related structures, including shelter houses and maintenance facilities, that are designed to provide recreational, educational, cultural, or aesthetic use to the community.

**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, 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 2 or more uses or structures.

**Parking Space:** A space within a public or private parking area for the storage of 1 motor vehicle.

**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, Portland concrete, brick, paving blocks or similar material. Crushed gravel, stone, rock, or dirt, sand or grass are not a paved surface.

**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.

## 14.2 Definitions (cont.)

### Definitions - P

**Performance Zoning District:** A zoning district for which lot sizes and other related standards are variable and determined by a set of quantifiable criteria. The R1, Single-Family Residential; R-2, Two-Family Residential; and RM, Multi-Family Residential zoning districts are performance zoning districts.

**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.

**Personal Services:** 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, or tanning salon.

**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.

**Petroleum Processing and Storage:** An establishment that processes and stores petroleum and its raw ingredients.

**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 onsite photography, processing, and development, including limited retail sale, lease and service of photography equipment and supplies.

**Petitioner:** see *Applicant*

**Place of Worship:** see *Church*

**Plan:** see *Comprehensive Plan*

**Plan Commission:** see *Advisory Plan Commission*

**Planned Unit 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 which does not correspond in size of lots, bulk or type of buildings, density, lot coverage, and required open space to the regulations established in any zoning district of this Ordinance.

**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.

**Plat, Final:** The Final Plat, pursuant to I.C. 36-7-4-700 series, is the plat document in recordable form.

## 14.2 Definitions *(cont.)*

**Plat, Preliminary:** The preliminary plat, pursuant to I.C. 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.

**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.

**Power Generation Facility:** A facility that produces usable electricity by harnessing any array of resources including fossil fuels, water, wind, and solar sources.

**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 his/her 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*

**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 Trees:** *see Trees, 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.

14.2 Definitions (cont.)

Definitions - P-Q-R

**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.

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Q

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**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*.

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R

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**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-carts 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, seasonal hunting and fishing facilities, and outdoor shooting ranges.

**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.

**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 1 percent 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."

**Regulatory Floodway:** The channel of a river or stream and those portions of the flood plains adjoining the channel which are reasonably required to efficiently carry and discharge peak flow of the regulatory flood of any river or stream and, is that area covered by floodwaters in significant downstream motion or covered by significant volumes of stored water during the occurrence of the regulatory flood.

**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 Zoning Districts, Low-Density:** Refers to the RM, Multi-Family Dwelling; and RMH, Manufactured Home Park zoning districts.

**Residential Zoning Districts, Low-Density:** Refers to the R1, Single Family Dwelling and R2, Two-Family Dwelling zoning districts.

**Residential Facility for the Developmentally Disabled Type I:** A residential facility which provides residential services for not more than 8 developmentally disabled individuals, as defined by IC 12-28-4-8.

**Residential Facility for the Developmentally Disabled Type II:** A residential facility which provides residential services for more than 8 developmentally disabled individuals, as defined by IC 12-28-4-8.

**Residential Facility for the Mentally III:** A residential facility which provides residential services for mentally ill individuals, as defined by IC 12-28-4-7.

## 14.2 Definitions (cont.)

### Definitions - R

**Residential Treatment Center:** Any facility licensed by the Indiana Department of Health, public or private, which regularly provides one 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.

**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.

**Retail Uses, Large Scale:** Retail uses that tend to serve a regional area and include establishments such as supermarkets, shopping malls, and department stores.

**Retail Uses, Medium Scale:** Retail uses that tend to serve a community-wide area and include establishments such as craft stores, sporting goods stores, pharmacies, antique shops, meat markets, and repair services.

**Retail Uses, Small Scale:** Retail uses that tend to serve a local area and include establishments such as video stores, delicatessens, bakeries, gift shops, and ice cream shops.

**Retirement Facility:** A residential complex containing multi-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 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*

**ROW:** See *Right-of-Way*

## S

**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*.

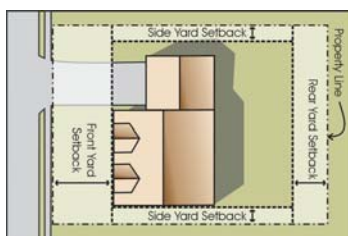
**Scrap Metal Yard:** A general industrial use established independent or ancillary to and connected with another general industrial use, which is concerned exclusively in new and salvaged metal pipes, wire, beams, angles, rods, machinery, parts, filings, clippings, auto parts, and all other metal items 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.



## 14.2 Definitions (cont.)

### Definitions - S

**Sewage Treatment Plant:** Any facility designed for the treatment of sewage that serves an entire community, region, or specific geographic area.

**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.

**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*

**Sign Permit:** A permit issued by the Shelbyville Plan Commission Director that must be obtained before temporary and permanent signs are erected.

**Site Development Plan:** The plan indicating the location of existing and proposed buildings, structures, paved areas, walkways, 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 8 of this Ordinance and IC 36-7-4-1400 series.

**Skating Rink:** An establishment that provides facilities for patron skating.

**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 Flood Hazard Area (SFHA):** Those lands within the jurisdiction of the City of Shelbyville that are subject to inundation by the regulatory flood. The SFHAs of the City are identified on the Flood Insurance Rate Map of Shelby County prepared by the Federal Emergency Management Agency.

**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.

**Special Exception Use:** see *Use, Special Exception*

**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, 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 on 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 on the Thoroughfare Plan within the City of Shelbyville Comprehensive Plan.

**Street, Cul-de-sac:** A street with a single common ingress and egress and with a turn-around at the end.

**Street Frontage:** The distance along which a property line of a lot abuts the right-of-way of an adjacent street.

**Street Intersecting:** Any street that joins another street at an angle, whether or not it crosses the other street.

**Street Intersection:** The point of crossing or meeting of 2 or more streets.

**Street, Local:** A street designed to provide vehicular access between individual properties and the collector and arterial street system. Shelbyville local streets are identified on the Thoroughfare Plan within the City of Shelbyville Comprehensive Plan.

**Street, Non-Residential:** Any street where the primary land use of the lots which the street provides access to, as well as the lots on either side of the street is not residential.

**Street, Private:** Any street which is privately owned and maintained that is used to provide vehicular access to more than 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 street where the primary land use of the lots which the street provides access to, as well as the lots on either side of the street is residential.

**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.

Definitions - S-T

**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 any lot, tract or parcel of land into 2 or more lots, parcels, sites or other divisions for the purpose, whether immediate or future, of sale, transfer, gift, or lease which results in 1 or more new building sites.

**Substantial Improvement:** For the purpose of flood hazard area standards, substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage" regardless of the actual repair work performed. This term does not include improvements to structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of an "historic structure", provided that the alteration will not preclude the structure's continued designation as an "historic structure".

**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 development plan, plat, or other improvement, which provides that if the developer fails to comply with the requirements of approval, funds will be provided 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 2 feet in depth at any point for the purpose of recreation and entertainment of adults and children.

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**T**

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**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*

**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 Antenna:** 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*

**Theater:** A facility for audio and visual productions and performing arts, excluding adult motion picture theaters and adult entertainment businesses.

**Thoroughfare Plan:** The official plan, now and hereafter adopted, which sets forth the location, alignment, dimensions, and classification of existing and proposed streets and other thoroughfares.

**Tool and Dye 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.

**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.

**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 generally under 40 feet.

**Tree, Prohibited:** A tree, as listed in this ordinance that does not meet site-landscaping or performance standard requirements.

**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.

### Definitions - T-U

**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.

**Truck Sales and Service:** Any establishment that sales and services semis, grain trucks, and other vehicles similar in size. Inoperable trucks may be stored on a temporary basis, and only if they to be serviced.

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## U

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**Undeveloped Land:** Land in its natural state.

**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, 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.

**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.

**Utility Substation:** A building or structure used for the distribution or transmission of utilities such as water, gas, electricity, or sewer.

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## V

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**Variance, Development Standards:** A specific approval granted by a 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 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.

**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.

**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.

Definitions - W-X-Y-Z

W

**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.

**Wellfield (Public Pumphouse):** An area of land that contains 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 US 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.

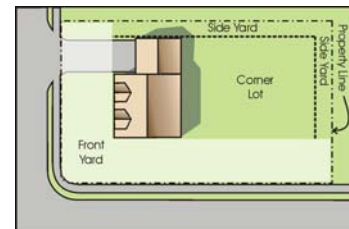
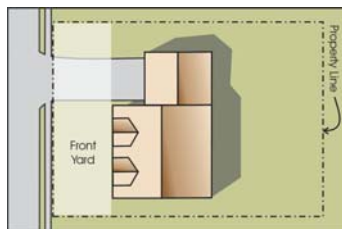
**Wireless Telecommunications Facility:** see *Telecommunications, Wireless Facility*

**Wireless Telecommunications Services:** see *Telecommunications, Wireless Services.*

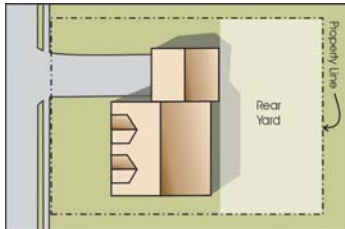
X, Y, & Z

**Yard:** A space on a lot that is open and unobstructed

**Yard, Front:** The horizontal space between the nearest foundation of a building to the front lot line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the front lot line.

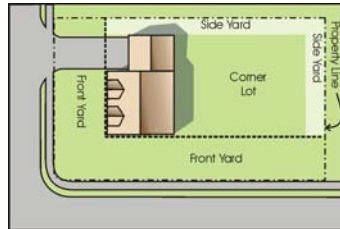
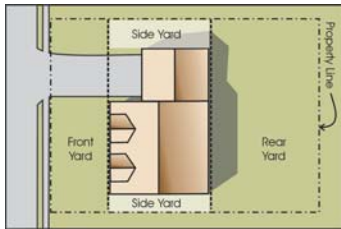


**Yard, Rear:** The horizontal space between the nearest foundation of a building to a rear lot line and that rear lot line, extending to the side lines of the lot, and measured as the shortest distance from the foundation to the rear lot line. Corner lots shall have no rear yards, only front yards and side yards.



**Yard Sale:** see *Garage Sale*

**Yard, Side:** The horizontal space between the nearest foundation of a building to the side lot line and that side lot line, measured at the shortest distance between that foundation and the side lot line.



**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*