



CITY OF SHELBYVILLE, INDIANA | PLANNING AND BUILDING DEPARTMENT
MAYOR THOMAS DEBAUN | DIRECTOR ADAM RUDE

FROM THE DESK OF ADAM RUDE | DIRECTOR | ARUDE@CITYOFSHELBYVILLEIN.COM

Date: 3/28/2022
To: Plan Commission Members

RE: Proposed UDO Amendments

Our office is providing you with a copy of the proposed amendments to the Unified Development Ordinance that our office and a small committee of Plan Commission members have been working on over the past few months. The majority of these amendments are focused around our Landscaping Standards, but we have also included a number of smaller updates that focus on resolving issues we've identified in our current standards, as well as working to update the code with current industry trends. Below is a brief explanation of each of these proposed amendments:

Article 2 - Height Standards: This is one of the standards where we issue the most number of variances throughout the year, so it is a standard that needs to be revisited to allow for the type of development by-right. The proposed amendments would increase the maximum height in the General Industrial District from 100', it would increase the accessory structure maximum height in the Single Family Residential district to "Equal to the height of the one-story primary structure, or 75% of the height of a multi-story primary structure for accessory structures", and it would eliminate the maximum height in the Business Central district.

Article 5 - Public Improvement Standards: This amendment would allow the City Engineer to waive the requirement for a traffic and street impact study, if they deem it unnecessary. This became an issue recently where the City Council had agreed to make improvements to a road for an incoming new company, the City had already conducted the necessary traffic impact analysis in designing the road, but the ordinance required that the petitioner also conduct a study. For a vast majority of projects, this wouldn't be utilized, but it would give the City Engineer's office the authority in the few circumstances when it makes sense.

Article 9 - Improvement Location Permit: This amendment is needed to clarify a confusion in the ordinance where some zoning districts appear not to require permits for improvements regulated by the ordinance.

Article 5 - Landscaping Standards: This amendment is intended to increase landscaping requirements for all zoning districts to enhance aesthetics and the health of the community. It also incentivizes plant preservation, which promotes plant health. This amendment requires planting around ponds to discourage geese habitats and generally encourage aesthetics around retention areas.

Article 11 - Definitions: To account for the new and revised standards, there are a few terms that need added to the Unified Development Ordinance.

Appendix: The proposed language will add a list of permitted/prohibited plant species based on different plant types so that we can easily reference them from within the ordinance and update them in the future.

Once you have reviewed this draft document, please let us know if you have any questions or concerns that we can begin to address before the formal adoption process.

Thanks in advance,

Adam M. Rude
Director, Planning and Building Department
City of Shelbyville, Indiana

Single-family Residential (R1) District

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

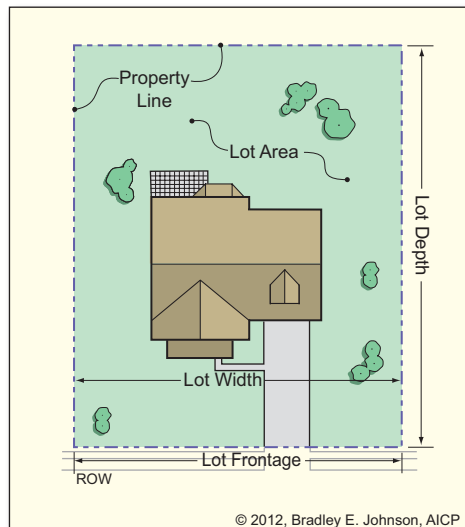
| Intent | Permitted Uses | Special Exception Uses |
|--|---|--|
| <p>The Single-family Residential (R1) District is intended to provide an area exclusively for single-family homes. This district may be used to provide a transition between the Agriculture (AG) and Agriculture/Rural Residential (AR) areas and those of higher density residential uses. Shelbyville should strive to protect this district from conflicting industrial and commercial land uses and to integrate these neighborhoods with higher density residential areas, institutions, commercial centers, and parks in the community.</p> | <p>Park Uses</p> <ul style="list-style-type: none"> • nature preserve/center • park, public <p>Residential Uses</p> <ul style="list-style-type: none"> • dwelling, single-family • fair housing facility (small) • farmstead <p>Utility Uses</p> <ul style="list-style-type: none"> • solar energy production, as an accessory use | <p>Institutional Uses</p> <ul style="list-style-type: none"> • cemetery • day care center • police, fire, or rescue station <p>Park Uses</p> <ul style="list-style-type: none"> • driving range • golf course and/or country club <p>Residential Uses</p> <ul style="list-style-type: none"> • fair housing facility (large) <p>Utility Uses</p> <ul style="list-style-type: none"> • water tower |

Single-family Residential (R1) District

Article

2

2.08 R1 District Development Standards



Minimum Lot Area

- 10,000 square feet

Maximum Lot Area

- none

Minimum Lot Width

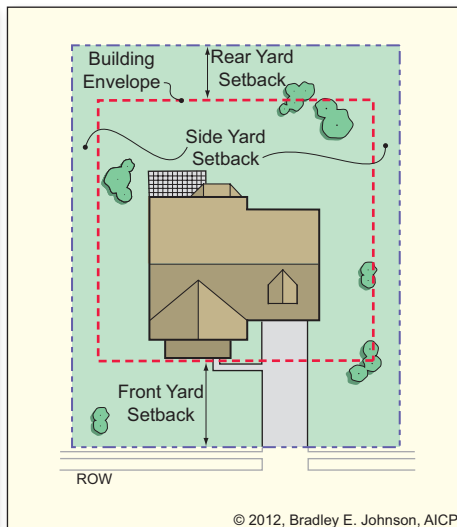
- 80 feet (measured at the front building setback line)

Minimum Lot Frontage

- 45% of the lot width

Maximum Lot Depth

- none



Minimum Front Yard Setback

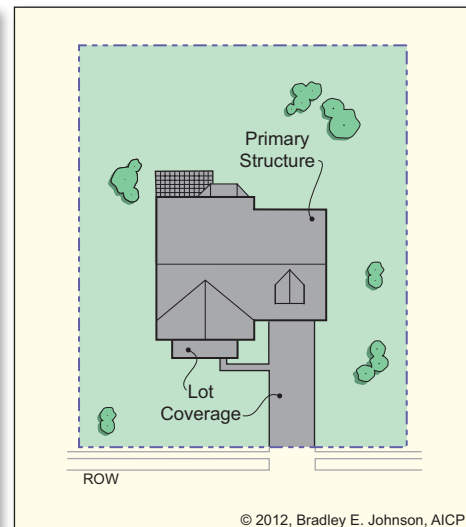
- 50 feet for primary and accessory structures when adjacent to an arterial street
- 30 feet for primary and accessory structures when adjacent to a collector street
- 20 feet for primary and accessory structures when adjacent to a local street

Minimum Side Yard Setback

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

Minimum Rear Yard Setback

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



Maximum Lot Coverage

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

Minimum Living Area per Dwelling

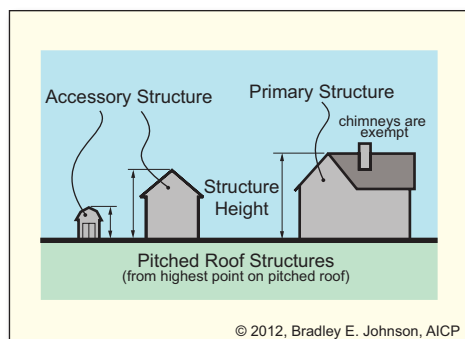
- 1,400 square feet

Minimum Ground Floor Area

- 800 square feet

Maximum Primary Structures per Lot

- 1



Maximum Structure Height

- 35 feet for primary structures
- Equal to the height of a one-story primary structure or 75% of the height of a multi-story primary structure 45 feet for accessory structures

Additional Development Standards that Apply

Accessory Use and Structures

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

Architectural

- AR-01 5-9

Density and Intensity

- DI-01 5-15

Entrance and Drive

- ED-01 5-16
- ED-03 5-19

Environmental

- EN-01 5-22

Fence and Wall

- FW-01 5-24
- FW-02 5-24

Floodplain

- FP-01 5-26

Floor Area

- FA-01 5-27

Height

- HT-01 5-28

Home Business

- HB-01 5-29

Keeping of Animals

- KA-01 5-31

Landscaping

- LA-06 5-39

Lighting

- LT-01 5-42

Lot

- LO-01 5-45

Outdoor Storage

- OS-01 5-50

Parking

- PK-01 5-51
- PK-03 5-52

Public Improvement

- PI-01 5-58

Setback

- SB-01 5-60

Sidewalk

- SD-01 5-64

Signs

- SI-01 5-65
- SI-02 5-70
- SI-04 5-71
- SI-05 5-71
- SI-06 5-72

Special Exception

- SE-01 5-91

Structure

- SR-01 5-92

Temporary Use

- TU-01 5-96
- TU-02 5-97
- TU-03 5-98

Utility Services

- US-01 5-100

Vision Clearance

- VC-01 5-101

Wind Turbine System

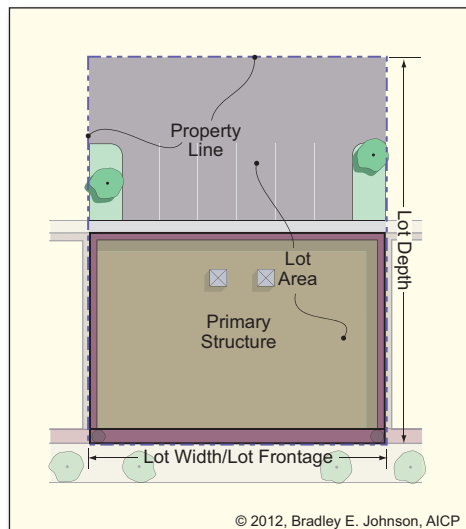
- WT-01 5-102

Business Central (BC) District

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

| Intent | Permitted Uses | Special Exception Uses |
|---|---|--|
| <p>The Business Central (BC) District is intended to provide areas for the combination of land uses common to traditional central business districts. This zoning district is intended to accommodate the current uses and structures within Shelbyville's traditional downtown and permit the continued, contextually appropriate development of the area. Shelbyville should use this zoning district to protect the existing downtown area and its historic structures from incompatible uses and inappropriate site designs. This zoning district should also be used to provide for cohesive and appropriate infill development in and around the downtown area.</p> | <p>Agricultural Uses</p> <ul style="list-style-type: none"> farmer's market (for sale of products grown off-site) <p>Commercial Uses</p> <ul style="list-style-type: none"> animal grooming bank/financial institution call center conference center data processing center hotel/motel office uses performing arts center personal service uses recreation uses (small scale) restaurant retail (type 1), excluding pet stores that sell dogs or other large animals retail (type 2), excluding pet stores that sell dogs or other large animals <p>Institutional Uses</p> <ul style="list-style-type: none"> community center funeral home government office hospital/medical center library lodge or private club medical or health clinic museum or gallery police, fire, or rescue station post office trade or business school <p>Park Uses</p> <ul style="list-style-type: none"> park, public <p>Residential Uses</p> <ul style="list-style-type: none"> dwelling, multiple-family (on upper floors of other uses) dwelling, single family (on upper floors of other uses) dwelling, two-family (on upper floors of other uses) <p>Utility Uses</p> <ul style="list-style-type: none"> solar energy production, as an accessory use | <p>Commercial Uses</p> <ul style="list-style-type: none"> auto-oriented uses (medium scale) auto-oriented uses (small scale) bus/mass transit terminal circus or carnival drive-up/drive thru facility (as an accessory use) health spa recreation uses (medium scale) retail (type 3) retreat center <p>Institutional Uses</p> <ul style="list-style-type: none"> day care center parking lot or parking garage (primary use) penal or correctional institution place of worship school (P-12) university or college <p>Residential Uses</p> <ul style="list-style-type: none"> assisted living facility bed and breakfast facility boarding house fair housing facility (large) fair housing facility (small) nursing home retirement facility <p>Utility Uses</p> <ul style="list-style-type: none"> communications service exchange telecommunications facility utility substation water tower |

2.20 BC District Development Standards



Minimum Lot Area

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

Maximum Lot Area

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

Minimum Lot Width

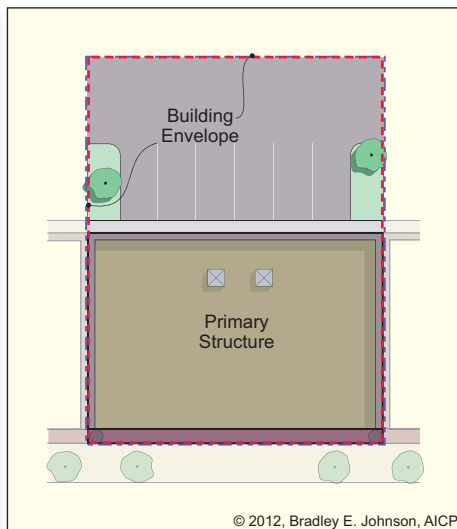
- consistent with all lots legally established at the effective date of this Ordinance

Minimum Lot Frontage

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

Maximum Lot Depth

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



Minimum Front Yard Setback and Build-to Line

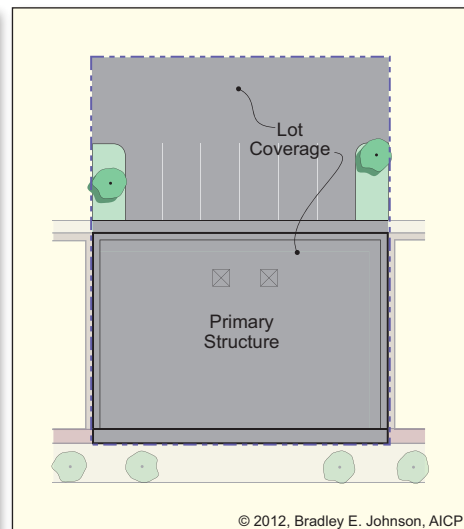
- 0 feet for primary and accessory structures when adjacent to an arterial street
- 0 feet for primary and accessory structures when adjacent to a collector street
- 0 feet for primary and accessory structures when adjacent to a local street

Minimum Side Yard Setback

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

Minimum Rear Yard Setback

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



Maximum Lot Coverage

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

Minimum Living Area per Dwelling

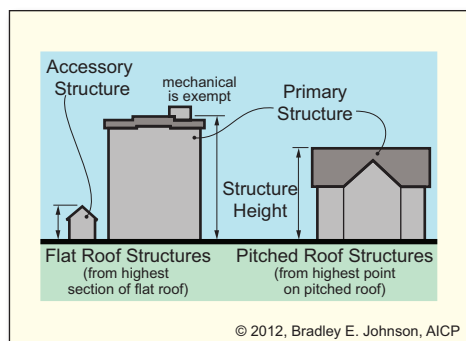
- 600 square feet

Minimum Ground Floor Area

- not applicable

Maximum Primary Structures per Lot

- 1



Maximum Structure Height No maximum structure height within this district

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

Additional Development Standards that Apply

Accessory Use and Structures

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

Architectural

- AR-02 5-10

Commercial

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

Density and Intensity

- DI-01 5-15

Entrance and Drive

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

Environmental

- EN-01 5-22

Fence and Wall

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

Floodplain

- FP-01 5-26

Floor Area

- FA-01 5-27

Height

- HT-01 5-28

Landscaping

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

Lighting

- LT-01 5-42

Loading

- LD-01 5-44

Lot

- LO-01 5-45

Outdoor Dining

- OD-01 5-47

Outdoor Display Area

- DA-01 5-49

Outdoor Storage

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

Parking

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

Public Improvement

- PI-01 5-58

Setback

- SB-01 5-60

Signs

- SI-01 5-65
- SI-02 5-70
- SI-03 5-71
- SI-05 5-71
- SI-08 5-79

Special Exception

- SE-01 5-91

Structure

- SR-01 5-92

Telecommunication Facility

- TC-01 5-93

Temporary Use

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

Utility Services

- US-01 5-100

Vision Clearance

- VC-01 5-101

Wind Turbine System

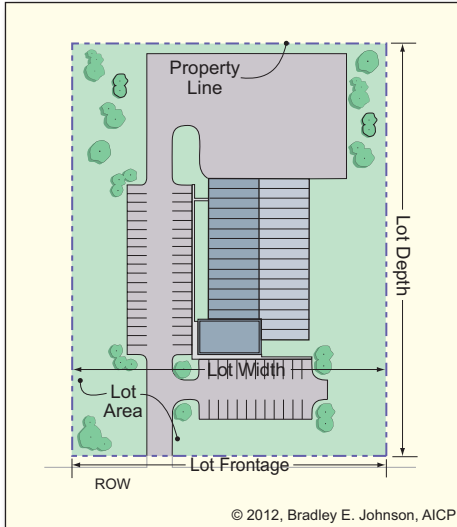
- WT-01 5-102

General Industrial (IG) District

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

| Intent | Permitted Uses | Special Exception Uses |
|--|--|---|
| <p>The General Industrial (IG) District is intended to provide areas for general industrial use under conditions that minimize conflicts with other land uses. Shelbyville should strive to protect these districts from commercial and residential land uses. This district should be used in combination with the Light Industrial (IL) District to provide ample employment centers and opportunities for economic development.</p> | <p>Agricultural Uses</p> <ul style="list-style-type: none"> • farm (general) <p>Industrial Uses</p> <ul style="list-style-type: none"> • agricultural products terminal • general industrial production • light industrial assembly and distribution • light industrial processing and distribution • research and development facility • warehouse and distribution center <p>Institutional Uses</p> <ul style="list-style-type: none"> • parking lot or parking garage (primary use) • police, fire, or rescue station <p>Park Uses</p> <ul style="list-style-type: none"> • nature preserve/center <p>Residential Uses</p> <ul style="list-style-type: none"> • farmstead <p>Utility Uses</p> <ul style="list-style-type: none"> • communication service exchange • sewage treatment plant • telecommunications facility • utility substation • water tower • solar energy production, as an accessory use | <p>Industrial Uses</p> <ul style="list-style-type: none"> • animal and animal products processing • concrete/asphalt production facility • food and beverage production • hazardous materials production • mineral extraction and processing • truck freight terminal • truck sales and service center • waste disposal facility <p>Institutional Uses</p> <ul style="list-style-type: none"> • heliport • medical or health clinic • trade or business school |

2.28 IG District Development Standards



Minimum Lot Area

- 1 acre

Maximum Lot Area

- none

Minimum Lot Width

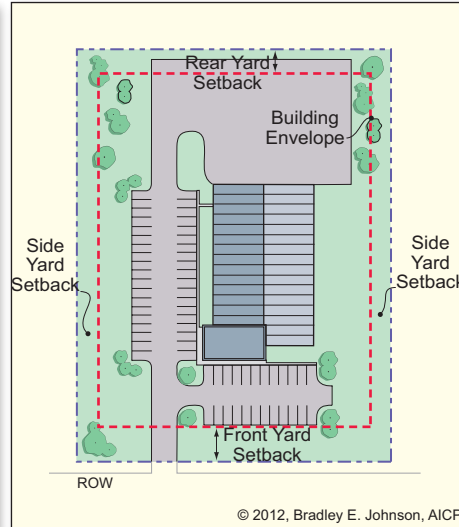
- 100 feet (measured at the front building setback line)

Minimum Lot Frontage

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

Maximum Lot Depth

- none



Minimum Front Yard Setback

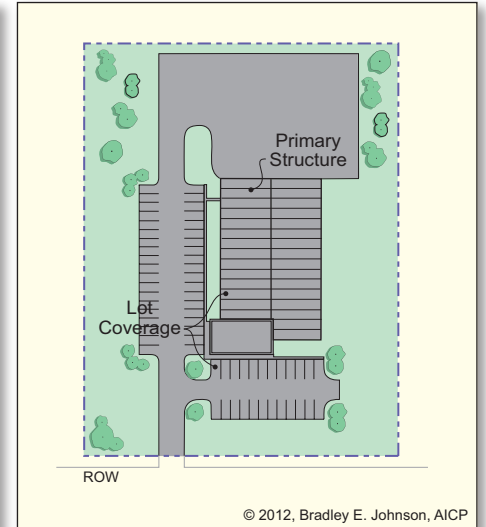
- 50 feet for primary and accessory structures when adjacent to an arterial street
- 50 feet for primary and accessory structures when adjacent to a collector street
- 50 feet for primary and accessory structures when adjacent to a local street

Minimum Side Yard Setback

- 25 feet for primary and accessory structures

Minimum Rear Yard Setback

- 25 feet for primary and accessory structures



Maximum Lot Coverage

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

Minimum Living Area per Dwelling

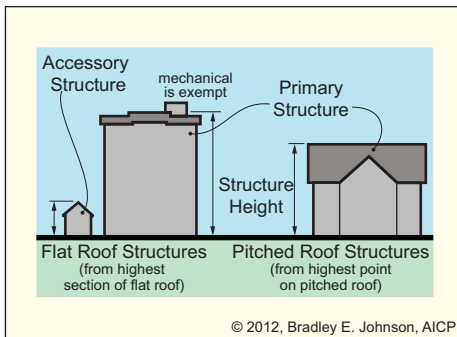
- not applicable

Minimum Ground Floor Area

- not applicable

Maximum Primary Structures per Lot

- 5



Maximum Structure Height

- 60 100 feet for primary structures
- 25 feet 50% of the height of the tallest primary structure for accessory structures

Additional Development Standards that Apply

Accessory Use and Structures

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

Density and Intensity

- DI-01 5-15

Entrance and Drive

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

Environmental

- EN-01 5-22

Fence and Wall

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

Floodplain

- FP-01 5-26

Floor Area

- FA-01 5-27

Height

- HT-01 5-28

Industrial

- IN-01 5-30

Landscaping

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

Lighting

- LT-01 5-42

Loading

- LD-01 5-44

Lot

- LO-01 5-45

Outdoor Storage

- OS-03 5-50

Parking

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

Public Improvement

- PI-01 5-58

Setback

- SB-01 5-60

Signs

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

Special Exception

- SE-01 5-91

Structure

- SR-01 5-92

Telecommunication Facility

- TC-01 5-93

Temporary Use

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

Utility Services

- US-01 5-100

Vision Clearance

- VC-01 5-101

Wind Turbine System

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

5.16 EN-01: Environmental Standards

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



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

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

Landscaping Standards (LA)

5.31 LA-01: General Landscaping Standards

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

PK RM MP IS BN BC BG BH IL IG HI

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

The following standards apply:

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

1. *Replacement Due to Natural Causes*: If a tree or shrub that has been used to meet landscape requirements dies, becomes diseased or is severely damaged by a severe weather event, it shall be replaced in accordance with the approved landscape plan.
2. *Replacement Due to Other Removal*: If a healthy tree or shrub that has been used to meet landscape requirements is removed, it shall be replaced as follows:
 - a. *Deciduous Tree/Shrub*: Replant the site with three (3) deciduous trees/shrubs for each one (1) deciduous tree/shrub that is removed, in accordance with a new landscape plan that has been approved by the zoning administrator. New deciduous trees/shrubs shall meet minimum ordinance size standards.
 - b. *Evergreen Tree/Shrub*: Replant the site with three (3) evergreen trees/shrubs for each one (1) evergreen tree/shrub that is removed, in accordance with a new landscape plan that has been approved by the zoning administrator. New evergreen trees/shrubs shall meet minimum ordinance size standards.
3. *Pruning*: Plants used to fulfill requirements of this ordinance may not be removed, excessively pruned, or otherwise treated so as to reduce overall height or level of opacity. Excessive pruning, including “limbing-up”, “topping”, and other inhibiting measures, may only be practiced to insure the public safety or to preserve the relative health of the material involved. Pruning that results in removal of more than one-third ($\frac{1}{3}$) of the height of the plant at the time of pruning shall be considered complete removal; the pruned plant shall be removed and replaced, meeting the requirements of UDO 5. , Replacement Due to Other Removal. Pruning practices must follow the most recent version of ISA ANSI a300 Pruning Standards.
4. *Maintenance Surety*: The Plan Commission may, if deemed necessary, ask the petitioner to post maintenance surety for the ongoing maintenance of required landscaping.
- I. *Inspection*: A site is subject to inspection by the Zoning Administrator or their designee at the time of installation and at any time in the future, in order to confirm the accuracy of the installation, the health of plant materials, and the maintenance of the approved landscape plan.
- J. *Plant Quality*: Plant material and ground covers shall be hardy and free of harmful insects & diseases. All plants shall comply with the most recent version of The American Standard for Nursery Stock (ANSI Z60.1) published by the American Horticulture Industry Association.
- K. *Ground Cover Required*: Landscaped areas shall have appropriate ground cover which stabilizes soil, reduces solar heat gain, and permits infiltration. All areas not landscaped with hedges or trees shall be provided with grass or other vegetative ground cover.
 1. *Stone Prohibited*: Gravel, limestone, river rock or similar stone materials may only be used for mulching around plants or for landscaping accents, not as general ground cover.
 2. *Erosion Control*: When necessary to meet erosion control requirements, materials other than living ground cover may be used.
- L. *Free Landscape Preservation Credits*: The preservation of healthy, mature, native landscape is crucial to the quality of life and the health of the environment in Shelbyville. As such, that preservation is regulated and incentivized in this section ~~an existing healthy tree shall constitute an in-kind credit toward meeting the landscape requirements in the Unified Development Ordinance. A credit Preservation credits shall be granted per tree that contributes to or fulfills any landscaping standard toward meeting the landscaping requirements at the following rates:~~
 1. *Preservation Required*
 - a. *Trees*
 - i. *In Setbacks* -- All existing healthy, mature, non-invasive trees above six (6) inch cal. and located within required setbacks shall be preserved.
 - ii. *Waiver* - The property owner may request that the required preservation of a deciduous tree be waived and the Zoning Administrator may grant said waiver if they find that the preservation of said tree will substantially interfere with future site development.
 - iii. *Eligibility for Credits* - Plants that are required to be preserved in setbacks shall not qualify for “Credits for Preservation” as outlined in UDO XXX.
 2. *In Easements* -- *Preservation of healthy, mature non-invasive trees within easements is encouraged whenever possible, but is not required.*
 3. *Other Landscape Plants* -- *Preservation of other healthy, mature non-invasive landscape plants is encouraged, but not required.*
 4. *Credit for Preservation* – *A tree being preserved for credit may only satisfy landscaping requirements within the same general area. Trees being used for credits must generally be in the proximity of the UDO landscape*

requirement they are satisfying, and must be a non-invasive species. I.E. trees satisfying buffer yard requirements must be near property lines.

- a. Credits for Deciduous Trees: **Preservation of healthy, mature, non-invasive deciduous trees** shall constitute an in-kind credit toward meeting the landscape requirements in the Unified Development Ordinance. Due to potential for removal or interference with the current or future purpose of an easement, credits for preservation of healthy, mature non-invasive deciduous trees within easements must be approved by the Zoning Administrator. A Credit shall be granted per tree that contributes to or fulfills any landscaping standard.
 - i. For each preserved deciduous tree with caliper measurement of over four (4) inches but less than ~~twelve (12)~~ **eight (8)** inches, a credit for ~~two (2)~~ **three (3)** required deciduous trees shall be granted.
 - ii. For each preserved deciduous tree with caliper measurement of over ~~twelve (12)~~ **eight (8)** inches **but less than twelve (12) inches**, a credit for four (4) required deciduous trees shall be granted.
 - iii. For each preserved deciduous tree with caliper measurement of over twelve (12) inches a credit for five (5) required deciduous trees shall be granted.
 - iv. In no case shall a preserved deciduous tree be replaced by a preserved evergreen tree, shrub or other landscape material, nor shall any of those materials receive the equivalent credits for a required deciduous tree.
 - b. Credits for Evergreen Trees: **Preservation of healthy, mature, non-invasive evergreen trees** shall constitute an in-kind credit toward meeting the landscape requirements in the Unified Development Ordinance. Due to potential for removal or interference with the current or future purpose of an easement, credits for preservation of healthy, mature non-invasive evergreen trees within easements must be approved by the Zoning Administrator. A Credit shall be granted per tree that contributes to or fulfills any landscaping standard.
 - i. For each preserved evergreen tree over six (6) feet tall but less than ten (10) feet tall, a credit for ~~two (2)~~ **three (3)** required evergreen trees shall be granted.
 - ii. For each preserved evergreen tree over ten (10) feet tall, a credit for ~~three (3)~~ **four (4)** required evergreen trees shall be granted.
 - c. Shrubs – Credits for preservation of healthy, mature non-invasive shrubs may be approved by the Zoning Administrator, if they determine that the existing shrub contributes to the intent of the landscape ordinance.
 - d. Native Grasses or other Unique Landscape Area -- Credits for planting and/or preservation of healthy, mature non-invasive grasses, native wildflowers, etc. may be approved by the Zoning Administrator, if they determine that the native grass or landscape area contributes to and achieves the intent of the landscape ordinance.
- M. Minimum Tree Plant Sizes:
1. *Deciduous Canopy Trees:* All required **canopy or** deciduous trees shall be at least ~~one and three-quarter (1 3/4)~~ **two (2)** inch caliper at the time of planting, measured at six (6) inches above the rootball. Each tree that is four (4) inch caliper or above at the time of planting shall receive double tree credit toward the required number of deciduous trees.
 2. *Evergreen Trees:* All required evergreen trees shall be at least ~~four (4)~~ **five (5)** feet in height at the time of planting, measured from the top of the rootball. Each tree that is ten (10) feet in height or above at the time of planting shall receive double tree credit toward the required number of evergreen trees.
 3. *Ornamental Trees:* All required ornamental trees shall be at least one and one-quarter (1 1/4) inch caliper at the time of planting, measured at six (6) inches above the rootball. Each tree that is two (2) inch caliper or above at the time of planting shall receive double tree credit toward the required number of ornamental trees.
 4. *Shrubs:* ~~All required shrubs shall be at least two (2) feet in height at the time of planting, measured from ground level.~~
- N. Diversity of Plants: A mixture of plant species is encouraged to help protect against infestation or disease leading to mass die-off of plant material.
- O. Use of Native Grasses and Wildflowers:
1. *Intent:* The use of native grasses, wildflowers and other native plants in managed landscape design can be economical, low-maintenance, effective in soil and water conservation, and may preclude the excessive use of pesticides, herbicides, and fertilizers. The city recognizes the desirability of permitting and encouraging managed natural vegetation within the city limits of Shelbyville while maintaining public health and safety.

2. *Credit*: Any portion of a site planted and maintained as native grasses or wildflowers shall be excluded from the calculation of required "Yard Plantings" (UDO 5.XX). Each area must be a minimum of one-half (½) acre in contiguous area size to qualify, but there shall be no maximum area limit.
 3. *Managed*: The term "managed" as used in this ordinance shall mean means a planned and designed yard or landscape with the intent to control, direct, and maintain the growth of natural vegetation.
 - a. Managed natural landscapes shall not include turf-grass lawns left unattended for the purpose of returning to a natural state. In establishing a natural landscape, turf grass shall be eliminated and the native vegetation shall be planted through transplanting or seeding.
 - b. Plants in managed natural landscapes may be grown to any heights as long as the location and manner of growth do not constitute a hazard to the public health and safety, blocking traffic visibility (see Section 5.77: Vision Clearance Standards), or interfering with the use of easements.
 - c. A maintenance plan shall be part of all approved landscape plans, which stipulates that the native plant landscape area shall be cut at least once annually between April 15 and July 15, to a height no greater than ten (10) inches. As an alternative, the area may be burned, if appropriate permits are obtained through the Shelbyville Fire Department, and any other regulatory entity.
 4. *Noxious Weeds Excluded*: Noxious weeds do not qualify as native grasses or wildflowers for the purpose of this ordinance.
- P. Delay of Plant Installation: Installation of required landscaping may be delayed due to seasonal delays, upon written request to the Zoning Administrator. Between November 30th and May 1st, a temporary certificate of occupancy, which shall expire on May 1st, may be issued. No permanent Certificate of Occupancy shall be issued until all required landscaping is installed. Failure to install required landscaping before obtaining a permanent certificate of occupancy will result in fines for occupying a structure without a certificate of occupancy, as established by the Shelbyville Building Commission.
- Q. P. Plant Lists: When the following terms are used in relation to landscaping standards, they shall refer to the corresponding lists of plant species incorporated in the Appendix section of this Ordinance:
1. *Native wildflowers and grasses-*
 2. *Shrubs (asterisk evergreen shrubs)*
 3. *Submersible plantings*
 4. *Ornamental trees*
 5. *Evergreen trees*
 6. *Canopy Trees*
 7. *Street Trees*
 8. *Invasive species*
 9. *Noxious weeds*

Landscaping Standards (LA)

5.32 LA-02: Non-Residential Lot Planting Landscaping Standards

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



The following standards apply:

- A. **Quantity:** The quantities listed below are required in addition to landscape materials that may be required by parking lot planting and bufferyard planting specified in other parts of this Landscaping Standards section. **All calculations shall be made in accordance with UDO 1.08-L, "Rounding".**
1. **Foundation Plantings:**
 - a. **Minimum Number:** The minimum number of required foundation plants is determined by Table X, shown below.
 - i. For buildings up to twenty-five (25) feet in height, a minimum of thirty percent (30%) of foundation plantings shall be ornamental trees and a minimum of thirty percent (30%) of foundation plantings shall be shrubs. For buildings over twenty-five (25) feet in height, a minimum of fifty percent (50%) of foundation plantings shall be ornamental trees and a minimum of thirty percent (30%) of foundation plantings shall be shrubs.
 - b. **Industrial Substitutions:** For developments within the IL - Light Industrial, IG - General Industrial, or HI - High Impact zoning districts, two (2) required foundation plantings may be substituted for one (1) yard planting, that is in addition to the number of yard plantings required by this ordinance. The areas within twenty (20) feet of the main entrance of the facility shall not be permitted to substitute these foundation plantings with yard plantings.
 - c. ~~Primary structures with facades that face a street and that are eighty (80) lineal feet or less in width, shall plant at least three (3) shrubs in front of the facade that faces the street. This provision applies to all facades that face a street. Additionally, one (1) shrub per thirty (30) feet shall be planted along side and rear facades.~~
 - d. ~~Facades of primary structure that face a street and are over eighty (80) lineal feet, shall plant one (1) shrub or ornamental tree for every twenty (20) lineal feet of facade frontage on a street. This provision applies to all facades that face a street. Additionally, one (1) shrub or ornamental tree per forty (40) feet shall be planted along side and rear facades. Ornamental trees shall be used to meet this requirement when facades are greater than twenty-five (25) feet in height.~~
 - e. **Minimum Foundation Plantings Required:** See table below.
 2. **Yard Plantings:**
 - a. **Minimum Number:** The minimum number of required yard plantings is determined by Table XX, shown below.
 - b. **Industrial Substitutions:** If utilizing "Industrial Substitutions" (UDO 5.XX-X-X), these plantings will be in addition to the plantings required in Table XX below.
 - c. **Use of Native Grasses and Wildflowers:** Native grasses and wildflowers may be used to substitute required yard plantings, as outlined in UDO 5.31-M.
 - d. ~~Lots 20,000 square feet or less shall plant one (1) canopy tree.~~
 - e. ~~Lots over 20,000 square feet shall plant two (2) canopy trees, plus one (1) canopy tree for every additional 25,000 square feet of lot size above 40,000 square feet. Under no circumstances shall more than ten (10) trees be required for this provision.~~
 - f. **Minimum Yard Plantings Required:** See table below.

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

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

B. Placement:

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

Landscaping Standards (LA)

5.33 LA-03: Multiple-family Lot Planting Residential Landscaping Standards

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

RM

RM MP

The following standards apply:

- A. **Quantity Requirements:** The quantities listed below in Table Y and Table Z, are required in addition to landscape materials that may be required by parking lot planting and bufferyard planting specified in other parts of this Landscaping Standards section. The following minimum number and type of plant materials shall be required.
 1. **Overall Development:** One (1) canopy tree shall be planted for every 20,000 square feet of lot area.
 2. **Additional Trees:** One (1) additional deciduous tree shall be planted for every primary structure constructed.
 3. **Foundation Planting:** Two (2) shrubs shall be planted for every dwelling unit within each primary structure.
- B. **Applicability:** This provision does not apply to accessory structures.
- C. **Types of Trees:** The trees used for “Yard Plantings” shall be a combination of evergreen and deciduous trees, with a minimum of thirty percent (30%) evergreen trees and a minimum of thirty (30%) deciduous trees.
- D. **Use of Native Grasses and Wildflowers:** Native grasses and wildflowers may be used to substitute required yard plantings, as outlined in UDO 5.31-M.
- E. **Minimum Foundation Plantings Required:** See table LA-C.
- F. **Minimum Yard Plantings Required:** See table LA-C.

| Zoning District | Foundation Plantings | Yard Plantings |
|-----------------|-----------------------------------|----------------|
| RM District | Four (4) shrubs per dwelling unit | |
| MP District | None | |

G. **Placement of Landscaping:**

1. **Trees:** Required trees shall be planted anywhere on the lot, but shall not be located within ten (10) feet of a primary structure, accessory structure, sidewalk, curb, paved surface, or driveway; nor within two (2) four (4) feet of a property line.
2. **Shrubs Foundation Plantings:** Required shrubs shall be planted within six (6) feet of the foundation.
3. **Use of Native Grasses and Wildflowers:** Native grasses and wildflowers may be used to substitute required yard plantings, as outlined in UDO 5.31-M.

5.34 LA-04: Manufactured Home Park Planting Standards Landscaping Around Ponds

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

MP

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

The following standards apply:

- A. **Intent:** The purpose of these standards are to discourage Canadian Geese habitats around drainage ponds, and address public health and safety concerns. In addition, improved landscaping around ponds promotes the general welfare of the community, and preserves and enhances the environmental integrity of the community by improving the water quality of stormwater runoff.
- B. **Applicability:** When the collective acreage of all ponds on site are half an acre (½) or more in size, the following requirements shall apply:
- C. **Pond Design:** To minimize goose breeding and resting areas, new ponds, lakes or retention basins shall not include islands or peninsulas.
- D. **Vegetative Buffer Strip:** There shall be a vegetative buffer around the entire perimeter of the pond. A planted buffer, whose width is described in UDO (d placement below), shall consist of two (2) or more of the following:
 1. **Native Grasses:** Strip planted with native warm season grasses which remain approximately four (4) feet in height throughout the year.
 2. **Shrubs:** One (1) shrub per twenty-five (25) feet of linear pond-edge, measured at the top of the bank for the pond.
 3. **Trees:** One (1) tree per two-hundred (200) feet of linear pond-edge, measured at the top of the bank for the pond.

E. Placement:

1. *Native Grasses:* Required planting strip shall be located from the edge of the normal pool elevation, up the entire bank of the pond, and extend past the top of the pond bank by five (5) feet. Native grass planting strips can include submerged plantings, if appropriate plant species are being used that naturally grow in these wet conditions.
2. *Shrubs:* Shrubs shall be located near or at the top of the bank of the pond and shall not be located in an area that is commonly submerged. Shrubs shall not be used on dams or levees or in areas where height is a concern.
3. *Trees:* Trees shall be located within twenty (20) feet of the top of the bank of the pond, but should not be located on the bank as the roots may compromise the structural integrity of the pond bank. Trees shall not be used on dams or levees or in areas where height is a concern.

F. Quantity Requirements: ~~The following minimum number and type of trees shall be planted in the lot planting area:~~

1. ~~Overall Development:~~ Two (2) canopy trees shall be planted for every 30,000 square feet of gross lot area.
2. ~~Additional Trees:~~ One (1) additional deciduous tree shall be planted for every ten (10) dwelling sites in a manufactured home park.

G. Placement of Landscaping: ~~Required trees shall be planted anywhere on the lot, including on dwelling sites, but shall not be located within ten (10) feet of a primary structure (e.g. mobile home or sales office), accessory structure, sidewalk, curb, paved surface, or driveway.~~

Landscaping Standards (LA)

5.35 LA-05: Parking Lot Landscaping Standards

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



The following standards apply:

- A. **Permits Requirements:** Landscape materials consistent with the requirements of the Unified Development Ordinance shall be required when an Improvement Location Permit is obtained for a new parking lot or the expansion of an existing parking lot by twenty-five percent (25%) or greater.
- B. **Parking Lot Perimeter Requirements:** All parking lots shall be separated from all planned public rights-of-way (consistent with the Shelbyville Official Thoroughfare Plan) by a landscaping area that is a minimum of ten (10) feet in width. Lots include parking spaces, interior drives, and loading areas. The landscape area shall be planted with either one (1), or a combination of the following options:
 1. **Option 1 - Trees & Shrubs:** A minimum of one (1) tree shall be provided for every ~~600~~ **four-hundred (400)** square feet of landscaped area, ~~with a maximum of one (1) tree for every 400 square feet.~~ The trees ~~may~~ **must** be a combination of ornamental and deciduous ~~canopy~~ trees, ~~with a minimum of thirty percent (30%) of trees being ornamental and a minimum of thirty percent (30%) of trees being deciduous.~~ ~~however no more than sixty percent (60%) of the required trees may be ornamental.~~ In addition, one (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 three (3) feet in height shall be established along the entire length of the landscaped area. A minimum of one (1) shrub shall be provided for every four (4) linear feet of berm. All required shrubs shall be planted on the berm, but shall be prohibited from being planted at the top of the ridge. No permanent or temporary signs or other non-landscaping objects shall be placed upon the berm.
- C. **Parking Lot Interior Requirements:** To help reduce excessive heat build-up and emissions from large areas of hard surfacing, landscape ~~areas~~ **islands** must be provided within parking lots.
 1. **Landscaped Areas Required:** Landscape islands with a combined surface area equal to five percent (5%) of the area of the parking lot (including all parking spaces and interior drives beyond the right-of-way, but excluding all loading docks and truck maneuvering areas) shall be provided in all parking lots with more than fifty (50) parking spaces. **Interior parking lot landscape areas shall be based on a combined surface area of the parking lot, including all parking spaces and interior drives starting at the right-of-way, but excluding all loading docks and truck maneuvering areas. The minimum area required for interior landscaping shall be based on the total number of parking spaces as outlined in the table below.**
 - a. **Minimum Required Interior Landscaping:** See table below.

| Number of Parking Spaces in Lot* | Percentage of Landscaped Area |
|----------------------------------|-------------------------------|
| 1-10 | 0% |
| 11-50 | 5% |
| 51-150 | 7.5% |
| 151+ | 10% |

***sum of calculations include standard parking spaces and required ADA parking spaces**

2. **Landscaped Area Standards:** The required landscape areas shall meet the following requirements:
 - a. All required landscaped areas shall consist of curbed islands or peninsulas that are surrounded on at least two (2) sides by pavement. Landscaping on the perimeter of the parking lot shall not be counted toward this requirement
 - b. All landscape islands shall be a minimum of 180 square feet in area.
 - c. The required landscaping areas shall generally be grouped together and coordinated for the following purposes:
 - i. Establishing an entry aisle to the property,
 - ii. Separating interior drives from parking aisles, and
 - iii. Indicating the ends of aisles of parking spaces.

Landscaping Standards (LA)

5.36 LA-06: Bufferyard Landscaping Standards

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



The following standards apply:

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

Table LA-B: Zoning District Intensity Determination

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

- C. **Location:** Buffer yard standards shall be located along the front property line, side property line, and rear property line when contiguous to a conflicting zoning district as indicated on *Table LA-C: Buffer Yards Required*. Buffer yards are not in addition to required setbacks.

- D. Arrangement: Plant material shall be installed within the buffer yard such that views between two (2) conflicting land uses are disrupted. A natural pattern or irregular row of trees is preferred in the buffer yard.
- E. Substitution:
1. *Unique Site Conditions*: The Zoning Administrator may lessen the requirements of the buffer yard standards by twenty percent (20%) due to unique site conditions or features that prevent appropriate and ~~healthful~~ **healthy** installation of the trees. These site conditions or features may include existing vegetation that exceeds the buffer yard requirements in size and quantity or topography that shields the adjacent property in a more thorough way than the buffer yard requirements.
 2. *Pre-existing Trees*: The Zoning Administrator shall give credit for pre-existing trees that contribute to the intent of the buffer yard standards. Full compliance with the buffer yard standards may be granted when pre-existing trees meet all aspects of the regulations. See *Section 5.XX(E): Tree Preservation Credits*.
- F. Buffer Yard “Type 1”: One (1) ~~canopy deciduous~~ **canopy deciduous** tree and one (1) ornamental or evergreen tree shall be planted for every seventy (70) feet of contiguous boundary with the adjacent lot. Each tree shall be planted within twenty (20) feet of the property line, but no closer than five (5) feet to the property line.
- G. Buffer Yard “Type 2”: One (1) ~~canopy deciduous~~ **canopy deciduous** tree and two (2) ornamental or evergreen trees shall be planted for every sixty (60) feet of contiguous boundary with the adjacent lot. Each canopy tree shall be planted within twenty (20) feet of the property line, but no closer than five (5) feet to the property line.
- H. Buffer Yard “Type 3”:
1. *Canopy Deciduous Tree*: One (1) ~~canopy deciduous~~ **canopy deciduous** tree shall be planted for every forty-five (45) feet of contiguous boundary with the adjacent lot. Each tree shall be planted within ~~twenty-five (25)~~ **twenty (20)** feet of the property line, but not within five (5) feet of the property line.
 2. *Ornamental or Evergreen Tree*: Two (2) ornamental or evergreen trees shall be planted for every fifty (50) feet of contiguous boundary with the adjacent lot. Each tree shall be planted within fifteen (15) feet of the property line, but not within five (5) feet of the property line. **Ornamental trees shall be planted between the property line and the required deciduous trees.**
 3. *Substitution*: A six (6) foot tall opaque fence or four (4) foot tall undulating mound may be installed along seventy-five percent (75%) of the contiguous lot in substitution for twenty-five percent (25%) of the required ~~canopy deciduous~~ **canopy deciduous** trees and fifty percent (50%) of the required ornamental or evergreen trees. Any fence used as a substitution shall be located at least fifteen (15) feet from the property line and the required landscaping shall be planted between the fence and the property line. Any undulating mound shall not have slopes in excess of three horizontal units to one vertical unit (3:1 slope).

Table LA-C: Buffer Yards Required

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

Landscaping Standards (LA)

5.37 LA-07: Landscape Screening Standards

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



The following standards apply:

- A. Ground Level Requirements: ~~Regardless if adjacent properties are under the jurisdiction of this Ordinance, a~~ All outdoor storage areas, dumpsters and waste container enclosures, and mechanical equipment areas located on the ground shall be screened consistent with the following requirements, ~~regardless of whether the adjacent property is under the jurisdiction of this Ordinance~~:
1. *Outdoor Storage of Inoperable Vehicles*: The outdoor storage of inoperable vehicles shall conform to the screening requirements of the *Parking Standards*.
 2. *Dumpsters and Waste Containers*: ~~All~~ ground level locations for dumpsters and waste containers ~~that are visible from a residentially zoned area, residentially used area, or a public street~~, shall meet the following standards:
 - a. Fencing: A six (6) foot tall, 100% opaque fence of wood, vinyl, brick, or stone ~~construction~~, ~~or other appropriate building materials~~, consistent with the exterior of the primary structure, shall completely enclose the area. Opaque, six (6) foot tall ~~wooden decorative~~ gates shall be provided to access the facility. The gates shall generally remain closed, except when immediate access to the area is required.
 3. *Mechanical Equipment*: Ground level ~~mechanical equipment in the front yard is discouraged~~. Locations for mechanical equipment and air conditioning compressors, that are visible from a residentially zoned area, residentially used area, or a public street, shall meet the following standards:
 - a. ~~Wall: If mechanical equipment is located in a side or front yard, a one-hundred percent (100%) opaque wall consistent with the exterior of the primary structure shall be erected around the front and sides of the equipment, which is at least one (1) foot taller than the equipment. The wall shall leave access to the equipment from the rear.~~
 - b. Landscape Screening: ~~A mix of~~ evergreen planting shrubs, evergreen trees, ~~and/or~~ ornamental trees shall be provided around the area, ~~in a planting area extending a minimum of six (6) feet in all directions from the screening wall. Landscape plantings shall leave access to the equipment from the rear. A minimum of one (1) tree shall be provided for every four-hundred (400) square feet of landscaped area. The trees must be a combination of ornamental and deciduous trees, with a minimum of thirty percent (30%) of trees being ornamental and a minimum of thirty percent (30%) of trees being deciduous. In addition, one (1) shrub shall be provided for every one-hundred (100) square feet of landscaped area.~~
 - i. ~~If evergreen shrubs are used they shall be planted at a maximum of four (4) feet on center, within ten (10) feet of the mechanical equipment.~~
 - ii. ~~If evergreen trees are used they shall be planted at a maximum of eight (8) feet on center, within fifteen (15) feet of the mechanical equipment.~~
 - iii. ~~If ornamental trees are used, they shall be planted at a maximum of ten (10) feet on center within fifteen (15) feet of the mechanical equipment.~~

Public Improvement Standards (PI)

5.53 PI-01: Public Improvement Standards

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



The following standards apply:

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