



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: 5/23/2022
To: Plan Commission Members
RE: Proposed UDO Amendments

Our office has been working diligently with a sub-committee of the Plan Commission and Board of Zoning Appeals members to develop needed amendments to the Unified Development Ordinance. 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 have 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 to 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 traffic study. For a vast majority of projects, this would not be utilized, but it would give the City Engineer's office the authority, in the few circumstances when it makes sense, to waive the requirement.

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 encourages 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 we can easily reference them from within the ordinance and update them in the future.

During this step in the approval process, the Plan Commission's role is to provide the Common Council with a formal recommendation on the proposed ordinance amendments. We ask that the Plan Commission provide a favorable recommendation on these amendments so that they may be passed along to the Common Council for final approval.

Thanks in advance,

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

ORDINANCE NO. 22-2950

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SHELBYVILLE,
INDIANA, AMENDING THE CITY OF SHELBYVILLE UNIFIED DEVELOPMENT
ORDINANCE**

WHEREAS, the Common Council of the City of Shelbyville, Indiana recognizes the need for orderly growth and development within the City of Shelbyville and those areas within its planning jurisdiction;

WHEREAS, the City of Shelbyville has an existing Unified Development Ordinance that regulates development within its jurisdictional areas;

WHEREAS, the City of Shelbyville desires to update its development regulations to meet current economic conditions, current trends, and to promote quality growth;

WHEREAS, Public Notice was given for at least one public hearing as required by Indiana Code 36-7-4-604; and

WHEREAS, the Shelbyville Plan Commission has conducted a public hearing and forwarded a favorable recommendation on these amendments to the Unified Development Ordinance as required by Indiana Code 36-7-4-605.

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Shelbyville as follows:

1. Article 5, Sections 5.31 - 5.37 of the City of Shelbyville Unified Development Ordinance is amended in accordance with Exhibit A, attached hereto and incorporated herein.
2. Article 9, Section 9.02 of Shelbyville Unified Development Ordinance is amended in accordance with Exhibit B, attached hereto and incorporated herein.
3. Article 11, Section 11.02 of Shelbyville Unified Development Ordinance is amended in accordance with Exhibit C, attached hereto and incorporated herein.
4. Appendix 1 of the City of Shelbyville Unified Development Ordinance is amended in accordance with Exhibit D, attached hereto and incorporated herein.

5. Article 5, Section 5.53, Sub-Section A.1.a, of the Shelbyville Unified Development Ordinance is amended to add the following text, “This requirement for a traffic and street impact study can be waived if deemed unnecessary by the City Engineer”, in accordance with Exhibit A, attached hereto and incorporated herein.

6. Article 5, Section 5.16, Subsection L is amended in accordance with Exhibit A, attached hereto and incorporated herein.

7. Article 2, Section 2.20 of the Shelbyville Unified Development Ordinance is amended to replace the section entitled “Maximum Structure Height” with “No Maximum Structure Height within this district”, in accordance with Exhibit A, attached hereto and incorporated herein.

8. Article 2, Section 2.28 of the Shelbyville Unified Development Ordinance is amended to replace “60 feet for primary structures” with “100 feet for primary structures”, in accordance with Exhibit A, attached hereto and incorporated herein.

9. Article 2, Section 2.28 of the Shelbyville Unified Development Ordinance is amended to replace “25 feet for accessory structures” with “50% of the height of the tallest primary structure for accessory structures”, in accordance with Exhibit A, attached hereto and incorporated herein.

10. Article 2, Section 2.08 of the Shelbyville Unified Development Ordinance is amended to replace “15 feet for accessory structures” with “Equal to the height of a one-story primary structure, or 75% of the height of a multi-story primary structure for accessory structures”, in accordance with Exhibit A, attached hereto and incorporated herein.

11. Article 2, Section 2.24 of the Shelbyville Unified Development Ordinance is amended to replace the section entitled “Maximum Structure Height” with “No Maximum Structure Height within this district”, in accordance with Exhibit A, attached hereto and incorporated herein.

This Ordinance shall be in full force and effect upon its passage, approval, and publication pursuant to Indiana law.

Passed by the Common Council of the City of Shelbyville, Indiana, on the first reading this ____ day of _____, 2022.

VOTE: Ayes _____ Nays _____

PRESIDING OFFICER:

Thomas D. DeBaun, Mayor

ATTEST:

Scott Asher, Clerk-Treasurer

Passed by the Common Council of the City of Shelbyville, Indiana, on the second reading this
____ day of _____, 2022.

VOTE: Ayes _____ Nays _____

PRESIDING OFFICER:

Thomas D. DeBaun, Mayor

ATTEST:

Scott Asher, Clerk-Treasurer

MAYORAL APPROVAL:

Thomas D. DeBaun, Mayor

ATTEST:

Scott Asher, Clerk-Treasurer

CERTIFICATION

The undersigned Clerk-Treasurer does hereby certify that the above ordinance was presented to the Mayor, approved and signed by the Mayor on the date shown, and that said Mayor announced its approval to the Common Council this ____ day of _____, 2022.

Scott Asher, Clerk-Treasurer

EXHIBIT A

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, with the exception of artificial turf grass in high-traffic areas when deemed appropriate by the Zoning Administrator.
- F. **E. Public Art:** The City of Shelbyville acknowledges the importance of public art in a community and encourages the use of sculptures and other public art as a component of the site landscaping plan.
- G. **Landscaping 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.
 - i. Deciduous trees must be replaced with deciduous trees, and may not be substituted with other plant types. Deciduous shrubs must be replaced with deciduous shrubs, and may not be substituted with other plant types.
 - b. *Evergreen Tree/Shrub*: Replant the site with three (3) evergreen trees/shrubs for each one (1) evergreen tree/shrub that is removed, in accordance with a new landscape plan that has been approved by the zoning administrator. New evergreen trees/shrubs shall meet minimum ordinance size standards.
 - i. Evergreen trees must be replaced with evergreen trees, and may not be substituted with other plant types. Evergreen shrubs must be replaced with evergreen shrubs, and may not be substituted with other plant types.
3. *Pruning*: Plants used to fulfill requirements of this ordinance may not be removed, excessively pruned, or otherwise treated so as to reduce overall height or level of opacity. Excessive pruning, including “limbing-up”, “topping”, and other inhibiting measures, may only be practiced to insure the public safety or to preserve the relative health of the material involved. Pruning that results in removal of more than one-third ($\frac{1}{3}$) of the height of the plant at the time of pruning shall be considered complete removal; the pruned plant shall be removed and replaced, meeting the requirements of UDO 5.31(H)2 , Replacement Due to Other Removal. Pruning practices must follow the most recent version of ISA ANSI a300 Pruning Standards.
4. *Maintenance Surety*: The City may, if deemed necessary, require the petitioner to post maintenance surety for the ongoing maintenance of required landscaping.
- I. *Inspection*: A site is subject to inspection by the Zoning Administrator or their designee at the time of installation and at any time in the future, in order to confirm the accuracy of the installation, the health of plant materials, and the maintenance of the approved landscape plan.
- J. *Plant Quality*: Plant material and ground covers shall be hardy and free of harmful insects & diseases. All plants shall comply with the most recent version of The American Standard for Nursery Stock (ANSI Z60.1) published by the American Horticulture Industry Association.
- K. *Ground Cover Required*: Landscaped areas shall have appropriate ground cover which stabilizes soil, reduces solar heat gain, and permits infiltration. All areas not landscaped with hedges or trees shall be provided with grass or other vegetative ground cover.
 1. *Stone Prohibited*: Gravel, limestone, river rock or similar stone materials may only be used for mulching around plants or for landscaping accents, not as general ground cover.
 2. *Erosion Control*: When necessary to meet erosion control requirements, materials other than living ground cover may be used.
- L. *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.

- [a] Waiver - The property owner may request that the required preservation of a deciduous tree be waived and the Zoning Administrator may grant said waiver if they find that the preservation of said tree will substantially interfere with future site development.
 - [b] Eligibility for Credits - Plants that are required to be preserved in setbacks shall not qualify for "Credits for Preservation" as outlined in UDO 5.31(L)4.
- ii. Required Bufferyard-- When a "Bufferyard Type 3" is required, pursuant to UDO 5.36(H), all existing healthy, mature, non-invasive trees shall be preserved.
- 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, excluding Bufferyard Standards (UDO 5.36(H)) when a "Bufferyard Type 3" is required.
 - i. For each preserved evergreen tree over six (6) feet tall but less than ten (10) feet tall, a credit for ~~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 (1³/₄)~~ **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 5.32(A)2, and 5.33(F)). Each area must be a minimum of one-half (1/2) acre in contiguous area size to qualify, but there shall be no maximum area limit.
 3. *Managed*: The term "managed" as used in this ordinance shall mean means a planned and designed yard or landscape with the intent to control, direct, and maintain the growth of natural vegetation.
 - a. Managed natural landscapes shall not include turf-grass lawns left unattended for the purpose of returning to a natural state. In establishing a natural landscape, turf grass shall be eliminated and the native vegetation shall be planted through transplanting or seeding.
 - b. Plants in managed natural landscapes may be grown to any heights as long as the location and manner of growth do not constitute a hazard to the public health and safety, blocking traffic visibility (see Section 5.77: Vision Clearance Standards), or interfering with the use of easements.
 - c. A maintenance plan shall be part of all approved landscape plans, which stipulates that the native plant landscape area shall be cut at least once annually between April 15 and July 15, to a height no greater than ten (10) inches. As an alternative, the area may be burned, if appropriate permits are obtained through the Shelbyville Fire Department, and any other regulatory entity.
 4. *Noxious Weeds Excluded*: Noxious weeds do not qualify as native grasses or wildflowers for the purpose of this ordinance.
- P. Delay of Plant Installation: Installation of required landscaping may be delayed due to seasonal delays, upon written request to the Zoning Administrator. Between November 30th and May 1st, a temporary certificate of occupancy, which shall expire on May 1st, may be issued. No permanent Certificate of Occupancy shall be issued until all required landscaping is installed. Failure to install required landscaping before obtaining a permanent certificate of occupancy will result in fines for occupying a structure without a certificate of occupancy, as established by the Shelbyville Building Commission.
- Q. P. Plant Lists: When the following terms are used in relation to landscaping standards, they shall refer to the corresponding lists of plant species incorporated in the Appendix B section of this Ordinance:
1. *Native wildflowers and grasses-*
 2. *Shrubs (asterisk evergreen shrubs)*
 3. *Submersible plantings*
 4. *Ornamental trees*
 5. *Evergreen trees*
 6. *Canopy Trees*
 7. *Street Trees*
 8. *Invasive species*
 9. *Noxious weeds*

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 LA-A, shown below. In addition, Table LA-B, below, shows the minimum percentage of each plant type that is required to satisfy the foundation planting requirements.
 - 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.~~

Table LA-A: Minimum Foundation Plantings Required

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

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

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

2. *Yard Plantings:*
- a. **Minimum Number:** The minimum number of required yard plantings is determined by Table LA-C, shown below.
 - b. **Industrial Substitutions:** If utilizing “Industrial Substitutions” (UDO 5.32(A)1(b)), these plantings will be in addition to the plantings required in Table LA-C below.
 - 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.~~

Table LA-C: Minimum Yard Plantings Required

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

- B. Placement:
- 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 LA-D, are required in addition to landscape materials that may be required by parking lot planting and bufferyard planting specified in other parts of this Landscaping Standards section. The following minimum number and type of plant materials shall be required.
 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 under two-hundred (200) square feet in area.
- 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-D.
- F. **Minimum Yard Plantings Required:** See table LA-D.

Table LA-D: Minimum Plantings Required

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

G. Placement of Landscaping:

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 in the development 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 5.34(E), shall consist of two (2) or more of the following:
 1. **Native Grasses:** Strip planted with native warm season grasses which remain approximately four (4) feet in height throughout the year.
 2. **Shrubs:** One (1) shrub per twenty-five (25) feet of linear pond-edge, measured at the top of the bank for the

pond.

3. *Trees*: One (1) tree per two-hundred (200) feet of linear pond-edge, measured at the top of the bank for the pond.

E. Placement:

1. *Native Grasses*: Required planting strip shall be a minimum of thirty (30) feet in width, located from the edge of the normal pool elevation, up the entire bank of the pond, and extending past the top of the pond bank by a minimum of five (5) feet. Native grass planting strips can include submerged plantings, if appropriate plant species are being used that naturally grow in these wet conditions.
2. *Shrubs*: Shrubs shall be located near or at the top of the bank of the pond and shall not be located in an area that is commonly submerged. Shrubs shall not be used on dams or levees or in areas where height is a concern.
3. *Trees*: Trees shall be located within twenty (20) feet of the top of the bank of the pond, but should not be located on the bank as the roots may compromise the structural integrity of the pond bank. Trees shall not be used on dams or levees or in areas where height is a concern.

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 **cumulative** the expansion of an existing parking lot by twenty-five percent (25%) or greater.
- B. **Parking Lot Perimeter Requirements:** All parking lots shall be separated from all planned public rights-of-way (consistent with the Shelbyville Official Thoroughfare Plan) by a landscaping area that is a minimum of ten (10) feet in width. Lots include parking spaces, interior drives, and loading areas. The landscape area shall be planted with either one (1), or a combination of the following options:
 1. **Option 1 - Trees & Shrubs:** A minimum of one (1) tree shall be provided for every ~~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 ~~one-hundred (100)~~ **fifty (50)** square feet of landscaped area.
 2. **Option 2 - Landscape Berm:** A landscape berm that is a minimum of three (3) feet in height **above the adjacent parking lot** shall be established along the entire length of the landscaped area. A minimum of one (1) shrub shall be provided for every four (4) linear feet of berm, **in a staggered placement.** All required shrubs shall be planted on the berm, but shall be prohibited from being planted at the top of the ridge. No permanent or temporary signs or other non-landscaping objects shall be placed upon the berm.
- C. **Parking Lot Interior Requirements:** To help reduce excessive heat build-up and emissions from large areas of hard surfacing, landscape ~~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. **Minimum Required Interior Landscaping areas shall be based on a combined surface area of the parking lot, including all parking spaces and interior drives starting at the right-of-way, but excluding all loading docks and truck maneuvering areas. The minimum percentage of landscaped area required for interior landscaping shall be based on the total number of parking spaces as outlined in the table below.**
 - a. Equation to determine Required Landscaping: (Combined Parking Area) * (Percentage of Landscaped Area) = Required Parking Lot Interior Area
 - b. Combined Parking Area: Based on a combined surface area of the parking lot, including all parking spaces and interior drives starting at the right-of-way, but excluding all loading docks and truck maneuvering areas
 - c. Percentage of Landscaped Area: Based on number of parking spaces
 - d. Minimum Required Interior Landscaping: See table below.

Table LA-E: Minimum Required Interior Landscaping

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

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

Landscaping Standards (LA)

- b. All landscape islands shall be a minimum of 180 square feet in area.
- c. The required landscaping areas shall generally be grouped together and coordinated for the following purposes:
 - i. Establishing an entry aisle to the property,
 - ii. Separating interior drives from parking aisles, and
 - iii. Indicating the ends of aisles of parking spaces.
- d. A minimum of one (1) tree shall be provided for every two-hundred (200) square feet of landscaped area. The required trees must be a combination of ornamental and deciduous trees, with a minimum of thirty percent (30%) of trees being ornamental and a minimum of thirty percent (30%) of trees being deciduous. In addition, one (1) shrub shall be provided for every fifty (50) square feet of landscaped area.

Landscaping Standards (LA)

5.36 LA-06: Bufferyard Landscaping Standards

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



The following standards apply:

- A. Applicability: Landscape materials consistent with the requirements of the Unified Development Ordinance shall be required when:
 1. *Rezoned*: a lot is rezoned,
 - a. *Rezoned to a More Intense District*: The subject lot is being rezoned to an equivalently intense zoning district or higher intensity zoning district than one (1) or more of the adjacent lots, or
 2. *New Primary Structure*: The subject lot at the time of filing for an Improvement Location Permit for a new primary structure is in an equivalently intense zoning district or higher intensity zoning district than one (1) or more of the adjacent lots. 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-F) shall be used to determine the hierarchy of intensity when compared to other districts:
 3. *Planned Development Districts*: The zoning administrator shall determine the most comparable zoning district for Planned Developments for the applicability of this standard.

Table LA-F: Zoning District Intensity Determination

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

- C. Location: Buffer yard standards shall be located along the front property line, side property line, and rear property line when contiguous to a conflicting zoning district as indicated on *Table LA-G: Buffer Yards Required*. Buffer yards are not in addition to required setbacks.
- D. Arrangement: Plant material shall be installed within the buffer yard such that views between two (2) conflicting land uses are disrupted. A natural pattern or irregular row of trees is preferred in the buffer yard.
- E. Substitution:
1. *Unique Site Conditions*: The Zoning Administrator may lessen the requirements of the buffer yard standards by twenty percent (20%) due to unique site conditions or features that prevent appropriate and **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 5.31(L): Tree Preservation Credits*.
- F. Buffer Yard “Type 1”: One (1) **canopy deciduous** tree and one (1) ornamental or evergreen tree shall be planted for every ~~seventy (70)~~ **fifty (50)** feet of contiguous boundary with the adjacent lot. Each tree shall be planted within twenty (20) feet of the property line, but no closer than five (5) feet to the property line.
- G. Buffer Yard “Type 2”: One (1) **canopy deciduous** tree and two (2) ornamental or evergreen trees shall be planted for every ~~sixty (60)~~ **fifty (50)** feet of contiguous boundary with the adjacent lot. Each canopy tree shall be planted within twenty (20) feet of the property line, but no closer than five (5) feet to the property line.
- H. Buffer Yard “Type 3”:
1. *Canopy Deciduous Tree*: One (1) **canopy deciduous** tree shall be planted for every ~~forty-five (45)~~ **twenty-five (25)** 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~~ **closer than** five (5) feet of the property line.
 2. *Ornamental or Evergreen Tree*: ~~Two (2)~~ **Four (4)** ornamental or evergreen trees shall be planted for every fifty (50) feet of contiguous boundary with the adjacent lot. Each tree shall be planted within fifteen (15) feet of the property line, but not within five (5) feet of the property line.
 3. *Substitution*: A six (6) foot tall opaque fence ~~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%)~~ **fifty percent (50%)** of the required **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-G: Buffer Yards Required

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

Landscaping Standards (LA)

5.37 LA-07: Landscape Screening Standards

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



The following standards apply:

- A. **Ground Level Requirements:** ~~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, as determined by the Zoning Administrator** 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.~~

Table LA-H: Required Mechanical Screening

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

EXHIBIT B

Improvement Location Permit

9.02 Improvement Location Permit

This process applies to the following zoning districts:

PK AG AR R1 R2 IS BN HI

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

The following procedure applies to Improvement Location Permit applications:

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

Improvement Location Permit

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

EXHIBIT C

Article

11

Definitions

City of Shelbyville Unified Development Ordinance



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Definitions - Abandonment

11.01 General

Words used in a special sense in this Ordinance are defined in this Article. The general meaning of all other terms not specifically defined by this Ordinance shall be generally consistent with the definitions provided by "Glossary of Zoning, Development, and Planning Terms" published by the American Planning Association as PAS Report #521/522 (2004) and any subsequent amendments. All other words, terms, and/or phrases not specifically defined by this Ordinance and not generally defined by the glossary noted above shall have the meaning inferred from their context in this Ordinance or their ordinarily accepted definitions.

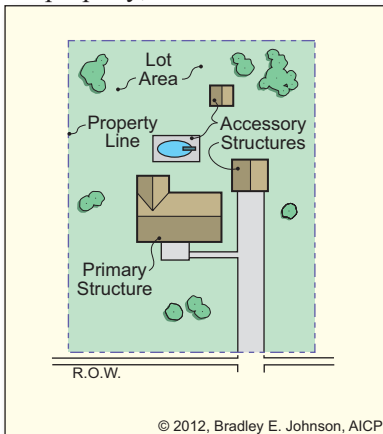
11.02 Definitions

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

Abutting: Having a common border, including being separated from such a common border by a right-of-way, street, alley, easement, body of water, or other feature. In some cases, where specified by this Ordinance, abutting also includes lots or other features within a specific vicinity.

Access Point: A driveway or other means of physical connection for the movement of vehicles or persons between a property and an adjacent property or street.

Accessory Structure: A structure that is subordinate to a primary structure in area, intent, and/or purpose; contributes to the comfort, convenience, or necessity of occupants of the primary structure; does not alter or change the character of the property; and is located on the same lot as the primary structure.



Accessory Structure (appurtenant structure): A structure that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns and hay sheds.

Accessory Use: A use which is to a primary use in area, intent, and/or purpose; contributes to the comfort, convenience, or necessity of occupants of the primary use; does not alter or change the character of the property; and is located on the same lot as the primary use.

Acre: A land area equal to 43,560 square feet.

Acreage, Gross: The total area within a parcel of land.

Addition: Any construction that increases the size of a structure in terms of site coverage, floor area, and/or height.

Addition (to an existing structure): Any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

Address: The number or other designation assigned to a housing unit, business establishment, other structure, or lot for the purposes of mail delivery, emergency services, and general identification.

Adjacent: See "Abutting."

Adjoining: See "Abutting."

Administrator: The individual or group responsible for the implementation and enforcement of this Ordinance. The Zoning Administrator shall be the administrator of the this Ordinance.

Adult Book/Video Store: An establishment having as a substantial or significant portion of its stock in trade, books, magazines, periodicals, videos, and related merchandise which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specific anatomical areas.

Adult Cabaret: A cabaret which features topless dancers or waitresses, go-go dancers, exotic dancers, male or female impersonators, or similar entertainment.

Adult Entertainment Use: Any adult bookstore, adult motion picture theatre, adult mini-motion picture theater adult cabaret, or adult motel.

Adult Mini-motion Picture Theater: An enclosed building or open air theater with a capacity of less than 50 persons used for presenting material distinguished or characterized by emphasis on material depicting, describing, or related to specified sexual activities or specified anatomical areas.

Adult Motel: A hotel, motel, or similar commercial establishment that:

- Offers accommodations to the public for any form of consideration; provides patrons with closed circuit televisions, films, motion pictures, video cassettes, slides or other photographic reproductions that depict or describe specified sexual activities or "Specified Anatomical Areas" as one (1) of its principal business purposes.
- Offers a sleeping room for rent for a period of time that is less than ten (10) hours.
- Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

Adult Motion Picture Theater: An enclosed building or open air theater with the capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis depicting, describing, or relating to specific sexual activities or specific anatomical areas.

Advertising Structure (Off-premise Sign): Any sign or structure functioning to direct attention to an establishment or business that is not located on the same legal parcel as the advertising sign or structure.

Advisory Plan Commission: A plan commission serving a single local government jurisdiction established as defined under the IC 36-7-1-2 as amended. The City of Shelbyville Plan Commission is the advisory plan commission referred to in this Ordinance.

Agricultural Products Sales, Distribution, and Storage: A primary use engaged in the sale or rental of farm tools and equipment, grain, tack, animal care products, and farm supplies. This excludes the sale of large farm implements, such as tractor and combines, but does include food sales and farm machinery repair services that are incidental to the primary use.

Agricultural Products Terminal: A commercial facility for the transfer, pickup, storage, or discharge of agricultural goods.

Agricultural Zoning Districts: The AG, Agriculture and AR, Agriculture/Rural Residential zoning districts.

Agriculture: Farming, including dairying, pasturage, apiculture, agriculture, horticulture, floriculture, viticulture, forestry and animal and poultry husbandry, and the necessary incidental uses, all of which are directly related to the production of food. The operation of any incidental uses shall be secondary to that of the normal agricultural activities. Agriculture shall not include stock yards, the commercial feeding of garbage or offal to swine or other animals, or the raising of animals for medical tests or other experiments.

Agriculture Structure: A structure located on a farm and designed and constructed to house farm implements, livestock, hay, grain, fruit, and/or other agricultural products, supplies, and equipment used by the operators of the farm. An agriculture structure shall not include dwellings or structures used for the processing, treating, or packaging of agricultural products, or by the public.

Airport: A facility which is primarily used for the departure and arrival of aircraft, including helicopters. An airport shall include at least one (1) paved runway. An airport may also include navigational equipment, communication equipment, navigational lighting, control tower, taxiways, loading ramp, aircraft tie-down areas, hangers, terminal, management office, aircraft maintenance facility, freight handling facilities, fuel storage, and a fueling depot. A public airport may also include ancillary uses that are clearly subordinate to the primary use, including: a cafe, pilot training operation, skydiving show, air show, pilot lounge, aviation related retail, and passenger related retail.

Alley: A public right-of-way, other than a street, road, crosswalk, or easement that provides secondary access for the abutting property.

Alteration: Any change, addition, or modification in construction or use of an existing structure or property.

Amateur Radio Tower: A freestanding or building-mounted structure, including any base, tower or pole, antenna and appurtenances, intended for airway communication purposes by a person holding a valid amateur radio license from the Federal Communications Commission.

Amend or Amendment: Any repeal, modification, or addition to a regulation; or any new regulation.

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

Animal and Animal Products Processing: The processing or treatment of animals and animal material as a raw resource for refinement as food and non-edible products.

Definitions - Animal Boarding

Animal Boarding: The housing and care of animals generally including shelters and pasture areas. Also, the use of any structure and/or land for the lodging, breeding, or care of dogs, cats, pets, fowl, horses, or other domestic animals for profit, excluding animals used for agricultural purposes.

Animal, Domestic: An animal that has been adopted by human beings to live and breed in a tame condition.

Animal, Exotic: An animal raised and bred healthy and humanely for a unique pet or entertainment, or an animal rescued from the wild or from a zoo. An exotic animal is primarily securely caged. An exotic animal does not include an outdoor pet, household pet, or farm animal. Examples of an exotic animal include: a lion, tiger, wolf, coyote, and elephant.

Animal, Farm: Animals commonly used for transportation, food, skins, and other by-products. Farm animals include, but are not limited to: horses, cattle, pigs, sheep, goats, mules, donkeys, miniature horses, miniature donkeys, camels, emu, ostrich, llamas, alpacas, rabbits, mink, fox, buffalo, chickens, turkeys, quail, pheasants, and other animals or fowl of similar characteristics.

Animal, Non-farm: See "Pets, Household" and "Pets, Outdoor."

Antenna: Any system of wires, poles, rods, reflecting discs, or similar devices used for the purpose of receiving and or transmitting signals, images, sounds, or information of any nature by radio, visual, or electromagnetic waves, including but not limited to directional or omnidirectional antennas, panels, and microwave or satellite dishes external to or attached to the exterior of any building.

Apartment: A dwelling unit in a structure, arranged, intended, designed, or occupied on a rental basis for the housing of a single family, an individual, group of individuals, or other single housekeeping unit.

Apartment Complex: A group of structures containing apartments located on a single property and organized around a system of interior drives. An apartment complex may include recreation facilities and other similar accessory uses.

Apartment House: A single structure containing apartments that is accessed only by public streets and does not include any recreational facilities or other similar accessory uses.

Applicant: The owner(s), developer, subdivider, or other legal representative of real estate who makes application for action affecting the property.

Application: The completed form or forms, together with any other required materials, exhibits, and fees required of an applicant consistent with the procedures established by this Ordinance.

Appurtenance: A minor element of a larger structure, such as a bay window, stairs, light post, etc.

Arborist: An individual trained in arboriculture, forestry, landscape architecture, horticulture, or related fields and experienced in the conservation and preservation of trees.

Arcade: A building or part of a building containing four (4) or more video, pinball, or similar player-operated amusement devices, in any combination, for commercial use.

Archery Range: A facility designed and/or used for target practice with bows and arrows.

Arterial Road: See "Street, Arterial."

Arterial Street: See "Street, Arterial."

Assembly Hall: A building or portion of a building in which facilities are provided for group civic, educational, political, professional, religious, cultural, or social functions.

Assisted Living Facility: A facility providing services that assist residents with daily activities, such as dressing, grooming, bathing, etc.

Athletic Field: A wide stretch of open land used for outdoor games such as baseball, basketball, football, or soccer.

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

Attention Attracting Device: Any flashing or moving beacon, animation, banner, clock or other object mounted onto or in a sign designed to attract the attention of the public.

Auction Facility: A building or property used for the storage of goods and materials that are to be sold on the premises by public auction, and for the sale of the said goods and materials by public action on an occasional basis only.

Auto-oriented Uses, Large Scale: Uses such as sales and service of automobiles, motorcycles and/or recreational vehicles.

Auto-oriented Uses, Medium Scale: Uses such as auto repair and body work, vehicle detailing/auto accessory sales and installation, and oil change/lube shops.

Auto-oriented Uses, Small Scale: Uses such as gas stations, and car washes.

Automobile Parts Sales: The use of any structure and/or property for the display and sale of new or used parts for motor vehicles. This does not include any salvage yard or the storage of inoperable vehicles.

Definitions - Billiard Room (Pool Hall)

Automobile Repair: The use of a structure or property for the repair of motor vehicles, including noncommercial trucks, motorcycles, recreational vehicles and boats; including, but not limited to, the sale installation and servicing of equipment and parts. Automobile repair includes muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, body and fender shops, and similar repair and service activities, but excludes dismantling or salvage.

Automobile Sales and Service: The storage and display for sale of more than two (2) motor vehicles where repair work, body work, and parts sales is incidental to the operation of the new or used vehicle sales.

Awning: A roof-like cover, often of fabric, metal, or glass designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, or door. Awnings include those which may be retracted, folded, or collapsed against the face of a supporting building.

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

Bakery (retail): An establishment primarily engaged in the retail sale of baked products for consumption off-site. The products may either be prepared on or off-site.

Balcony: A platform that projects from the wall of a building and is surrounded by a railing or parapet.

Bank: A facility for the custody, loan, or exchange of products, typically money. Also included is the extension of credit and facilitating the transmission of funds.

Banner: Any cloth, bunting, plastic, paper, or similar non rigid material used for advertising purposes attached to any structure, staff, pole, line, framing, or vehicle that is easily detached.

Banquet Hall: See "Assembly Hall."

Bar: A facility or area used primarily for the serving of alcoholic beverages, and in which the serving of food is only incidental to the consumption of alcohol.

Barber Shop: Any establishment or place of business within which the practice of cutting hair is engaged in or carried on by one (1) or more employees.

Base Flood Elevation: The elevation, expressed in feet above mean sea level, to which flooding can be expected to occur on a frequency of once every 100 years, or which is subject to a one percent (1%) or greater chance of flooding in any given year.

Basement: The portion of a building located below the first level, a majority of the height of which is located below the average finished grade of the building perimeter.

Batching Plant: A facility for the manufacture or mixing of concrete, cement, and concrete and cement products, including any apparatus, equipment, and uses incidental to such operations.

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

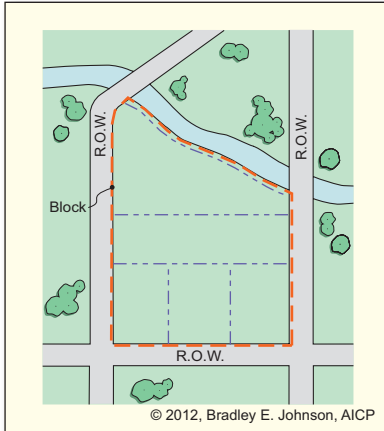
Bed and Breakfast Facility: A private, owner occupied residence which provides temporary overnight sleeping accommodations and meals to the general public in ten (10) or fewer guest rooms for periods not to exceed three (3) consecutive weeks.

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

Billboard: See "Sign, Off-premise."

Billiard Room (Pool Hall): A business establishment containing more than two (2) pool or billiard tables for the use by patrons.

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



Board: See "Board of Zoning Appeals."

Board of Public Works and Safety: The Shelbyville Board of Public Works and Safety as established by and consistent with Indiana Code

Board of Zoning Appeals: The Shelbyville Board of Zoning Appeals as established by and consistent with IC 36-7-4-900 series.

Boarding House: A building or part of a building that contains accommodation facilities for lodging for definite periods of time, typically with meals served from a single kitchen. Boarding houses do not include bed and breakfasts, multiple-family dwellings, hotels, or motels.

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

Bond: See "Surety."

Bookstore: A retail establishment that, as its primary business, engages in the sale, rental, or other charge-for-use of books, magazines, newspapers, greeting cards, postcards, videotapes, computer software and/or any other printed or electronically conveyed media.

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

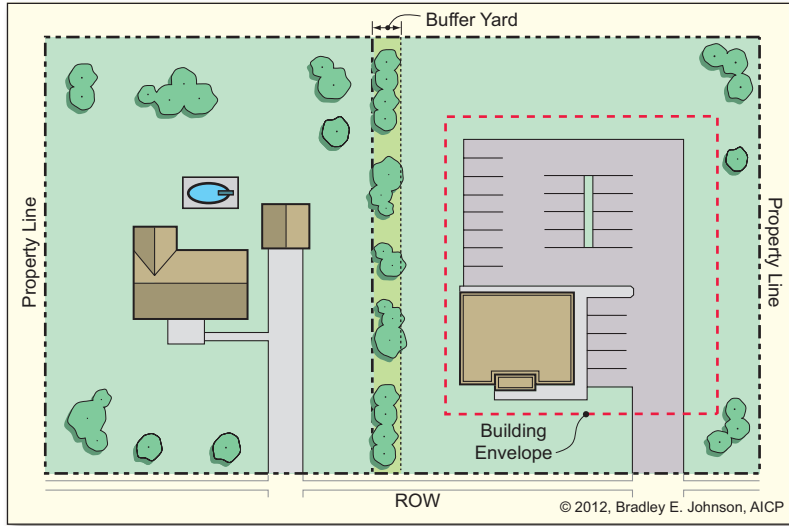
Bowling Alley: An establishment that devotes a majority of its gross floor area to bowling lanes, equipment, and playing areas. A bowling alley may include other incidental uses, such as other recreation activities, a restaurant, or a bar.

Buffer: A strip of land, a fence, and/or area of landscaping between one (1) use or feature and another, designed and intended to separate those uses or features.

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

Definitions - Business

Buffer Yards: An area adjacent to front, side and/or rear property lines, measured perpendicularly from adjacent property lines and/or right-of-way lines, intended to screen incompatible uses from each other. Buffer yards are also used to help maintain existing trees or natural vegetation; to block or reduce noise, glare or other emissions; and to maintain privacy.



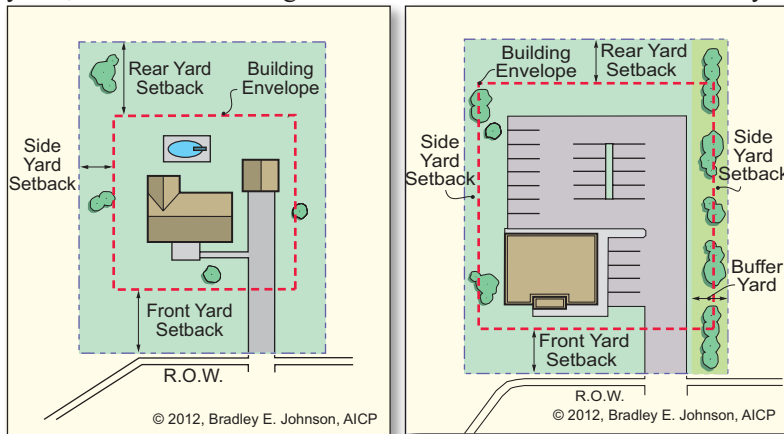
Buildable Area: See "Building Envelope."

Building: A structure having a roof, supported by columns or walls, for the shelter, support, or enclosure of persons, property, or animals. When separated by division walls from the ground up and without openings, each portion of such building may be deemed as a separate building. See also "Structure."

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

Building, Detached: See "Detached Building."

Building Envelope: The three-dimensional portion of a lot, remaining after applying all required setbacks, buffer yards, and maximum height standards within which a structure may be built or installed.



Building Height: See "Structure Height."

Building Official: The person responsible for the enforcement of the Shelbyville Building Code.

Building Permit: An official certification issued by the Building Official authorizing the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving, or repair of a building or other structure.

Built-to Line: A line parallel to the front property line indicating the distance from the front property line at which primary structures must be built. A built-to line is neither a minimum or a maximum, but rather a specific requirement.

Bus/Mass Transit Terminal: A centralized and/or primary community facility for the transient housing or parking of motor driven buses, and the loading and unloading of passengers.

Business: A commercial endeavor to engage in the purchase, sale, lease, barter, or exchange of goods, wares, merchandise, and/or the provision of services.

Definitions - Business District

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

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

Business/Financial Services Office: Any office where the primary occupation is concerned with such federal or state-regulated businesses as banking, savings and loans, loan companies, and investment companies.

BZA: See "Board of Zoning Appeals."

Cabaret: Any place wherein any type of alcoholic beverage is sold (or given away) to be consumed on the premises and the operator thereof holds a license from the state to sell such beverages.

Caliper: A tree trunk diameter measured in inches at a height of four and one-half (4 1/2) feet above the ground. If a tree splits into multiple trunks below four and one-half (4 1/2) feet, the trunk is measured at its most narrow point beneath the split.

Call Center: An establishment that acts as a central place where customer telephone calls are handled in person and/or through computer automation. Call centers generally act as support for telemarketing companies, mail order companies, computer product services, and other similar businesses.

Campground: Any site, lot, field, or tract of land designed with facilities for short term and/or seasonal occupancy by recreational vehicles and other camping equipment, but not including mobile homes.

Campus: An area of land constituting and making up the grounds of an institution, such as a college or university, a business complex, or a manufacturing park.

Canopy Tree: See "Tree, Canopy."

Car Wash: The use of a property for the washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

Carport: A permanent structure, which includes a roof and roof supports but not enclosed by walls, which is used as an accessory to a dwelling unit for the purpose of providing shelter to one (1) or more vehicles.

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

Certificate of Occupancy, Permanent: A certificate issued by the Zoning Administrator certifying that a newly constructed or modified structure and/or property is completed in its entirety and is in complete compliance with all applicable regulations of the City of Shelbyville, and therefore may be occupied.

Certificate of Occupancy, Temporary: A certificate issued by the Zoning Administrator certifying that a newly constructed or modified structure and/or property is sufficiently completed and is in general compliance with all applicable regulations of the City of Shelbyville, and therefore may be temporarily occupied pending the completion of remaining tasks required to bring the location into complete compliance.

Channel Letters: Individually illuminated letters and graphics. In addition, they may be fabricated or formed three-dimensional letters that may accommodate a light source. The use of a raceway must match the color of the facade which the sign is placed.

Child Care Institution: As defined by *IC 12-7-2-29* and for the purposes of the Unified Development Ordinance: (1) a residential facility that provides child care on a 24-hour basis for more than ten (10) children; or (2) a residential facility with a capacity of not more than ten (10) children that does not meet the residential structure requirements of a group home; or (3) operates under a license issued under *IC 12-17.4*; provides for delivery of mental health services that are appropriate to the needs of the individual; and complies with the rules adopted under *IC 4-22-2* by the Indiana Division of Family and Children.

Child Day Care Center: A business operated by a person, society, agency, corporation, institution, or any other group for the purpose of providing care, protection, and guidance for children during only part of a 24-hour day. This term includes nursery schools, preschools and other similar facilities including educational facilities and those offering care for a full 24-hour period.

Child Day Care Home: As defined by *IC 12-7-2-28.6* and for the purposes of the Unified Development Ordinance, an establishment providing non-overnight care, supervision, and protection of children in private residences which is incidental to the primary residential use. A Child Day Care Home includes at least six (6) and no more than sixteen (16) children (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative; or those which are at least age seven (7) who, at any time, receive child care from a provider: (1) while unattended by a parent, legal guardian or custodian; (2) for regular compensation; and (3) for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays. The term includes Class I child care homes and Class II child care homes as defined in by *IC 12-7-2-33.7* and *IC 12-7-2-33.8*.

Church: See "Place of Worship."

Definitions - Covenants

Circus or Carnival: A temporary outdoor amusement center, bazaar, or fair, either involving use of special purpose equipment or conducted by professional operators, or both, and where activities include such things as rides, exhibitions, food service, sales, or small-scale games.

City: The City of Shelbyville, Indiana.

Clinic: An facility in which human patients are admitted for medical or dental study or treatment on an outpatient only basis, and in which the services of at least two (2) physicians or dentists are provided.

Collector Road: See "Street, Collector."

Collector Street: See "Street, Collector."

College: See "University."

Commercial District: See "Business District."

Commercial Zoning Districts: See "Business Zoning Districts."

Commission: See "Advisory Plan Commission."

Common Area: Land within a development which is not individually owned or dedicated to the public, but which is designed and intended for the use, enjoyment, and maintenance of the property owners within that development or other specific area. The common area may include complimentary structures and/or other improvements.

Common Council: The Common Council of the City of Shelbyville, Indiana.

Common Ownership: Ownership by the same person, corporation, firm, entity, partnership, or incorporated association, including ownership by different corporations, firms, partnerships, entities, or unincorporated associations with at least one (1) common stockholder, partner, or associate.

Communications Service Exchange: A telecommunications facility that houses one (1) or more computer systems and related equipment dedicated to building, maintaining, and/or processing data. Such a facility would likely include a telephone service exchange, a data center, and a server farm.

Community Center: A meeting place where people living in the same community and their guests may carry on cultural, recreational, or social activities.

Compatible: Having harmony and consistency in design, function, and/or appearance.

Comprehensive Plan: The *City of Shelbyville Comprehensive Plan* is the comprehensive plan referred to by this Ordinance. A document, consistent with the requirements of the Indiana Code, that is a compilation of policy statements, goals and objectives, standards, maps, and statistical data for the physical, social, and economic development of the community.

Concrete/Asphalt Production Facility: A facility where raw materials are processed into concrete or asphalt for sale and/or immediate use. Facilities typically include all necessary equipment for both transport and application of the finished product.

Condition of Approval: Stipulations or provisions set forth as a prerequisite for approval of an application.

Condominium: Real estate lawfully subject to the *IC 32-25 series*, the Horizontal Property Law, by the recording of condominium instruments, in which undivided interests in the common areas and facilities are vested in the condominium unit owners.

Conference Center: A facility used for service organizations, business and professional conferences, and seminars limited to accommodations for conference attendees. The accommodations can include sleeping, eating, and recreation. A conference center is not designed to be only utilized by the general public for overnight purposes.

Construction Plans: Subdivision drawings that include utilities, streets, and other improvements.

Contiguous: See "Abutting."

Contractor's Warehouse/Storage Yard: An unenclosed portion of a lot or parcel upon which a construction contractor maintains a facility for the storage of construction equipment and other materials customarily used in the trade carried on by the contractor.

Convenience Store: A small retail establishment that offers for sale a limited line of groceries, convenience goods, tobacco products, periodicals, and other household products. A convenience store may also sell gasoline.

Copy: Words, letters, numbers, figures, designs, or other symbolic representations incorporated into a sign.

Council: See "Common Council."

County: Shelby County, Indiana.

Covenants: Private and legal restrictions of various kinds on the usage of lots, typically within a subdivision and applied by the subdivider, that are recorded with the plat and deed. Covenants are enforceable in civil court by interested or affected parties.

Definitions - Craft/Fabric Store

Craft/Fabric Store: Any business that produces on the premises articles for sale of artistic quality or handmade workmanship, or businesses that primarily sell items and materials used in the creation of crafts and other such handiwork.

Crop Processing and Storage: The processing of harvested crops, as well as the storage of both the raw and processed crops. Processing includes any or all of the following or similar activities as they relate to crop produce: cleaning, shelling, drying, cooking, and packaging.

Crop Production: The production and management of agricultural crops, including planting, cultivation, and harvesting.

CRS: See "Community Rating System."

Cul-de-sac: See "Street, Cul-de-sac."

Curb: A concrete boundary marking the edge of a street or other paved area and providing for a change in grade between the street surface and the adjacent unpaved portions of the street right-of-way.

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

Curb Radius: The curved edge of a street, driveway, or other paved area at an intersection with another street, driveway, or other paved area.

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

Data 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."

Deciduous Tree: See "Tree, Deciduous."

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

Dedication: The intentional setting apart of land or interests in land for use by the City of Shelbyville.

Defective Landscaping: Dead or dying plant material, damaged berms, walls, fences, and/or other landscaping elements.

Deli (Delicatessen): An establishment where food is sold for consumption either on or off premises, excluding groceries and supermarkets.

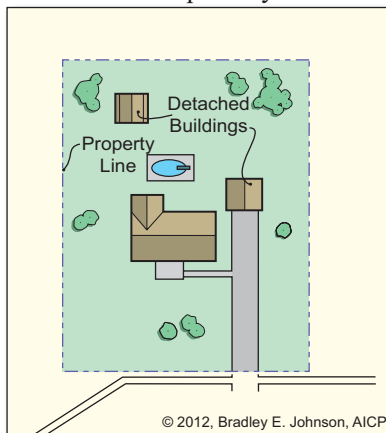
Density: The number of dwelling units per acre.

Density, Gross: The numerical value obtained by dividing the total number of dwelling units in a development or area by the gross size of the area (in acres), including all non-residential land uses, rights-of-way, streets, and other features included in the area.

Density, Net: The numerical value obtained by dividing the total number of dwelling units in a development or area by the gross size of the actual tract of land (in acres) upon which the dwelling units are to be located, including common open space and excluding non-residential uses, rights-of-way, and streets.

Department Store: A business conducted under a single name that directly exhibits and sells a variety of unrelated merchandise and services to customers (includes discount stores).

Detached Building: A building that has no structural connection with the primary structure and that is located on the same lot as that primary structure.



Detention Area: An area that is designed to capture specific quantities of stormwater and to gradually release the stormwater at a sufficiently slow rate to avert flooding.

Definitions - Dry Cleaners (Retail)

Developer: An individual, partnership, corporation (or agent thereof), or other entity that undertakes the responsibility for land development, particularly the designing of a subdivision plat or site development plan showing the layout of the land and the public improvements involved therein. In as much as the subdivision plat is merely a necessary means to an end of assuring a satisfactory development, the term “developer” is intended to include the term “subdivider”, even though the personnel involved in successive stages of the project may differ.

Development: Any man-made change to improved or unimproved real estate including but not limited to:

1. Construction, reconstruction, or placement of a structure or any addition to a structure;
2. Installing a manufactured home on a site, preparing a site for a manufactured home or installing recreational vehicle on a site for more than 180 days;
3. Installing utilities, erection of walls and fences, construction of roads, or similar projects;
4. Construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;
5. Mining, dredging, filling, grading, excavation, or drilling operations;
6. Construction and/or reconstruction of bridges or culverts;
7. Storage of materials; or
8. Any other activity that might change the direction, height, or velocity of flood or surface waters.

“Development” does not include activities such as the maintenance of existing structures and facilities such as painting, reroofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent structures.

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

Development Standards Variance: See "Variance, Development Standards."

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

District: An area with common social, physical, economic, or land use characteristics.

Domestic Pets: Animals commonly used as household pets, protection, companions, and for the assistance of disabled persons. Domestic pets shall include animals that are cared for and treated in a manner acceptable for pet dogs, cats, and birds. Domestic pets shall include, but not be limited to, dogs, cats, parakeets, parrots, finches, spiders, guinea pigs, hamsters, gerbils, rats, mice, rabbits, aquarium fish, pot belly pigs, ferrets, and snakes if cared for in the manner described above.

Dormitory: A structure specifically designed to provide sleeping and living quarters for long-term stay by students of a college, university, or other institution. A common kitchen and common gathering rooms may also be provided.

Double Frontage Lot: See “Lot, Through.”

Drainage: The outflow of water or other fluids from a site through either natural or artificial means.

Drainage System: All facilities, channels, and areas which serve to convey, filter, store, and/or receive stormwater, either on a temporary or permanent basis.

Drip Line: An imaginary vertical line that extends from the outermost branches of a tree's canopy to the ground.

Drive, Private: See "Street, Private."

Drive-thru Service: An opening or openings in the wall of a building or structure designed and intended to be used to provide for sales and/or service to patrons, who remain in their vehicles, products that are used or consumed off-site.

Drive-thru/Drive-up facility: A small scale establishment developed so that its retail or service character is dependant on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle, rather than within a building or structure.

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

Driveway, Common: An access that is shared by one (1) or more abutting property owners.

Driving Range: An area equipped with distance markers, clubs, balls, and tees for practicing golf drives and putting, which may or may not include a snack bar and pro shop, but does exclude golf courses and miniature golf courses.

Dry Cleaners (Commercial): A large scale establishment that cleans fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation in volatile solvents, and all related processes. Commercial cleaners serve businesses and clean uniforms, generally with the cleaners picking up and delivering the clothing to its business clients.

Dry Cleaners (Retail): An establishment that cleans fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation in volatile solvents, and all related processes. Retail cleaners serve individuals on a walk in basis, generally with patrons dropping off, and picking up their clothing.

Definitions - Dumpster

Dumpster: A trash receptacle larger than ninety-six (96) gallons in volume used primarily by commercial, institutional, and industrial uses, and construction projects for collection of trash. Dumpsters are generally constructed of durable metal in box shaped vessels and designed to be easily transported off-site or emptied.

Duplex: See "Dwelling, Two-family."

Dwelling: A building or structure or portion thereof, designed for the residential purposes of a family or other single housekeeping unit.

Dwelling, Accessory: A separate and complete secondary dwelling unit established in conjunction with and clearly subordinate to another dwelling that which serves as the primary use and/or structure on the property.

Dwelling, Farm: See "Farmstead."

Dwelling, Manufactured Home: Single family detached dwelling units that are factory built to the National Manufactured Construction and Safety Standards Act in a transportable section or sections. Manufactured homes are divided into three (3) categories, type I, II, and III, as defined by this Ordinance. A manufactured home is transportable in one (1) or more sections, built on a permanent chassis, and designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Dwelling, Mobile Home: A transportable dwelling unit that is a minimum of eight (8) feet in width and is built on a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained therein, and which was manufactured either: Prior to June 15, 1976 and bears a seal attached under Indiana Public Law 135, 1971, certifying that it was built in compliance with the standards established by the Indiana Administrative Building Council; or, Subsequent to or on June 15, 1976 and bears a seal, certifying that it was built in compliance with the Federal Mobile Home Construction and Safety Standards.

Dwelling, Multiple-family: A structure designed for, and occupied by, three (3) or more families or other single units of housekeeping, with the number of families and housekeeping units in residence not exceeding the number of dwelling units provided.

Dwelling, Single-family: A structure designed for and occupancy by one (1) family or other single unit of housekeeping and therefore including no more than one (1) dwelling unit.

Dwelling Site: A site within a manufactured home park and/or mobile home park that is leased for the placement of a manufactured home and/or mobile home.

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

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

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

Egress: An exit.

Emergency Program: The first phase under which a community participates in the NFIP. It is intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.

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

Equipment Sales and Rental: Establishments primarily engaged in the sale or rental of tools, trucks, construction equipment, agricultural implements, and similar industrial equipment.

Erosion: The detachment, movement, and wearing away of soil and rock fragments by flowing surface or subsurface water or by wind.

Established Setback: See "Setback, Established."

Evergreen Tree: See "Tree, Evergreen."

Existing Construction: Any structure for which the "start of construction" commenced before the effective date of the community's first floodplain ordinance.

Existing Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this Ordinance.

Expansion of an Existing Manufactured Home Park or Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Definitions - Farmstead

Explosive Manufacturing and Storage: The manufacture and storage of any chemical compound, mixture, or device of which the primary and common purpose is to function by explosion with substantially simultaneous release of gas and heat, the resulting pressure being capable of producing destructive effects.

FAA: See "Federal Aviation Administration."

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

Facade of Building: The portion of any exterior elevation on a building, extending from grade level to the top of the parapet, wall, or eaves for the entire width of the building.

Facade of Building, Front: The vertical face of any building that either faces an adjacent public street or the primary parking lot used for the building; and that has architectural features that distinguish it as the principal facade. A building on a corner lot or through lot may be determined to have two (2) front facades if the second facade is architecturally equal to the first facade and also faces a public street or the primary parking lot used for the building.

Facade of Building, Rear: The vertical face of any building that faces a side lot line.

Facade of Building, Side: The vertical face of any building that faces a rear lot line.

Fair Housing Facility (large): To prevent the discrimination of mentally or physically disabled persons, these facilities have been identified as types of housing that are permitted in certain districts, but still must meet "nondiscriminatory" health, fire, safety and building regulations. These facilities include:

- Group homes for children in need of service under *IC 31-34-1* or children who have committed a delinquent act under *IC 31-37-2-2*, *IC 31-37-2-3*, or *IC 31-37-2-5*; and specifically a facility that houses more than ten (10) children;
- Residential Facility for the Developmentally Disabled which provides residential services for more than eight (8) developmentally disabled individuals as described in *IC 12-28-4*.

Fair Housing Facility (small): To prevent the discrimination of mentally or physically disabled persons, these facilities have been identified as types of housing that are permitted in any single-family or multiple-family residential zoning districts, but still must meet "nondiscriminatory" health, fire, safety, and building regulations. These facilities include:

- Group homes for children in need of service under *IC 31-34-1* or children who have committed a delinquent act under *IC 31-37-2-2*, *IC 31-37-2-3*, or *IC 31-37-2-5*; and specifically a facility that houses not more than ten (10) children.
- Residential Facility for the Developmentally Disabled which provides residential services for eight (8) developmentally disabled individuals or less as described in *IC 12-28-4*.
- Residential Facility for the Mentally Ill which provides residential services for mentally ill individuals as described in *IC 12-28-4*. No two (2) Residential Facilities for the Mentally Ill shall be within 3,000 feet of one another in the planning jurisdiction as stated in Indiana Code.

Fairgrounds: An area of land used for agricultural related office buildings, animal shows and judging, carnivals, circuses, community meeting and recreational facilities, concerts, food booths and stands, games, rides, rodeos, sales and auctions, storage, and theaters.

Family: One (1) or more persons occupying a dwelling unit as a single housekeeping unit and therefore using common facilities for cooking, sanitation, and gathering. A family does not include any society, club, fraternity, sorority; or group living in a boarding house, hotel, motel, bed and breakfast facility, lodging house, rooming house, or club; any group of individuals whose association with each other seasonal or any individuals who are in a group living arrangement as a result of criminal activity.

Farm Animals: See "Animal, Farm."

Farm Dwelling: See "Dwelling, Farm."

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

Farm, General: An area that is used for agriculture (such as the production and storage of vegetables, fruit trees, or grain, as well as the raising of farm animals, such as poultry or cattle, on a limited basis). A farm shall include all related structures and the storage of equipment and materials used on-site for the farm operation. A farm shall not include the commercial raising of animals, confined feeding, or the commercial feeding of garbage or offal to swine or other animals.

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

Farmstead: A single-family dwelling unit that is located on, and used in connection with, a farm.

FCC: See "Federal Communications Commission."

Federal Aviation Administration (FAA): The agency that regulates civil aviation and is a part of the Department of Transportation.

Federal Communications Commission (FCC): The federal agency that regulates interstate and international communications by radio, television, wire, satellite, an cable.

Fence: Any structure, solid or otherwise, which is a barrier and is used as a boundary or means of protection, confinement, or concealment.

Fence, Barbed-wire: One (1) or more strands of wire or other material having intermittent sharp points of wire or metal that may puncture, cut, tear, or snag persons, clothing, or animals.

Fence, Stockade: A fence constructed of vertical wood strips, with no intervening spaces, providing a complete visual barrier.

Fertilizer Sales, Distribution, and Storage: An establishment that stores, distributes, and sells fertilizers primarily for agricultural crop production use.

Final Plat: See "Plat, Final."

Financial Institution: Any establishment wherein the primary use is concerned with such federal or state-regulated business as banking, savings and loans, loan companies, and investment companies.

Finished Floor Area: See "Floor Area, Finished."

Fireworks Sales: The primary business is the retail sale of devices defined as fireworks by the State of Indiana.

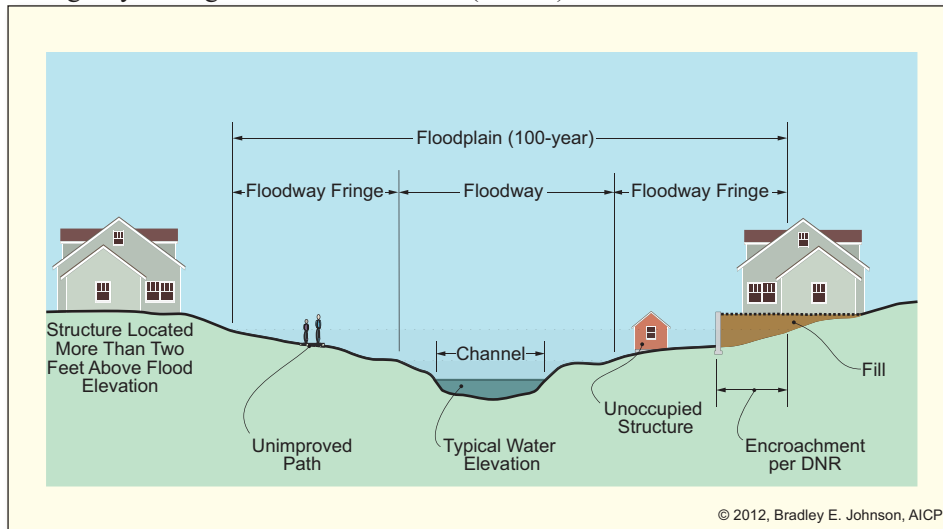
Fitness Center: A place or building where passive or active exercises and related activities are performed for the purpose of physical fitness, improved circulation or flexibility, and/or weight control.

Flea Market: An occasional or periodic market held in an open area or structure where goods are offered for sale to the general public by individual sellers from open or semi-open facilities or temporary structures. Flea market shall not include informal garage or yard sales.

Flood: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

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

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



Floodway: The channel of a river or stream and those portions of the flood plains adjoining the channel that are reasonably required to efficiently carry and discharge peak flow of the regulatory flood of any river or stream, including the area covered by floodwaters in significant downstream motion or covered by significant volumes of stored water during the occurrence of the regulatory flood.

Floodway Fringe: Those portions of the floodplain lying outside the floodway. The floodway fringe is not necessary for carrying and discharging peak flood flow, but is subject to flooding.

Definitions - Government Office

Floor Area: The sum of all horizontal surface areas of all floors of all roofed portions of a building enclosed by and within the surrounding exterior walls or roofs, or to the centerline(s) of party walls separating such buildings or portions thereof. Floor area of a building shall exclude exterior open balconies and open porches.

Floor Area, Finished: That portion of floor area constructed, completed, and usable for living purposes with normal living facilities which includes sleeping, dining, cooking, working, entertainment, common space linking rooms, areas for personal hygiene, or combination thereof. Floor area or portion thereof used only for storage purposes and not equipped for the facilities mentioned above shall not be considered Finished Floor Area. The Finished Floor Area of a primary structure does not include a garage, carport, deck, unfinished storage, patio, or open porch.

Floor Area, Ground: That portion of Finished Floor Area located on the first (or nearest ground level) floor of the dwelling unit.

Flower Shop: An indoor or outdoor facility that primarily sells flowers that are not grown on site, bulbs, and seeds for planting by patrons. Flower shops can include greenhouse operations, and incidental sales of small gardening equipment and accessories.

Food and Beverage Production: The large scale processing of raw ingredients and materials to create finished or unfinished foods and beverages.

Foundation: The supporting member of a wall or structure.

Fraternity: A club or social activity officially associated with and recognized and supervised by an institution for higher education whose membership is limited exclusively to students of the institution.

Front Facade: See "Facade of Building, Front."

Front Line: With respect to a building, the foundation line that is nearest the front lot line.

Front Lot Line: For an interior or through lot, the line marking the boundary between the lot and the abutting street right-of-way. For a corner lot, the line marking the boundary between the lot and each of the abutting street rights-of-way.

Front Yard: See "Yard, Front."

Frontage: See "Lot Frontage."

Functionally Dependent Facility: A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

Funeral Home: A facility used for the preparation of the deceased for display and burial and the conducting of rituals and religious programs associated with burial. See also "Mortuary."

Garage: An attached or detached structure whose principal use is to house motor vehicles or personal property for the accommodation of related dwelling units or related business establishments.

Garage Sale: The sale or offering for sale to the general public items of personal property on any portion of a lot in a residential zoning district, either within or outside of a structure.

Garden Shop: A retail establishment that primarily sells garden implements, plants, landscaping materials, and related accessories.

Gas Station: Any building, structure, or area of land used for the retail sale of automobile fuels, oils, and accessories, without any repair service.

General Industrial Production: Industrial production involving manufacturing, fabrication, and related processes.

Gift Shop: An establishment that primarily sells keepsakes, trinkets, jewelry, cards, stationary, and other small gift related items.

Glare: The reflection of harsh, bright light producing an effect that causes annoyance, discomfort, or loss of visual performance and visibility.

Golf Course: A tract of land laid out with at least nine (9) holes improved with tees, greens, fairways, and hazards for playing a game of golf, including any associated clubhouse or shelters and excluding miniature golf courses, and other similar commercial enterprises.

Golf Course, Miniature: A theme-oriented recreational facility composed of a series of putting greens where patrons pay a fee to move in consecutive order from one (1) green to the next.

Government Facility: A building, group of buildings, and/or piece of property operated or occupied by a governmental agency to provide a governmental service to the public. Government facilities also include the storage and service of government vehicles, equipment, and supplies.

Government Office: An office occupied by a governmental agency that provides a governmental service to the public.

Definitions - Grade

Grade: The finished surface of the ground adjacent to the exterior walls of a building.

Grade, Existing: The vertical elevation of the ground prior to any excavation, filling, or other construction activity.

Grade, Finished: The final elevation of the ground surface after man-made alterations have been completed.

Grading Plan: The drawing and supporting documents, meeting the requirements of this Ordinance and the City Engineer, that describe the process and result of the excavating, filling, or leveling of a property by mechanical or other artificial methods.

Grandfathered: A description of the a status of certain properties, uses, activities, and conditions that were legally existing prior to the effective date of this Ordinance. See also "Legal Nonconforming."

Granny Flat: See "Dwelling, Accessory."

Grazing and Pasture Land: A fenced area used for the feeding and upkeep of livestock.

Greenhouse: A building or structure constructed primarily of translucent materials which is devoted to the protection or cultivation of flowers and other tender plants.

Greenhouse, Commercial: A building used for the growing of plants, all or some of which are sold at retail or wholesale either on or off-site.

Grocery Store: See "Supermarket."

Ground Floor Area: See "Floor Area, Ground."

Gymnastics Center: An establishment where patrons learn and practice gymnastics, generally in a gymnasium.

Hard Surface: See "Paved Surface."

Hardship: With regard to a variance of use or variance of development standards, a difficulty with one's ability to improve land stemming from the application of the requirements of this Ordinance, which may or may not be subject to relief by means of variance. In and of themselves, self-imposed situations and claims based on a perceived reduction of, or restriction on, economic gain shall not be considered hardships.

Hardware Store: A small or medium-scale facility primarily engaged in the retail sale of various basic hardware lines, such as tools, builder's hardware, plumbing and electrical supplies, paint and glass, housewares and household appliances, and garden supplies and cutlery. A lumberyard may be included as an incidental use to the hardware retail sales.

Hazardous Material: Any substances or materials that by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental to the health of any person handling or otherwise coming into contact with such material or substance.

Hazardous Material Storage/Processing Facility: All structures, other appurtenances, and any improvement to the land used for treating, storing, processing, or disposing of hazardous materials.

Health Spa: A place or building where active exercise and related activities are performed utilizing weight control or muscle building equipment or apparatus for the purpose of physical fitness. Also a place or building that provides massage, exercise, and related activities with or without such equipment or apparatus.

Hedge: A row of closely planted shrubs, bushes, or any other kind of plant used as a compact, dense, living barrier that protects, shields, separates, or demarcates an area.

Height: The vertical distance to the highest point of any roof for structures which have roofs, and the vertical distance to the highest point of all other structures, measured from grade level.

Heliport: An area used for the landing and take-off of helicopters, including any structures, buildings, and equipment associated with that use.

High Density Residential Zoning Districts: The RM Multiple-family Residential and the MP Manufactured Home Park Zoning Districts.

High Intensity Color: A color that is brighter than usual to draw attention, such as neon or metallic colors.

Highest Adjacent Grade: The highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

Historic Site: All structures and other features identified as contributing, notable, or outstanding by the Indiana Historic Sites and Structures Inventory - Shelby County Interim Report, or listed in the National Register of Historic Places or the Indiana Register of Historic Sites and Structures, as well as any subsequent amendments and/or additions to any of these publications.

Historic Structure: Any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

Home Electronics/Appliance Store: An establishment that primarily sells home appliances, electronics, and related accessories.

Definitions - Kennel

Home Occupation: An occupation carried on in a dwelling unit by a resident thereof which is limited in extent, and incidental and secondary to the use of the dwelling unit for residential purposes, and therefore does not change its residential character.

Hospital: An institution where sick or injured persons are given medical care and, during the course of that treatment, are housed overnight, fed, and provided nursing and related services. Related services include diagnostic facilities, laboratories, hospices, outpatient facilities, treatment facilities, and training facilities. Hospital does include institutions operating for the treatment of insane persons and persons suffering addictions, but does not include nursing homes, retirement facilities, shelters, or boarding houses.

Hotel: A building in which lodging is provided and offered to the public for compensation, and in which egress and ingress from all rooms is made through an inside lobby or office.

Housekeeping Unit: A group of individuals functioning as a single household, making common use of a single kitchen and other family quarters. See also "Family."

Ice Cream Shop: Any establishment that primarily offers ice cream and frozen desserts to be eaten on or off premises.

IDEM: The Indiana Department of Environmental Management.

IDNR: The Indiana Department of Natural Resources.

ILP: See "Improvement Location Permit."

Impervious Surface: Any hard-surfaced, man-made area that prevents absorption of stormwater into the ground.

Improvement: Any building, structure, bridge, work of art, area, parking facility, public facility, fence, gate, wall, landscaping, or other object constituting a physical addition to real property.

Improvement Location Permit (ILP): A permit allowing a person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any structure; alter the condition of the land; change the use or occupancy of a property; or otherwise cause any change to occur that is subject to the requirements of the Unified Development Ordinance.

Incidental: A minor occurrence or condition that is customarily associated with a permitted use and is likely to ensue from normal operations.

Incidental Sales: See "Sales, Incidental."

Incinerator: A facility that uses thermal combustion processes to destroy or alter the character or composition of medical waste, sludge, soil, or municipal solid waste (not including animal or human remains).

Indecisive Vote: A vote which fails to receive a majority, either in favor or opposed.

Industrial District: The use of a property or area for the manufacture, fabrication, processing, reduction, or destruction of any article, substance, or commodity, including related storage facilities and warehouses.

Industrial Zoning Districts: The IL Light Industrial and IG General Industrial zoning districts.

Infrastructure: Facilities and services needed to sustain industry, residential, commercial, and all other land use activities, including utilities and streets.

Inoperable Vehicle Storage: The outdoor storage of motor driven vehicles and their parts, that can not be operated in their current state.

Institutional Facility for the Developmentally Disabled: An institutional facility that provides care, supervision, and protection for persons with developmental disabilities consistent with the provisions of Indiana Code. See also "Residential Facility for the Developmentally Disabled."

Institutional Facility for the Mentally Ill: An institutional facility that provides care, supervision, and protection for mentally ill persons consistent with the provisions of Indiana Code. See also "Residential Facility for the Mentally Ill."

Interested Party: Those persons, groups, property owners, or other entities that are considered or consider themselves to be affected by a change in land use or the results of an application to change land use.

Interstate Corridor: The area 1,000 feet in either direction from I-74.

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

Jewelry Store: A store that primarily sells new jewelry, with some sales of used merchandise.

Junk: Scrap or waste material of any kind.

Junk Yard: A place where junk, including inoperable vehicles, appliances, wood, paper, rags, garbage, tires, shattered glass, and any other worn-out, cast-off, or discarded items have been collected for resale, disposal, or storage.

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

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

Definitions - Land Use

Land Use: The occupation or use of land for any human activity or purpose.

Landscaping: The improvement of a lot with grass, shrubs, trees, and other vegetation and/or ornamental objects. Landscaping may include pedestrian walks, flower beds, berms, fountains and other similar natural and man-made objects.

Landscape Materials: Any material used in or derived from the landscape or improvements to the landscape of real property

Legal Nonconforming Lot: Any lot which has been legally established and recorded prior to the effective date of this Ordinance, or its subsequent amendments, that no longer meets the lot-specific development standards.

Legal Nonconforming Use: Any continuous, lawful use of structures, land, or structures and land in combination established prior to the effective date of this Ordinance, or its subsequent amendments, that is no longer a permitted use in the zoning district in which it is located.

Library: A public facility for the use, but not sale, of literary, musical, artistic, or reference materials.

Light Industrial Processing and Distribution: Processing and distribution of materials and products from processed or previously manufactured materials. Light industry is capable of operation in such a manner as to control the external effects of processing such as smoke, noise, odor, etc.

Linear Park: A park or other green, open space that forms a corridor, or is a part of a corridor along a body of water, street, or pedestrian/bicycle trail.

Liquor Store: A store that offers retail and/or wholesale liquor, including wine and beer.

Livestock Auction/Sales Facility: A commercial establishment where livestock is collected and auctioned and/or sold. Livestock at the facility are there on a temporary basis, for immediate sale only, and not housed long term.

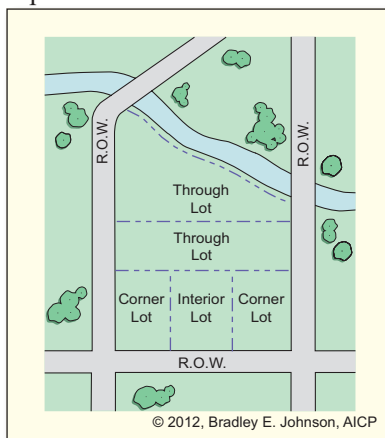
Livestock Raising and Breeding: The production and upkeep of livestock for the purposes of sale, including the feeding, sheltering, grazing, and shipping of livestock, including the storage of all necessary materials and equipment.

Loading Berth: A space within a building or on the premises providing for the loading and unloading of merchandise and materials.

Local Street: See "Street, Local."

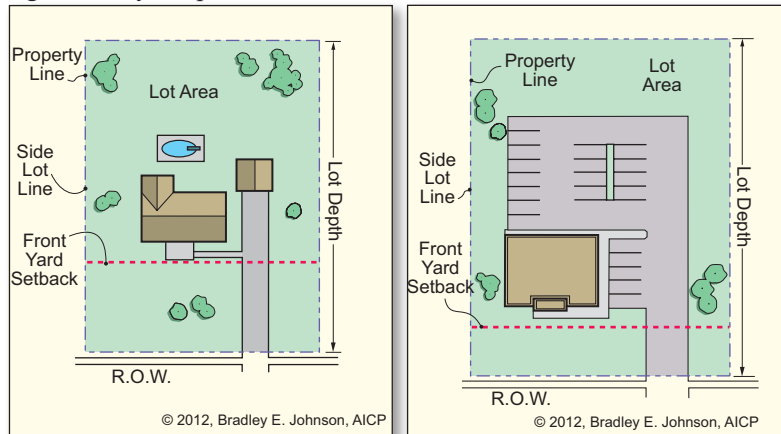
Lodge or Private Club: A membership organization that holds regular meetings and that may, subject to other regulations controlling such uses, maintain dining facilities, serve alcohol, or engage professional entertainment for the enjoyment of dues paying members and their guests. There are no sleeping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



Definitions - Lot, Buildable

Lot Area: The area of a horizontal plane bounded by the front, side, and rear lot lines, excepting any easement or right-of-way for public streets.



Lot Depth: The horizontal distance between the front and rear lot lines. (See Graphics for "Lot Area")

Lot, Double Frontage: See "Lot, Through."

Lot Frontage: The horizontal distance between two (2) points along a street right-of-way or easement that are farthest from one another. A measurement of how many lineal feet of a lot abut a public or private street.

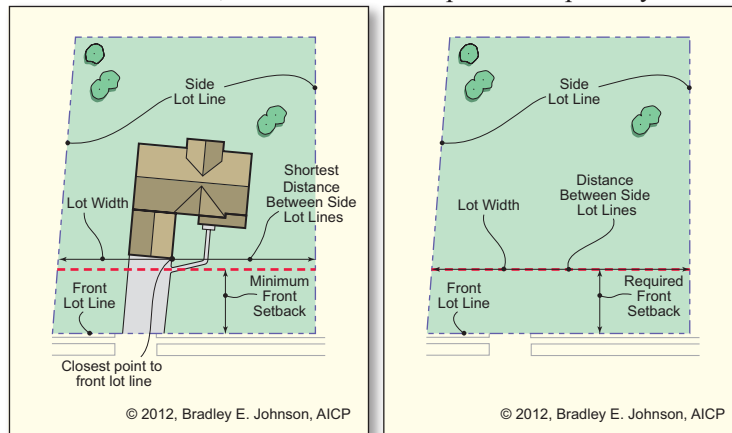
Lot, Irregular: A lot that is characterized by elongations, angles, shapes, and/or configuration that is inconsistent with the topography, street systems, other lots, and other features of the area in which it is located.

Lot Line: The property lines which define the lot.

Lot of Record: A lot which is recorded in the office of the Shelby County Recorder as a part of a subdivision plat or a parcel described by metes and bounds.

Lot Owners Association: An incorporated non-profit organization operating under recorded land agreements through which each lot owner is automatically a member and each lot is automatically subject to a proportionate share of the expenses for the organization's activities, such as maintaining common property.

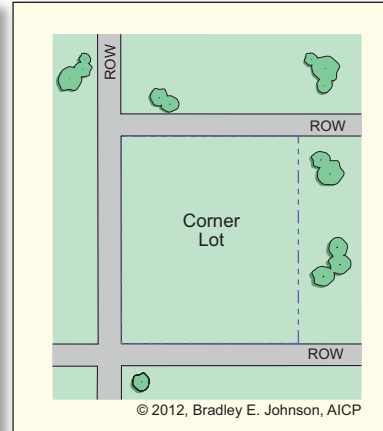
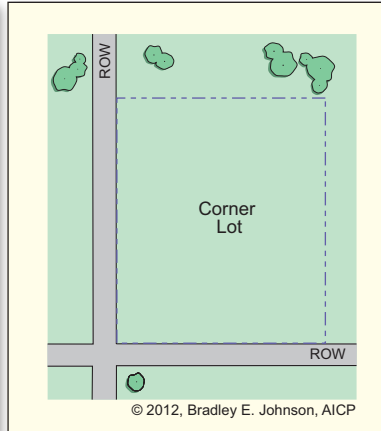
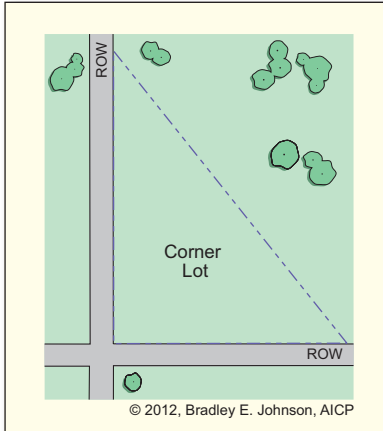
Lot Width: The horizontal distance between side lot lines measured at the required minimum front setback line on lots without a structure; or measured at the point on a primary structure closest to the front property line.



Lot, Buildable: Any lot upon which improvements are permitted to be constructed, or which is otherwise allowed to be occupied and used consistent with all applicable requirements of this Ordinance.

Definitions - Lot, Corner

Lot, Corner: A lot located at the corner of two (2) or more streets.

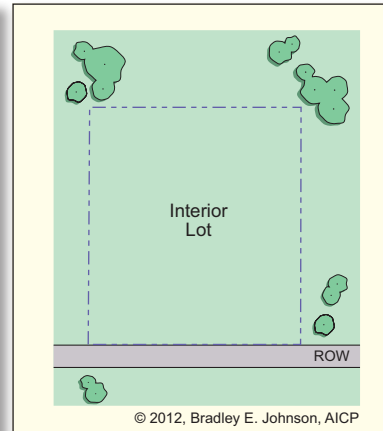
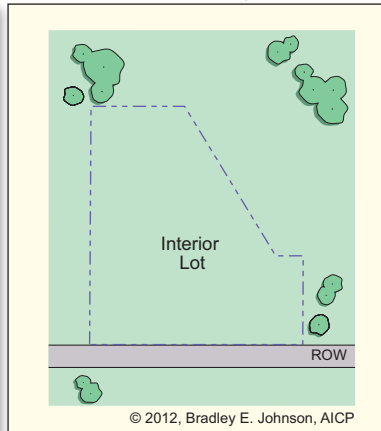
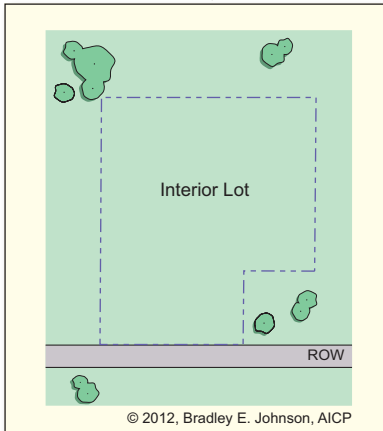


Lot, Developed: A lot upon which improvements have been made or is otherwise being used for human purposes.

Lot, Double Frontage: See "Lot, Through."

Lot, Improved: See "Lot, Developed."

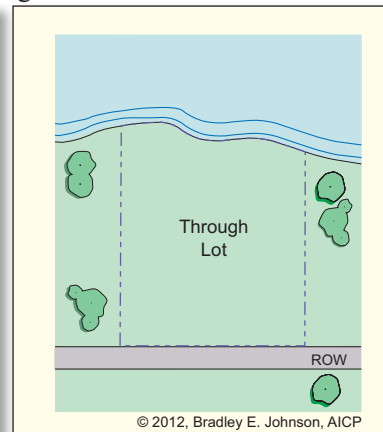
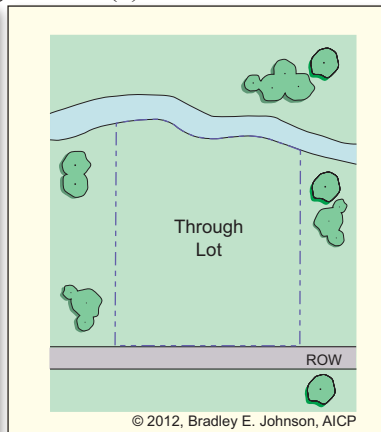
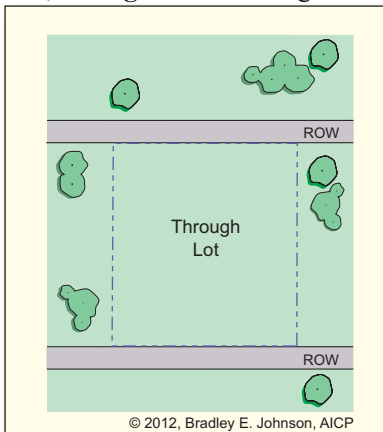
Lot, Interior: Any lot which is not a corner lot or through lot.



Lot, Legal Nonconforming: See "Legal Nonconforming Lot."

Lot, Recorded: See "Lot of Record."

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



Lot, Undeveloped: A lot of record upon which no improvements exist.

Low Density Residential Zoning Districts: The R1 Single Family Residential and R2 Two-family Residential Zoning Districts.

Lowest Adjacent Grade: The lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

Definitions - Micro-brewery (Brewpub)

Lumber Yard: An area used primarily for the storage, distribution, and sale of finished or rough-cut lumber and lumber products.

Luminaire: A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

Luminaire, Cut-off Type: A luminaire with elements such as shields, reflectors, or refractor angles that direct and cut-off light.

Maneuvering Space: An open space in a parking area which is immediately adjacent to a parking space and is used for and/or is necessary for turning, backing, or driving a motor vehicle into the parking space, but is not used for the parking of or storage of motor vehicles.

Manufactured Home: See "Dwelling, Manufactured Home."

Manufactured Home Park: A parcel of land containing two (2) or more dwelling sites, with required improvements and utilities, that are leased for long term placement of Mobile Home Dwellings and/or Manufactured Home Dwellings. A Manufactured Home Park does not involve sales of Mobile Home Dwellings or Manufactured Home Dwellings in which unoccupied units are parked for inspection or sale.

Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

Manufactured Home Park or Subdivision, Existing: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the community's first floodplain ordinance.

Manufactured Home Park or Subdivision, New: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the community's first floodplain ordinance.

Manufactured Home Sales: The sale and incidental storage of single-family detached housing that includes mobile homes and manufactured homes Type I, II, and III.

Manufactured Home Type I: See "Dwelling, Manufactured Home Type I."

Manufactured Home Type II: See "Dwelling, Manufactured Home Type II."

Manufactured Home Type III: See "Dwelling, Manufactured Home Type III."

Manufacturing Facility: A facility for the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors.

Map Amendment: A change to an effective NFIP map that results in the exclusion from the SFHA of an individual structure or a legally described parcel of land that has been inadvertently included in the SFHA (i.e., no alterations of topography have occurred since the date of the first NFIP map that showed the structure or parcel to be within the SFHA).

Marker (survey): A stake or any other object which is intended to mark a point on a lot or within a subdivision.

Market Value: The building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value), or adjusted assessed values.

Master Plan: See "Comprehensive Plan."

Meat Market (Butcher): A market that primarily offers retail and/or wholesale meats, but may also sell related incidental products.

Medical Office: A building, other than a hospital, used by one (1) or more licensed physicians for the purpose of receiving and treating patients.

Medical or Health Clinic: A building, other than a hospital, used by two (2) or more licensed physicians for the purpose of receiving and treating patients.

Metes and Bounds: A description of land prepared by a state-registered land surveyor providing measured distances and courses from known or established points on the surface of the earth.

Micro-brewery (Brewpub): A facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail, or wholesale, on or off premise, with a capacity of not more than 15,000 barrels per year. The development may include other uses such as a standard restaurant, bar or live entertainment.

Definitions - Mineral Extraction

Mineral Extraction: The extraction of metallic and nonmetallic minerals or materials from the earth for use off-site, including incidental uses and facilities such as rock crushing, screening, and the necessary storage and use of explosives.

Miniature Golf Course: See "Golf Course, Miniature."

Mini-storage Facility: A storage structure containing separate storage spaces of varying sizes, each for individual purchase or rental for the storage of household goods.

Mitigation: sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is two-fold: to protect people and structures, and to minimize the cost of disaster response and recovery.

Mixed-use Development: An area, parcel of land, or structure developed for two (2) or more different land uses.

Mobile Home: See "Dwelling, Mobile Home."

Mobile Home Park: See "Manufactured Home Park."

Monument (survey): A permanent physical structure which marks the location of a corner or other survey point.

Mortuary: A facility for the storage and preparation of human dead prior to burial, including the conducting of funeral services.

Motel: An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single lot, and designed for use by transient automobile tourists. A motel furnishes customary services such as maid service and laundering of linen, telephone, secretarial, or desk service, and the use and upkeep of furniture. See also "Hotel."

Motor Home: See "Recreational Vehicle."

Motor Vehicle: Any passenger vehicle, truck, tractor, tractor-trailer, truck-trailer, trailer, or semitrailer propelled or drawn by mechanical power.

Motor Vehicle, Inoperable: See "Vehicle, Inoperable."

MS4: The Municipal Separate Storm Sewer System program designed to reduce water pollution from stormwater runoff.

MS4 Operator: The individual designated to oversee the local Municipal Separate Storm Sewer System program.

Multiple-family Dwelling: See "Dwelling, Multiple-family."

Multiple Tenant: See "Tenant, Multiple."

Museum: A building having public significance by reason of its architecture or former use or occupancy, or a building housing a specific collection of natural, scientific, or literary materials, objects of interest, or works of art, and designed to be used by the public with or without an admission charge. It may include as an accessory use the sale of goods to the public.

Natural Condition: The condition that arises from, or is found in nature unmodified by human intervention.

Natural Drainage: Drainage channels, routes, and ways formed over time in the surface topography of the earth prior to any modifications or improvements made by unnatural causes and/or human intervention.

Natural Features: The physical characteristics of a property or area that are not man-made, such as soil types, geology, slopes, vegetation, and drainage patterns.

Nature Preserve/Center: An area in which plants, animals, and topographic features are protected in their current, natural condition.

Net Density: See "Density, Net."

New Construction: Any structure for which the "start of construction" commenced after the effective date of the community's first floodplain ordinance.

Night Club: A commercial establishment operated as a place of entertainment featuring live, recorded, or televised musical, comedy, or magic performances; dancing; and/or the serving of alcoholic beverages.

No-access Reservation: A restriction placed on a lot, typically shown as a line labeled as such on preliminary and final subdivision plats, that prohibits vehicular access from the affected lot(s) to an adjacent street.

Nonconforming Lot: A lot that does not conform to the regulations of the zoning district in which it is located.

Nonconforming Sign: A sign or portion thereof, which was designed, erected, or structurally altered such that it does not conform to the regulations of the district in which it is located.

Nonconforming Structure: A building or other structure that does not conform to the regulations of the zoning district in which it is located.

Nonconforming Use: A use of land that does not conform to the regulations of the zoning district in which it is located.

Non-Invasive: Species that do not naturally occur in the area, and/or species that have been identified by a state or federal regulatory agency as being invasive species to the area

Nuisance: An interference with the enjoyment and use of property as defined by the Nuisance Ordinances of the City of Shelbyville Municipal Code.

Nursing Home: A private home for the 24-hour per day care of the aged, infirm, or any other person in need of nursing care which does not contain equipment for surgical care or for treatment of disease or injury, and is not primarily designed for mental patients or alcoholics. Nursing home does include physical therapy equipment used in an on-going basis for the rehabilitation of patients.

Objectionable Odor: Odors that are nauseating, noxious, or generally recognized as unpleasant.

Obstruction: Includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

Occupancy: The use of any land or structure.

Office Supply Store: A large establishment that offers retail and wholesale office supplies including items such as paper, writing utensils, computer equipment, and office furniture.

Office Use: Administrative, executive, professional, research, or similar organizations, and laboratories having only limited contact with the public, with no merchandise or merchandising services sold on the premises.

Official Zoning Map: A map of the City of Shelbyville, Indiana and its vicinity, that legally denotes the boundaries of zoning districts as they apply to the properties within the Plan Commission's jurisdiction.

Off-Site Improvement: An improvement related to new development that occurs, or is constructed on property that is outside of the parcel or tract that is being developed. Off-site improvements typically include, but are not limited to drainage, public water systems, public sewer systems, and streets.

Oil Change Shop: A facility that provides lubrication, checking, changing, and the addition of those fluids and filters needed for automobile maintenance. Generally such services are provided while the customer waits.

Open Space: An area of land not covered by structures or accessory uses except for those related to recreation. Open space may include nature areas; streams and flood plains; meadows or open fields containing baseball, football, and soccer fields, golf courses, swimming pools, bicycle paths, etc. Open space does not include street rights-of-way, platted lot area, private yards, patio areas, or land scheduled for future development.

Ornamental Tree: See "Tree, Ornamental."

Outdoor Display: An outdoor area used to display merchandise that can be picked and purchased or viewed and rented by customers. Outdoor display areas include areas partially or fully enclosed by walls and/or fences, and open sided areas with a canopy or roof structure, and the like. Outdoor display areas do not include merchandise stored outdoors when located in an area that is not accessible to customers, or that is packaged or stacked in a manner that makes it difficult or dangerous for customers to pick the product, or that is packaged or stacked in a manner consistent with warehousing.

Outdoor Storage: An outdoor area used to store merchandise, equipment, construction material, raw materials used for manufacturing, supplies used for assembly, fleet vehicles, vehicles in stages of repair, rental equipment, and other similar materials, vehicles, or equipment. Outdoor storage includes areas partially or fully enclosed by walls and/or fences, and open sided areas with a canopy or roof structure, and the like. Outdoor storage does not include merchandise that meets the definition for Outdoor Display Area.

Outdoor Display, Seasonal: A subset of Outdoor Display that, by its nature, displays merchandise during peak seasons, such as Christmas trees, pumpkins, lawn accessories, and bedding plants.

Outlot: A lot platted as part of a larger development that is intended for the development of uses and structures which are complimentary too but of a smaller-scale than the primary use or structure in the development.

Overlay Zoning District: A zoning district that extends across one (1) or more other zoning districts which is intended to provide additional or alternate regulations for a specific critical feature or resource.

Owner: Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to, or sufficient proprietary interest in the land, or their legal representative.

Owners Association: See "Lot Owners Association."

Packaging Facility: A facility that packages supplies and products that are manufactured off site.

Parapet: The portion of a wall which extends above the roof line.

Parcel: See "Lot."

Definitions - Park, Private

Park, Private: A place available to the members, owners, or other non-public entity for passive (e.g. trails, open fields, community gardens, and nature areas) and/or active recreation (e.g. playground, swimming pool, and sports fields), and that is maintained by a private or not-for-profit organization; and including any accessory or primary structures.

Park, Public: A place available to the general public for passive (e.g. trails, open fields, community gardens, and nature areas) and/or active recreation (e.g. playground, public swimming pool, and sports fields/courts), and that is maintained by a not-for-profit organization, city, county, state or the federal government; and including any accessory or primary structures used to provide park and recreation services.

Park Zoning District: Refers to the PK Park Zoning District.

Parking Lot: An open off-street area to be used for the storage of motor vehicles for limited periods of time. A parking lot includes all parking spaces, interior drives, and maneuvering areas. Outdoor areas at facilities where motor vehicles, including uninstalled mobile and manufactured homes, are sold that are intended for the storage of such vehicles are also considered a parking lot.

Parking Space: A space within a public or private parking area for the storage of one (1) motor vehicle.

Parking, Off-street: A storage space for an automobile located outside of a street right-of-way.

Parking, On-street: A storage space for an automobile that is located within the right-of-way of a street.

Parking, Shared: A parking space or lot used jointly by two (2) or more uses or structures.

Pathway: A designated route for travel by pedestrians, bicycles, and other non-motorized methods of personal transportation and recreation which is surfaced with crushed rock, concrete, or asphalt and separated from streets by distance or striping.

Paved Surface: A durable surface for parking, driving, riding or similar activities that utilizes asphalt, concrete, brick, paving blocks or similar material. Crushed gravel, stone, rock, or dirt, sand or grass are not a paved surface.

Pedestrian Path: A designated route for travel by pedestrians, bicycles, and other non-motorized methods of personal transportation and recreation that is with concrete, crushed rock, or asphalt and separated from streets by distance or striping.

Penal (Correctional) Institution: Publicly or privately operated facilities housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense.

Permanent Foundation: A structural system for transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

Person: A person, corporation, firm, partnership, association, trust, organization, unit of government, or any other entity that acts as a unit, including all members of any group.

Personal Service Uses: An establishment or place of business primarily engaged in the provision of frequent and recurrent services of a personal nature, such as a beauty or barber shop, shoe repair shop, alterations, tailoring, or tanning salon.

Pervious Pavement: A highly durable paving material that has high porosity which allows water to pass through, thus reducing runoff.

Pet Store: A retail sales facility primarily involved in the sale of domestic animals, such as cats, dogs, fish, birds, and reptiles as well as domestic pet accessories. A pet shop does not include the retail sale of exotic or farm animals.

Petitioner: See "Applicant."

Petroleum Processing and Storage: An establishment that processes and stores petroleum and its raw ingredients.

Pets, Household: Domestic pets maintained within the confines of the dwelling unit. Household pets includes hobby breeding of domestic animals as long as the frequency of breeding is limited to one (1) litter per year per household. Household pets do not include outdoor pets (as defined), farm animals (as defined), pigmy goats, potbelly pigs, or rabbits. Examples of household pets include: dogs, cats, mice, snakes, hamsters, ferrets, and birds.

Pets, Outdoor: Domestic pets maintained within the confines of a lot. Outdoor pets includes hobby breeding of domestic animals as long as the frequency of breeding is limited to one (1) litter per year per household. Outdoor pets do not include household pets (as defined), farm animals (as defined), rabbits, mice, snakes, hamsters, ferrets, or birds. Examples of outdoor pets include: dogs and cats.

Pharmacy: A place where drugs and medicines are prepared and dispensed. Pharmacy also includes the incidental retail sale of medical accessories and convenience goods and services.

Photographic Studio: A facility engaged in on-site photography, processing, and development, including limited retail sale, lease and service of photography equipment and supplies.

Place of Worship: The use of a building and/or property by a non-profit group for the purpose of religious worship together with all incidental uses commonly associated with such a facility. Places of worship include synagogues, temples, mosques or any other facility used for worship and religious activities.

Definitions - Quarry

Plan: See "Comprehensive Plan."

Plan Commission: See "Advisory Plan Commission."

Planned Development: A large-scale unified development meeting the requirements of this Ordinance. Generally a Planned Unit Development consists of a parcel or parcels of land, controlled by a single person, to be developed as a single entity.

Planning Jurisdiction: The area over which a municipality has planning authority as drawn by each community in compliance with *IC 36-7-4 et al.*

Planting Season: The spring and fall time periods during which new plant material which is installed is most likely to survive the planting process. Generally these periods are from April 15 to June 15 in the spring and from October 15 to November 15 in the fall.

Plat: A map or chart that shows a division of land and is intended to be or has been filed for record.

Plat, Final: The Final Plat, pursuant to *IC 36-7-4-700 series*, is the plat document in recordable form.

Plat, Preliminary: The preliminary plat, pursuant to *IC 36-7-4-700 series*, is the plat and plans upon which the approval of a proposed subdivision is based.

Playground: A recreational area for use primarily by children.

PMR: See "Physical Map Revision."

Police, Fire, or Rescue Station: An outpost station that serves as an office of operation for police, fire, and/or rescue services. Such stations include personnel, equipment, vehicles, and training facilities.

Porch: A covered, but otherwise unenclosed structure projecting out from the wall or walls of a main structure.

Post Office: A facility operated by the United States Postal Service that houses service windows for mailing packages and letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.

Practical Difficulty: A difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is a situation where the owner could comply with the regulations within the Zoning Ordinance, but would like a variance from the Development Standards to improve their site in a practical manner. For instance, a person may request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the Development Standards for a new garage location.

Preliminary Plat: See "Plat, Preliminary."

Primary Structure: The building or structure in which the primary use of the lot or premises is located or conducted, with respect to residential uses, the primary building or structure shall be the main dwelling. For agricultural uses, the primary structure may be a barn or other agricultural structure.

Primary Use: See "Use, Primary."

Print Shop (Copy Center): A facility for the custom reproduction of written or graphic materials on a custom order basis for individuals or businesses. Typical processes include, but are not limited to, photocopying, blueprint, and facsimile sending and receiving, and including offset printing.

Printing Facility: Any facility that prints publications including books, magazines, and newspapers for the purposes of sale and/or distribution.

Private Street: See "Street, Private."

Prohibited Tree: See "Tree, Prohibited."

Property Owner: The person(s) identified as the property owner on the most recent list prepared and maintained by the Shelby County Auditor's Office. See also "Owner."

Public Hearing: A formal meeting, announced and advertised in advance consistent with the requirements of this Ordinance, which is open to the public, and at which members of the public have an opportunity to participate.

Public Improvement: Any improvement, facility, or service which provides transportation, drainage, public utilities, or similar essential services which are typically or specifically required to be provided by a unit of government.

Public Safety Nuisance: Anything which is injurious to the safety or health of an entire community, neighborhood or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Public Street: See "Street, Public."

Publishing Facility: Any facility that prints and/or assembles publications including books, magazines, and newspapers for the purposes of sale and/or distribution.

Quarry: A lot or any part of a lot used for the extracting of stone, sand, gravel, or any other minerals. See also "Mineral Extraction."

Definitions - Racetrack

Racetrack: Any measured venue for the sport of racing where animals or machines are entered in competition against on another or against time. A racetrack may or may not have areas for spectators. Racetrack includes, but is not limited to oval track racing, drag racing, motocross, tractor pulling, go-cart racing, remote control airplane flying, and similar uses.

Radio Station: An establishment that broadcasts radio signal programming.

Rear Yard: See "Yard, Rear."

Record: The written documentation of the actions and expressions of a public body, such as the Plan Commission or Board of Zoning Appeals.

Record Shop (CD Shop): An establishment that primarily deals with new and used audio recordings in an array of media formats. Some shops also include the sales of new and used video recordings as well.

Recreational Use, Large Scale: Recreational uses that tend to serve a regional area and include establishments such as riding stables, and seasonal hunting and fishing facilities.

Recreational Use, Medium Scale: Recreational uses that tend to serve a community-wide area and include establishments such as bowling alleys, theaters, assembly halls, miniature golf courses, indoor shooting ranges, swimming pools, and skating rinks.

Recreational Use, Small Scale: Recreational uses that tend to serve a local area and include establishments such as billiard rooms, arcades, nightclubs, brewpubs, and bars.

Recreational Vehicle: Any building, structure, or vehicle designed and/or used for seasonal living or sleeping and/or recreational purposes and equipped with wheels to facilitate movement from place to place (either under its own power or towed by another vehicle). Recreational vehicles are built on a single chassis and measure 400 square feet or less, including the largest horizontal projections. Recreational vehicles include automobiles when used for living or sleeping purposes, pick-up truck coaches, motorized homes, boats, travel trailers, snow mobiles, and camping trailers not meeting the definition of a manufactured or mobile home.

Recreational Vehicle Park: Any site, lot, field, or tract designed with facilities for the temporary use of recreational vehicles.

Recreational Vehicle Sales: The sale and incidental storage of recreational vehicles.

Refuse Dump: A facility designated to receive and hold municipal solid waste and other waste matters. Waste at a refuse dump is not compacted or covered as it is in a sanitary landfill.

Registered Land Surveyor: A land surveyor properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

Registered Professional Engineer: An engineer properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

Regulatory Flood: The flood having a one percent (1%) probability of being equaled or exceeded in any given year, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission and the Federal Emergency Management Agency. The "Regulatory Flood" is also known by the term "Base Flood" or "100-year Flood."

Regulatory Floodway: See "Floodway."

Repair Services: Establishments that provide repair services to individuals and households, rather than businesses, not including automotive and equipment repair. Typically such services include the repair of appliances, watches, jewelry, and musical instruments.

Replat: Any change in a Final Plat of an approved or recorded subdivision.

Research Laboratory: A structure or group of structures used primarily for applied and developmental research where product testing is an integral part of the operation and goods or products used in the testing may be manufactured and stored.

Residence: See "Dwelling."

Residential District: An area used primarily for dwellings.

Residential Treatment Center: Any facility licensed by the Indiana Department of Health, public or private, which regularly provides one (1) or more people with 24-hour a day substitute care, food, lodging, training, education, supervision, habilitation, rehabilitation and treatment they need, but which for any reason can not be furnished in the person's own home.

Residential Zoning Districts, High-density: Refers to the RM Multiple-family Dwelling, and MP Manufactured Home Park zoning districts.

Residential Zoning Districts, Low-density: Refers to the R1 Single-family Dwelling and R2 Two-family Dwelling zoning districts.

Definitions - Sanitary Landfill

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 (Type 1) Low Intensity: A low intensity retail business that provides products to all or portions of the general public and that meets the applicable characteristics listed in Table 11-A: Limits of Retail Uses below. A low intensity retail business also includes ancillary uses, customarily associated with the primary retail business. A low intensity retail business shall not include business-to-business wholesale operations.

Retail (Type 2) Medium Intensity: A medium intensity retail business that provides products to all or portions of the general public and that meets the applicable characteristics listed in Table 11-A: Limits of Retail Uses below. A medium intensity retail business also includes ancillary uses, customarily associated with the primary retail business. A medium intensity retail business shall not include business-to-business wholesale operations.

Retail (Type 3) High Intensity: A high intensity retail business that provides products to all or portions of the general public and that meets the applicable characteristics listed in Table 11-A: Limits of Retail Uses below. A high intensity retail business also includes ancillary uses, customarily associated with the primary retail business. A high intensity retail business shall not include business-to-business wholesale operations.

Table 11-A: Limits of Retail Uses

Retail Types	Characteristics						
	Max. Vehicle per Day	Max. Retail Floor Area	Max. Outdoor Display of Merchandise	Outdoor Storage	Hours of Operation	Drive Through	Sexually Oriented Retail Sales
Type 1: Low Intensity	1,500	10,000 sq. ft.	5% of retail floor area or 200 square feet whichever is more restrictive	not allowed	open between 5 AM and 10 PM	not allowed	not allowed
Type 2: Medium Intensity	5,000	50,000 sq. ft.	10% of retail floor area or 1,000 square feet whichever is more restrictive	20% of retail floor area or 4,000 square feet whichever is more restrictive	no limit	allowed	up to 2% of retail floor area or 2% of gross revenue whichever is more restrictive
Type 3: High Intensity	no limit	no limit	no limit	no limit	no limit	allowed	up to 100% of retail floor area or 100% of gross revenue

Retirement Facility: A residential complex containing multiple-family dwellings designed for and occupied by senior citizens. Such facilities may include a common gathering and dining facilities, but exclude nursing care.

Retreat Center: A facility used for professional, educational, or religious meetings, conferences, or seminars which provides meals, housing, and recreation for participants during the period of the retreat or program.

Rezoning: An amendment to the Official Zoning Map which has the effect of removing property from one (1) zoning district and placing it in a different zoning district.

Riding Stable: An establishment that shelters and offers upkeep to horses for use by patrons and private owners. Stables generally include grazing pastures, land designated for horseback riding.

Right-of-way: Property occupied or intended to be occupied by a street, trail, utility transmission line, or other public utility or facility.

Right-of-way Line: The limit of publicly owned land encompassing a public facility, such as a street or an alley.

Road: See "Street."

Rootball: The mass formed by the roots of a plant and the soil surrounding them

ROW: See "Right-of-way."

Sales, Incidental: Sales that are related and subordinate to the primary service or retail activities of a commercial use.

Sales, Temporary Seasonal: Facilities that are indoor or outdoor and operate on a temporary basis for the sale of seasonal fruits and vegetables, fireworks, Christmas trees, and/or other holiday, event, or season related products.

Salvage Yard: See "Scrap Metal Yard."

Sanitary Landfill: The designated area where nonhazardous and non-medical farm, residential, institutional, commercial, or industrial waste is buried.

Definitions - Satellite Dish/Antenna

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."

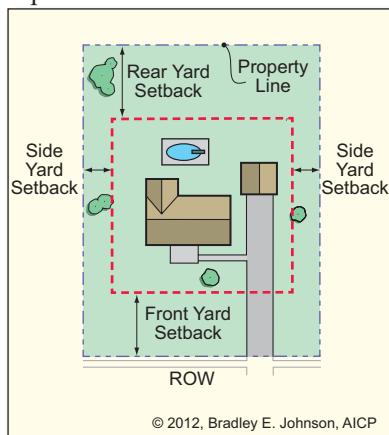
Scrap Metal Yard: A general industrial use established independent or ancillary to and connected with another general industrial use, which is concerned exclusively in new and salvaged metal pipes, wire, beams, angles, rods, machinery, parts, filings, clippings, auto parts, and all other metal items 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.

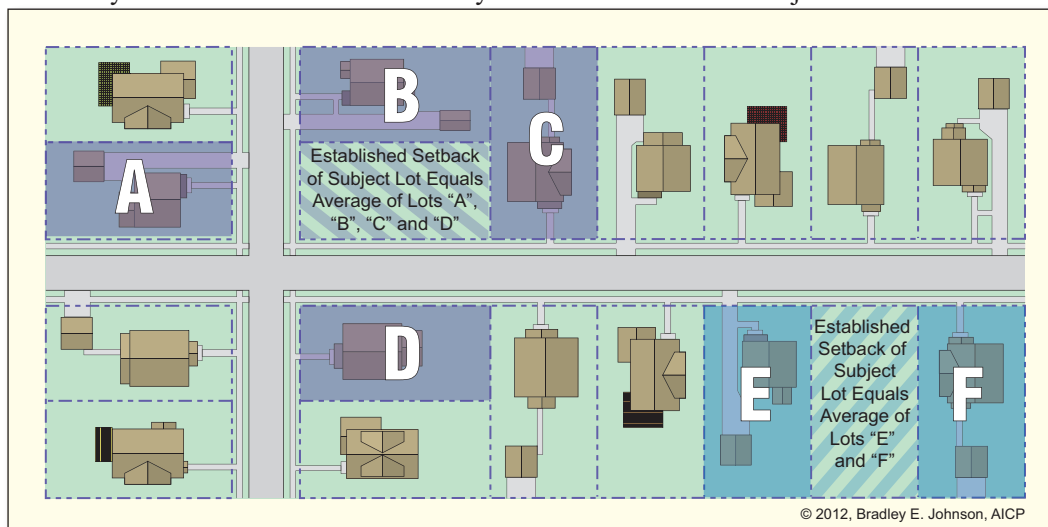
Seed Sales, Distribution, and Storage: An establishment that sells, stores, and distributes agricultural seed for farm planting. Such establishments primarily sell in bulk for commercial farm purposes.

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, whichever results in a greater separation.



Setback, Established: An average of the front yard setbacks of primary structures on either side of the subject lot. If the subject lot is a corner lot, the average of the front yard setback of structures adjacent to the subject lot, along with the front yard setback of structures directly across the street of the subject lot shall be used.



Definitions - Sign

Sewage Treatment Plant: Any facility designed for the treatment of sewage that serves an entire community, region, or specific geographic area.

Sexually Oriented Materials: Materials including still or motion pictures, books, magazines, other periodicals, or other depiction recorded on paper, electronic, digital, video, magnetic or other media, which are distinguished or characterized by their emphasis on matter depicting, describing or relating Specified Sexual Activities" or "Specific Anatomical Areas"; or, instruments, devices, or paraphernalia either designed as a representation of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.

Sexually Oriented Retail Business: An establishment with at least ten percent (10%) of its stock in trade or gross floor area devoted to the sale, rental, or display of sexually oriented materials. Or an establishment which advertises or holds itself in any forum as "XXX", "adult" or "sex", or which has stock in trade or floor area devoted to the sale, rental, or display of sexually oriented materials.

Sexually Oriented Entertainment Business: An establishment which regularly offers live entertainment, lingerie or nude modeling, presentation of motion pictures, or publications by any photographic, electronic, digital, magnetic or other media which are distinguished or characterized by their emphasis on matter depicting, describing or relating "Specified Sexual Activities" or "Specific Anatomical Areas"; or, offers massage therapy or body work (not including when performed by a licensed massage therapist); or, advertises or holds itself in any forum as "XXX", "adult", or "sex". This also includes businesses, clubs, organizations, or associations that organize or plan sex engagements or adult oriented entertainment with two (2) or more persons (e.g. swingers clubs or fetish clubs).

Shoe Repair Shop: An establishment that primarily repairs shoes, with incidental sales of shoe related items.

Shooting Range: Any establishment at which firearms are discharged for the purpose of recreation and entertainment.

Shooting Range (Indoor): A shooting range at which all shooting areas and targets are completely enclosed in a structure.

Shooting Range (Outdoor): A shooting range at which any portion of the shooting areas or targets are located outside of a completely enclosed structure.

Shopping Mall: A shopping center where numerous stores front on a pedestrian way that may be enclosed or open.

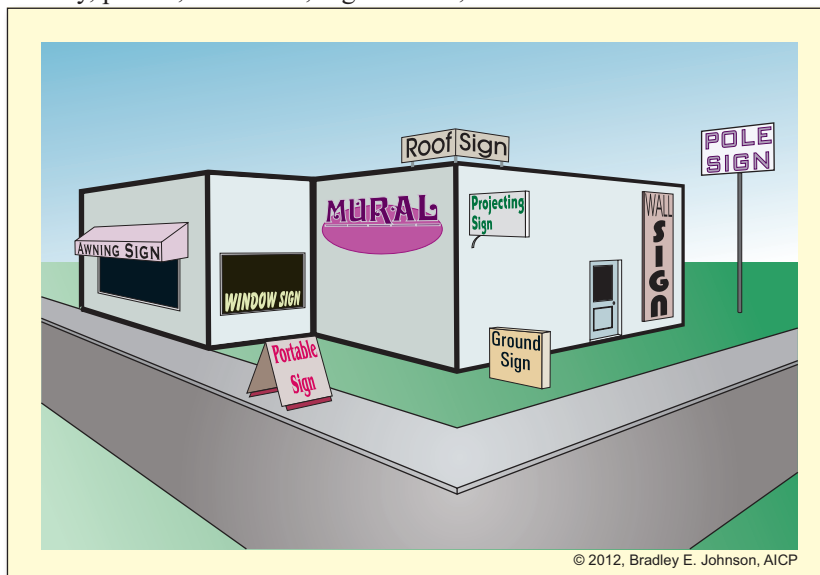
Shrub: A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground. It may be deciduous or evergreen.

Side Lot Line: A lot boundary line other than a front or rear lot line, typically those which are perpendicular to, and intersect with the side and rear lot lines.

Side Yard: See "Yard, Side."

Sight Distance: The measurement from a driver's eyes, which are assumed to be 3.75 feet above the pavement surface, to an object six (6) inches high on the pavement.

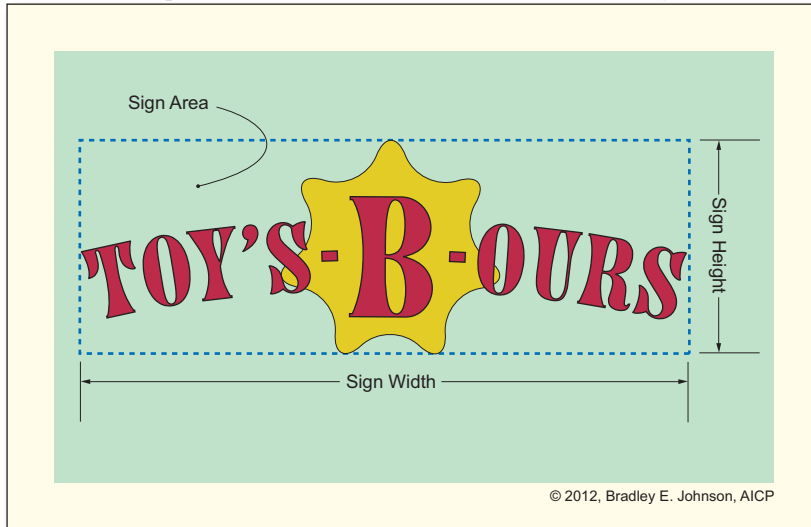
Sign: Any name, identification, description, display, or illustration which is affixed to, painted on, or is represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization, or business.



Definitions - Sign, Abandoned

Sign, Abandoned: Any sign that advertises a business, lessor, owner, product, service or activity that is no longer located on the premises where the sign is displayed.

Sign Area: The entire area within a rectangle or square enclosing the extreme limits of a sign, including all background area figures and letters. However, the area shall not include any structural elements lying outside the limits of the sign which are not part of the information, visual attraction or symbolism of the sign.



Sign, Attached: Any sign, which is fastened, attached, connected, or supported to a building in a secure and permanent manner.

Sign, Ancillary: A freestanding, permanent sign accessory to the primary use of land that is smaller than any Monument or Ground Sign located on the lot. For Illustrative Purposes Only, examples may include a sign identifying directions, clubhouse rules, menu options, list of tenants.

Sign, Awning: Any sign copy or logo attached to or painted on an awning.

Sign Blank: a blank, black or white panel inserted into a sign frame to replace the sign copy associated with a former business, project, service or other use.

Sign, Cabinet: A sign that contains all the text and/or logo symbols within a single enclosed cabinet and may or may not be illuminated.

Sign, Commercial: A sign identifying only the name and location of a particular business enterprise and located on the premises where the sign is displayed.

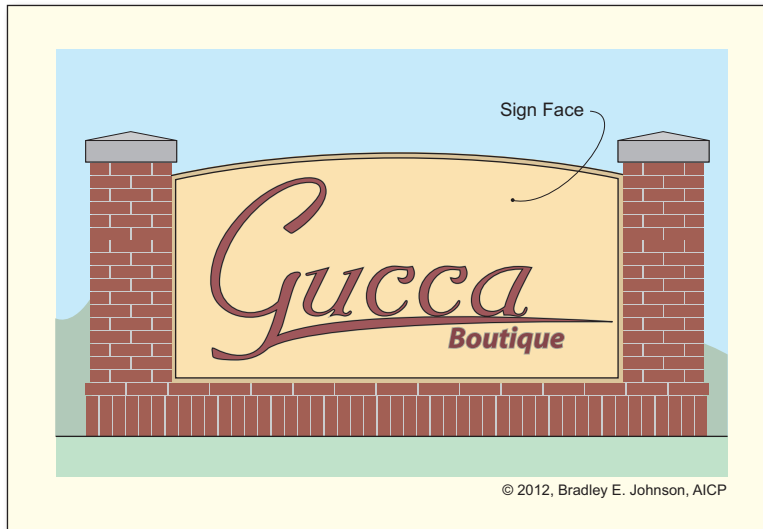
Sign, Detached: Any sign not attached to a building.

Sign, Double-faced: A sign constructed to display its message on the outer surfaces of two (2) identical and opposite parallel planes.

Sign, Electronic Message Center (EMC): A Sign or Sign component with a fixed or changeable display composed of a series of lights, including but not limited to light emitting diode (LED), that may be changed through electronic means.

Sign Face: The surface intended for the display of information on the sign.

Definitions - Sign, On-Premises



Sign, Flashing: Any illuminated sign which exhibits changing light or color effects. This does not include an Electronic Message Center (EMC).

Sign, Ground: A sign supported by one or more uprights, posts, or bases placed upon or affixed in the ground and not attached to any part of a building. It includes freestanding signs and monument signs. (See graphic for "Sign")

Sign, Illuminated: A sign which has characters, letters, figures, designs, or outline illuminated by electric lights or luminous tubes as a part of the sign proper, or which is illuminated by reflectors.

Sign, Incidental: Small, permanent, freestanding or building sign accessory to the primary use of land that is located on or within close proximity to specific areas of a site including; pedestrian entrances and exits, parking areas, loading areas, service areas, drive-through service areas, natural landscaping areas, rain gardens, bioswales, and storm water management features, and hazardous materials areas.

Sign, Integrated Center Monument: A development of one (1) or more lots comprised of:

- Two (2) or more individual, unrelated and separately operating tenants in one (1) building sharing common-site facilities; or
- One (1) or more building containing unrelated and separately operating tenants occupying a common site, which utilize one (1) or a combination of common site facilities such as a driveway entrance, parking area, driving lanes, maintenance and similar common services; or
- One (1) or more building containing unrelated and separately operating tenants occupying individual sites, which are interrelated by the utilization of one (1) or a combination of common facilities, such as driveway entrance, public or private street network, parking areas, maintenance and other services; or
- Two (2) or more buildings that are operated and related to the same business that share common site facilities.

Sign Maintenance: The repair or replacement in kind of individual sign components that may include the repair or replacement of panels; electrical wiring and bulbs; paint, stucco or other exterior finishes. This may also include the repair or replacement of metal or wood cabinets, structural faces, supporting structural mechanisms and poles, or the sign in its entirety.

Sign, Monument: A ground sign that is permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted on a pole. This sign could be displayed on a decorative feature of brick, wood or other material type permitted by this ordinance, which is intended to serve as an entry feature or focal point.

Sign, Nonconforming: See "Nonconforming Sign."

Sign, Non-Commercial: Any sign wording, logo or other representation that, directly or indirectly, does not name, advertise, or call attention to a business, product, service, or other commercial activity.

Sign, Off-Premises: A sign directing attention to a specific business, product, service, entertainment, or any other activity offered, sold, or conducted elsewhere than upon the lot where the sign is displayed.

Sign, On-Premises: A name, identification, description, display of illustration or symbol which is affixed to, or painted, or represented directly upon a structure or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization, or business located on, in, or within such structure or on such piece of land and which is visible from any public street, right-of-way, sidewalk, park, or other public property.

Definitions - Sign, Permanent

Sign, Permanent: A sign that is designed or intended to be used indefinitely, or used indefinitely without change in the same state or place, including, but not limited to, business signs, directional signs, residential complex or subdivision signs, ground signs, and illuminated signs.

Sign Permit: A permit signed by the Zoning Administrator, stating that a proposed sign has met with general provisions of this ordinance.

Sign, Pole: A sign mounted on a freestanding pole or other support so that the bottom edge of the sign face is eight (8) feet or more above finished grade.

Sign, Portable: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu or sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in normal day-to-day operations of the business. (See graphic for "Sign")

Sign, Projecting: Any sign other than a wall sign affixed to any structure or wall whose leading edge extends beyond such structure or wall. (See graphic for "Sign")

Sign, Roof: A sign which is erected, constructed, and maintained above any portion of the roof. (See graphic for "Sign")

Sign Surface: See "Sign Face."

Sign, Tall: A sign located within 1,000 feet of Interstate 74 for the purpose of advertising a commercial establishment to interstate vehicular traffic.

Sign, Temporary: A sign or advertising display constructed of cloth, canvas, fabric, plywood, plastic, or other light material and designed or intended to be displayed for a short period of time. Temporary signs are portable signs that are not permanently attached to the ground or other permanent structures, or a sign designed to be transported. Temporary signs include, but are not limited to: sandwich boards, wall and ground banners, yard cards, advertisement flags, signs on balloons and umbrellas, and reader boards (on wheels).

Sign, Under-canopy: A display attached to the underside of a marquee or canopy and projecting perpendicular from a structure over public or private sidewalks or right-of-way.

Sign, Vehicle: A sign on a vehicle not customarily and regularly used to transport persons or properties and parked or placed so that the sign is visible from a public street or right-of-way and also parked primarily for the purpose of displaying the sign.

Sign, Wall: A sign attached to and/or integral with exterior wall or window surface of a building, the face of which is parallel to the surface and which does not project more than nine (9) inches from the surface. (See graphic for "Sign")

Sign, Window: Any sign placed on, affixed to, painted on or located within the confines of a window.

Sign, Yard Card: A temporary sign used to advertise a special sale, event or occasion.

Single Tenant: See "Tenant, Single."

Site Development Plan: The plan indicating the location of existing and proposed buildings, structures, paved areas, sidewalks, vegetative cover, landscaping and screening within a site proposed for development which is to be submitted for approval prior to the release of Improvement Location Permits on the site consistent with the requirements of *Article 9: Processes* of this Ordinance and *IC 36-7-4-1400 series*.

Skating Rink: An establishment that provides facilities for patron skating.

Sketch Plan: A drawing portraying the general layout of a proposed subdivision, for the purpose of discussion and classification.

Solar Energy Production: The use of photovoltaic panels or similar technologies for the conversion of sunlight into energy for consumption, storage, or sale.

Special Exception: A use that would not be appropriate generally or without restrictions throughout the zoning district, but if controlled as to number, area, location, or relation to the neighborhood, would promote public health, safety, and general welfare.

Special Exception Use: See "Use, Special Exception."

Specified Anatomical Area: Less than completely and opaquely covered human genitals, pubic region, buttock, female breast below a point immediately above the top of the areola, and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities: Human genitals which are in a state of sexual stimulation or arousal; or, acts of human masturbation, sexual intercourse or sodomy; or, fondling or other erotic touching of human genitals, pubic regions, naked buttocks, or female breasts.

Sporting Goods Shop: An establishment that primarily sells sporting equipment, sporting apparel, and related items.

Definitions - Subdivision, Major

Spotlight: A fixture designed to direct a narrow intense beam of light on a desired area.

State: The State of Indiana.

Stationary Shop: An establishment that primarily sells stationary, paper, cards, writing utensils, and various related items.

Stockade Fence: A wooden fence made of half round posts with pointed tops.

Stop Work Order: A written document issued by an enforcement official which requires the cessation of an activity.

Storage, Outdoor: See "Outdoor Storage."

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling above it.

Stream Bank: The usual boundaries, not the flood boundaries, of a stream channel.

Street: A public thoroughfare, including a road, highway, drive, lane, avenue, place, boulevard, and any other thoroughfare that affords vehicular access to abutting property.

Street Frontage: The distance along which a property line of a lot abuts the right-of-way of an adjacent street.

Street, Half: A street for which only half of the required right-of-way and/or pavement width has been provided.

Street, Intersecting: Any street that joins another street at an angle, whether or not it crosses that street.

Street Intersection: The point of crossing or meeting of two (2) or more streets.

Street, Arterial: A street which serves the major traffic movements within a community, such as between the central business district and the outlying commercial and residential areas, as well as a majority of the vehicular traffic entering and leaving the city to travel to and from adjacent communities. Shelbyville arterial streets are identified in the Thoroughfare Plan within the *City of Shelbyville Comprehensive Plan*.

Street, Collector: A street designed and used to carry moderate volumes of traffic from local streets to arterial streets. Shelbyville collector streets are identified in the Thoroughfare Plan within the *City of Shelbyville Comprehensive Plan*.

Street, Cul-de-Sac: A street having one (1) end open to traffic that is permanently terminated by a vehicular turnaround.

Street, Intersecting: Any street that joins another street at an angle, whether or not it crosses the other street.

Street, Local: A street designed to provide vehicular access between individual properties and the collector and arterial street system. Shelbyville local streets are identified by the Thoroughfare Plan within the *City of Shelbyville Comprehensive Plan*.

Street, Non-Residential: Any local or collector street where the primary land use of the lots which the street provides access to, on either side of the street is primarily non-residential (such as commercial, industrial, or institutional).

Street, Private: Any street which is privately owned and maintained that is used to provide vehicular access to more than one (1) property or dwelling unit.

Street, Public: A street constructed and maintained by a unit of government within an officially deeded and accepted public right-of-way.

Street, Residential: Any local or collector street where the primary land use of the lots which the street provides access to, on either side of the street is primarily residential.

Street Width: The width of the paved surface of a street, measured from back-of-curb to back-of-curb or from edge-of-pavement to edge-of-pavement where curbs are not present.

Structural Alterations: Any change in the supporting members of a building or structure such as bearing walls, partitions, columns, beams or girders, or any substantial change in the footprint or increasing size of living space. Also, substantial roofing and siding work when repairs are made to the structure beneath.

Structure: Any building or other object that is constructed or erected that requires location on or under the ground or is attached to something on the ground.

Structure Height: The vertical distance measured from ground level to the highest point of the roof.

Student Co-op: A residence where a group of students lives as a single housekeeping unit, possibly on a seasonal basis.

Subdivider: Any person or other entity which initiates proceedings to create a subdivision. See also "Developer."

Subdivision: The division of any lot, tract, or parcel of land into two (2) or more lots, tracts, parcels, or other divisions for the purpose, whether immediate or future, of sale, transfer, gift, or lease which results in one (1) or more new building sites.

Subdivision, Major: A subdivision that creates more than three (3) new lots (including any remaining tract) and/or that requires the creation of any new public improvements.

Definitions - Subdivision, Minor

Subdivision, Minor: A subdivision that (1) results in the creation of three (3) or fewer new lots (including any remaining tract), each of which fronts on an existing street and (2) does not include the construction of any new public improvements. Minor subdivisions may include the upgrade of existing public improvements such as the construction of sidewalks, the dedication of additional street right-of-way along an existing street, and/or the extension of utility services to the new lots.

Supermarket: Large-scale retailers of food and grocery supplies, typically also including flower shops, pharmacies, bakeries, branch banks, and other complimentary and incidental uses.

Surety: An amount of money or other negotiable instrument provided by a developer, to the City which guarantees that they will perform all actions required by the City regarding an approved site plan, plat, or other improvement. Surety provides, if the developer fails to comply with the requirements of approval, funds for the City to complete those requirements.

Swimming Pool: Any structure located either at, above, or below grade which is designed and/or used to hold water which exceeds two (2) feet in depth at any point for the purpose of recreation and entertainment of adults and children.

Tailor Shop: An establishment that alters and repairs clothing for patrons.

Tanning Salon: Any business which provides a service using artificial lighting systems to produce a tan on a person's body, including the incidental sale of tanning products.

Tavern: See "Bar."

Technical Review Committee: The group of agencies notified of a proposed development and asked to review and comment including the Zoning Administrator, City Engineer, Police Chief, Fire Chief, Street Commissioner, and any other representatives deemed necessary by the Zoning Administrator to review a proposed project.

Telecommunications: The transmission between or among geographic points of information without change in the form or content of the information as sent or received.

Telecommunications Facility: Any structure or device, including all appurtenances, used for the purpose of collecting or radiating electromagnetic waves, including those used to transmit cellular telephone service, data, radio and television signals, and any other information.

Telecommunications Tower: A mast, pole, monopole, guyed, or freestanding framework, or other vertical structure that acts as an antenna or to which an antenna is affixed or attached.

Temporary Seasonal Sales: See "Sales, Temporary Seasonal."

Temporary Use: See "Use, Temporary."

Tenant, Multiple: A building with more than one (1) tenant occupying more than one (1) space typically divided by walls, and that exist independent of other spaces.

Tenant, Single: A building with more only one (1) tenant.

Theater: A facility for audio and visual productions and performing arts, excluding adult motion picture theaters and adult entertainment businesses.

Thoroughfare Plan: The section of the *City of Shelbyville Comprehensive Plan* that sets forth the location, alignment, dimensions, and classification of existing and proposed streets and other thoroughfares.

Tool and Die Shop: An establishment that processes, cuts, and molds metal into tools, molds, machine components, and similar products.

Topography: The configuration of the earth's surface, including the relative relief, elevations, and position of land features.

Tower: A ground pole, spire, structure, or combination thereof including supporting lines, cables, wires, braces, and masts intended primarily for the purpose of mounting an antenna, a meteorological device, or other similar apparatus above ground.

Traffic Calming: Methods of reducing the negative impact of vehicles on surrounding land uses and other methods of personal transportation through street design that decreases the speed of vehicles and provides increased space and comfort for pedestrians.

Trash Container: Any container used to store trash and that is ninety-six (96) gallons in volume or less.

Trade or Business School: A specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills such as accounting, data processing, and computer repair. Includes vocational schools and career centers.

Trail: A public way, separate from a street, alley, or other vehicle roadway, designed for and used by pedestrians, cyclists, and others using non-motorized transportation and recreation equipment.

TRC: See "Technical Review Committee."

Definitions - Utility Substation

Tree, Canopy: A deciduous tree that grow to at least 40 feet in height and have a canopy that is round or oval in shape. Conical, pear, or tubular shaped trees are not canopy trees.

Tree, Deciduous: Trees and shrubs that shed their leaves annually.

Tree, Evergreen: Trees and shrubs that do not shed their leaves annually.

Tree, Ornamental: A deciduous tree possessing qualities such as flowers or fruit, attractive foliage, bark or shape, with a mature height under 40 feet.

Tree, Street: A tree that is currently located or proposed to be located along streets, either within the right-of-way or on private property adjacent to the right-of-way.

Truck Freight Terminal: An area and building where trucks and cargo are stored, where loading and unloading is carried on regularly, and where minor truck maintenance is performed.

Truck Sales and Service: Any establishment that sales and services semi-trucks, grain trucks, and other vehicles similar in size. Inoperable trucks may be stored on a temporary basis, and only if they to be serviced.

Truck Stop: A facility designed and used to provide services to the trucking industry including, but not limited to, fuel stations, repair shops, truck washes, restaurants, convenience stores, weight scales, and shower facilities, all as part of a unified facility.

Turf-Grass: Grass grown for lawns, of a type that forms a dense, even turf if mown and maintained.

Undeveloped Land: Land in its natural state.

University (or college): An institution for post-secondary education, public or private, offering courses in general, technical, or religious education and operated not-for-profit. It operates in buildings owned or leased by the institution for administrative and faculty offices, student and faculty housing, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, community rooms and facilities, athletic facilities, fraternities and sororities. A university may include for-profit businesses and facilities that are incidental to the educational, cultural, and athletic functions and which lease space from the institution. A university shall not include trade schools operated for profit.

Unnecessary Hardship: A hardship which is subject to relief by means of variance, such as those that result from exceptional topographic conditions, exceptional physical conditions of a parcel of land, or other characteristics of the property that are unique from those of adjoining property in the same zoning district. Hardships which are self-imposed, resulting from errors in judgement on the part of the property owner, or based on a perceived reduction in economic gain shall not be considered unnecessary hardships.

Use: The purposes of which land, building, or structure thereon is designed, arranged, or intended, or for which it is occupied, maintained, let, or leased.

Use Category: a group of similar use types that are associated with each other to such an extent that they are grouped together for the purpose of identifying land uses by this Ordinance; such as retail uses, office uses, personal service uses, and general industrial production.

Use Variance: The approval of a use by the Board of Zoning Appeals which is not listed as a permitted or special exception use by this Ordinance and is not an accessory or temporary use associated with any primary use permitted by this Ordinance.

Use, Change of: The discontinuation of the specific primary use of a lot or structure and the replacement of that use with a different specific use.

Use, Existing: The use of a lot or structure present at the effective date of this Ordinance.

Use, Illegal: Any use that is neither legal nonconforming or permitted by right or special exception in the zoning district in which it is located as defined by this Ordinance.

Use, Nonconforming: A use which does not conform with the use regulations of the zoning district in which it is located.

Use, Permitted: Any use listed as a permitted use in this Ordinance or which is an accessory or temporary use associated with a permitted use for the zoning district in which it is located.

Use, Primary: The main use of land or structures as distinguished from an accessory use. A primary use may be either a permitted use or a special exception use.

Use, Special Exception: A use that is designated by this Ordinance as being permitted in a specific zoning district if it is found to be appropriate and upon application, is specifically authorized by the Board of Zoning Appeals.

Use, Temporary: A land use or structure established for a limited and fixed period of time with the intent to discontinue such use upon the expiration of the time period.

Utility Substation: A building or structure used for the distribution or transmission of utilities such as water, gas, electricity, or sewer.

Definitions - Variance

Variance: A discretionary authorization issued by the Board of Zoning Appeals only upon finding, through a public hearing, that the proposed activity permitted by such Variance is in conformance with the intent of this code, the *City of Shelbyville Comprehensive Plan*, and will be compatible with, and not detrimental to, adjacent properties or the neighborhood in general and may be limited by specific conditions, restrictions, terms or time periods. This could be in the form of a departure from the literal requirements of the City of Shelbyville Municipal Code generally involving dimensional and location provisions, but excluding land use.

Variance, Development Standards: A specific approval granted by the Board of Zoning Appeals in the manner prescribed by this Ordinance, to deviate from the development standards (such as height, bulk, area) that the Ordinance otherwise prescribes.

Variance, Use: See "Use Variance."

Variety Store: A retail establishment that sells a multitude of consumer goods.

Vehicle: A device used as a mode of transportation of persons and/or goods including but not limited to automobiles, semi-tractor trailers, all types of trailers, snowmobiles, recreational vehicles, motorcycles, and like devices.

Vehicle Dealership: An establishment that sells new or used motor vehicles to the general public, and that has a license issued to do so by the Secretary of State.

Vehicle Detailing/Accessory Shop: An establishment that provides auto detailing services and/or sells associated merchandise. Services offered are cosmetic in nature, and do not include mechanical upgrades or repairs.

Vehicle, Inoperable: A vehicle which, due to mechanical defect or failure or incorrect or unapparent licensing, is not physically or legally able to be operated.

Vested Right: A right that has become fixed and cannot be revoked by subsequent changes of applicable regulations.

Veterinary Office (Animal Clinic): An establishment for the care, observation, or treatment of domestic animals.

Video Store: An establishment primarily engaged in the retail rental of DVD, videotapes, films, CD-ROMS, laser discs, video games, or other electronic media.

Waiver: A specific modification or lessening of the regulations established by this Ordinance that may be granted by the Plan Commission for a specific development in response to unique site characteristics or development patterns that justify relief from the otherwise generally applicable regulations.

Warehouse: A facility for the storage, wholesale, and distribution of manufactured products, supplies, and equipment.

Waste Disposal Facility: Any facility that functions to store or dispose of waste including incinerators, junk metal yard, sanitary landfills, refuse dumps, and inoperable vehicle storage.

Waste, Hazardous: See "Hazardous Waste."

Water Tower: A tower or standpipe that functions as a reservoir providing water to the community.

Watercourse: A lake, river, creek, stream, ditch, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Wellfield (Public Pumphouse): An area of land that contains one (1) or more existing or proposed wells for supplying water to a water utility.

Wetland: Areas that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to support vegetation typically adapted for life in saturated soil conditions as identified by the National Wetlands Institute and certified by an individual with a U.S. Army Corps of Engineers Regulation 4 Jurisdictional Wetland Certification.

Wholesale Facility: An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers.

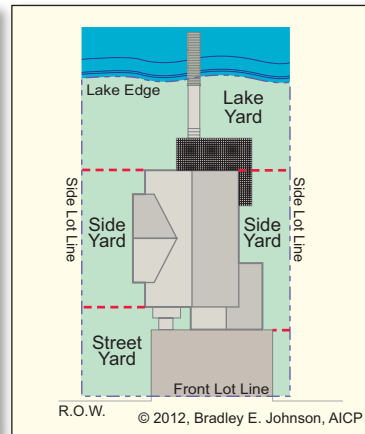
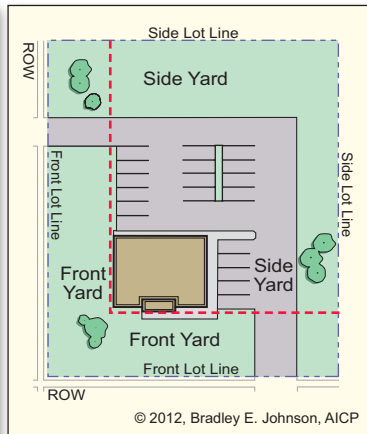
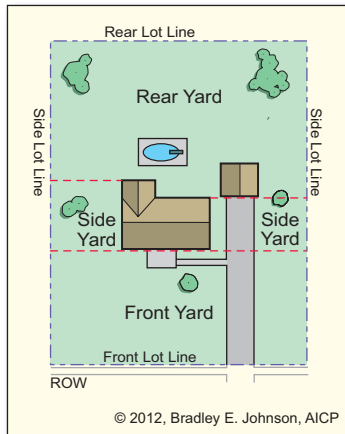
Winery: A facility in which wine products are grown and processed for commercial sales. The development may include other uses such as a retail shop, standard restaurant, bar or live entertainment.

Wireless Telecommunications Facility: See "Telecommunications Facility."

Wireless Telecommunications Services: See "Telecommunications Facility."

Yard: A generic term for side yard, rear yard, front yard, street yard, or lake yard; or any combination thereof.

Definitions - Zoning Map



Yard Sale: See "Garage Sale."

Yard, Front: The horizontal space between the front facade(s) of a primary structure and the front lot line, extending to the side lot lines. This definition also applies to the largest storage-based or support-based accessory structure with a permanent foundation on a lot without a primary structure (See graphic for "Yard").

Yard, Rear: The horizontal space between the rear facade(s) of a primary structure and the rear lot line, extending to the side lot lines of the lot. Corner lots do not have rear yards, rather they have two side yards. This definition also applies to the largest storage-based or support-based accessory structure with a permanent foundation on a lot without a primary structure (See graphic for "Yard").

Yard, Side: The horizontal space between the side facade(s) of a primary structure and the side lot line, extending to the front yard (or street yard) and rear yard (or lake yard). This definition also applies to the largest storage-based or support-based accessory structure with a permanent foundation on a lot without a primary structure (See graphic for "Yard").

Zoning Administrator: The persons responsible for administering, implementing and enforcing this Ordinance. In Shelbyville, the Plan Commission Director, Plan Commission staff, and/or the Mayor's designee.

Zoning District: A section of the City of Shelbyville for which uniform zoning regulations governing use, height, area, size, intensity of use of buildings and land, and open spaces around buildings, are established by this Ordinance.

Zoning Map: See "Official Zoning Map."

EXHIBIT D - Plant Lists

Table B-A: Native Wildflowers and Grasses	
List of Approved Plant Species- Grasses, Sedges, and Rushes	
Common Name	Scientific Name
Beak grass	Diarrhena americana
Big bluestem	Andropogon gerardii
Bottlebrush grass	Elymus hystrix (Hystrix patula)
Indian grass	Sorghastrum nutans
Little bluestem	Schizachyrium scoparium
Northern sea oats	Chasmanthium latifolium
Prairie dropseed	Sporobolus heterolepis
Sideoats gramma	Bouteloua curtipendula
Riverbank tussock sedge	Carex emoryi
Soft rush	Juncus effusus
Tussock sedge	Carex stricta
Switch grass	Panicum virgatum
List of Approved Plant Species- Wildflowers and Ground Covers	
Common Name	Scientific Name
American bellflower	Campanulastrum americanum
Aromatic aster	Symphyotrichum oblongifolium
Autumn goldenrod	Solidago sphacelata
Bird's foot violet	Viola pedata
Black-eyed Susan	Rudbeckia hirta
Bloodroot	Sanguinaria canadensis
Blue flag	Iris virginica
Blue lobelia	Lobelia siphilitica

Blue star willow	<i>Amsonia tabernaemontana</i>
Blue-eyed grass	<i>Sisyrinchium angustifolium</i>
Brown-eyed Susan	<i>Rudbeckia triloba</i>
Butterfly weed	<i>Asclepias tuberosa</i>
Cardinal flower	<i>Lobelia cardinalis</i>
Clustered poppy mallow	<i>Callirhoe triangulata</i>
Columbine	<i>Aquilegia canadensis</i>
Compass plant	<i>Silphium laciniatum</i>
Culver's root	<i>Veronicastrum virginicum</i>
Dense blazing star	<i>Liatris spicata</i>
Dwarf crested iris	<i>Iris cristata</i>
False blue indigo	<i>Baptisia australis</i>
False sunflower	<i>Heliopsis helianthoides</i>
Garden phlox	<i>Phlox paniculata</i>
Gray goldenrod	<i>Solidago nemoralis</i>
Hairy foxglove	<i>Penstemon hirsutus</i>
Hollow joe-pye weed	<i>Eutrochium [Eupatorium] fistulosus</i>
Indian pink	<i>Spigelia marilandica</i>
Ironweed	<i>Vernonia gigantea</i> ssp. <i>gigantea</i>
Jacob's ladder	<i>Polemonium reptans</i>
Marsh marigold	<i>Caltha palustris</i>
Marsh milkweed	<i>Asclepias incarnata</i>
May apple	<i>Podophyllum peltatum</i>
Mountain mint	<i>Pycnanthemum virginianum</i>
New England aster	<i>Symphyotrichum novae-angliae</i>
Nodding onion	<i>Allium cernuum</i>
Obedient plant	<i>Physotegia virginiana</i>

Pale purple coneflower	<i>Echinacea pallida</i>
Penstemon, beardtongue	<i>Penstemon digitalis</i>
Prairie blazing star	<i>Liatris pycnostachya</i>
Prairie dock	<i>Silphium terebinthinaceum</i>
Purple coneflower	<i>Echinacea purpurea</i>
Queen of the prairie	<i>Filipendula rubra</i>
Rosinweed	<i>Silphium integrifolium</i>
Royal catchfly	<i>Silene regia</i>
Shooting star	<i>Dodecatheon meadia</i>
Showy black-eyed Susan	<i>Rudbeckia fulgida</i> var. <i>speciosa</i>
Sneezeweed	<i>Helenium autumnale</i>
Solomon's plume	<i>Smilacina racemosa</i> [<i>Maianthemum racemosum</i>]
Solomon's seal	<i>Polygonatum biflorum</i>
Spiderwort	<i>Tradescantia ohiensis</i>
Stiff goldenrod	<i>Oligoneuron rigidum</i>
Sundrops	<i>Oenothera fruticosa</i>
Swamp rose mallow	<i>Hibiscus moscheutos</i>
Sweet black-eyed Susan	<i>Rudbeckia subtomentosa</i>
Sweet joe-pye weed	<i>Eutrochium</i> [<i>Eupatorium</i>] <i>purpureum</i>
Tall coreopsis	<i>Coreopsis tripteris</i>
Turtlehead	<i>Chelone glabra</i>
Virginia bluebells	<i>Mertensia virginica</i>
Western sunflower	<i>Helianthus occidentalis</i>
White blue-eyed grass	<i>Sisyrinchium albidum</i>
Wild bergamot	<i>Monarda fistulosa</i>
Wild geranium	<i>Geranium maculatum</i>
Wild ginger	<i>Asarum canadense</i>

Wild stonecrop	Sedum ternatum
Wild sweet william	Phlox divaricata
Woodland larkspur	Delphinium tricornes
Yellow coneflower	Ratibida pinnata
Zig-zag goldenrod	Solidago flexicaulis
List of Approved Plant Species- Vines	
Common Name	Scientific Name
Crossvine	Bignonia capreolata
Grape honeysuckle	Lonicera reticulata
American bittersweet	Celastrus scandens
Trumpet honeysuckle	Lonicera sempervirens
Virgin's bower	Clematis virginiana
Vasevine, Leatherflower	Clematis viorna
Virginia creeper	Parthenocissus quinquefolia
Wooly dutchman's pipe	Aristolochia tomentosa
List of Approved Plant Species- Ferns	
Common Name	Scientific Name
Christmas fern	Polystichum acrostichoides
Cinnamon fern	Osmunda cinnamomea
Maidenhair fern	Adiantum pedatum
Ostrich fern	Matteuccia struthiopteris
Royal fern	Osmunda regalis
Other Resources of Approved Plant Species	
Resource Name	Link to Document
Indiana Native Plant Society	https://indiananativeplants.org/photo-index/#grasses

Shrubs

Table B-B: Approved Shrubs	
List of Approved Plant Species	
Common Name	Scientific Name
American cranberry bush	Viburnum opulus var. americanum (Viburnum trilobum)
Arrowwood viburnum	Viburnum dentatum
Black chokeberry	Aronia melanocarpa
Buttonbush	Cephalanthus occidentalis
Elderberry	Sambucus nigra ssp. canadensis [Sambucus canadensis]
Fragrant sumac	Rhus aromatica
Grey dogwood	Cornus racemosa
New Jersey tea	Ceanothus americanus
Ninebark	Physocarpus opulifolius
Pagoda dogwood	Cornus alternifolia
Smooth hydrangea	Hydrangea arborescens
Winterberry holly	Ilex verticillata
Witchhazel	Hamamelis virginiana
Other Resources of Approved Plant Species	
Resource Name	Link to Document
Indiana Native Plant Society	https://indiananativeplants.org/photo-index/#grasses

Submersible Plantings

Table B-C: Submersible Plantings	
List of Approved Plant Species	
Scientific Name	Common Name
Other Resources of Approved Plant Species	
Resource Name	Link to Document

Ornamental Trees

Table B-D: Approved Ornamental Trees	
List of Approved Plant Species	
Scientific Name	Common Name
Amelanchier laevis	Serviceberry
Other Resources of Approved Plant Species	
Resource Name	Link to Document

Evergreen Trees

Table B-E: Approved Evergreen Trees	
List of Approved Plant Species	
Scientific Name	Common Name
Thuja occidentalis	Eastern arborvitae

Other Resources of Approved Plant Species	
Resource Name	Link to Document
Indiana Native Plant Society	https://indiananativeplants.org/photo-index/#grasses

Canopy Trees

Table B-F: Approved Canopy Trees	
List of Approved Plant Species	
Scientific Name	Common Name
Sambucus nigra ssp. canadensis [Sambucus canadensis]	Elderberry
Crataegus viridis	Hawthorn
Viburnum lentago	Nannyberry
Cercis canadensis	Redbud
Cornus drummondii	Roughleaf dogwood
Rhus copallinum	Winged sumac
Lindera benzoin	Spicebush
Other Resources of Approved Plant Species	
Resource Name	Link to Document
Indiana Native Plant Society	https://indiananativeplants.org/photo-index/#grasses

Street Trees

Table B-G: Approved Street Trees	
List of Approved Plant Species	
Scientific Name	Common Name
Other Resources of Approved Plant Species	
Resource Name	Link to Document

Invasive Species

Table B-H: Invasive Species List	
List of Prohibited Plant Species	
Scientific Name	Common Name
Other Resources of Prohibited Plant Species	
Resource Name	Link to Document

Noxious Weeds

Table B-I: Noxious Weeds List	
List of Prohibited Plant Species	
Scientific Name	Common Name

